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EDITORIAL STAFF

Managing Editor:.....Eric Skrum
Guest Writer:Casey Raskob
Guest Writer:John Holevoet
Guest Writer:Bob Wilson

COVER
 "National I.D."

Moving Forward
 by James J. Baxter, President, NMA

Historically, the NMA has had four primary objectives: influencing public policy, educating the public (this efforts includes the publication of the *NMAF NEWS*), spearheading honest transportation-related research, and pursuing legal battles important to motorists' rights.

For the NMA, working on public policy (everything from national legislation to local regulations) has always been our main objective. Today, it continues to be our driving purpose. This year, we've reached an important milestone on this front. As a result of the NMA legislative fundraiser, we'll be hiring a professional lobbyist to work on our behalf in Washington D.C. In fact, I'll be traveling out to the capital to review candidates following the election.

Education, research, and litigation continue to be important to all of us at the NMA, but these functions are now conducted under the auspices of the NMA Foundation. From its inception, the majority of the foundation's funds have been spent on education. This includes helping NMA members contest traffic tickets; promoting positive campaigns like *Lane Courtesy Month*; and using press releases, editorials, our web sites, and this newsletter to get the truth out on subjects like speed limits, breathalyzers, ticket cameras, and unethical enforcement practices.

While education continues to be a key concern, the foundation is working to broaden its scope. Last year, the NMA Foundation funded research to update the state-specific information in our *Legal Defense Kits*. The end result was a complete overhaul of our database containing state laws related to speed limits, public records, and discovery requests.

At the same time, the foundation has reached out to help two NMA members involved in protracted legal battles stemming from speeding

tickets. Both cases deal with issues much more significant than just how fast our members were driving when they were pulled over. Victories in these cases could have far-reaching effects, and funds from the NMAF have allowed them to continue fighting.

Opposite this article you'll see an announcement concerning the NMA Foundation's fall fundraiser. The focus this year is on improving our ability to use the courts to address the injustices thousands of motorists face on a daily basis. Our intention is to better serve our members through foundation-funded litigation.

This is our second fundraiser this year. We decided earlier that two fund drives were needed annually. These fundraisers support the separate, but equally important, efforts of both the NMA and NMA Foundation. Contributions to these two fundraisers benefit different aspects of our shared mission. ***Although one key distinction is that donations to the NMA Foundation are tax-deductible.***

To those who feel a bit overwhelmed, I apologize. It's never been our plan to bombard you with constant solicitations. The NMA's Legislative Fundraiser got off to a late start, and now we're "playing catch up." In the future, we'll work to further separate these two events.

Finally, I would like to take this opportunity to thank those who've given in the past to either the NMA or the NMA Foundation. I'm excited about the direction in which both organizations are heading. ***We're moving forward thanks to your generous support!*** 🙏

Everything is changing. People are taking the comedians seriously and the politicians as a joke.

Will Rogers

In Pursuit Of Justice



ou should fight your ticket!" As a member of the NMA, you've no doubt given this advice to others. When a coworker or your sister's husband gets pulled over for speeding—this is what you tell them. It's sound advice, and you know it works.

Our victories send the important message that we'll no longer be easy marks for the traffic "justice" system. Motorists won't be the solution to government's budget crises.

"Not guilty" and "Case dismissed" are what we're all looking for when we go into the courtroom. For most, a "not-guilty" verdict means no fines, no mark on your record, and no insurance surcharges. For some, it means much more.

On occasion, traffic court cases arise that have broader implications: cases in which victory would mean real change for all motorists. These cases won't generally be decided in the municipal courtroom. Instead, they will be resolved at the appellate level or beyond.

The problem for many is that the time, effort, and money it takes to launch a successful, far-reaching legal battle is too much to bear. Instead, the situation forces us to accept a guilty verdict we do *not* deserve.

When the cost of defending ourselves rises, we face the tough decision of whether to throw in the towel or continue to pursue justice. When that time comes, we have a new ally: the **NMA Foundation**.

The foundation's new **Legal Aid Grants Program** is designed to help provide NMA members with the financial resources they need to pursue precedent-setting traffic ticket cases. The foundation cannot afford to fund every case. A special foundation board will select the best cases, those that will benefit broad classes of motorists, from around the country.

The financial support provided by the NMAF will result in victories for all motorists. The precedents we set will change traffic law for millions.

Since its founding, five years ago,

the foundation has worked to grow its endowment, while focusing on educating the public about the issues facing motorists. Now, the NMAF is ready to expand its programming. One key aspect of this expansion is our **Legal Aid Grants Program**.

This new program is already up and running. Next week, you'll receive a letter in the mail detailing two grant recipients' stories and the importance of their cases. Be sure to look for it.

The next phase in the foundation's development has begun. I hope you'll join me in making a tax-deductible contribution to the NMA Foundation. Our contributions will ensure that the **Legal Aid Grants Program** is a success, and will thereby strengthen our ability to stand against unjust traffic laws.

