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**EDITORIAL STAFF**

Managing Editor:.....Eric Skrum  
 Staff Writer:.....John Holevoet  
 Staff Writer:.....James J. Baxter  
 Staff Writer:.....Robert Talley  
 Guest Writer:.....Keith W. Kimmel  
 Guest Writer:.....Zamir Bavel

COVER  
 "R.I.P. 55"

**Ten Years!**

by James J. Baxter, President, NMA

Is it really already ten years since the 55-MPH National Maximum Speed Limit (NMSL) was repealed? I guess so; It was 1995 when Congress finally did what it should have done 20 years earlier, return speed limit authority to the states.

Those of us with a few more decades under our belts can recall the days when "the car was king." Nothing stood in the way of highway expansion, big V-8's ruled the roads, and gluttonous fuel consumption was addressed by increasing gas tank sizes. Gasoline averaged 25 cents a gallon, some days less than 20 cents a gallon, and included "green stamps" or a free glass. Then came 1973 and OPEC decided to reward the United States for its staunch support of Israel. Crude oil was cut off and the country panicked.

President Nixon was in dire straits and was pressed hard to give the appearance that he had a handle on the situation, which he didn't. Along with price controls, rationing schemes, and a lot of posturing, he came up with a proposal for a temporary 50-mph national speed limit. (Keep in mind his generation had lived with a 35-mph national speed limit during the Second World War.)

The trucking industry went ballistic, while the general public was more or less walking around shell-shocked. The Vietnam War was also still a nagging drag on the nation's conscience.

Ultimately, Nixon issued an executive order establishing a temporary 55-mph national speed limit. In January of 1974, Congress legislatively affirmed the temporary national limit.

The OPEC embargo was lifted in 1974, but fuel prices stayed moderately high. The motoring public was chastised, discretionary travel declined, and new vehicle emissions standards were choking the auto industry. An unexpected result of all this turmoil

was 9,000 fewer traffic fatalities than the previous year.

The entire "Speed Kills" community rallied to the news and gave all the credit to the 55-mph speed limit. The fact that much of this reduction took place on urban and suburban roads with lower speed limits or that discretionary travel had been significantly curtailed, didn't dent their enthusiasm or moderate their claims. The "slow is safe" movement, which included many people who resented the dominance and influence of the automobile, had their "proof."

In 1975, a Democratic-controlled Congress, referring to the life-saving effects of the national speed limit, passed legislation making the 55-MPH National Maximum Speed Limit permanent. In 1976, the Carter administration took the reins of government and among that group was Joan Claybrook who was to become the head of the National Highway Traffic Safety Administration (NHTSA).

Joan Claybrook saw the 55-mph national speed limit as the foundation of all highway safety initiatives. At the same time, the American driving public had had about all the plodding it could tolerate and speeds began to escalate. Also, some of the western states that had never bought into the "go slow" mentality were turning an indifferent eye to "speeders." Joan and company, true to their origins, decided that all that was needed was more punishment to shape up recalcitrant motorists and uncooperative states. So began a ten-year siege of increased enforcement, higher fines, and threatened sanctions, only to end in 1987 when Congress allowed the states to raise their speed limits to 65 mph.

The first attempt at organized opposition to the 55-mph limit, the National Drivers Association, surfaced in 1978. With great fanfare, including

*continued on page eight*



## NMA Washington Report

by Robert Talley, NMA Lobbyist

Congress passed a five-year transportation authorization bill setting the funding agenda for the federal government's transportation spending. Just as they finished this process, fiscal reality set in. With the federal deficit for 2005 targeted at roughly \$400 billion, fiscal conservatives are beginning to get angry. Most recently they began a campaign to reign in spending and to control the bloated government. In this vein they proposed a series of cuts to the federal budget to offset anticipated spending growth.

The NMA has been happy to help with this goal. Our target: The National Highway Traffic Safety Administration (NHTSA) and their pet causes of financing speed traps, automated enforcement, and big brother transportation monitoring/billing schemes.

NHTSA, a branch of the Department of Transportation, comes as close to the Orwellian "thought police" as any agency in our government. For most, NHTSA is viewed as a quiet research branch of the government. The reality is quite different. NHTSA has a 2006

budget request of \$696.4 million. This is specifically for programs that provide "behavioral safety initiatives," which already represent over 80 percent of the agency's non-administrative costs. These programs include *Click It or Ticket* and *You Drink & Drive, You Lose* national campaigns. Additionally, funds are set aside for national enforcement programs such as roadblocks.

