

MUSINGS ON MOBILITY

Essays by Michael L. Sena

April 2025 - Volume 01, Issue 01

MUSINGS ON MOBILITY essays touch on everything associated with why and how people move, the ways they get from where they are to where they want or need to be, and the infrastructure that sometimes enables and sometimes obstructs their movement. The author of these essays was trained and worked as an architect and urban planner, and then changed careers to work with the automotive manufacturing industry and its systems and service suppliers on designing, developing, and putting into use products and services that make driving safer, more secure, and more comfortable.

Laws restrain freedom for some, enlarge it for others

“The end of law is not to abolish or restrain, but to preserve and enlarge freedom. For in all the states of created beings capable of law, where there is no law there is no freedom.

John Locke

WE HAVE A small mall in the very center of our small town of Strängnäs (pronounced like 'strangeness, but with a hard 'g'). It's an indoor semi-circle with revolving doors at its two entries and exits which lead in from and out to the town's main square. As with most malls, it attracts hanger-outers of all ages, those who are less interested in visiting the stationery and bookstore, the pharmacy, the shoe repair shop, the supermarket, or the clothing and jewelry stores than meeting friends and getting out of the weather. It is generally peaceful, and teenagers are mostly well-behaved. A-Team¹ members gather outside when the weather permits, and are ushered out of the mall by security guards if they wander in.


One day in 2022, the quiet atmosphere of our little mall was shattered by an altercation between an eighty-year-old man and a sixteen-year-old boy. It began when the boy ignored the prohibition of bringing electric scooters into the mall. The sign on the door says **'No Bicycles; No Smoking; and No Electric Scooters'**. You can't miss it unless you intend to ignore it. That is what the boy did. He told the police after the altercation that he didn't want to leave his



electric scooter outside because he was afraid that it would be stolen. No, he told the police, he did not understand why he shouldn't bring his scooter into the mall, that it was both a fire hazard and a danger to others, particularly elderly and young children. Nobody ever told him that. Bringing his scooter into the mall resulted in something worse than it being stolen, both for him and for the elderly man who was, up to the time he confronted the scooter owner and his companions, enjoying his walk through the mall.

There are different interpretations of what exactly happened. The man claims he was driven into by the boy with his scooter. Other witnesses say the scooter was parked, and when the man saw it he began to scream at the boy, telling him that scooters were not allowed in the mall. In any case, the man grabbed hold of the scooter, dragged it out of the mall, and threw it on the ground. Whether he stomped on it is also open to interpretation, but the scooter was badly damaged. The police came, and the man was charged with

¹ A-Team is a euphemism in Sweden for those who sit outside the liquor store and drink their purchases.



disorderly conduct and destruction of property. The boy was charged with absolutely nothing. The case was finally heard in March of this year, and the man was found guilty of property damage, fined the equivalent of \$450, and forced to pay court costs of \$800. Scooter rooters cheered, while we, who believe that the unrestricted spread of scooters speeding down, blocking, and littering sidewalks is a blight, gave the judgement a big thumbs down.

Why was there no charge brought against the boy? Because putting a sign up doesn't make something illegal or legal, unless the sign is put up by an authority that has made a law. Mall managers do not qualify as legal authorities, so the sign is a suggestion or a request. Why was the man put on trial? Because he broke two laws, one for disorderly conduct and another for taking possession of and damaging someone else's property. The man believed he was performing a civic duty; the boy knew he was breaking the equivalent of a law. Whose freedom should be protected, and whose freedom should be restricted?

