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COVER

“Federal Seatbelt Law”

Stock Tip

by James J. Baxter, President, NMA

I've decided to break a personal rule and make a stock market recommendation to a few close personal friends. NMA members fit that definition. Buy "Oil!"

As fuel prices have gyrated up and down over the past several years, the defenders of the petroleum industry have rightly pointed out that when adjusted for inflation and increased taxes, gasoline prices have barely increased over 30 plus years. This is about to change.

A recent newspaper article went to great lengths documenting the increasing death toll in China due to automobile accidents; 109,363 people in 2002. (The Chinese Public Security Ministry can kick this data out a year quicker than NHTSA.) However, if you use insurance industry or Harvard School of Health statistical methods you would claim it is twice as safe to drive in China as it is in the United States. That's because the Chinese only have 7.3 fatalities per 100,000 people versus the United States' 15 fatalities per 100,000 people. Of course they'll ignore the fact that there are only 20 million vehicles in China, one-tenth the number of vehicles in the United States. But, this is a side trip I will save for another day. Back to oil.

Car sales in China have doubled in two years and projections are that sales will continue to increase 15 percent to 20 percent annually, over the next five years. When a billion-plus Chinese start driving cars and trucks, the traffic safety picture may get very grim, but it will pale in comparison to the effect on petroleum markets. And, let us not forget the other billions in Asia, Africa, and South America who are chafing at the bit to own their first automobile. Picture a four or five-fold increase in the demand for motor fuels!

Alternative fuels like hydrogen are still fuzzy dreams, but \$10 or \$15 per gallon gasoline may hurry their

development and make them competitive in the marketplace. Today's raging debates about the legitimacy of SUVs and "what Jesus would drive" will seem about as relevant as WW II ration stamps for tires and fuel. Diesel and hybrid vehicles will help cross (not close) the gap, but growing, more prosperous populations will put additional pressures on petroleum supplies for non-transportation purposes as well. China is already number two in petroleum consumption and it is well on its way to being number one.

It's inevitable that as fuel prices climb there will be a clamor for government action to stop the exploitation by "big oil." It happens now, every time gas prices increase ten percent or more. The two real fuel "shortages" in the 1970's were caused by government intervention in the pricing and distribution of petroleum products. There was no real shortage of fuel. Those of us old enough to remember this debacle know better than to repeat this disaster. However, there are a lot of people who do not remember this period in our history, and there are others who would delight in a completely non-functioning petroleum market. To them, gas lines, travel restrictions, onerous regulations, and mandated car-pooling are the answers to humanity's prayers.

When a couple billion folks currently depending on bicycles and ox carts are suddenly capable of moving up to motorbikes, automobiles, and trucks, all the politicians in the world are not going to be able to devise a way to hold down fuel prices, at least not without seriously disrupting the economy. It may take a few years for more logical adjustments to ripple through the developed and developing

continued on page seven

Don't Vote

Voting in government elections is a grossly overrated activity.

There are whole organizations devoted to "getting out the vote." Why? Because they seek out the populations that are pre-disposed to voting in lockstep for a particular party. Union members, African Americans, the poor, and college professors are expected to vote Democratic. Business executives, entrepreneurs, NRA members, and religious fundamentalists vote Republican. I would venture the opinion that most of the good folks who are bussed, bribed, and cajoled to go to the polls don't have a real clue about the people they are voting for. Oh sure, they know Senator Snodgrass says he's for the little guy, job creation, free medical care, tax cuts and a balanced budget, but that tells the average voter zip about what really motivates Senator Snodgrass, or how he votes.

If you don't know how candidates for elected office have voted or promise to vote for issues important to you, you shouldn't vote. The all time worst excuse for choosing a candidate is wanting to "back a winner." Better to always vote for the loser if the loser reflects your values and supports your interests. Of course, if you don't know what the candidate's positions are, you

can't make an intelligent choice. If you can't make an intelligent choice, don't vote.

The obvious question is, How does the average person find out where candidates stand on issues important to him or her? Ever hear of **PROJECT VOTE SMART**? Not many people have.

PROJECT VOTE SMART is a relatively new non-profit organization with the goal of providing unbiased information on all candidates running for public office (20,000 expected in 2004!). Political opponents evenly balance its board of directors. For every liberal there is a conservative. Their common goal is to get fair, honest, complete and useful information on every candidate, and then put it out there where potential voters can find it.

Staffed almost entirely by volunteers, the "PROJECT" is funded with individual donations and membership dues. No corporate or special interest memberships allowed, not even organizations like the NMA. This is to insure that large donors do not sway or pervert the intent to provide information from a neutral non-political perspective.

In the last major election cycle, certain political consultants told their candidate clients not to cooperate with

PROJECT VOTE SMART inquiries. They didn't want voters to compare speeches to actual votes, or to be able to compare promises to future votes. Better to employ the mushroom treatment (keep voters in the dark and shovel a lot of manure at them). Here's another "don't vote" situation. If all the candidates don't cooperate with **PROJECT VOTE SMART**, don't vote. If one candidate doesn't cooperate and the others do, but you don't like their positions, don't vote for any of them.

Too often citizens vote "against" a candidate, instead of "for" a candidate. They may really dislike one candidate and know nothing about his or her opponent. If you can't find out where that opponent stands on issues important to you, don't vote. The "mystery" candidate may be twice as bad as the one you already dislike.