NHTSA recently released data for 2003 and 2004 that demonstrated a decline in alcohol-related fatalities, although the vast majority of this decline was in states that refuse to operate sobriety checkpoints. Furthermore, NHTSA has been instrumental in pushing the national reduction in blood alcohol content (BAC) laws to .08. Yet, the General Accounting Office recently found that "...overall, the evidence does not conclusively establish that .08 BAC laws, by themselves, result in reductions in the number and severity of alcohol-related crashes." Finally, the data demonstrates that federally funding DUI roadblocks are a poor use of federal funds, since this enforcement method fails

to capture the truly impaired driver at the expense of the casual drinker.

Despite evidence showing that these programs aren't effective in increasing highway safety, NHTSA continues to waste money by throwing funds at roadblocks and programs like *Click It or Ticket* and *You Drink & Drive, You Lose*.

The NMA has advocated that the funds allocated to government sponsored "behavioral modification" be used in a more constructive, thoughtful manner. They can be utilized to promote engineering improvements that have a proven record of increasing safety. They can also be spent on funding initiatives that target the truly dangerous drivers on our roads.

Not only are we working towards the goal of redirecting NHTSA's wasteful funds into better allocations, the NMA wants to make it harder for NHTSA the next time they come to the table with their latest scheme. With the groundwork that the NMA is laying, NHTSA will face tougher questions and will be forced to justify their wasteful expenditures. ☞

### Philadelphia's Cameras Increase Accidents

The red-light cameras at two intersections on Roosevelt Boulevard in Northeast Philadelphia, which were installed under the guise of public safety, have not reduced accidents. In fact, according to statistics from the Philadelphia Police Department, the exact opposite is true.

Ninety-one auto accidents

occurred at the intersection of Grant Avenue and Roosevelt Boulevard between Feb. 23 (shortly after the cameras were installed) and Sept. 4, 2005. The intersection was the scene of 82 accidents during this same time period in 2004. Similarly accidents have also increased at the intersection of Red Lion Road and Roosevelt Boulevard, where

cameras were installed in late May. Thirty-nine auto accidents occurred there between June 21 and Sept. 4. That's seven crashes more than during the same time period in 2004.

Despite these troubling statistics, City Councilman Frank Rizzo, the sponsor of legislation that allowed the cameras to be installed, is standing by the technology.

## Foundation Victory For TN Members

**D**iana Brown, with the help of her husband, NMA Activist Ron Brown, has spent over two years fighting an unjustified speeding ticket she received in Oak Ridge, Tennessee. Diana was ticketed for speeding while entering the city on a divided, "interstate-like" highway, which has a totally ridiculous 45-mph speed limit.

Diana and Ron decided to challenge the legality of this underposted speed limit, and they prepared a defense based on the engineering-study requirements found in the *Manual for Uniform Traffic Control Devices* (MUTCD). The Browns filed a motion asking the court to exclude the speed limit sign from evidence because it was not supported by an engineering study. In response, the prosecution filed a motion asking the court to bar them from presenting evidence related

to the MUTCD or engineering studies.

In the end, judges at both the municipal and circuit court level refused to hear the Browns' argument about the illegal nature of the speed limit. That's right, they were actually prevented from discussing federal regulations, which were already recognized in Tennessee as a matter of law! Since they could not talk about the MUTCD in court, Diana lost her case.

After receiving a *Legal Aid Grant* from the *NMA Foundation*, the Browns decided to file an appeal. In late August, the Appeals Court of Tennessee ruled that while a speed limit sign is presumed to show the legal speed limit, a driver charged with speeding may challenge the legality of the posted speed limit.

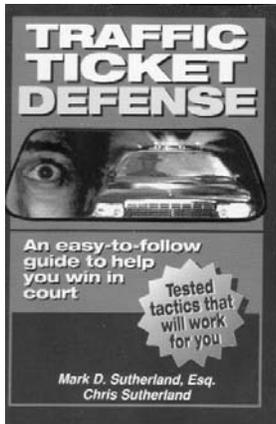
However, the court declined to specify what sort of proof is needed to

show that a speed limit is illegal.

The opinion states, "It will be the defendant's obligation to rebut the presumption by proving that the posted speed limit was not properly established." So, Diana's conviction was not overturned; Her case is simply going to be retried in the lower court. But this time, she will be allowed to challenge the speed limit's legality.

