



Driving Freedoms
NMA Foundation

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COVER
"Energy Transitions"

Transitions

by James J. Baxter, President, NMA

It's already started. Yesterday, I received my first e-mail chain letter compelling the recipients to cease doing business with xyz oil company and to spread the word to others. Next will be the calls from cub reporters who breathlessly inquire, "Why are gasoline prices so high?" Congress, state legislators, and grandstanding governors will be demanding that big oil disgorge its obscene profits and go back to selling fuel for \$1.30 a gallon. None of this is going to matter. The demand for liquid fuel is going to outstrip supply, at least in the short term, and government tinkering and political pyrotechniques will only make matters worse.

Conspiracy fans aside, there's a creeping understanding that oil production is running at full tilt. OPEC can't pump much more than it already is. There are several indications that production capabilities will worsen, not get better. Two major producers, Russia and Venesuala are nationalizing oil production, which characteristically leads to lower productivity. Nigeria, another major producer, is in a political upheaval that is likely to get worse before it gets better. Iran may use its oil as a political weapon. Iraq can't meet its own needs, let alone add to an external market. Mexico's major oil field is showing signs of accelerating depletion. And, the unknowns like crippling storms, wars, and earthquakes aren't even factored into the possibilities.

So hang on, it's going to be a wild ride while we shift into new ways to think about transportation and how to "energize" that system. This will be one of the more significant transitions of the 21st century. Change is inevitable and relentless. Increasing demand and decreasing supply are major motivators for change.

It's fairly obvious that the BMW 7 series, Corvette, Chrysler Hemi, or Harley Road King are each worth about a buck fifty if you don't have gas to put in them. There will be gasoline, and for a long time, probably forever, but it is going to get very, very expensive, until it becomes irrelevant because it has been replaced with some other form of energy that costs less and works better. This happened in the nineteenth century when we switched from wood to coal for much of our energy needs. There was no shortage of barren treeless landscapes.

I'm not much of a fortuneteller, but past experience does give some insight into what we might look forward to experiencing.

The obvious transitions include the move to much more efficient internal combustion engines and more experiments with supplemental power plants like the current interest in hybrids. I also expect a major political backlash that will make it socially (and financially) almost impossible to own and operate large inefficient vehicles. The theme will be, "You and your gas hog are using fuel that would meet five other peoples' needs and driving the price even higher for all the rest of us, there ought to be a law," and there will be. It will probably take an indirect approach, like a luxury tax or new CAFE standards that will make it prohibitively expensive to buy and drive the equivalent of today's SUVs. (Hey, don't kill the messenger, I'm just speculating on what is likely to happen within a decade or two.)

Even with these changes, the demand will continue to increase and the supply will continue to decline. Those billions of bicycle riders in Asia, Latin America, and Africa will come to desire cars,

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NMA Washington Report by Robert Talley, NMA Lobbyist

In the last issue of *Driving Freedoms*, the NMA's legislative drive was announced. One of the key issues the NMA is addressing is the use of Event Data Recorders (EDRs). We are promoting legislation in Congress to ensure that the data captured by any recording device in your vehicle is your property.

Such a clarification will protect drivers today from "black box" recorders that capture the data on vehicle metrics prior to an accident. In the future, this clarification will be helpful in preventing government mandates that require remote sensing of on-board data collection from moving vehicles without the consent of the owner of the vehicle.

The bill itself would, among

other things, clarify the vehicle owner's right to the black box data and provide the owner or driver of the vehicle the right to turn the black box off. By giving the vehicle owner the ability to turn the recorder off, this legislation provides motorists a mechanism to guarantee their right to privacy from unwanted intrusion.

The Congressional legislative process is respectfully called a deliberative system. Less courteous commentary might describe it as "slow as a snail." In contrast, state legislatures are able to consider a bill and pass it in a single session lasting as short as a few months.

Meanwhile, Congress seems to drag the evaluation on forever. However, because Congress is the

only entity that can definitively resolve this issue, we must use this venue.