To find information on a candidate's personal background, campaign contributors, issue positions, and voting record, and performance evaluations from over 100 liberal to conservative organizations pull up www.vote-smart.org, or call 1-888-868-3762, or visit one of the 5000 libraries that cooperate with **PROJECT VOTE SMART**. This country is not so much in need of a large electorate as it is an **informed** electorate. 🐾

Socking It To SUVs

If you own an SUV and live in Chicago, Illinois, you are now the target of an innovative money-making scheme cooked up by Mayor Daley.

Included in Mayor Daley's budget for 2004 is a proposal that any sport utility vehicle that weighs more than 4,500 pounds must pay a higher fee for their city sticker. The rationale for the twenty percent increase (from \$75 to \$90) is a deficit in the street repair

fund. Officials claim that the heavier SUVs cause more wear and tear so they should be made to pay more.

However, engineering and transportation experts agree that roads are designed for even heavier traffic and that there is virtually no difference in the amount of damage done by SUVs versus cars. Even local officials agree that this is nothing but a money-grabbing scheme.

Finance Committee Chairman

Edward M. Burke (14th) said, "The weight of the vehicle is nothing more than "a factor that permits us to hook into a way to get a higher fee."

The City Clerk is still developing the official list of SUVs that would be affected by the higher fees. So far, thirty-three models of SUVs fit this weight qualification. 🐾



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Raising Vehicle Recall Awareness



While the *National Motorists Association* does not keep track of vehicle recalls, we realize this may be of interest to our members. If this is the case with you, a good resource to consider is *Nutz & Boltz* newsletter. This information is in the newsletter and archived on www.motorwatch.com

Here is a small sample of the information they provide for you.

NHTSA Recalls

The following vehicles are currently being recalled by the government for safety reasons. Not all models are always involved. To find out if your vehicle is, call **1-888-DASH-2-DOT**

BMW

2001 5-Series: Malfunction of the microprocessor for the front and side air bags, front seat safety belt pretensioners, and Battery Safety Terminal, can cause unintended

activation of these components.

D-Chrysler

2004 Chrysler Sebring, Dodge Stratus: Fuel return line hose fitting on the electric fuel pump may be restricted, causing excessive fuel pressure to build up in the fuel injection system which may result in the fuel return hose becoming dislodged, resulting in fuel leakage.

Ford

2003 F-150 trucks: The pitman arm to steering gear retaining nut was not fully tightened. If the pitman arm to gearbox attachment nut loosens, a noise and a loose feel in the steering could occur. If the condition progresses and service is not sought, the nut could back off completely and the pitman arm could separate from the gear causing a loss of steering.

General Motors

2003 Pontiac Grand Prix: Right

rear brake hose fitting may not be tightened properly and a brake fluid leak could occur.

Honda

1998-99 Accord; 1999 Odyssey; 1997-1999 Acura CL; 1999 Acura TL: The ignition switch may wear excessively and prevent proper interlock operation, making it possible to turn the ignition key to the "OFF" position and remove the key without shifting the transmission into Park.

Volkswagen

2004 New Beetle: The passenger detection function of the passive occupant detection system (PODS) may become disabled preventing the air bag system from functioning as designed.

To order *Nutz & Boltz*, call 877-374-2300 or visit their site www.motorwatch.com

New Features, New Abuses



As vehicle technology improves, the potential for abuse increases. In many cases, new features that were designed to help you are actually being used against you. The latest example of this is *OnStar*



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and other similar systems.

Recently, the 9th Circuit Court of Appeals ruled that the FBI and other police agencies cannot eavesdrop on your conversation if you are in a vehicle that has one of these systems installed in it. The technology is advanced enough that they can do this without you ever being aware of their intrusion.

The only reason the courts ruled against this was that when the system is used this way, it can cause the system to be inoperable during an emergency.

David Sobel, general counsel at the Electronic Privacy Information Center, said, "The problem (the court had) with the surveillance was not based on privacy grounds at all. It was more

interfering with the contractual relationship between the service provider and the customer, to the point that the service was being interrupted. If the surveillance was done in a way that was seamless and undetectable, the court would have no problem with it."

In other words, it is solely due to a technicality that your vehicle cannot be used against you. So far, there are no plans to change these systems so that service would not be interrupted if the police wished to eavesdrop.

This decision only affects those states that are within the 9th Circuit's jurisdiction such as California, Oregon, Nevada, and Washington. No other court has taken this matter into consideration.

Speedier... And Safer?

by Stephen Moore, CATO Institute

I've always argued that the two most important reforms the Republican Congress has passed to make life here in the United States better were the capital-gains tax cut and the repeal of the federal 55 mph speed limit law.

Today almost all states have gotten rid of the "double nickel" 55 mph limits and have raised their speed limits on local and interstate highways to 65 or 75 mph. This has led to shorter commuter times for those of us who travel or commute by car and more time on the job, at work, or at our kids' soccer games.

The opponents of higher speed limits, like Ralph Nader and Joan Claybrook and insurance companies, said it would cause 6,000 more deaths per year. They said Republicans in Congress would have "blood on their hands" for their callous disregard for human life. But guess what? In every year since the speed limits were raised, death rates per mile traveled on the highways have fallen.