Give for yourself, it will be your rights that are safeguarded. Give for others, make sure that justice is never abandoned simply because money runs out! 🙏

Donations to the NMA Foundation are tax-deductible to the fullest extent of the law.

Remember: To receive the maximum deduction on your 2004 tax return you must donate before December 31st.

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National ID On Its Way

Both the House and the Senate are attempting to turn your driver's license into a national I.D. S. 2845 and H.R. 10 would standardize the documentation needed to receive a license and the data the license would have to contain.

The only thing keeping this from passing right now is the differences in the language between the two bills.

S. 2845 would empower the secretary of homeland security to dictate what documentation a state needs in order to issue a license. It also specifies the data the license would hold. One proposed requirement would call for your license to possess a *"unique identifier,"* which could be biometric data such as fingerprints, retina scans, or DNA. Non-drivers would be required to have a similar card for identification purposes and for access to planes, trains, or any other mode of travel.

H.R. 10 would require that all the states' licensing information be stored in a national database. The information must be "machine-readable." It also calls for "an integrated network of screening points that includes the nation's border security system, transportation system, and critical infrastructure facilities that the secretary determines need to be protected against terrorist attack."

While neither bill allows the federal government to force states to comply, there is a loophole that would allow them to force airports to only accept these new licenses as identification. In other words, if you wanted to travel by any other method than motor vehicle, you would need the new card.

Essentially this is creating a system of internal passports.

The bills are based on recommendations by the September 11th Commission. Proponents say that not only will this make it harder for terrorists to operate in this country, but it will also save lives on the highway by identifying those whose licenses

have been revoked in other states.

There is no proof that the system being proposed could hinder terrorism. Any form of identification can be copied or counterfeited. This applies to terrorists as well as thieves. With identity theft becoming so rampant, a national I.D. could also make it easier for someone to steal your personal information. At the same time, it would make it that much harder to *clear* your name. If you need this I.D. to travel, you wouldn't be able to do any traveling while in the process of attempting to clear your name.

That same hindrance would apply if there were any type of mistake on your license. One employee mistake or an underlying database error could make your life unbearable. Ever try fixing a credit report? Multiply that difficulty as you attempt to get the Department of Motor Vehicles to clear up a mistake keeping you from getting a driver's license/National I.D.

And, let us not forget the most important aspect in this entire debate: *A drivers license should be used to prove that you are qualified to drive on the roads.* Period. It was never meant to be a method of identification. The Supreme Court has decided that when an officer asks you to identify yourself, you must comply. This doesn't mean that you must do so with your driver's license.

However, if these bills are passed, essentially a national I.D. will be created. If everyone must have these for identification, how much of a stretch would it be to require every person to carry their national I.D. with them in order to comply with the Supreme Court decision? "May I see your papers?" could turn into a phrase with which everyone becomes intimately familiar.

Neither S. 2845 or H.R. 10 provide much in the way of privacy protection. Neither protects against this I.D. from being used for other purposes. Neither provides penalties for intentionally

disclosing confidential information, nor is there any guarantee that the resulting databases will not be sold to private sector groups.

With such a comprehensive national database on hand, the access to (and uses of) this information would inevitably expand. Law enforcement, tax collectors, and other government agencies would want use of the data. Employers, landlords, insurers, credit agencies, mortgage brokers, direct mailers, private investigators, civil litigants, and a long list of other private parties would also begin using the ID and even the database.

With no discernable positive effect in having this legislation passed but plenty of negatives, this is an issue anyone should be concerned about.

The two versions of the bills have gone to a House-Senate conference committee. Now is the time to contact your elected officials in D.C. to voice your opinion. Information on how you can contact your representatives is below. 📧

Contacting Representatives

Phone:

You may call the U.S. Capitol switchboard at 202-224-3121 for your representative's contact information

Mail:

Office of Senator (Name)
United States Senate
Washington, D.C. 20510

Office of Representative (Name)
United States House of Representatives
Washington, D.C. 20515

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Philadelphia Red Light Fiasco

Pennsylvania is using the city of Philadelphia as a pilot program for red light cameras. The program is only in the initial phase, but questions are already popping up.

There are nine intersections slated for camera installations. According to a study of accidents conducted from 1996 to 2000, **only three** of those intersections have a high number of accidents. This was one of the main criteria agreed upon by lawmakers with regard to camera placement. So, how were the other six picked?

Representative Richard Geist, who was the author of the bill that allowed this pilot program, claims the selections were based on "accident data from the Pennsylvania Department of Transportation and on where the cameras would have the maximum impact on safety."

However, Eric Bugaile, Executive Director of the House Transportation Committee points out this wasn't the case at all. "There was **no** scientific study done," he said. The intersections chosen "were the ones that were recommended by legislators. Most of the intersections are in northeast Philadelphia and nearby neighborhoods because that is what legislators recommended."