No agreement on the purpose of laws or meaning of liberty

It is likely that all countries, no matter what their political system happens to be, would agree with John Locke's statement, that laws preserve and enlarge freedom. Where they disagree is to whom the laws apply and who has the right to freedom. There are those who call for equality before the law for all persons, and 'person' means every human being with no exclusions based on any characteristic, physical, metaphysical, or political. Locke allowed for an exception "if the lord and master of them all (i.e., Lord God in heaven, not a lord who thinks he is God on earth) should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, and undoubted right to dominion and sovereignty".²

Alexander Hamilton, a Founding Father of the United States of America, said, "No reason can be assigned why one man should exercise any power over his fellow creatures more than another, unless they voluntarily vest him with it." (Read the footnote.)³ In Federalist #1, which was written by Hamilton, he opens with the following statement: "*It seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.*"⁴


Some groups, especially those who hold what are called "classical liberalism" views, oppose group or collective rights at the expense of individual rights.⁵ Those who have inherited a title, who own land, or who have a certain amount of capital should not be

² Locke, John. The Second Treatise of Government (1689)

³ Alexander Hamilton voluntarily vested Aaron Burr with the power over his life by engaging in a duel, and he paid the price.

⁴ Federalist #1 was published just a few weeks after the close of the Constitutional Convention. Like all the Federalist essays, it is addressed to the people of New York. It aims to persuade them to add their state to the list of states approving the Constitution.

⁵ A group right is a right held by a group as a group rather than by its members severally. Source: Standard Encyclopedia of Philosophy (First published Monday September 22, 2008).



afforded a right, such as voting (or perhaps standing on the podium during a presidential inauguration), while individuals without title, land, or capital are denied this right. A member of a group should not be selected for a position at a university or for a job in a private or government office based on belonging to an identifiable group, such as ones defined by race, sex, religion, age, or political party affiliation. Quotas are no-go zones in classical liberalism. This knife cuts in the other direction as well, which was lost on classical liberals of yore. No one who belongs to an identifiable group should be subject to discrimination in obtaining or exercising any right that is available to individuals who are not members of that group. For example, in most countries before the 20th century free men could vote, but because women were not men, they were not allowed to vote, and slaves who were not, by definition free, could also not vote.

Another example is what happened in the de-reconstructed United States states. These were the eleven states that formed the Confederacy. They seceded in 1860-61 from the United States of America (the Union), went to war against the Union, lost the war, and then were brought back into the Union after the war was officially over in August 1866. The states went through a period of what was called “reconstruction”, which was intended to transition them to non-slave-owning places where former slaves were treated as free people. The 13th Amendment to the Constitution, which passed in 1865, abolished slavery, but within ten years of the end of the Civil War, the southern states and several new states began writing into their state laws so-called ‘Jim Crow’ laws establishing segregation of races. ‘Jim Crow’ is a pejorative name for an African American.⁶ African American citizens were not allowed to enter spaces that were allocated to white citizens, such as lunch counters and the front parts of buses, and everything that could be done to prevent African American citizens from voting was done. Seven of the nine U.S. Supreme Court judges decided in 1896, in a case called *Plessy v. Ferguson*, that the Constitution’s 14th Amendment passed in 1868, which guaranteed equal protection to any person and was specifically intended to protect freed slaves everywhere in the United States, could be satisfied if there were separate facilities which were equal in function. The facilities were, of course, never equal, just separate. It took sixty years before that ruling was overturned in *Brown v. Board of Education*, when the Supreme Court by a vote of 9-0 ruled that racial segregation violated the Fourteenth Amendment. Period.

One man's pain is another man's gain

Have I gone off topic, talking about segregation and quotas on the same page as talking about electric scooters? My topic is the relationship between laws and freedom. Laws play a dual role. They

⁶ “Just as we were called colored, but were not that, and then Negro, but not that, to be called black is just as baseless,” Jackson said at a news conference on December 19, 1988, after meeting with the group of black leaders. “To be called African-Americans has cultural integrity. It puts us in our proper historical context. Every ethnic group in this country has a reference to some land base, some historical cultural base. African-Americans have hit that level of cultural maturity,” he said.