That's why I was shocked to see that the *Insurance Institute for Highway Safety* has released a new, highly publicized study suggesting the increase in highway speeds allowed by the Congress in 1995 led to an increase in deaths on the highways. The study found deaths on rural highways rose 35 percent because states raised speed limits above 55 mph. There is an old saying in statistics that if you torture the data enough, you can always make it confess. This is what the Insurance Institute was forced to do to come up with a conclusion that deaths increased after speed limits were raised.

A comprehensive Cato Institute study that I co-authored came to exactly the opposite conclusion. The highways are safer, not more dangerous, than ever before. The fatality rate on the nation's roads was the lowest in recorded history in 2001. There also were 400,000 fewer injuries on U.S. roads and highways.

In fact, if anything, it would seem unreasonably low posted speed limits are the real dangers to our health and safety. Over the last 35 years, the highway fatality rate has steadily declined, with the sole exception of the period from 1976 to 1980, which followed the imposition of the national 55 mph speed limit in 1974.

There also is no evidence that states with higher speed limits saw an increase in deaths. States with 65 and 75 mph speed limits saw a decline in the fatality rate by 12 percent after speed limits were raised. Some of the sharpest declines in fatality rates were in states that raised their limit to 75 mph, the highest in the country. These include Utah, with a 27.7 percent decline, Nevada at 23.7 percent, and Arizona at 21.1 percent.

How is it that higher speed limits have not corresponded with more deaths? One reason is that cars and roads are safer than ever before, which allows us to travel faster. In the last decade, auto firms have built cars with better anti-lock breaks, better power steering, and better crash protections. Moreover, what causes fatal crashes is bad driving habits: driving too slow in the left lane, talking on the cell phone and not paying attention to the road, driving tired, and worst of all drinking and driving.

Also, higher speed limits haven't increased deaths because speeds have not increased significantly on the highways. People were already driving well over the posted limits even when we had 55 mph limits. The 55 mph speed limit law was probably the most disobeyed law in American history.

The good news is that nowadays when you're driving 70 on a highway you can be looking out the windshield, and not the rearview mirror to worry about getting pulled over. That's the real reason to cheer.

Stephen Moore is a senior fellow at the Cato Institute. 

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Your Black Box—Whose Data Is It Anyway?

By Steve Purdy, Michigan Activist

Somewhere under your hood or under the seat of your car there may be a little black box, called a vehicle data recorder, saving data. Not data that would likely be of interest to you but it might be of great interest to the manufacturer of your car, to the National Highway Traffic Safety Administration, or some other government entity (including a court of law). The problem is, you don't even know it's there and the data could be used against you.

A panel of experts assembled a few weeks ago in Southfield, Michigan to discuss this emerging controversy. Moderated by *Car And Driver* Editor Csaba Csere, the panel consisted of an information technology attorney, an insurance company executive, a Michigan State Police accident scene investigator, and an auto industry

safety alliance executive.

The device in question is a tad bigger than a pack of cigarettes and it's not in all cars. (Ford and GM use them, Chrysler does not.) It only records about five seconds of data when your air bag either goes off or thinks about going off. For now, most record just a few tidbits of information like change in speed, throttle position, braking application, and seat belt use.

So the question is, If your vehicle is recording data about your driving, who owns that data? Will there be more data collected as automotive systems become more sophisticated? Can that data be used to prosecute or exonerate you in case of an accident? How will the use of that data be regulated?

The consensus among the panel members is that the recording devices are here to stay and, at least so far, the owner of the automobile owns the data. What if someone other than the owner is driving during a crash, for example a renter, lessee, or fleet driver? There are issues of self incrimination and freedom from unreasonable search and seizure as well as other privacy issues that will need to be addressed as the technology advances. There are already plenty of vehicles equipped with GPS capabilities in addition to the black boxes and that may exacerbate the controversy.

It was also agreed that it is likely, in fact inevitable, that more and more data will be recorded. Current technology would easily accommodate tons more information. NHTSA could easily require the collection of data useful to them, and other government agencies could too, including the Department of Homeland Security and the Attorney General. Now there's a scary thought!

The State Police investigator insisted that they do not, and will not, access the data without a search warrant and they will not use the data

to replace accident scene reconstruction, only to support what they've found by other means. The data could be crucial evidence in a trial. If you're thinking you might somehow be able to erase data or destroy the recorder, just remember that the presumption will then go against you. The sergeant also indicated that as they go through the data, any error found negates the entire data set.

And watch out for your insurance company. Most, but not all, policies essentially give your insurance company the right to the data by way of a clause that states you agree to "cooperate" or "assist" in settling a claim.

Currently, only California has addressed the issue but without providing much protection for the motorist by allowing access only with the owner's permission or a court order. Well, the owner's permission can be presumed either by the insurance policy clause referenced above or it could easily become an implied consent as a condition of having a driver's license. A court order wouldn't be hard to get in any event.

Consider the potential of such technology. What if your speed could be transmitted by WI-FI (Wireless Fidelity—AKA wireless internet) automatically to a waiting trooper? Or how about renewing your driver's license, having the clerk plug into the data system of your car and then hitting you with charges for all the violations your car's black box has been able to record for the past year? Certainly, those are exaggerations but just think what could be done with all the data your car could collect on you.

Because it is integrated with the airbag system, disabling or removing the device is probably not an option. Whether the recording and controlling functions can be separated is not clear.

What is clear is that we had better keep an eye on this issue. ☞



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Australian State Government Wants Governors

by Aarne Frobom, NMA Member

After you follow traffic legislation for a while, you learn to predict the course of public policy, even before policy-makers themselves know which course they'll take. This is easy to do, because the course is always toward greater regulation.