Representative John Taylor, whose district will have four of the cameras, said, "We knew that the legislation was moving. We had an opportunity to impact it, and we did," Taylor said. "I took as many as I could get."

One of the recommendations made by Taylor was the intersection of Aramingo Avenue and York Street. This was due to the high number of complaints from his constituents. "All you need to do is go there," Taylor said. "That's got to be one of the most dangerous intersections in the city."

However, the Philadelphia study shows **only two** accidents at this intersection between 1996 and 2000, neither of which was caused by red light running.

Charles Trainor, chief traffic engineer with the city's Streets Department, acknowledged that the intersection is busy, but could not speak to whether or not it was dangerous as well.

The fact that it is a busy intersection is the real reason for the cameras. (It also helps that it's located in Taylor's district.) As usual, it isn't the **most dangerous** intersections that receive cameras. It's the **busiest** ones because that means more tickets are likely to be issued, which means more money for everyone but the motorist.

Another questionable activity that surround Philly's cameras has been the bidding process for camera manufacturers. Only Affiliated Computer Services (ACS) has bid on the project.

Three companies (Nestor Traffic Systems of East Providence, R.I.; Traffipax Inc. of Columbia, Md.; and New York-based Mulvihill Intelligent Control Systems) all declined to bid claiming that the contract requirements are too stringent and strongly favor ACS. The specifications were part of the legislation that Representative Geist sponsored.

The companies state ACS is practically being handed the contract. The law specifies that Philadelphia's red light cameras must use 35mm cameras rather than digital cameras; and be maintained without the use of a ladder.

ACS is the only camera manufacturer that uses 35-mm cameras. It is also the only one that designs its systems so that the devices can be taken care of without a ladder.

The pilot project's specifications also state that the camera manufacturer must be 100 percent bonded for performance, labor, and materials. Additionally, the city requires the bidding companies to provide three years worth of audited financial statements. ACS's competitors claim that bonding and audit requirements

are too costly for their smaller companies. ACS has an annual revenue of \$4 billion and can easily meet these demands.

ACS has also made thousands of dollars in political campaign contributions over the years to Governor Rendell, Philadelphia Mayor Street, and Pennsylvania House Speaker John Perzel (another sponsor of the camera legislation).

The questions surrounding the bidding process and intersection selection have slowed the installation of the cameras. If you live in Philadelphia, now is the time to contact city and state officials to voice your opinion. Visit the NMA web site at www.motorists.org and click on the **Steal This/ Speak Out** section to find the contact information for these officials. 📧

London Limiters

London's Road Safety Unit wants to install speed limiters in all vehicles. This satellite-controlled device would monitor and prohibit vehicles from going faster than the speed limit posted in that area.

Initially, only public service vehicles such as taxis and buses would be mandated to use this technology. The idea being they would become moving roadblocks to slow surrounding traffic.

The public has been encouraged to use the limiters. You can install it for less than 150 pounds and be eligible for insurance discounts as you are a "less risky driver." The fact that driving slower than the flow of traffic is dangerous has been lost on local officials. 📧

Cincinnati Defeats Ticket Cameras

In August, the Cincinnati City Council approved a measure that would have brought red light cameras to Southern Ohio. Leading up to the vote, NMA member Carl Boeckman was a vocal opponent of the measure. Carl appeared before the council on multiple occasions.

Local television stations covering the camera debate featured him. Carl's actions and high visibility were essential in helping to galvanize others into action. The preliminary vote on August 4th, was a disappointment. Six of the nine council members voted in favor of the cameras. Only Vice Mayor Alicia Reece, and Council members Y. Laketa Cole and Christopher Smith were opposed.

Carl persevered; he worked closely with the NMA National Office to publicize the council's quiet approval of this controversial technology. Unfortunately, getting through to the local media was a challenge, but help was on the way.

The NMA found an unlikely, but much welcomed, ally in our fight: Mayor Charlie Luken. The mayor spoke out against the camera proposal. He vowed to veto the proposal if it ever reached his desk.

Additionally, an idiosyncrasy of Cincinnati law proved useful. An older ordinance meant to limit corruption within city government requires that any measure passed by the council must be reviewed and

approved a second time. To date the issue of red light cameras has not reappeared on the Cincinnati City Council's calendar.

Mayor Luken's vocal opposition to these cameras, the vocal opposition of NMA members and many others, along with the dedicated work of Carl Boeckman has effectively killed the measure.

There are no guarantees that the council will not take up this matter at a later date, but one thing is for certain, Carl and the NMA will be ready. Thanks to the NMA members who contacted council members, wrote letters to the editors, and spoke before the council. Your efforts have kept Cincinnati free of ticket cameras. 🙏

NY Ticket Change: "Where The Money Goes" by Casey Raskob, Esq., NMA New York Activist

Cynical observers of the traffic ticket game will observe, "it's all about the money." How true this is was recently revealed when the State of New York changed how the ticket money taken from motorists would be allocated.