1733 engraving by John Pine of the 1215 charter, the Magna Carta

protect individual liberties from despotic powers, like the *Magna Carta* (Medieval Latin for ‘Great Charter of Freedoms’), and they act as a catalyst for social change. Good laws that are equally enforced for everyone maximize freedom for everyone and lead to social changes which benefit everyone equally; bad laws, however they are enforced, minimize freedom for everyone and inhibit beneficial social changes. The fact that the U.S. Constitution, which was ratified by the original thirteen states, allowed slavery to continue to exist by law until 1865 is an example of a bad law, say many, an original sin committed by the nation’s founders—although, to be fair, at least as many of those founders were against slavery as were in favor. For them, ratifying the Constitution and beginning the journey of building a nation was more important than resolving an issue that divided them.⁷ A greater good. Two hundred and fifty years after the Declaration of Independence was signed, there is still no agreement on whether those thirteen states should just have gone their separate ways, with the abolitionist states forming one country and the slave holding states another.

What do you do if you find yourself living in a country where you do not agree with the laws? Isn’t true freedom the ability for people to be able to interpret the laws themselves and decide whether to abide by them or not? Isn’t it up to me to decide whether I should attend school or take part in a climate change rally, or convince other students to take off one day a week from school to stand in front of a government building to demand that the politicians do more than they are doing to save the planet.⁸ Some of us may not be capable of believing that actions intended to prevent the destruction of our way of life on Planet Earth can be compared to claims by societies that their actions were or are based on preserving their way of life. That was the argument used by southern states, that owning slaves and practicing segregation of races was absolutely critical for them to live their lives. Southern business owners who practiced segregation legally in their states following *Plessy v. Ferguson* argued that members of the Student Nonviolent Coordinating Committee (SNCC) who organized sit-ins at lunch counters were disturbing the peace, and that Rosa Parks was just a troublemaker when she dared to ride in the ‘whites only’ part of the bus. Their state and local laws gave them the right to prosecute people who broke their laws, and their local laws were based on the *Plessy v. Ferguson* Supreme Court decision.

Laws that define how public roadways should be used by all types of vehicles, as well as people on foot, might appear to be a perfect example of how everyone’s freedom of movement is preserved and enlarged when the laws are adhered to, and how freedom is lost when laws are ignored or broken out of negligence. But as with all laws, one man’s pleasure is another man’s pain, or treasure/trash; meat/poison; gain/loss. Minimum and maximum speed limits, stop signs, red lights, jaywalking prohibitions, one-

⁷ Lepore, Jill. (2018). *These Truths: A History of the United States*. Norton.

⁸ I refer to the Fridays for Future (sic) movement started in Sweden in 2015.

It is when regulators at any governmental level take it upon themselves to begin to distinguish between different individuals and groups of individuals that the question of freedom arises.


way traffic, no passing, no stopping, no standing, no parking, no turning, no U-turning, winter tire regulations, car inspections, minimum car insurance, driver's license requirements, payments for parking, traffic violation fines, and any other laws regulating how the transportation network is used are intended to make that usage predictable and safe. It is when regulators at any governmental level take it upon themselves to begin to distinguish between different individuals and groups of individuals that the question of freedom arises. Restricted lane usage (e.g., for buses, taxis, high occupancy vehicles, zero emissions vehicles), emissions-free zones, studded-tire-free zones, restricted parking for zero emissions vehicles (defined by the presence of an electric charger), different purchase and ownership taxes for different types of vehicles, different one-way rules for bicycles (which extends to electric scooters), and all the special gifts which are given to those who meet the 'superior citizen' criteria, discriminate against those who do not.