Knowing the capabilities of technology gives you an edge in foreseeing how auto drivers will be regulated in the future. Then, all you have to do is keep your eyes open for the first sign that legislators and bureaucrats are catching on.

The latest of these indications came in a New South Wales newspaper article on speed cameras. Photo radar is spreading in Australia, just as it has in England, and drivers and researchers are starting to question the efficacy of the cameras. But even as the New South Wales state government defends its revenue-generating cameras, it's thinking ahead to even more intrusive speed regulation.

For several years now, economists have advocated abolishing the gas tax in favor of an on-board computer that would record vehicle location and

miles traveled, using GPS. At every fill-up the car would download an amount due for road use. The toll might vary by time and location of travel, calculated from a map within the computer that attaches a price to every mile of road. Setting aside the institutional, political, and mechanical problems with such a deal, when we first heard about it our first thought was that other information could be attached to the computerized map of each stretch of road.

Speed limits, for example. The on-board computer could know the speed limit for each block of each street. If you exceed it, your car would charge you electronically with a violation, and add the fine to your road-toll bill.

How long before this happens? The computerized toll-meters are now a reality in Swiss and German trucks, and Daimler-Chrysler and Deutsche Telekom are racing to iron out bugs in a project to install them in all trucks in Germany.

And now from Australia comes the first indication that governments have realized that GPS receivers can monitor speed as well as tolls. A news

story says that the New South Wales state government Road and Traffic Authority is promoting GPS-controlled governors. Each car would carry a GPS receiver and a computerized map, and the vehicle's speed would be limited to the speed limit on whatever street it is traveling. The RTA General Manager for Road Safety, Soames Job, is said to be a supporter of this scheme. An Australian organization, "Staysafe," is convinced that this would reduce fatal crashes by 50 percent.

Now that governments have discovered the power of electronic navigation and GPS, watch for similar statements to come from U.S. "safety" officials.

It's easy to imagine a refinement of the GPS-controlled governor, that generously lets motorists exceed the posted limit by some margin, but charges fines for doing so. Then the only thing left to wait for is the announcement of a system that will shut your car off altogether by remote control for failure to pay up. ↵

Stock Tip

continued from page two

countries. Those adjustments will include shifts away from carbon based fuels (e.g. nuclear based electrical power), more efficient vehicles, energy saving technology, and in the early stages, conservation. (Efforts at conservation typically retreat as related prices retreat.)

I can't pinpoint the exact time unadjusted demand is going to markedly exceed supply. I'd guess in five to ten years. Then, price will

"adjust" demand and stimulate the development of heretofore-uneconomical sources of energy. This isn't a doomsday scenario; it's just a prediction of seemingly inevitable change. So, when gas prices jump past your pain threshold, don't waste your time demanding that elected officials "do something to stop the price gouging," just buy shares in your favorite oil company. ↵

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A Sea Of Greens For San Jose Drivers

by Gary Richards, Mercury News

Next to the green, green grass of home, commuters love green lights. Green lights stretching as far as the eye can see.

And that's exactly what motorists in San Jose are getting. The city has completed the biggest retiming of traffic signals in a decade, upgrading lights at 223 of its 832 signalized intersections. Engineers were hoping for a 5 to 20 percent reduction in travel time and the number of red lights when they began the project two years ago. Happily, they got much more than they expected—and so have commuters.

- Average delays: down 33 percent.
- Stops at red lights: down 31 percent.
- Travel time: down 16 percent.

"No more stop and start," exclaimed 39-year-old insurance agent Steve Sosnowski of San Jose, who said he is delighted over the results on Santa Teresa Boulevard. "I don't know how much time this new system saves me. Eliminating the start-and-stop really helps make the driving experience more pleasurable."

The retiming of lights isn't expected to increase speeding, because drivers will still hit some intersections and find a red light.

But with fewer stops, less smog is spewing into the atmosphere. Emissions from carbon monoxide, nitrogen oxides and reactive organic gases have declined 5 percent to 15 percent. That's 107,000 fewer pounds of yuck hanging in our air each year.

And don't forget fuel savings. Fewer red lights translates into fewer stops, saving 471,000 gallons annually. That saves nearly \$1 million a year. Not bad for one metropolitan area.

The beauty of this is, it's so cheap. The effort on 28 of the city's most congested streets—Saratoga Avenue on the west side to Tully Road on the east, and from Blossom Hill Road in the south to Santa Clara

Street in the heart of downtown—cost \$500,000. Compare that with the \$73 million it's taking to widen Interstate 880 at Brokaw Road two miles in each direction.

For the first time, a timing plan went beyond borders, with intersections on the borders of neighboring cities being synchronized. Signals on Hamilton Avenue are now linked in Campbell and San Jose, and on Stevens Creek Boulevard between Santa Clara and San Jose. And lights on some county expressways and state freeway interchanges are working in tandem with lights on adjacent city streets.

On some streets, improvements have been spectacular. Travel time on northbound Old Oakland Road fell 60 percent; average delays on eastbound Blossom Hill Road fell 49 percent; and stops at red lights along eastbound Tully Road dropped 54 percent.

Project manager Mike Imanaka and his fleet of 13 went to every intersection, day, mid-day and at night. On weekdays and weekends. More than 800 hours standing on a corner in a bright-color vest, counting cars.