New York has a strong tradition of home rule, and democracy is alive and well in our patchwork quilt of towns, villages, and cities. This contrasts with our state government in Albany, which mirrors the old Soviet Politburo, in that the House is "owned" by one party, the Senate "owned" by the other, and the Governor is the third party to any agreements. All real decisions and deals are made by "three men in a room", the Speakers of the House, Senate, and the Governor.

New York has a history of very late state budgets, full of undebated mystery laws. It has been compared to a compulsive gambler looking for the money to keep going. The state will often pass laws, which the local governments have to pay for. And, the state will do anything to balance the

budget, such as refinancing bonds in the 29th year of a 30-year life for another 30 years. "Unfunded Mandate" is a curse word in our towns and villages.

In this spirit of mystery legislation, late night deals, and three men in a room; a few words were added to the Motor Vehicle Code in the dead of night. There were no "bills," "proposals," "hearings," or any other quaint democratic devices. It was decided that *ALL* the money from traffic fines would go straight to the state. This was inserted into the budget without any known author. The budget bill was submitted to the legislators and voted on before anyone had time to read it.

Previously speeding ticket money went to the state and all other traffic violation money was directed to the local town, city, or village. This money was an expected addition to every town's budget. The loss of this money (which is estimated to be at least 17 million) would directly result in an increase of property taxes or a

reduction of public services.

Local governments have a long history of an adversarial relationship with Albany, and they all made their displeasure known immediately.

Local town associations, magistrate's associations, and others began to voice their displeasure, and unlike most motorists, they are not outside the system—they *ARE* the system. They were not willing to raise property taxes to make up for the money extracted from motorists.

At the time of this writing, the change in "where the money goes" has not been overturned. Although most observers think it will be when the two houses are again in session at the same time. 🙏

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The Fallacy Of Breath Alcohol Analysis, Part III

by John Holevoet, Director of Development

This is the final installment in a three-part series dealing with the problems related to breath-alcohol measurements.

First, we looked at the work of Dr. Michael Hlastala, who has invalidated the commonly understood relationship between breath-alcohol and blood-alcohol levels. Hlastala demonstrated that no consistent linear relationship exists between the two levels, and therefore breath-alcohol analysis cannot be fairly used to estimate the level of alcohol in a person's blood, and is therefore *worthless* as evidence.

The second piece in this series examined the margin of error associated with breath-alcohol measurements. The work of Dr. Gerald Simpson has confirmed that these readings are prone to errors of 46 percent or more. Despite a high potential of variance and error, these unreliable measurements still find their way into courts of law.

This final installment will look at the problem of calibrating breath-alcohol analyzers. To shine light on this subject, we turn to the work of Dr. Dominick Labianca, a professor of Chemistry at Brooklyn College of the City University of New York.

Labianca, like Hlastala, has written on the lack of a consistent correlation between Breath Alcohol Content (BrAC) and Blood Alcohol Content (BAC). However, Labianca's criticism has been directed specifically at how this deficiency discredits the current methodology used to calibrate breath-alcohol analyzers.

Henry's law is the principle upon which breath-alcohol analysis is based. It describes the relative distribution of alcohol vapor between "alveolar air" (breath coming from small air sacs in the lungs called alveoli) and circulating pulmonary blood that occurs at 34 degrees Celsius (the average temperature of such air). Henry's law *wrongfully* assumes that all breath-

alcohol analysis subjects have an average alveolar air temperature of 34 degrees.

Breath-alcohol simulators, which are used to calibrate devices like the Breathalyzer, are based on the Henry's law system. These devices consist of a diluted solution of alcohol in water maintained at 34 degrees. The assumption, *which again is false*, is that these solutions accurately simulate human test subjects.

Although, the base assumption is incorrect, this method is still used to ensure the "accuracy" of breath-alcohol analyzers used by police to arrest and often convict people of DUI. While it is known that these devices are calibrated with solutions maintained at 34 degrees, oral temperature measurements are not part of a typical DUI arrest. This major problem is ignored even though forensic science educators insist such a measurement is necessary to make the appropriate corrections needed for a more reliable test result.

Yet another problem with this technology is one discussed in the first part of this series. The Blood-Breath Ratio (BBR), which, in theory, allows Alcohol Breath Tests (ABTs) to estimate Blood Alcohol Content (BAC) has been legally set at the static rate of 2100:1.

However, the work of Dr. Hlastala and his peers has shown repeatedly that the BBR is highly variable from person-to-person. Breath-alcohol analyzers rely on a fixed BBR to produce results, despite the fact that no such fixed ratio has ever been found among the people on which the tests are administered. As discussed in the July/August issue of the *NMAF NEWS*, common variables such as a test subject's overall health or typical breathing pattern can cause drastic variations in an individual's BBR.