We have tentative support in the House and expect to have a bill introduced by the time this publication reaches your doorstep. Once the bill is introduced, we will request a hearing and begin the process of passing the proposal through committee and on to the House floor.

Accelerating the process requires getting the attention of key legislators who preside over committees with jurisdiction over this issue. In the House, Texas Representative Joe Barton and Florida Representative Cliff Stearns are the most influential leaders with whom the NMA will seek to raise this issue. Your help and participation in contacting your legislators on this issue will be needed and we will be contacting you when the time is right.

The task is challenging, but our prospects are encouraging! ■

Seeking Fairness In Tennessee

The NMA and NMA Foundation have been active in supporting efforts to make Tennessee's speed limits fair and hold those that set unjustified speed limits accountable. Regular readers of this publication are already familiar with Ron and Diana Brown's case. This case has been going well and now there is more good news to report.

NMA Activist Ron Brown has spent over two years fighting an unfair speeding ticket his wife Diana received in Oak Ridge, Tennessee. The Browns wanted to challenge the legality of the speed limit in question, but the prosecution filed a motion asking the court to bar them from presenting evidence related to the *Manual for Uniform Traffic Control Devices* (MUTCD) or engineering studies.

Amazingly, judges at both the municipal and circuit court levels

refused to hear their 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 state law!

Diana lost her case because she could not talk about the MUTCD in court. The Browns decided to appeal the decision, and they received a Legal Aid Grant from the NMA Foundation to fund their effort. Last summer, the appeals court ruled that Diana's defense was an appropriate defense to the speeding charge and that the trial court erred when it concluded that this issue could not be raised in that court.

Since that time, the city filed an appeal with the Tennessee Supreme Court. Two months ago, we received word that the Supreme Court would not hear the case, which means they

accepted the appellate court's decision.

While Diana's conviction was not overturned, she will be allowed to challenge the speed limit's legality if the prosecutors decide to retry her case in a lower court. More importantly, thanks to the Brown's dedication and some helpful funding from the NMA Foundation, there is now a precedent that other motorists can challenge the legality of speed limits if they are ticketed.

While the NMA Foundation is making progress in Tennessee courts, the same success cannot be said for our Tennessee legislative efforts. Long-time NMA Member Hal Rounds has worked closely with his State Representative Dolores Gresham to have a bill introduced that would

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2006 Legislative Priorities

As we reported in last month's issue of *Driving Freedoms*, the NMA has selected two important issues on which to focus this year. These were chosen because they are both timely and we believe the NMA has a real chance to successfully address them.

The first is the use of so-called "black boxes." Right now, the data from these boxes is rarely used. However, we strongly feel that we should address this issue before it gets out of hand. The fact is, this technology is rapidly developing.

With this in mind, the NMA is sponsoring legislation that protects motorists from having their vehicles' black boxes used against them. Our

proposed legislation would also give motorists the option of easily disabling the device. We are including a provision, similar to legislation passed in several states, which would require a warrant to access black box data.

The second priority is the establishment of clear guidelines for the use of photo enforcement, which should stop cities from using cameras just to raise money. Our ideal legislation would, among other things, require all cameras to be under the direct control of an on-site operator and tested externally each day to see that they are accurate. We also want to require that camera companies are paid based on the reduction in violations and

accidents, not how many tickets are issued.

The NMA's D.C. Representative, Rob Talley, is already working on our goals. In fact, he thinks he may have found a sponsor for our black box bill! However, we need your help to keep Rob going. Our annual spring fund drive is the **only** source of funds for our legislative efforts in Washington.

If you have already sent in your contribution, thank you. If you haven't had the chance to donate yet, then I urge you to contribute today. As an added bonus, if you donate at least \$30, you'll be entered to win a terrific European Driving Tour. ■

Legislative Donation Form

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People Are Catching On

Vindication—it's a great feeling. It's also a feeling that NMA members are feeling more often when it comes to photo enforcement. New studies continue to paint an unflattering picture of these devices, and people are starting to pay attention.