They put in the hours because while electronic traffic counters are helpful, there is nothing like standing on the pavement to sleuth out the real problem, as was the case at King Road and Interstate 680.

Normally, lights are coordinated for the peak directions of travel. In this case, it is east and west.

But Imanaka's group found the backup was not in those lanes, but in the left-turn pocket from the northbound freeway off-ramp.

"We normally wouldn't include left turns when coordinating the signals," Imanaka said. "But this was such a heavy left turn that cars were backing up onto the freeway. So we put this in as part of the coordination plan. We did the same thing at Stevens Creek in front of Valley Fair. The backups

aren't nearly as bad."

A coordinated timing plan doesn't mean all red lights are going to disappear. On Hamilton Avenue, where backups near the Fry's Electronics store and Highway 17 are a daily pain, frustrated drivers would pull into an intersection on a green light and get stuck there when the light turned red. Spell that road rage.

"Seeing green and not being able to go anywhere is really frustrating," Imanaka said "So, we decided to hold traffic back at one intersection, then give them three or four greens. That seems to have eliminated all that backup and eased the frustration. The intersections are clear much more often."

Not every problem has been solved. While overall delays are down on Saratoga Avenue at I-280, traffic remains a mess during commute hours. Surveillance cameras and more responsive signal wiring are coming in the next few years.

But the city isn't finished.

San Jose will soon begin a retiming process along First Street and a dozen other downtown streets, for 93 intersections. Then, in a few years, it will tackle an additional 84 intersections on congested streets such as Brokaw Road, and perhaps Berryessa Road, Zanker Road, 10th Street, Bascom Avenue and White Road, to list a few.

When completed, three of every four of the city's signalized intersections will be synchronized.

We all know what "seeing red" means. Maybe San Jose will create a new cliché:

Seeing green.

(Editor's note: This is a great article from the Mercury News to copy or cut out and send to your local public works or transportation department.) ↵

Enhanced Speed Trap Exchange

by Eric Skrum, Executive Editor

The *Speed Trap Exchange* (www.speedtrap.org) is the NMA sponsored site that offers a unique service that you won't find anywhere else—the ability to list and find speed traps throughout North America.

This shouldn't be news to you because the NMA has had this site for a few years. The real news is that this site has been through some major changes. We've changed more than just the cosmetics. We have improved the content as well.

To make the information more pertinent, the actual speed trap submission forms provide more categories to better identify speed trap locations. We even allow visitors to enter GPS (Global Positioning

System) coordinates to better place the exact speed trap location.

Site navigation is much easier. Previously, visitors would select a state and be forced to wade through every



listing for that state. That choice still exists, but visitors now have the option of viewing an index of the areas (city, village, county, etc.) that have speed trap listings.

In addition to this, visitor comments are accessible via a link rather than automatically inserting them under the listing. (Previously a viewer would

have to scroll through all the comments before getting to the next speed trap listing. Now they just pull up the comments for the specific speed trap they are interested in.)

NMA Members may recognize some of the new sections of this site as we brought over NMA ticket fighting and speed limit information.

The site looks better, navigates easier, the pages load faster, and the NMA is better promoted. The bottom line is, this is a great tool for preventing the abuse of unknown speed traps and promoting legitimate speed limit policies.

Check it out and let us know what you think about the new and improved *Speed Trap Exchange*. 🐾

Steal This!

This is a reminder of a service the NMA offers on its web site called *Steal This!* It's an area where we post editorials for you to use. You can locate them at www.motorists.org/stealthis/steal_this.html. Steal these and modify them as you see fit. Then send the editorials to your local newspapers, local and state elected officials, and anyone else that might find them of interest. Now you can easily have a voice in motorist issues with minimal effort on your part. No more hunting for obscure facts to validate your point(s) or opinions. Just cut, paste, and send them in. You can personalize these as much as you want. The subject matter will concern motorist issues that are a hot topic in the news.

Here is an example of one of the current editorials available to you.

The First Step

The National Highway Traffic Safety Administration (NHTSA)

made a recent announcement that its campaigns to put roadblocks in every community, lower the legal BAC standard to .08 percent, raise the drinking age, increase sin taxes, and otherwise re-introduce prohibition through the use of extremely punitive drunk driving laws have failed. "Alcohol-related" deaths have increased.

Like any good federal agency, NHTSA recommends more of the same. More laws, more fines, more use of police harassment, more taxes, and more propaganda. This campaign, too, is doomed to failure. Why? Because NHTSA isn't really focussed on drunk driving. Instead, it's been hijacked to run an anti-drinking jihad.

First, NHTSA doesn't even properly define "drunk driving" or a drunk driving accident. A responsible person has one drink, crosses a street and is struck by an inattentive sober driver and NHTSA calls this a "drunk driving accident." NHTSA can't win with this

kind of nonsensical definition. Classifying drivers with BAC's below .1 or .12 as "drunk drivers" further distorts the definition of the problem.

Just like defining "art" most people may not be able to pinpoint a specific BAC level as constituting drunk, but they know drunk when they see drunk. Just like throwing mud at a wall doesn't represent art to most people, having two or three drinks and driving doesn't constitute drunk driving. NHTSA says it does. Never mind that the vast preponderance of real drunk driving accidents involve BAC levels that are twice the unrealistic national standard of .08.