This most recent victory makes Tennessee one of a growing number of states that have case law confirming defendants' right to challenge a speed limit if the required engineering study has not been performed or has been disregarded. Other states where similar cases have been decided favorably at the appellate level include California, Mississippi, Ohio, Pennsylvania, Utah, Vermont, Virginia, and Washington. ☺

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## New Ohio NMA Online Forums by Keith W. Kimmel, Ohio Activist



I am happy to announce that the NMA Ohio Chapter has officially launched a new online discussion forum to help members communicate more efficiently. Utilizing a freely available platform maintained by internet giant Yahoo! known as "Yahoo! Groups," NMA Ohio has enabled members to exchange information quickly and easily with each other. Users of the forums can post messages, share files and links, and even post upcoming events to the group's calendar.

I want to encourage everyone to join me in these forums. The idea is to provide folks with an easy-to-use, efficient method

with which to share information, news, and opinions with fellow members. For those who haven't yet joined, I think the forums are a great way to show visitors how valuable NMA membership can be.

Using the forums costs nothing and only requires that you send a blank e-mail to [ohionma-subscribe@yahoo.com](mailto:ohionma-subscribe@yahoo.com), or visit the group's website at <http://autos.groups.yahoo.com/group/ohionma/> to sign up for a free Yahoo! account. Messages sent to the forums can be read in your e-mail, or online-only, if you choose not to receive e-mail from the group. ☺



## The Cosine Effect Can Set You Free

by Zamir Bavel, NMA Member

**R**ecently (9/23/05), I won my appeal to District Court of my speeding ticket conviction. It was the "cosine effect" that won the case. All the radar-training manuals (available in the *Legal Defense Kit™* from the NMA) say that "the cosine effect **always** favors the motorist" and therefore it is never used in court. Every trained radar operator will tell you the same.

There is a widely spread misconception that the radar read-out is the same as the speed of the car it is tracking. Judges believe it, too. The two are the same *only* if the car is coming directly at the radar gun, in which case the line-of-sight from radar gun to the car is the same as the base line—from the radar gun parallel to the road. (In that case, the angle between the two lines is zero degrees.)

To avoid being run over (and to avoid being seen), the radar operator finds a recess or a cross street away from the direction of traffic. When the car is still far away, the angle from the base line to the line-of-sight is still small and the radar read-out is almost the same as the speed of the car. The closer the car comes to the position of the radar gun, the larger the angle, and the smaller the radar readout. By the time the car is even with the radar gun,

so that the angle is 90 degrees, the read-out on the radar screen decreases to 0 mph. This is the result of the "cosine effect."

For example, when the car is close enough to make an angle of 60 degrees, with a true speed of 40 mph, the radar read-out is 20 mph. (For the mathematically inclined, the radar read-out equals true speed times the cosine of the angle. Cosine of zero degrees is one, and the cosine diminishes to zero at 90 degrees.) That is why the (NMA and NHTSA) manuals say that the cosine effect favors the motorist—if the radar already shows speed in excess of the speed limit, then the speed of the car is even higher than that. So how did I use the cosine effect to my advantage?

First I got the officer, who had never heard of the cosine effect and had almost no radar training at all, to testify that visually the speed of my car could not have been more than 50 mph. (In Kansas, he must be able to visually estimate the speed of a car to within five mph.) Then I got him to testify to the distance of his car from the street I was traveling. Then I got him to testify that my car was within two to three car-lengths from the intersection when he locked the radar reading of 43 mph in a 30 mph zone. That resulted in an angle

of almost 63 degrees, whose cosine is .459. That translates, by the cosine effect, to a true speed of my car of over 93 mph. Since he testified that I could not have been going over 50 mph, clearly the radar read-out of 43 mph did not come from my car!

I was not obligated to find the source of the false reading, but I did point out that the officer was sitting under massive power lines of 115,000 volts, and the NMA manuals say that this can cause false readings. Also, the officer was three doors down the street from a power-generating station, and the NMA manuals say that this, too, can cause false readings.

The judge cited the cosine effect as the main reason of the "not guilty" verdict. From my legal research, this is the only court of record in which the cosine effect was ever used to exonerate a motorist. Local attorneys have been asking for details. Local colleges have used this case in the teaching of calculus (related rates). I think the local high schools will use the case to show the profitable use of trigonometry in real life. People are offering to share the cost of the court transcript.

For all the motorists served with a speeding citations, check the cosine effect—it may set you free! 📄

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### Notice To NMA Members

The *Renewal Notices* that were mailed the first week of October were held up by the post office. Some notices were delivered in late October, while other members did not receive them at all. You may want to check the expiration date on this newsletter and contact us immediately if your dues are due! We apologize for any inconvenience this has caused.