In recent months, revelations about camera program failings have been made public in both Maryland and Manitoba. Meanwhile, the expansion of cameras has been dealt a blow in Georgia, Connecticut, and Massachusetts.

Six years ago, when cameras were installed at five intersections in Anne Arundel County, Maryland, the police claimed that the devices would deter red-light running and reduce accidents. An analysis by *The Capital* newspaper in Annapolis found that despite these claims, the cameras have not improved safety. While the accidents fluctuated over time, the paper concluded there has been no obvious reduction in accidents since the cameras were installed.

In Winnipeg, Canada, an official audit of the photo radar and red-light

camera system demonstrated that the number of insurance claims for accidents, injuries, and property damage expenses went up significantly at sites using red-light cameras. It also pointed out that the Winnipeg Police Service had used misleading statistics numerous times to give the impression that the cameras were improving safety.

These revelations certainly bolster our position. They also have had a real impact on public policy. Five years ago, camera companies thought that the expansion of this technology was a forgone conclusion. Now, the political landscape has shifted. Camera programs are still being approved, but many jurisdictions are also rejecting them.

For example, a bill that would have officially sanctioned the use of cameras in Georgia has backfired on camera proponents. The state Senate adopted a substitute measure that allows cameras, but requires that all revenue collected go to the Brain and Spinal Injury Trust Fund. Camera supporters claim this change would put an end to camera enforcement in the state. The Georgia

House would have to approve the Senate's changes before the bill can be sent to the governor.

Elsewhere, the Connecticut House Judiciary Committee rejected a bill that would have allowed red-light cameras and speed cameras to issue tickets within the state. One of the more disturbing aspects of the bill specifically authorized local municipalities to keep the resulting ticket fines, which would have further promoted the idea of cameras as revenue generators. If anything, this aspect helped to kill the measure.

Finally, the Methuen, Massachusetts City Council unanimously rejected a plan to install red-light cameras at some intersections. Even though the police chief and mayor supported the idea, council members turned against it when they were told that the citations would result in auto insurance surcharges.

It's true that not all the news on this front is positive, but there is plenty about which to be optimistic. The NMA and our allies will continue to make progress against photo enforcement. ■

Problem Solving At Its Best

by Eric Skrum, Managing Editor

I recently read an article from New York that really drove home one of my main concerns when it comes to the debate of how to achieve highway safety. In this article, it was stated that due to recent accidents that had occurred on the New York State Thruway, the state patrol was going to step up its efforts to make the roads safer.

Their solution?

The state troop responsible for patrolling the Thruway would conduct an enforcement blitz on "dangerous" speeders. As the opening salvo, they had already doubled the number of speeding tickets normally issued.

At a press conference, the

commander of this unit, Major George Beach II, had said that this effort would continue all summer. There was a good chance their efforts would extend beyond that time. The police were going to keep cracking down on "dangerous" speeders until they saw an "appreciable difference" in speeds.

Now comes the puzzling part. The police say their efforts are being driven by recent accidents. However, they agree that none of those accidents were caused by speed. They even admit that speed wasn't even a factor in any of the accidents.

Yet, their solution to this growing problem is an enforcement blitz on a

factor that isn't causing the increase in accidents?

Officials also acknowledge that the last safety numbers they have for the Thruway (2005) show that it had the lowest fatality rate in its entire history. "The road remains safe," Thruway Authority executive director Michael Fleischer said, "but we also want to make sure we're doing everything we can to get people to drive safely."

Maybe it's time to really look at the cause of accidents on our roads and employ methods that specifically address that cause? It certainly seems more logical than their current approach. ■

Roads For Sale

Continuing a depressing trend in the United States, Indiana authorities signed a lease agreement with Cintra-Macquarie, a Spanish-Australian partnership, which would allow the private company to operate and profit from the 157-mile Indiana Toll Road for the next 75 years.

Under the agreement, Cintra-Macquarie will pay the state \$3.85 billion, and keep all toll revenue for the next seven and half decades. In return, it would be responsible for maintenance, improvements, and other operating costs, not the state.