This is the problem inherent with ABTs: they produce results within an

acceptable margin of error only when they used a fixed BBR, which is not consistent with actual testing conditions in the field. Simply put: they cannot guarantee accurate results for actual test subjects.

All the calibration in the world will not correct this problem. The simulator solutions are based on an ideal Henry's law system, not natural conditions.

Calibrating breath-alcohol analyzers with the type of solutions mentioned above, which is standard practice, only addresses the possibility of an instrument error. It does *nothing* to deal with concerns about mistakes made by the person administering the test or a host of physiological variables that affect any human breath-alcohol testing.

Furthermore, the failure of the liquid solution to adequately simulate a human subject also occurs when dry gas ethanol standards are used for calibration. Once thought to be a viable alternative to the flawed liquid solutions, these gas standards have been repeatedly tested and generate results, and errors, consistent with liquid solutions.

Dr. Labianca's research dispels the myth that breath-alcohol analyzers are accurate simply because they produce accurate results when specially formulated simulator solutions or dry gas standards are used. DUI arrests do not take place in laboratories. They happen on dimly lit streets, where poorly trained officers must use delicate equipment. The variability of test conditions and test subjects makes breath-alcohol analysis all but worthless.

Over the course of several months, this series has endeavored to take on the serious problem of Alcohol Breath Tests. The fact is, ABTs are not reliable. Yet, they remain widely used

continued on next page

High-Tech Fleecing by Bob Wilson, NMA Member

Seventy-five thousand dollars per vehicle. That is what the Parking Enforcement Department in Sacramento, California is spending for high-tech profiling of citizens' automobiles parking in one and two hour zones. This high-tech and high-priced system will replace the chalk stick marking traditionally employed in such enforcement.

According to reports from KOVR-TV and the Sacramento Bee newspaper, the city's parking division, as of the end of July, equipped two of the three-wheeled scooters used in parking enforcement with infrared cameras, strobes, and GPS equipment. All to insure drivers in this city do not move their cars to another spot a few blocks away after the time limit expires. Under the city's parking ordinances, autos parked in unmetered, but time-limited spaces may not park again in the same parking enforcement district that day. Statements made by Parking Enforcement Department personnel suggest this is also going to be enforced with regard to metered

parking spaces too.

As the metermaids drive around their beat, the digital cameras record the license plates of parked cars along the curb. The computer uses GPS to check its database as to where else the particular automobile has been parked that day. When it detects an automobile in violation, an alarm goes off to alert the metermaid to ticket that automobile. Sacramento's daily newspaper, the Bee quoted one metermaid, Tom Martin, as saying the computer goes "BRONG!" when it locates a violator. "Better than any fish finder" according to Martin. "If we wanted to, we could almost kick back and go to sleep and wait for it to beep at us," said Jay Cottor, another parking division employee.

Unnamed city officials were quoted

as boasting that the new equipment will boost the number of parking tickets written in the city. In addition, the system will be used to locate and 'boot' autos with outstanding unpaid tickets. Howard Chan, head of the parking division reported a 300 percent increase in the use of the Denver Boot since the camera system was installed on two parking division vehicles in July.

The new system can scan over a thousand license plates an hour as the specially equipped vehicle cruises the streets at fifteen miles per hour. After a test period to determine if they sufficiently increase revenues, the city plans to equip more vehicles with these devices.

Sources: Sacramento Bee Aug. 3, 2004
KCRA-TV Aug. 2, 2004

Fallacy

continued from previous page

by law enforcement across the United States and Canada.

Legal reforms are sorely needed to protect the public from unjust prosecutions based on faulty breath test results. This entire series along with the research upon which it was based is available on our web site, www.motorists.org. Visit our "Issues" section and click on the "Drinking and Driving" link to view it. Feel free to enclose these articles with any letters you write to your legislators asking them to take a stand against the use of breath-alcohol analyzers. The change, as this series demonstrates, is long overdue. ☺

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"Ask And Ye Shall Receive"

by Eric Skrum, Managing Editor

Be careful what you ask for because you just might get it." "You reap what you sow." These phrases as well as this article's title came to mind when I read an article concerning a request from Griswold, Connecticut.

It seems the citizens in the Jewett City section of town wanted the borough's two resident troopers to be more visible downtown. They voiced their request to Representative Steve Mikutel who then met with

state Public Safety Commissioner Leonard Boyle and his chief of staff, Andrew Crumble.

"Representative Mikutel's hope was that the increased vigilance and visibility of the state police would have a calming effect on the residents and a deterrent effect on would-be criminals," Crumble said.

The result of their request was six officers writing about 125 tickets in one week.

Now residents and Representative

Mikutel are complaining about the increased visibility of the police.