## Fundraising Update

by John Holevoet, Director of Development

**T**he NMA Foundation's fall fundraiser is off to a good start. In fact, we've raised almost \$14,000 so far, although this still leaves us with a sizeable budget shortfall.

As you know, this annual fund drive provides the lion's share of the foundation's annual operating budget, and without the generous support of people like you, the NMA Foundation would not be able to continue all of its worthwhile programs. This includes issuing our increasingly successful Legal Aid Grants. This year alone, these grants have safeguarded motorists' rights in three different states.

First, a case involving NMA Member Ken McGrew, caused the Wisconsin Supreme Court to rule that motorists *do* have a constitutional right to a jury trial in traffic ticket cases. However, they also ruled that such a jury does not have to be made up of twelve people.

Earlier this summer, the NMA Foundation issued a Legal Aid Grant to help fund a legal challenge to a new vehicle seizure ordinance in Albuquerque. In the end, District Court Judge Theresa Baca struck down the ordinance,

which would have allowed the city to seize the car of anyone *suspected* of a DWI, even first-time offenders.

Most recently, Diana Brown, wife of NMA Activist Ron Brown, secured the right of Tennessee motorists charged with speeding to challenge the legality of the posted speed limit in court. The court declined to specify what kind of proof is needed to show that a speed limit is illegal, so Diana's case has to be retried in the lower court.

In the coming year, we have even more legal challenges planned, such as a pending case involving the judicial notice of laser devices in Wisconsin, as well as proposed cases to challenge the legality of red-light cameras in both Ohio and Florida. We need your help to win more victories for motorists in 2006 and beyond.

If you haven't already donated, please fill out the form included, and mail in your contribution today. If you have contributed, please know that we appreciate your support. If possible, we hope you'll consider making an additional donation. 🙏

### Donation Form

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## You Thought We Had It Bad

Driver education in the United States and Canada certainly has its shortcomings, but the state of affairs in Turkmenistan reminds us that things could always be worse. Saparmurat Niyazov, Turkmenistan's "President for Life," has declared that drivers must study the *Rukhnama* (Spiritual World), a "sacred" text he

wrote, to receive a driver's license. Apparently learning the rules of the road just won't cut it.

The state news agency, which is controlled by the Autocrat Niyazov, has praised the new curriculum. It quoted from a decree by the president that stated, "A 16-hour course of the sacred *Rukhnama* is one of the most

important innovations in the [drivers' education] program... [it will] ensure future drivers are educated in the spirit of high moral values of Turkmenistan's society."

This is only the latest "innovation" by the increasingly eccentric Niyazov. In 2002, he renamed calendar months after himself and his mother.

# The 55 National Maximum

## *Ten Years*

*continued from page two*

the front cover of Road and Track magazine, the organization was launched to the cheers of auto enthusiasts and harassed motorists. Three newsletters and less than a year later, the National Drivers Association was history.

In 1982, with far less fanfare and no visible means of support, the Citizens Coalition for Rational Traffic Laws (CCRTL), which later became the National Motorists Association, was founded for the express purpose of repealing the 55-mph NMSL. After a year, the CCRTL had acquired a few hundred members and was becoming the only organized voice in opposition to the national speed limit. Public opinion polls indicated that 80 percent of the citizens supported the 55-mph speed limit, just about the same percentage that exceeded the limit in their daily driving. A good object lesson in the value of opinion polls.

With waning public compliance, despite full-bore enforcement efforts, Congressional supporters of the NMSL authorized a National Academy of Science Study to document the benefits of the 55-mph NMSL. Up until that time, the CCRTL had great difficulty opening a serious public debate about the national speed limit—why debate something the public so heartily supports? The National Academy study, done through the National Research Council and the Transportation Research Board, changed the dynamics of the public discussion.

The CCRTL used the federal study

to demand that the costs, as well as the benefits, be part of any evaluation of this law. The debate was dragged into the public and political arenas and the support and rationalizations for the 55-mph NMSL started to show serious holes. Claims of lives saved



were proven invalid, at least in part. The fact that non-compliance was much greater than the government was admitting also came to light. Public opinion began to shift when it became socially and politically acceptable to at least talk about higher speed limits.

This debate, totally dominated by the CCRTL, gave encouragement to members in Congress who had long wanted to undo the damage of the 55-mph national limit. Ultimately, in 1987, Congress included a provision in the highway bill that allowed the states to raise Interstate and expressway speed limits to 65 mph.