Last year, the same Spanish-Australian consortium signed a 99-year lease for control of the 7.8-mile Chicago Skyway, which links the Indiana Toll Road to downtown Chicago. The second such deal in as many years suggests similar leases are on the horizon elsewhere. Patrick Jones, executive director of the International Bridge, Tunnel and Turnpike Association, has praised this development as the perfect solution for the United States' "grossly under-funded" transportation infrastructure.

In reality, selling our roads is the result of our transportation problems, not the solution. This deal is being conducted for fast cash up front. Officials fail to acknowledge that the state would generate more revenue in the long run with these tolls than what it is receiving from Cintra-Macquarie. However, Indiana has managed its transportation funds poorly and backed itself into a corner.

State governments collect enough revenue from motorists in the form of the gas tax and other fees such as tolls to pay not only for the maintenance of our roads, but also for the growth of our transportation infrastructure. Typically, these monies are gathered into a transportation fund that was created solely for the purpose of paying for these transportation services. The problem is that this transportation fund is being plundered for other projects, many of which are not related to transportation.

While the Indiana lease agreement

has been signed, the deal is still not a sure thing. A group called the Citizens Action Coalition, is suing to stop the lease. Their argument is that the agreement is illegal because the Indiana Constitution requires that the proceeds from any sale of state public works be used to pay down state debt, not road projects as is currently planned.

Indiana Governor Mitch Daniels defends the sale, which he has touted as Indiana's "Louisiana Purchase." His administration contends that the agreement is legal because it is a lease and not an outright sale. The first legal hearing on the matter is scheduled for May 11. ■

The San Francisco Treat

Another bad British transportation idea has migrated across the ocean. "Congestion charging" is on its way to San Francisco.

Three years ago, London began charging a fee to drive in the downtown area. Monday through Friday, from 7 a.m. to 6:30 p.m., it costs \$14 to drive in certain areas of the city. Warning signs indicate when motorists are about to enter such an area, while 203 cameras track vehicles to ensure only those who have paid the fee are using the roads. You must pay the fee before or on the day of your trip. If you don't pay, you will be sent a \$60 citation.

So far, this system has generated about \$350 million. The London Chamber of Commerce and Industry contends that this congestion charge has negatively affected businesses by five to ten percent.

Now, the San Francisco County Transportation Authority, at the behest of Board of Supervisors Chairman Jake McGoldrick, will begin a 24-month study on how to implement a similar system for their city. This is not an "if it will work" scenario. This is a "when will it happen" scenario. A grant of \$1.04 million from the Federal Highway Administration will help fund the study.

Areas that are being considered for this toll include streets

approaching the Bay Bridge and Doyle Drive and the stretch of Highway 101 that runs through the Presidio.

One of the justifications for this toll is that the funds generated could be used to supplement public transportation. "One of the key things here is to change behavior in a way that people are going to see a benefit," said McGoldrick. "The benefit is of course that, first and foremost, we improve the efficiency of our public transportation system."

"I think it's inevitable that there will be some kind of congestion charging in San Francisco and the top 20 cities in the country," he added.

"It's a huge revenue generator," said Tilly Chang, authority deputy planning director. "People might get behind it if they know the revenues are reinvested into making transportation better instead of floating off into a general fund."

Then again, people might not get behind this plan if they realize that "congestion charging" is nothing more than a fee to use roads they have already paid for through their gas tax. To rub salt into the wound, not only are they paying an extra fee to drive on a road they have paid for, but the fee is going to subsidize public transportation. A service most drivers never use themselves. ■

**SLOWER
TRAFFIC
KEEP
RIGHT**

A Report On

Save Gas: Yield To Faster Traffic by Eric Skrum, Managing Editor

I'm on my way to work this morning. It's the same route I take everyday, I-94 toward Madison and then on to Waunakee. Traffic is typically light, particularly when compared with major metro areas, but that doesn't stop me from encountering the occasional slow down.

In my case, however, this slow down isn't a traffic jam, it's usually just one car or truck. Someone is in the left lane and barely creeping by the person in the right lane. In some cases, they are not trying at all. I have to brake and hope they eventually get the idea and move over. Sometimes that doesn't happen and I simply pass them on the right.