"Handing out tickets by the dozens is not the way to create a greater police presence," Mikutel said. "It's a complete reversal of the community policing concept. We want them to work positively with the community and local businesses, not harass them. Somebody must have misinterpreted what community policing is all about."

Somehow, I kind of doubt there was a "misinterpretation." ☞

Turnpike Attempts To Entice Truckers

With the support of Ohio Governor Bob Taft, the Ohio Turnpike Commission has approved a resolution increasing the speed limit for commercial vehicles to 65 mph. All five Turnpike commissioners voted for the change, which went into effect this fall.

The split speed limit may be gone on the Turnpike, but it still persists on freeways throughout the state. During recent years, there have been several failed attempts in the Ohio Legislature to raise the speed limit for trucks on interstates, but Ohio remains one of only six states to still keep split limits.

Truckers are supposed to drive 55 mph while on Ohio interstates. This is despite numerous findings that show no safety value from such a policy. Furthermore, research has shown that increasing the speed limit for trucks in other states has not led to more accidents.

In fact, safety was one of the prime factors in the Turnpike Commission's decision to end the use of different speed limits for cars and semis. Proponents of the change, including Governor Taft, hope it will be the first step in reducing truck traffic on overloaded two-lane roads, and moving big rigs back onto the Turnpike.

Truck traffic began spilling over

onto smaller roads after an 82 percent toll increase took full effect in 1999. The problem has become particularly acute in northern Ohio. On a tour of the region, Taft stopped near the site of a bloody accident in which six people were killed when a tractor-trailer collided with a sport utility vehicle on a two-lane road.

An investigation found that the trucker wasn't at fault, but the accident served as a flashpoint for citizens eager to see commercial trucks return to the Turnpike. Big-truck traffic on the road where the accident occurred had nearly doubled in the last decade.

Beyond just safety, Ohio residents are quickly realizing that truck traffic is very much a quality of life issue. In Bellevue, Ohio, mile-long traffic jams have become routine on U.S. Route 20. Although the road runs parallel to the turnpike, a city survey found that on average more than 600 trucks pass through each hour.

Taft's plan to reduce the truck traffic on these smaller routes, improve safety, and lower congestion levels in many northern communities is two-pronged. In addition to raising the speed limit for trucks, the governor also proposed a trial program that would reduce tolls for trucks. Currently, it costs most truckers using

the Turnpike over \$40 to cross the state.

Gary Suhadolnik, the turnpike's executive director, showed strong support for the elimination of the split speed limit, but has been less cooperative on the issue of lower tolls. His alternative to the governor's plan calls for a fuel tax rebate for truckers as opposed to less tolls.

Suhadolnik has stated that it's not fair for a trucker to pay both the fuel tax and the toll while on the Turnpike. After all, both are fees intended for highway improvements. Interestingly, he doesn't see any reason why other vehicles shouldn't pay both, and doesn't see the contradiction apparent in such a stance. It seems unlikely that it is ideology that shapes his opinion, rather it comes down to simple economics. A toll reduction would cut into the turnpike's budget, which he oversees. On the other hand, a fuel tax rebate would likely come out of the state transportation department's budget.

For now, truckers and other motorists have scored a victory. The Turnpike and surrounding arterial roads will be safer. Plus, traffic congestion on local roads that have served as an alternative to the Turnpike is expected to decline. ☞

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.

Arizona

Scottsdale has added its seventh photo enforcement device. It is the city's first bi-directional, fixed, speed-only detection system. The city is also planning to add two more enforcement sites in the near future.

California

Traffic tickets and criminal fines will cost 50 percent more in Santa Barbara County next year. Governor Schwarzenegger signed a bill that authorizes the additional money to be sent to Santa Barbara Cottage Hospital's Trauma Center.

A bill in front of Governor Schwarzenegger would open car pool lanes to any alternative-fuel vehicle that meets a series of requirements, most significantly a fuel efficiency of 45 miles per gallon. Any vehicle fitting these requirements would be exempt from the rule that multiple passengers must be in the car to utilize the car pool lanes.

Illinois

Recently the fine for speeding in a construction zone has almost doubled. A first offense will now be \$375 and a second offense will result in a \$1000 fine.

Governor Blagojevich's new toll plan will double toll fees to 80 cents for vehicles without the electronic collection units (I-Pass). This means

huge increases for out-of-state drivers and truckers.

Louisiana

The speed limit on the Lake Pontchartrain Causeway was raised from 55 to 65 mph. State officials recognized that the main threat to public safety on the Causeway was not speed itself, but the differences in speed. They believe that by raising the limit they will decrease the likelihood of accidents. Unfortunately, this plan is coupled with increased enforcement that is meant to send the message that drivers won't get away with going even five or ten mph above the new limit.

Massachusetts

The Legislature passed a new law doubling crosswalk violation fines for motorists to \$200 and increased the distance motorists must stop in front of a crosswalk to ten feet.