By 1990, the CCRTL had finally become the NMA and the doom and gloom scenarios forecasted by the "Speed Kills" faction proved to be

without merit. Fatality rates had continued to decline, all but a few states had raised their speed limits to 65-mph, and enforcement returned to something more akin to normalcy.

Once Congress acts on a major issue, it is loath to revisit that issue until a substantial length of time has transpired. However, the so-called "Republican Revolution" for a short time, radically changed the dynamics of Congress and the unthinkable became thinkable, including the *entire repeal* of the national speed limit. Through hard work, a little serendipity, and the absence of well-organized opposition, Congress passed and President Clinton signed, legislation that included a provision repealing the NMSL in its entirety. That was December, 1995, ten short years ago.

Again, the doomsayers claimed that without a national speed limit, fatalities would increase by over 6,000 victims in the first year alone. Instead many states raised limits to 70 or 75 mph, expanded 65-mph speed limits to other roads, and the number of fatalities actually declined. The fatality rate has continued to decline, despite higher speed limits and higher speeds.

This, more than anything else, proves that the 22-year-long experiment with an arbitrary national speed limit served no positive purpose. It wasted time, resources, and billions of dollars while neither reducing fuel consumption nor improving highway safety. It's something to keep in mind when the pundits with short memories start talking about re-instituting the 55-MPH National Maximum Speed Limit. ☞

# Speed Limit: Past and Present

## Gas, Speed Limits, And The 55 NMSL

In the wake of Hurricane Katrina, gasoline prices have hit a record high, which has prompted a public outcry for the government to "do something" about this problem. One suggestion that has been rearing its ugly head is a return to a 55 National Maximum Speed Limit (NMSL).

The *New York Times*, the *San Francisco Chronicle*, and Southern Florida's *Sun-Sentinel* are just a few newspapers that have introduced the idea of a return to the "double nickel." In addition to this, "letters to the editor" are peppering publications with similar themes.

The NMA is in a unique position when it comes to this issue. It was the organization that repealed this mandate and gave the power to set speed limits back to the states. We have studied the issue of speed limits for over two decades. No other organization is as well equipped to represent motorists on this issue.

The NMA also seems to be the only organization willing to confront proponents of lower speed limits.

The NMA has taken the first step by utilizing our lobbyist, Rob Talley.

Rob has been attentive to any news regarding this issue. The instant any interest is expressed on Capitol Hill, he is there to bombard them with information on the negative aspects of unreasonable speed limits.

This isn't the only way the NMA is addressing this situation. For federal and state officials, we have

developed guidelines to reduce gasoline consumption, and in turn, the price of gas, by implementing existing regulations and enforcing laws already on the books.

The key to success is to work with, rather than against, motorists. With this in mind, there are several opportunities to reduce gasoline consumption, without resorting to unreasonable speed limits, rationing schemes, or heavy-handed price controls:

- **Synchronize Traffic Signals**— In 2003, the City of San Jose, California started to coordinate its traffic light system. By altering the timing on just a third of the city's stoplights, traffic delays were reduced 33 percent and average travel time was reduced 16 percent. The city also estimated that this project significantly reduced fuel usage—saving approximately 471,000 gallons of gasoline each year.
- **Properly Install Stop Signs**— Stop signs are intended to control right-of-way at intersections, not to slow traffic or discourage motorists from taking certain routes. Improper stop sign installations increase noise, emissions, and gas usage. Confining stop sign installations to locations where traffic volume or intersection conditions make them necessary will save significant amounts of gasoline.

- **Promote And Enforce Lane Courtesy**—Lane Courtesy, the practice of yielding the left lane to faster moving traffic, strongly influences highway safety, traffic flow, congestion, and the entire driving environment. Disregarding lane courtesy creates more congestion, and in turn, it contributes to speed fluctuations, both of which increase overall fuel consumption.
- **Set Realistic Speed Limits**— While speed limits do not have a major effect on overall vehicle speeds, they do influence the smoothness and consistency of traffic flow. Speed limits that reflect the 85th percentile (the speed at which 85 percent of traffic is flowing) cause most vehicles to travel at about the same speed. There is less slowing and accelerating. The result is fewer emissions and less fuel consumption.

The NMA has further expanded these concepts in a white paper, *Fuel Prices, What Government Can Do*, which is being distributed to elected officials. An electronic copy is also available on the NMA web site at [www.motorists.org/issues/whitepaper/fuel.pdf](http://www.motorists.org/issues/whitepaper/fuel.pdf).