Not until NHTSA changes its emphasis and focuses on real drunk driving, will it make meaningful progress in reducing the toll of drunk driving accidents. Divorcing Carrie Nation and properly defining the problem would be good first steps. 🐾

More Federal Blackmail Coming Your Way

Federal blackmail worked for increasing the drinking age to 21 and for lowering the blood alcohol content to .08. So, of course, officials have decided to play this card again and strong-arm the states into doing something they don't wish to do. In this case, pass a national seatbelt law.

Even though 30 states have resisted passing a primary enforcement seatbelt law (New Hampshire doesn't even have a secondary law!), Senator Hillary Rodham Clinton and Senator John Warner have decided they know what is best for those states and have sponsored S.1993 (also known as the National Highway Safety Act of 2003). This would give states three years to either pass a primary enforcement seatbelt law or achieve a 90 percent seatbelt usage rate. Otherwise they will begin to lose federal highway funds.

This is becoming a disturbing trend with motorist issues: A bill continuously fails to pass on the merits of the issue, so proponents take it to

the federal level. They add a provision for loss of federal funds if states don't comply and get the legislation passed. And, the states are then saddled with the very legislation they decided wasn't right for them.

A perfect example is .08. Literally, the legislation only passed in a few states. For years MADD couldn't convince any other state this was a good idea. Because it stalled, MADD took the legislation to the feds and was able to get it passed. Now only a small handful of states are still holding out from lowering their blood alcohol content levels.

Now, at the end of a very long, slippery slope, it's seatbelts. Years ago, this began with child restraint laws "for the good of the children." This was passed with the promise that nothing similar would be applied to adults.

Then, it was "secondary" enforcement of belt laws, just as a means to "encourage" the use of seatbelts. Once again, there was the promise that it would never

go beyond this point.

What followed this promise was a variety of tactics ranging from increased fines, roadblocks, adding points to your license, and, of course, the push for primary enforcement.

For the record, the NMA supports the contention that individuals should retain the freedom and responsibility to make choices affecting their own safety and the safety of their families.

People *should* wear their seatbelts, but that is a long haul away from *must*.

Please take the time to write to your Senator to stop this federal blackmail. You can find their contact information at www.senate.gov/general/contact_information/senators_cfm.cfm. You can also call your local library for contact information.

For more information on why the NMA opposes mandatory seatbelt use, please visit www.motorists.org/issues/safety/seat_belt_laws.html or call our office at 608/849-6000. 📞

MUTCD Final Rule

The *Manual on Uniform Traffic Control Devices* (MUTCD) is the federal manual that dictates the use of signs in the US. *The Final Rule* for the issuance of the 2003 Edition of the MUTCD is now published. *The Final Rule* describes all the significant changes in the MUTCD from the 2000 edition, and the reasons for the changes. You can find the changes online at <http://mutcd.fhwa.dot.gov>. 📞

Flash Your Lights!

When you pass a speed trap, what do you do? If you are the typical NMA Member, you flash your headlights in the hopes that you can warn your fellow motorist of the danger to their wallet that is just around the corner.

You should be aware that this type of action does irritate officers and could result in you receiving a ticket. It doesn't happen often, but it does occur. Most of the time it is a ticket for improper use of equipment, however, interference with a police officer's duties is used as well.

And, that is exactly what happened to Harley "Bill" Walker of Franklin,

Tennessee. Walker flashed his headlights as a warning and received a ticket from Officer Chris Marlowe of the Franklin Police for interference.

Walker did lose his court case, but won on appeal. Williamson County Judge Ross Heldman ruled that the ticket violated Walker's free speech. Walker estimated his costs to be around \$1000 for his case.

But the result is that not only did Walker win his case, but the Franklin city police chief has written a memo to his officers ordering them not to cite drivers who are flashing their lights. 📞

News From Around The Country

At the time of printing, the legislative information is correct. To track the progress of these bills or for contact information for your legislators, you can visit the *Speak Out!* section of the NMA web site at www.motorists.org/speakout/state.html

You can also find NMA positions on any of these topics (as well as talking points) that you can use when contacting your legislators on these issues at www.motorists.org/issues/index.html.

Florida

State officials want accidents on the Turnpike to be cleaned up faster. Tow operators will receive a bonus if they remove vehicles within 90 minutes. If the company is unable to do this within 90 minutes, they will have another 90 minutes to finish the job. After that amount of time, the company will be fined \$10 a minute for every minute past this.

Illinois

Chicago has begun using red light cameras. By Spring, the city plans to have nine red light cameras in place.

Maine

Undercover State Police Officers are disguising themselves as construction workers so that they can issue more tickets to motorists.

Massachusetts

Legislators would like to add an additional \$50 surcharge to traffic tickets to create a Spinal Cord Injury Trust Fund that would be used to improve spinal cord injury research. NMA State Chapter Coordinator Ivan Sever is suggesting that rather than add a surcharge, the \$50 should be taken from the current charges. In this way, motorists aren't charged more, but the researchers still receive their funds.

The Governor signed a bill authorizing the City of Springfield to

seize cars used for "drag racing." The city police get to keep any revenue from selling the cars.

New Jersey

Burlington County Officials are trying a different approach to slowing motorists. They are using humorous signs that are designed to attract attention. Some of the signs will say, "Free Speeding Tickets Ahead" and "Meet Our Judge—Exceed 25 mph."

North Carolina

Governor Mike Easley has halted a proposal to put toll booths along Interstate 95.