You have probably heard of the Trolley Problem, when a person must decide to take one action to prevent a runaway trolley from killing five people or another action that will kill just one person.⁹ I present here the Bicycle Problem. City A has an ordinance which is consistent with the state or country laws regarding the use of rights of ways for vehicles, stating that bicycles must follow the same rules of the roads as motorized vehicles. They must stop at crosswalks (giving way to pedestrians), stop at stop signs and traffic signals (and not proceed at traffic signals until they have a green light), follow one-way and turning restrictions, and, like cars, they should not be driven on sidewalks. In City A, there are bicyclists who believe their freedom of movement is restricted by these rules. They argue that their cycling is a sign of their commitment to reducing harmful emissions from motor vehicles, and they have decided to commit an act of civil disobedience and ignore the regulations. What should City A do? Here are four options:

1. *Station additional traffic police in those places where the greatest infringements occur and have them issue warnings and fines for repeat offenders.*
2. *Place additional signs under one-way signs, stop signs, and turn signals stating that these restrictions apply to bicyclists and providing the amount of the fines for disobeying the restrictions.*
3. *Put up cameras to capture the images of the violators and use facial recognition software to identify them, sending fines to them with fines increasing if not paid by a specified date.*
4. *Change the laws so that bicycles do not have to follow any rules of the road, are free to pass through stop signs and traffic lights without stopping, free to drive the wrong way on one-way roads, and free to drive on sidewalks.*

Stockholm had the Bicycle Problem, and its city government decided that to encourage the riding of bicycles in favor of driving cars, more freedom should be given to bicyclists. It chose option four. Of course, this took freedom from both pedestrians and other

⁹ The trolley problem, as it came to be known, was first identified as such by the American philosopher Judith Jarvis Thomson, whose essay "Killing, Letting Die, and the Trolley Problem" (1976). (Britannica.com. Written by nBrian Duignan. Mar 14, 2025)



motorists, especially since both electric scooters and food delivery drivers with mopeds decided that the relaxed rules applied to them as well, and no one told them that they did not. Who gives way on a one-way, one-lane street with parked cars on both sides of the street, the car driver or the bicycle/scooter/moped rider? Hint: In Stockholm, the car driver is never right.

When laws pit citizens against one another

I maintain that governments at all levels, from the supranational like the European Union, to countries, states within countries, and down to local jurisdictions are discriminating against both individuals and groups, and that the judicial systems at all levels are allowing this discrimination to occur by not declaring special laws inconsistent with the principles of freedom. Lawmakers and those who have the responsibility for enforcing the laws are creating law-breaker groups who were perfectly law-abiding citizens one day and criminals the next. Their installation of a row of electric chargers in front of our building has taken eight parking spaces away from everyone who lives in the building (there are no residents who own a BEV) and given them to delivery and taxi drivers and others who do not even live on our street. The spaces are empty most of the time. Why is it fair that I pay thirty times more in yearly tax for my 2014 Toyota RAV4 petrol vehicle than a 2022 Tesla Model Y owner? (I am not making this up.) Is the purpose to punish me and a large number of others for buying a car in 2014 when buying an electric car was two-to-three times more expensive and totally impractical because of the lack of a charging infrastructure? Is the purpose to force me to purchase a new car that would cost two-to-three times more than the vehicle I now own and have no reason other than governmental extortion to sell it?

Passing laws that prohibit the sale of internal combustion engine and hybrid electric vehicles after certain dates, as California, other U.S. states, and the European Union have done, is effectively the exercise of eminent domain, taking away property without appropriate compensation. These laws are not accompanied by offers to purchase the vehicles that can neither be driven nor sold. There are kleptocratic countries (e.g., Russia) where property is expropriated by the state on both a small and large scale. Business owners in Russia can find a stranger sitting at their desk when they arrive at their office one day and learn that they no longer own their business (I am not making this up either). People who live in entire regions of countries (Crimea in Ukraine comes to mind, as well as all the territory occupied by Russia in eastern and southern Ukraine since 2022) can have a new flag waving above public buildings from one day to the next, and citizens told that their money is no longer accepted currency and their passport invalid.