The NMA is on top of this issue. With your help, the 55 NMSL will stay a thing of the past. 🙌

## D.C. Cameras Are A Proven Failure

by Eric Skrum, Managing Editor

Proponents of red light cameras (RLCs) have often cited Washington D.C.'s camera program as a good example of the devices' success. In the past six years, the cameras have generated more than \$32 million in fines from over 500,000 violations.

But has there been an increase in safety? Not so, according to a *Washington Post* review. In fact, their analysis shows that intersections with RLCs have had an increase in the number of accidents. The increase is the same or worse than at traffic signals without the devices.

The *Post* even had three independent traffic specialists review this data. Their conclusion was that the cameras are not making any difference in preventing injuries or collisions.

A comparison of accidents at camera intersections before and after

they were installed showed that the number of crashes at locations with cameras more than doubled, from 365 collisions in 1998 to 755 last year. Injury and fatal crashes climbed 81 percent, from 144 such wrecks to 262. Broadside crashes, also known as right-angle or T-bone collisions, rose 30 percent, from 81 to 106 during that time frame.

Douglas Noble, the chief traffic engineer for the D.C. Department of Transportation, could not explain why accidents were up. Noble said that no studies have been conducted on the District's red-light cameras in several years but that he "would not disagree" with the *Post's* analysis.

Despite evidence showing no safety benefit from the cameras, D.C. Police Chief Charles H. Ramsey said that he remains convinced they are worthwhile. "Even if the number of crashes is

not going down," he said, "citations for red-light running have dropped by about 60 percent at intersections that have cameras."

This is the red herring on which camera proponents rely. They claim that just because a certain amount of tickets have been issued at a given intersection, the streets are safer. D.C. is now a perfect example where this does not hold true. Tickets do not lead to safety.

These cameras were specifically installed to "increase safety" at intersections. D.C. officials need to acknowledge that the cameras aren't living up to the promise of the camera manufacturers and should dismantle this program. It is long overdue for D.C. to explore the engineering solutions that have been proven to increase intersection safety.

## Roadblocks Fail To Increase Safety



A new release highlights the ineffectiveness of DUI roadblocks. The American

Beverage Institute (ABI) studied the latest data from the National Highway Traffic Safety Administration (NHTSA) and discovered that the decline in the nation's alcohol-related fatality numbers was almost entirely due to states that didn't resort to the scare tactic of roadblocks.

ABI's analysis found the following:

- Of the 411 fewer alcohol-related deaths in 2004 compared to 2003, 394 were realized by the 11 states that do not operate roadblocks.
- Every one of the 11 non-roadblock states saw a decline in alcohol-

related fatalities, while almost half of the roadblock states saw an increase in alcohol-related fatalities.

- Due to this increase, the 39 states (plus the District of Columbia) that do operate roadblocks only accounted for 17 of the fewer alcohol-related fatalities.

These results reinforce the conclusions of a NHTSA study, which found that "...the number of DUI arrests made by the roving patrol program was nearly three times the average number of DUIs made by the checkpoint programs."

The NMA position is that the only justification for stopping citizens under a roadblock scenario is to warn them of

an unseen peril that could cause injury or death to an unsuspecting motorist. Currently, "sobriety" roadblocks are being used to circumvent the need for probable cause to perform a traffic stop. This is a waste of the police's time and limited resources. Even the Pennsylvania Supreme Court questioned the effectiveness of roadblocks when ruling on the issue of roadblock constitutionality.

Currently, eleven states forbid the use of roadblocks for DUI enforcement (Alaska, Idaho, Iowa, Michigan, Minnesota, Oregon, Rhode Island, Texas, Washington, Wisconsin, and Wyoming). ABI's analysis emphasizes the need for more states to follow their example. 📌

## The Buck Doesn't Stop Here

by John Holevoet, Director of Development

**T**he Florida legislature has voted down several proposals that would have allowed communities to use red-light cameras. You would think that this should put an end to this issue, but no.

Pembroke Pines, a suburban community north of Miami, wanted to press the issue. Officials from Pembroke Pines wrote to Florida Attorney General Charlie Crist earlier this summer to see if they could circumvent the legislature and install cameras anyway. Municipal leadership planned to install the cameras and pass a municipal ordinance to grant the city authority to issue camera tickets.

In his response, Crist cited the Florida law that prohibited any local authority from enacting or enforcing an ordinance relating to red-light violations, unless "expressly authorized." Crist added, "...legislative changes are necessary before local governments may issue traffic citations." You would think that this should put an end to this issue, but no.