Michigan

SB 332 would require license suspension and traffic school for "aggressive driving:" defined as any two violations "in the same period of driving" for speeding, violating a sign or signal, following too close, passing on the shoulder, failure to yield, or improper lane change.

Minnesota

Minneapolis is moving forward with a plan to install red light cameras at intersections throughout the city.

North Dakota

After the state's first year with a 75-mph speed limit on interstate highways, the number of traffic fatalities remained steady and the number of traffic accidents that resulted in injury decreased. These improvements did not deter North Dakota state troopers from writing even more traffic tickets than the previous year.

Ohio

The Village of New Rome has been dissolved. The village admitted it did not pass a tax budget in 2004 and failed to follow election laws. The police department generated about \$300K in revenues yearly from speeding tickets. After the dissolution, about 2000 pending speeding tickets were dismissed.

Pennsylvania

A lawsuit filed in Pennsylvania claims a dashboard device intended to stop people from driving drunk can actually be a safety hazard. The suit was filed by a convicted drunken driver who claims that as a heavy-smoker, he had to blow into the machine so hard to make it work that it often left him dizzy. During one test he blew so hard that he fell unconscious and crashed into a tree, severely injuring his hand. He was sober at the time.

Texas

Department of Public Safety officers in Wichita Falls will be purchasing a new laser unit with funding from the county. The laser guns will cost \$3,000 each. Ultimately, the police will be purchasing six units.

Virginia

Falls Church police are now admitting they have a ticket quota. To accumulate a minimum total of 400 tickets and arrests per year, each officer must write an average of three tickets, or make three arrests, every 12-hour shift. Failure to meet the quotas results in an automatic 90-day probationary period with no pay raise and a possible demotion or dismissal if their numbers aren't immediately raised. ☞



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 NMA member-authored articles are those of the author and do not necessarily reflect NMA Foundation policies or objectives. To submit, you can email us at nma@motorists.org or mail to our NMA Foundation Office.

Spike Roberson's letter (September/ October issue of the *NMAF NEWS*) commenting on my own letter concerning problems with cell phone headsets (July/August issue of the *NMAF NEWS*) provides an opportunity to report subsequent events.

Since writing my letter, the National Highway Traffic Safety Administration released a study bolstering my point exactly. The study's Executive Summary states in relevant part that "[i]n examining various headsets and earbud devices for possible use in this research, it was observed that accessories could represent a significant distraction to drivers in and of themselves. Headsets or earbud devices that do not fit securely, or that do not provide sufficient volume, may cause the driver to manually adjust the device, or even hold it tightly to their ear during conversation. Such a poorly designed device is no longer 'hands-free' and becomes a new source of distraction and annoyance." Based on this study, and recommendations of others, I purchased a new comfortable and useable headset that covers one ear, applying pressure from the head above the opposite ear.

This at least minimizes distraction. Mr. Roberson goes further, arguing against talking on cell phones while driving. That view is nice as aspirational, but hardly comports with time-pressured realities. I can only recommend, as I do, to try mightily to keep

the driving in the focus while performing this multitasking, even if it means halting conversation during any unusual or challenging driving circumstances.

Brian D. Graifman, Esq.
Spring Valley, NY

Count me among those who use a hand-held cell phone while driving. And, I will continue to do so, banned or not. In many states non-emergency stops on the shoulders of an Interstate are illegal. I service bank equipment here in Montana where there are 100 miles or more between major cities or towns. Talking on the phone while driving is the only time I can get any work done because when I'm on the job site I need both hands, which I don't always need while driving. I simply can't be pulling off the road every time I need to make a call. Time spent on those stops adds up and I'm already driving 1-2 hours to get where I need to be.

Bob Morrow
Great Falls, MT

*Editor's Note: This member made a point of writing to his paper with his concerns regarding a four-way stop. The following consists of excerpts from his editorial originally published in **Main Line Life**.*

On February 25th I wrote criticizing the placement of four-way stop signs where Colony and

Briarwood Roads, two residential streets, intersect with Darby-Paoli.

Radnor Commissioner Hervada lives on Colony Road and, during the summer of 2003, asked Penn DOT to study the situation. Near the end of 2003, the four-way stop appeared as a result of the traffic study PennDOT performed.

A review of the applicable sections of the Pennsylvania Vehicle Code, and correspondence with PennDOT officials, yields many interesting facts. Hervada was raising a worthwhile safety issue. Limited sight distances in either direction indicate someone speeding over one of the hills toward the intersection might well cause a crash.

However, there is no significant history of crashes at present. The vehicle code reflects that merely reducing the speed limit in the area to 30 mph would have made the intersection completely safe and legal, even on a wet road. The speed limit in the area is 35 mph. In its traffic study, PennDOT found vehicle speeds excessive for the sight distance. They just didn't bother to change the signs to reduce the speed limit first, let alone following up with enforcement.