Rachel Carson was a fly in the chemical men's ointment, and Ralph Nader was a bee under the car men's bonnets. Through their writing, speaking, and advocacy, they made people aware of practices that were detrimental to their health and safety. But they did not lobby for laws that would have taken my father's '54 Chevy



NYC bike messengers, led by Steve Athenios, protest Mayor Koch's Midtown bicycle ban. (Photo by Carl Hultberg, July 1987.) The bike boys were banned because they were bad. They obeyed no rules or laws. I was almost run over by one of them, and only saved by a scream.

because it did not have seat belts or headrests. They did not sanction the throwing of paint at priceless works of art so that the government would charge him thirty times the sales tax for his '60 Dodge Dart because it didn't have airbags. Those sorts of practices, which are based on the belief that one individual's freedom is worth more than another individual's freedom, or that freedom of all people in the future can only be attained by the restriction of freedom of all people today, came with groups like Greenpeace and Extinction Rebellion with their policies of 'ecotage', which is sabotage carried out for environmental reasons. Sabotage by any other name is still sabotage. Punishment for their illegal actions is selective: hard in Britain or Texas and soft in Sweden or California.

Electric scooters have become a symbol for divisiveness in cities today, even more than daredevil bike messengers were when they arrived in Manhattan in the early 1980s. Electric scooters arrived in the U.S. and Europe at the end of the 2000-teens. Lime, the largest electric scooter rental company, was founded in 2017. Their scooters began appearing on sidewalks and streets everywhere in the early 2020s, without any guiding regulations or restrictions. They were welcomed as sustainable transportation alternatives by governments—until people began stumbling over them strewn everywhere on streets and sidewalks and began being run into from behind by them. Some people thought they were great until inebriated men and women began using them instead of taking a bus or taxi home from a night out, killing and injuring themselves in the process. Some people thought they were useful and harmless until they began self-igniting in apartments and malls where they were charging, rather than out of doors because their owners were afraid they would be stolen, like the young boy in Strängnäs.

Those individuals who were in charge of city departments responsible for ensuring that any changes to their transportation networks complied with existing laws—or if there were no specific laws to which those changes should apply, prohibiting the change until the laws were clear—neglected their duties, or worse, they acted like little despots, deciding they knew which social change would be in the best interests of the citizens. They continue to do so under the cover of saving the Planet. The same applies to making special rules for any form of transportation. They have betrayed our trust. According to Locke, rulers betray our trust when they “forsake government according to settled processes of law in favor of inconstant, uncertain, unknown, and arbitrary government”. In those places where freedom matters, it matters what the laws are and that they do not discriminate against any individual or group for any reason. It matters that the laws are clearly defined, clearly explained, and written down in a place where anyone can have access to them. It matters that everyone affected by the laws knows exactly what will happen if they do not obey the laws. It matters that the laws are equally and consistently enforced. “Otherwise, resist!” said Locke.



About Michael L. Sena

Through my writing, speaking and client work, I have attempted to bring clarity to an often-opaque world of highly automated and connected vehicles. I have not just studied the technologies and analyzed the services. I have developed and implemented them and have worked to shape visions and followed through to delivering them. What drives me—why do what I do—is my desire to move the industry forward: to see accident statistics fall because of safety improvements related to advanced driver assistance systems; to see congestion on all roads reduced because of better traffic information and improved route selection; to see global emissions from transport eliminated because of designing the most fuel-efficient vehicles; and to see everyone who needs a ride get one.

I put vehicles into their context. It is not just roads; it is communities, large and small. Vehicles are tools, and people use these tools to make their lives and the lives of their family members easier, more enjoyable, and safer. Businesses and services use these tools to deliver what people need. Transport is intertwined with the environment in which it operates, and the two must be developed in concert.



Michael L. Sena

Editor

SUNDBYVÄGEN 38

SE-64551 STRÄNGNÄS

SWEDEN

PHONE: +46 733 961 341

E-MAIL: ml.sena@mlscab.se

www.michaellsena.com