Traffic engineers are raising some of the state's speed limits. A 9-mile Columbus County section near Whiteville has become a 70 mph zone. And, the 16-mile Rockingham Bypass was upgraded from 65 mph to 70. They are currently considering raising other limits in a similar manner.

Oregon

The State Supreme Court is hearing a case on the use of photo radar for catching speeders. Jeff Dahl, attorney for his wife who is the defendant, argues that "his wife's constitutional right to due process of law is violated by the law's presumption that the registered owner is the speeding driver and that it unfairly shifts the burden of proving innocence."

Vermont

DataMaster machines are used by the police to test people's breath to determine whether they're intoxicated. The machines have a memory function that can record everything the machine does including showing any erroneous readings. Defense attorneys frequently request these records on behalf of their clients. The Health Department's commissioner, Paul Jarris decided DUI defendants shouldn't have access to this information and ordered the recording function to be disabled in

May. This December the state Board of Health ruled that the data must be restored.

Virginia

General District Court Judge Robert Phillips is dismissing certain traffic tickets issued in Exmore on U.S. Route 13 if the infraction happens between midnight and 6 a.m. He believes this is light traffic and the tickets are not justifiable other than as a revenue source. Needless to say, local officers are not happy with this.

Washington DC

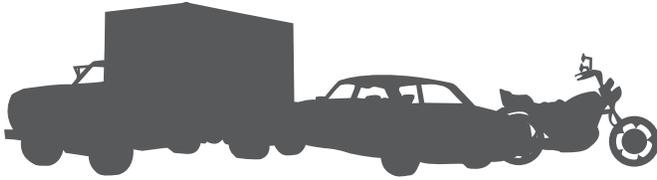
The Distracted Driving Act of 2003 would ban the use of hand-held cell phones while driving. It has already moved through its first reading by the DC Council.

Wisconsin

The Assembly Committee on Transportation approved (by an eleven to four vote) Assembly Bill 615. This bill would allow a drunken-driving conviction to disappear from most offenders' records after ten years, as long as the offender wasn't convicted of drunk driving again during that time.

AB22 would permit police to ticket drivers for failure to turn on their headlights during bad weather if pulled over for some other offense. Fines would be \$10 for the first offense and \$25 for the second offense, the newspaper reported. Court fees added to most tickets could hike those penalties to \$131.40 and \$150, respectively. (Source: *Landline Magazine*)

A change in traffic law last year is bogging down Milwaukee courts. Operating After Revocation (OAR) offenses are now criminal offenses and account for 60 percent of all criminal cases handled in Milwaukee County. 📄



MEMBERS WRITE

Your letters are welcomed and appreciated. This is a forum for diverse opinions, different perspectives, and personal experiences. Letters may be edited for length or clarity. Letters should not exceed 300 words in length. Full-length articles will also be considered for publication in the NMAF NEWS. Articles should not exceed 600 words in length. Positions and opinions expressed in letters and member-authored articles are those of the author and do not necessarily reflect NMA policies or objectives. To submit, you can email us at nma@motorists.org or mail to our NMAF Office.

I liked the article in the *NMAF NEWS* about the black boxes and Vetronix. I am sure you poked around there too, but in addition to reading their site, I wrote and actually received a response. Here are some observations based on their response.

1. If you are in a bump, but not severe enough for airbags, the unit resets itself after 250 starts. This also happens if there is a more severe hit, whether or not bags inflate doesn't matter.

2. If bags deploy, you can't erase memory.

I also noted that the Ford Taurus had support for 2001, but not after that. I wonder why Ford pulled the plug?

This issue is crucial. I never heard of these boxes until the NMA made me aware. You can face criminal and civil charges due to these boxes. Since most people drive above the speed limit, they can be tossed in jail and sued for all they own. I took an informal survey of about 20 people and nobody had heard of these either. Even GM owners, who have driven these cars for years!

James Sikorski Jr
Wapwallopen, PA

I just want to thank everyone at the NMA for all the help. It pointed me in the right direction and saved me countless hours I would have spent mindlessly going through library docs.

Unfortunately, I don't have a

juicy story. My case never even went to trial. Today I went to see the magistrate to schedule a hearing, but barely had to plead my case. I was pulled aside and was told he'd let me off the hook and give me a "not responsible." He didn't tell me why, but I'm guessing he must have seen my requests for discovery and knew I meant business and was willing to waste hours of court time. Also, I was polite and courteous, and dressed appropriately.

Venu Kolluru
Parsippany, NJ

Ok, the inevitable happened. I apparently got "radared" on the VFW parkway in Lowell, MA, which is really a four lane divided highway. There was a portion of the road which quickly goes from 45mph down to 30 as it approaches a light. According to a local policeman, I was going 55 in a 30 zone, and he wrote me up accordingly, charging me \$225. Naturally I was upset, so I gritted my teeth and vowed to fight it.

I searched the internet and found the NMA. After reading what I could, I realized quickly this was the site that could help me and so I subscribed.

I immediately sent off a registered letter to the police department requesting the numerous documents to defend my case. I also asked for a continuance, and had the court date delayed for another month.

Court time came, and although I

received the receipt signed from the police department, I got none of the information I requested. Five people ahead of me had their cases dismissed because the policeman did not show. My name was called, and I approached the judge nervously, but armed with a lot of information. I was dismayed that my officer was there. The judge told the policeman to present his case and the officer started to read from his notes.