Either way, this slowing down and then speeding up is frustrating and time consuming. It also wastes gas, which is something few of us want to do with sky-high prices on the horizon.

This year, the NMA Foundation has again designated June as **Lane Courtesy Month**. This year's event will most likely coincide with some of our nation's highest gasoline prices.

Lane Courtesy, which is also known as lane discipline, calls on all motorists

to yield to faster moving traffic.

This practice promotes smoother traffic flow, which thereby reduces instances of tailgating, weaving in-and-out of traffic, and speed fluctuations. In turn, this reduces congestion, driver frustration, and road rage, which makes for a better driving experience for everyone.

Even though the safety benefits of lane courtesy are self-evident, safety officials consistently overlook its importance. Instead, they choose to focus on increased enforcement of other traffic laws that have little real benefit.

Likewise, law enforcement agencies rarely focus their efforts on lane courtesy, even in states with strict *Slower Traffic Keep Right* or *Keep Right Except To Pass* laws. It simply isn't a priority for them.

This only heightens the importance of **Lane Courtesy Month**. It's a great opportunity to connect with the driving public about this issue and how it affects them. This year, we plan to focus on the fuel savings associated with proper lane courtesy, and we hope this novel approach will help us get our message out like never before.

Fuel conservation is often over-

looked as a benefit of lane courtesy. Your vehicle consumes the most fuel when you are accelerating. It burns much less when you are able to achieve a consistent speed. Lane courtesy, when properly obeyed, promotes the smooth flow of traffic and helps drivers maintain an even pace. Again, less braking followed by acceleration will improve fuel economy.

This is a point that no other agency is currently promoting. With gas prices predicted to reach record highs and fuel consumption already a concern for many motorists, the media will be eager to discuss this topic. We hope to fill this void with our lane courtesy message.

For better or worse, self-interest is a major motivator for people's behavior. In fact, the reason motorists often ignore lane courtesy is because of their disregard for the interests of others. Our goal this year is to clearly communicate how using Lane Courtesy can benefit everyone, especially when it comes to finances. If we successfully convey this message, this will be our most successful **Lane Courtesy Month** promotion ever. ■

Help Promote Lane Courtesy

Help promote Lane Courtesy by attaching our bright red and black Lane Courtesy bumper stickers to your vehicle. At \$1 per sticker, this is an easy, inexpensive way to promote our efforts!

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The number of bumper stickers I would like is _____.

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I prefer to use my:

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Lane Courtesy

Maryland Senate Bill 701 was one of the few lane discipline bills introduced in 2006. On February 16, 2006, the NMA was fortunate to have long-time NMA member Giff Nichol, speak on behalf of the NMA at a hearing in front of the Maryland Senate Judicial Proceedings Committee. Giff's testimony is below.

Thank you, Giff. It is through the actions of dedicated members like you, that the NMA is able to have a voice at hearings like this.

Lane Courtesy Testimony

by Giff Nickol, NMA Member

In Maryland, there are signs posted on many of our highways which read "Slower Traffic Keep Right." Senate Bill 701 would merely give those signs the force of law, and codify what is universally recognized to be both a safe and courteous driving practice.

Among knowledgeable motorists and traffic safety authorities, it is well known that one of the keys to reducing the likelihood of accidents on our highways is to promote the smooth and efficient flow of traffic. And, one of the best ways to do that, on multi-lane roads, is to stay as far right as the flow of traffic allows, and to use the left lanes for overtaking slower vehicles.

This is not a new concept, nor is it untried. It is well-known that driving on the right, and passing on the left, promotes the efficient use of our highways, and improves highway safety. Most driving authorities recommend this practice, and it is required by law in a number of other states. In Colorado, where there is a strict lane discipline law in effect, the State Patrol has published a brochure explaining the value of the law, why it was needed, and how it works.