Orlando, Sarasota, and several other cities began installing cameras at intersections even before Crist issued his opinion. For now, these communities are only using the cameras to "monitor traffic," but several of them want to begin using the cameras to issue tickets. However, Attorney General Crist has already said that cities lack authority to do that, which should put an end to this issue, right? Wrong.

In Gulf Breeze, a community near the Alabama border, the city council passed an ordinance calling for the installation of red-light cameras. The new ordinance also called for alleged red-light violators to be punished by a "civil fee" of \$100 per violation. Gulf Breeze officials simply decided to disregard Florida law and the opinion of the state's attorney general.

A few months later, Orange City,

Florida's city council voted unanimously to amend the city's uniform traffic code to allow for the use of red-light cameras. Shortly thereafter, the folks in Pembroke Pines decided to move forward with the installation of cameras too. Pembroke Pines is giving citizens a six-month "grace period," during which drivers would simply receive a "courtesy notice" of a violation. After that, alleged violators will receive a bill in the mail for \$125.

So, Gulf Breeze, Orange City, and Pembroke Pines have all ignored the opinion of Attorney General Crist and installed ticket cameras anyway. Of course, they act as though their camera tickets are legitimate just because they call them "bills" or "notices," instead of "citations." They expect people to pay their "fees," even though state law says they don't have permission to use cameras to issue "fines" for violating red lights.

Surely, the Attorney General wouldn't stand by let municipalities disregard his opinion and flout state law. You would think that he would put an end to this issue, but no.

I contacted Attorney General Crist's office to see what they intended to do about this problem. A response came a week later from Assistant Attorney General Lagran Saunders. He informed me that the Attorney General's opinions were not binding, and that their office had no plans to do anything about the illegal use of cameras to issue tickets.

I also contacted Governor Jeb Bush's office to see what, if anything, he could do to force municipalities to obey state law. His response, as you might have already guessed, was to advise me to contact Attorney General Crist. He even forwarding my letter on to the attorney general's office.

I received a second response from a different Assistant Attorney General

telling me the same thing I had heard before, i.e. we know the cities are ignoring us; we don't much care; and we're not going to do anything about it. In short, the buck doesn't stop here.

As Lagran Saunders wrote in his letter, "it will ultimately be up to the courts to determine the legality of charging motor vehicle operators or owners with a traffic violation based upon such evidence." Hopefully, that's where the NMA Foundation can put an end to this flagrant abuse of powers.

If you live in or near one of the communities currently using these cameras, and you or someone you know receives an illegal citation for violation of a red light, please contact our office at (608) 849-6000. We've already begun laying the groundwork for a legal challenge to these devices in Florida. Fortunately, the buck *does* stop here. 🙏

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## News From Around The Country

**A**t 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](http://www.motorists.org/speakout/state.html).

You can also find NMA positions on any of these topics that you can use when contacting your legislators at [www.motorists.org/issues/index.html](http://www.motorists.org/issues/index.html).

### Arizona

The city of Scottsdale has a plan to install speed cameras on the Loop 101 Freeway. If state officials approve, the city will rent \$10 million worth of camera equipment to monitor traffic between the Scottsdale Road and Pima Road exits. Scottsdale expects speeding fines will easily pay for the program.

### California

The Vista, California City Council voted to expand its red light camera program because it had not been making the level of profit predicted when the cameras were first activated in August 2004.

### Iowa

According to the Iowa Department of Transportation, the average speed on Iowa's rural interstates remained virtually unchanged since the speed limit was raised from 65 to 70 mph in July. In the week that ended October 1, the average speed was 71.6 mph, up just 1.2 mph from the last week before the increase.

### Kentucky

The state will soon be shutting down its emissions testing stations. This was due to the high cost to motorists for few results. Last year, about 100,000 cars were tested and 97 percent passed. Of 21,457 new cars (model years 2001-2005) tested, only two failed. The vast majority of vehicles passed the testing procedures,

but still paid \$1.9 million in fees per year. The EPA has given Kentucky approval for this action.

### Massachusetts

Legislators rejected a proposal to lower the blood alcohol level needed to convict a person of drunken driving from the current .08 to .02 percent. The failed measure would have made Massachusetts the first state where it would be illegal to drive after consuming essentially any alcoholic beverage at all.

### Michigan

HB 5104 would allow trucks to go 60 miles per hour on Michigan freeways instead of the current 55 mph. The bill has been approved by the House Transportation Committee.

### Minnesota

The Minnesota Department of Transportation (MnDOT) released a plan to increase the speed limit on several state highways, including Highway 7, from 55 mph to 60 mph.