Why would officials of a state agency so hastily jump at the wishes of a local politician? Drivers are pointlessly inconvenienced by being asked to stop when merely slowing down five mph would make us

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Members Write

continued from page twelve

completely safe. Andrew Warren, district executive of PennDOT District 6, supports the decision as a completely proper "judgment," citing the 30 years' experience of Mr. Eichorn, who was in charge of the traffic study. I have put Warren on notice that I disagree and believe this is a matter of "science and law and not judgment."

John Baxter
Newtown Square, PA

Editor's Note: Each month we receive many letters from members concerning their ticket fighting experience. We decided to share a small sample of them.

Thank you very much for the opportunity to obtain the much-needed **Legal Defense Kit** as this was information and support one would never otherwise have (except possibly for the hiring of an attorney). And even then, we're not so sure one still wouldn't have been compromised. Nevertheless, win or lose (my case is still not decided), I thank you.

By way of an explanation, and which may be useful to others, on two separate occasions in two different upstate New York townships, I was ticketed for allegedly doing 65 mph in 45 mph posted zones in Columbia and Dutchess Counties respectively. Having an almost flawless record in 50 years of both private and commercial driving, I was livid!

The section of town in question was clearly in violation of the **Manual On Uniform Traffic Control Devices** (MUTCD). The state trooper didn't appear at trial so my case was dismissed.

But the second case involved a clever young officer with Laser so I knew I had to do more homework. This is where your **Legal Defense**

Kit was invaluable. I even went so far as obtaining a brochure and the specs from Laser Technologies Inc. (LTI) which helped.

However, during this second trial (me, judge, and town officer only) I saw my case on shaky ground and closed with the MUTCD argument because neither the town, police, highway department, nor the NYS DOT could produce a speed survey to defend if the 45 mph speed limit was legal. Shocked, they never encountered this MUTCD speed trap argument before.

In fact, between my Laser arguments; LTI's literature; photos of the highway in question; and Web printouts of the MUTCD; and DOT's letters saying they couldn't find a study, the judge experienced information overload and said he'd have to mail me his final decision.

So win, lose, or draw, your packet provided a valuable service and strengthened my conviction that preying on unsuspecting drivers for the sake of quotas and revenue is wrong!

William Peter Smith
Germantown, NY

I just wanted to write back to the NMA and thank you for taking the time to walk me through my Discovery Request. I sent all the letters to the proper places. When I showed up in court yesterday, the officer chose not to show up and my ticket was dismissed. I strongly think the reason was those letters, and he probably got word from the DA's office to not make it to court that day.

While waiting for the court doors to open, I spoke about your web site to about three people, so hopefully they will check it out. Of course I won't get the three months of additional membership for signing up a new member, as I did

not get their names, but at this point it does not matter. I feel really good about putting some hope into those folks, who had no clue what sort of rights they have, just like me before I found your web site.

One poor "fella" was in there for the third time for the same ticket and there is a huge mistake on the ticket as well. So I wrote down your web site for him.

Anyhow, thanks for the great service you provide with the web site. I just hope more folks would know about it, since I saw so many frightened faces waiting for their fate to be determined.

Jacob Berezhinskiy
Portland, OR

I just wanted to drop you a note to say thank you for the **Legal Defense Kit**. I poured over it, used it and prevailed by use of the strategies outlined in it. By asking for and receiving a continuance, the arresting officer appeared to be unprepared for my case, but I was ready with over 150 questions, a boat load of back-up material, and a positive yet respectful demeanor.

There are two things I would like to share. The judge, in the absence of a prosecutor, led the officers through their testimony to cover the various legal issues in cases prior to mine. I would also encourage other drivers to make sure, if they have one, that their handicapped placards are visible. I have been told that this may give you the benefit of the doubt when you are stopped.

I have just put my **Legal Defense Kit** back in the mail. It was worth the rental! Again, thank you.

Leah Tahiry
Alexandria, Virginia 🐾

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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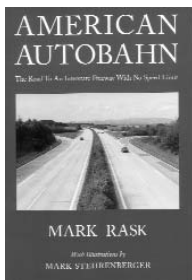
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Smile For The Speed Camera: Photo Radar Exposed!

The author is a practicing attorney who is considered one of the leading experts on photo radar law. She takes you inside the process and exposes the truth about winning in court. In these pages you will learn how you can beat the machine; when you can ignore a ticket; what a trigger speed is and why it matters; and how to prepare a solid case. And, that's just for starters! She also shows how these cameras are nothing more than a source of revenue generation for the cities and not the safety devices they claim to be.

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American Autobahn

This book takes a tough but enthusiastic look at the state of American highway safety, exposing some of the half-truths and myths about the single most misunderstood factor in traffic accidents today—Speed. It also offers a good overview of the German Autobahn and the America's Interstate System as well as some interesting suggestions from the author on how to improve safety on our roads.

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