



## MEMO OF OPPOSITION

### A.3036/S.756 (Calabrese/Johnson)

On behalf of the Computer & Communications Industry Association (CCIA), I write to express our opposition to A.3036 and S.756, sponsored by Assemblymember Calabrese and Senator Johnson respectively, which would authorize the Attorney General to order turn-by-turn navigation systems to reroute vehicular traffic under certain conditions.

CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup> In the half-century since CCIA was founded, the association has sought to serve as a bridge between government and technology companies in order to promote innovation and ensure that crucial goods, services, and systems remain available to the public. While CCIA recognizes the intent of A. 3036/S. 756 and appreciates the goal of addressing congestion and promoting traffic safety in localities throughout the state, the bill raises a number of concerns, namely that it infringes on turn-by-turn navigation system operators' First Amendment rights, and that it would establish an arbitrary system that fails to address the underlying problem: an increased number of vehicles on the road<sup>2</sup>.

If passed into law, A. 3036/S.756 would likely infringe on turn-by-turn navigation system operators' First Amendment rights, by forcing them to reroute traffic under certain conditions. These turn-by-turn navigation system operators and their platforms have a right to publish all available navigation routes, and if passed into law the Legislature would essentially be restricting public access to public roads. Furthermore, numerous federal court proceedings have established that not only are search results, including the choices of what to include or prioritize in those results, protected by the First Amendment<sup>3</sup>, but also that the government cannot punish or restrict speech and expressive conduct because it disapproves of the ideas or content expressed, in this case disapproving of offering navigation routes that utilize local roads<sup>4</sup>. As New Jersey is the first state to consider such a proposal, it is possible that if A. 3036/S. 756 were to become law, it may face legal challenges, which would likely leave the problem unsolved while court proceedings take place.

Turn-by-turn navigation systems' purpose is to provide drivers with the most efficient navigation path from one point to another, particularly for drivers who may not be familiar with a given area. Consumers rely on these navigation platforms to get themselves to job interviews, doctor's appointments, or visit new restaurants and stores, and if A. 3036/S. 756 were to go into effect, it would likely have a detrimental effect on New Jerseyans, while still not solving the underlying problem, as drivers could still use maps or local knowledge to utilize local roadways, which would still be open to traffic.

For the reasons outlined above, CCIA opposes New Jersey A. 3036/S.756 and recommends that the Legislature not pass this legislation. We appreciate your consideration on this matter and would welcome the opportunity to speak in greater detail on this bill.

<sup>1</sup> For 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

<sup>2</sup> New Jersey's population has grown significantly over the last decade, with the state gaining over 500,000 new residents, and therefore a significant increase in the number of cars on the road. *New Jersey's Population is Actually Growing, Despite Data from Moving Van Companies*. Peter Chen. February 5, 2025. <https://www.nipp.org/publications/blog-category/new-jerseys-population-is-actually-growing-despite-data-from-moving-van-companies/>.

<sup>3</sup> *Search King, Inc. v. Google Technology, Inc.* (Case No. CIV-02-1457-M (W.D. Okla. May. 27, 2003). <https://casetext.com/case/search-king-inc-v-google-technology>.

<sup>4</sup> *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992). <https://supreme.justia.com/cases/federal/us/505/377/>.