"Objection, your honor!" I blurted out (having read that another NMA member had done this). "The witness is reading from notes. Shouldn't he have independent recollection?"

Out of the corner of my eye, I could see the officer's jaw drop, and the judge eyed me curiously.

"Are you a lawyer?" he asked me.

"No, your honor."

He turned back to the cop. "Is that all you have to read?" he asked him. The cop nodded. "I'll allow him to read it."

I listened as the cop read about observing me, estimating my speed, before catching me on his radar. Then the judge turned to me. "What is your story?"

"Your honor, I am unable to adequately defend my case as I have received none of the items I requested which I sent via registered letter to the police department. May

continued on page thirteen

Members Write

continued from page twelve

I present a copy of my letter and the signed receipt as evidence?" I handed the items to the judge.

The judge looked it over briefly, asking the cop if he saw this letter. The cop said, "No." The judge then asked me where I got all this information, and whether I was entitled to it by law. (Asking me about the law!)

"Your honor, in my research to defend myself, I found all the enclosed information. I have copies of the pertinent laws if you'd like to see it." The judge waved his hand dismissively, taking my word for it.

"Well, I will grant your right to this information but we will have to reschedule another court date."

"I have to provide all that?" the cop protested. (Apparently he did see the letter?)

"Yes. He is entitled to maintenance and logs and certifications, proving you are qualified and competent to use a radar gun." The judge handed both of us a copy of the letter with his signature on it and date, ordering the cop to comply. We set another date for a month away.

Well, a month went by, and I received nothing. I went to court, and the cop never showed. Not Responsible! Thanks NMA!

***Paul Sandoe
Woburn, MA***

I just came home from my home town's court where I was supposed to be tried for a recently issued speeding ticket where the New York State Trooper who pulled me over alleged that I was doing 75 mph in a 55 mph zone.

I've been a member of NMA for a few years now, so I knew the best way to respond to the speeding ticket was to plead "not guilty" and to request a trial. My trial was scheduled for this afternoon at 4:45

pm in the local town court (I live in a small town in Central New York State). I've never been to my hometown's court, so this was a new experience for me.

As it turned out, the town Justice was an elderly gentleman who appeared to be hard of hearing. He seemed to be fair and reasonable as I observed him handling the cases prior to mine which I took as a good sign.

I also noted that the State Trooper who gave me my speeding ticket was not present in the courtroom (another good sign).

I had done a reasonable amount of homework regarding possible inaccuracies with moving radar unit performance (the type used in my situation), etc., and decided that my strategy would be to politely and assertively demonstrate the possible inaccuracies of such a speed detection method.

When it was time for my case to be tried, the justice noted that the State Trooper who wrote my ticket had not yet shown up for the trial. He said we would wait another ten minutes to provide the trooper the opportunity to show.

The trooper still did not appear, so the judge called me to the front of the courtroom and said that since the trooper did not appear, he would completely dismiss the ticket.

Needless to say, I am very happy with the justice's decision in my case, and particularly happy with the education I've received and continue to receive from the NMA. Without my NMA membership, I would not have known that statistically my best chances for success in this situation involved pleading "not guilty" to the speeding charges thereby mandating a trial. I do recall that the state trooper who wrote the ticket advised me to plead not guilty and that I would very likely get a lesser penalty (and he would still get credited with the "kill" which keeps him in good

performance appraisals and gainfully employed). Thank you NMA!

***Robert Kaussner
Ithaca, NY***

Thank you so much for sending me the "State Specific Information" I requested in November. The Pennsylvania-specific information was invaluable in preparing my defense against a speeding ticket received October 11 by a local officer using a Robik Stopwatch. He claimed I was doing 53.6 in a 35mph zone.

The state-specific info contained the very chapter the officer cited in the Pennsylvania Motor Vehicle Code regarding placement of traffic control devices (speed limit signs). In this case the speed limit sign was obstructed by a tree and was located out of the officer's jurisdiction (in another municipality). My defense was built on the lack of a legible traffic-control signal. Of course I had many pictures, bound in a nice white binder for the judge. The judge even asked to read from the red-bound state specific book you sent me!

Also before the trial I purchased an SC-808 Robik stopwatch from bodytronics.com. The judge got a kick out of me demonstrating how a \$50.00 plastic stopwatch can cost a motorist \$146.00.

In the past I have purchased four items from your ticket-fighting collection and I highly recommend all the books and the cassettes for anyone who gets a speeding ticket. I have just renewed my membership and before I pay the holiday bills I plan to send you an extra contribution for your great service to the American motorist. Membership in the NMA has once again helped me beat the cops!

***Tom Sayen
Wynnewood, PA*** 🐶

The Experts' Corner

Do you have a question that only an expert can answer? If so, look no further. We have many NMA members with special fields of expertise. This feature was created to assist members with answers to both practical and technical questions.

This sharing of knowledge is another benefit of belonging to the NMA. Please indicate that you are an NMA member when calling a listed "Expert."

Can you help? Please contact us with your field of expertise and provide us with a contact address.

A telephone number would be very helpful, but is not required. Feel free to list preferred contact times if you do provide a telephone number.

PLEASE NOTE: This is not intended for listing of commercial business services.

As an NMA member, the Experts' Corner is available to you online at

<http://www.motorists.org/join/membersonly/experts.html>

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dedicated volunteers who monitor, publicize, and lobby critical motorists' issues, for you, within your state. They can also provide insights on how to best fight a traffic ticket in your state.

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