### Missouri

The Missouri Department of Transportation is negotiating with private contractors to monitor thousands of cell phones. The department will use these movements to produce real-time traffic conditions on 5,500 miles of roads statewide. Cell phone users won't even know anyone's watching them. Similar projects are already underway in Maryland, Virginia, and Georgia.

### New Hampshire

When new legislation was passed to regulate E-ZPass, it accidentally wiped out the state law that made it a violation to run tollbooths without paying. This applies to any non-camera lanes (i.e. the coin-basket-only lanes). Currently, police cannot ticket and fine motorists who don't pay tolls in these lanes. Officials are scrambling to correct this oversight.

### New Jersey

Acting Governor Richard J. Codey wants to toughen New Jersey's ban on using a handheld cell phone while driving by making it a primary offense. Currently, police can only ticket you for this if they are pulling you over for another offense.

### Ohio

State Representative Jim Raussen's House Bill 56, which would effectively ban the use of red light cameras in Ohio, continues to move forward. It is now in front of the Senate Highways and Transportation Committee. NMA Member Carl Boeckman spoke at the public hearing to support this bill on behalf of the NMA.

### Oregon

A device that would cost \$39 can now be attached to your car to monitor its emissions level. The device will send this data to the state and would make you exempt from routinely taking your car to emissions testing facilities.

### Rhode Island

A committee assigned to study whether traffic cameras can make local roads safer and less congested recommended that the city of Warwick equip at least three of its worst intersections with cameras. The Rhode Island General Assembly legalized the use of ticket cameras earlier this year. Violations detected by the cameras do not go on the vehicle owner's driving record.

### Texas

The Texas Alcoholic Beverage Commission (TABC) is infiltrating bars in the Abilene and San Angelo areas to arrest people for public intoxication. They will also arrest bar or nightclub employees who sell alcohol to drunken customers. MADD is working closely with the TABC on this controversial project. ☞



## 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](mailto:nma@motorists.org) or mail to our NMA Foundation Office.*

Please accept my gratitude for a great issue! The special report on speed limits was great and all the articles were enjoyable.

Keep up the good work. We need the NMA now more than ever.

**Jeff Williams**  
**McKee Rock, PA**

Texas at 80 mph! For the life of me, I can't understand why this wasn't top billing in the recent newsletter! Do you realize how significant this is? The barrier has been broken. It is now politically acceptable to (once again) post an 80-mph speed limit in the United States. Hard to believe. In fact, I probably won't believe it until I see the signs go up. Looks as if a pilgrimage to western Texas is in my near future!

**Bob Whitworth**  
**Bridgeport, CT**

Walter Williams' article was, as they say, "right on the money." I said that seatbelts were only the beginning, and that they wouldn't stop there. There was going to be something else next, probably smoking, and how long was it going to be before it was obesity? As you know, we have been proven right!

Something he might not realize is this, if we ever get national health insurance, they will own us. They'll be able to say, for instance, "You like coffee? Well, coffee is bad for you, and we feel that since we're going to be footing the bill, we've

got the right to tell you that you can't have it." Or, "You like to ski? Well, as this is not an activity you have to participate in, we've got the right to tell you that you can't ski anymore." This would give these power-hungry politicians all they need.

A friend's company recently changed insurance plans, and he told me there was a question on the form that he had never seen before. It asked, "Do you participate in any of these activities?" Motorcycle riding, skiing, surfing, and over twenty other things were listed.

There are places in this country where children are now being taught in school to harass their parents if

they don't live "healthy" lifestyles—if they don't use seatbelts, smoke, drink, are overweight, or don't eat healthy. In California, kids are being taught in schools that if their parents are thinking about buying an SUV to try to persuade them not to. This is terrifying. Remember how Hitler, Stalin, and other dictators used the schools to teach kids to spy on and inform on their parents?

Oldtimers will tell you they've heard that "insurance and health costs," and "how much it costs society every year" business once before. Ever hear of something called prohibition?

**Duncan Holmes**  
**Fall River, MA** 🐿️

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## The Experts' Corner

**D**o 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.***

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

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

• **Motorist Marketplace** •

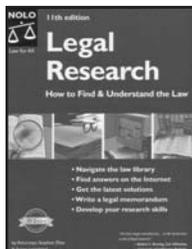


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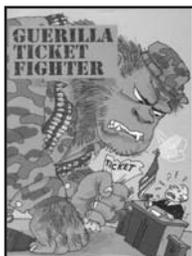
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NATIONAL MOTORISTS ASSOCIATION NEWS

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