Why is it important for slower traffic to keep to the right, and for faster traffic to pass on the left? Because passing vehicles on the right side requires an overtaking driver to execute three movements of his car. First, he must make certain that the lane to his right is clear, then he must move into that lane, accelerate and pass the slower vehicle in front of him on its blind side, and then move left again to

complete the pass. It is more safe, courteous, and efficient if the vehicle about to be passed simply moves to the right and stays there, thus allowing faster vehicles to pass on the left.

In any discussion of this subject, the question inevitably arises: "Why should I have to move out of the way of a speeder?" The simple answer is that setting aside one's ego and moving to the right is the safest thing to do for everyone on the highway. Beyond that, consider that in the matrix of a typical highway environment, there will always be variables in driven speeds. We do not all drive at the same speed. On a highway posted at 65 miles per hour, one driver may be moving at 66, another at 68, another at 63, yet another at 70...and each will consider himself to be obeying the law and driving safely. Driving right and passing left allows for the orderly movement of these various vehicles.

As we repeatedly demonstrated before this Committee during the debate over the 55-mile per hour speed limit, most motorists drive at a speed that they perceive to be safe and comfortable. Driving faster than the number posted on a speed limit sign, while illegal, may not necessarily be harmful or dangerous. On the other hand, cruising in the left lane of a highway, regardless of speed, and whether it is legal or not, may in fact pose a danger to one's self and to other highway users. It is a provocative act, sometimes deliberately so, and those who engage in this dangerous and arrogant behavior are just as guilty of

aggressive driving as those who speed wildly through traffic. They are two sides of the same coin, and the law should not validate the behavior of either.

Twenty-one years ago, I wrote an Op-Ed column for the *Baltimore Evening Sun* addressing this subject. In that piece, I noted, "There are few scenarios more dangerous than a line of frustrated, angry drivers, tailgating each other at highway speeds while jockeying into position for a risky right-lane pass. Yet this is exactly the condition a left-lane bandit creates. Were he to make but a single move—a simple lane change—the problem would be abated instantly. By clinging childishly to the passing lane, however, he risks provoking a serious accident, and he causes a jerky, disjointed, and haphazard traffic flow." Nothing much has changed since I wrote those words in 1985. It is still legal in Maryland, at this moment, to drive in the left lane of a highway, even at speeds below the posted limit, and thereby impede the flow of traffic.

Senators, this is a simple bill, one that will make our highways safer and more efficient, and codify into Maryland law what is universally considered to be good driving behavior. The National Motorists Association strongly supports Senate Bill 701, and we respectfully urge your favorable report. ■

**SLOWER
TRAFFIC
KEEP
RIGHT**

New Jersey's License Suspensions

What do you have to do to get your license suspended in New Jersey? The answer is not much. In fact, over 300,000 New Jerseyans had their driver's licenses suspended last year.

License suspensions have become such a pervasive problem that the Motor Vehicle Commission (MVC) appointed an Affordability and Fairness Task Force to examine the issue. The task force recently released its report, which includes numerous recommendations that are intended to reduce the overall number of suspensions.

Under the group's proposals, judges could more easily grant extensions to people paying fines or fees. The MVC would also have more discretion over the surcharge payment plans that it manages. Both are designed to keep low-income motorists from losing their licenses just because they are struggling to pay fines.

The task force also recommended that judges be given the option to suspend a vehicle registration rather than the driver's license when the motorist fails to appear in court for unpaid parking tickets. Now, courts can only suspend the driver's license or issue an arrest warrant.

These changes, like many of the report's other recommendations could be implemented administratively by the MVC and the courts. Others will require legislative action to become reality. Still others simply call for greater public awareness on the part of agencies that deal with drivers who face the loss of their licenses.

While the report does address some of the problems inherent in New Jersey's system of license suspension, it stopped short of calling for the elimination of any specific cause for suspending a person's license. This is unfortunate.

If any state needs to comprehensively reconsider its license suspension policy, it is New Jersey. Hundreds of thousands of the state's approximately six million drivers have their licenses suspended. Last year, the state imposed a whopping 814,000 suspension orders. This is only tempered by the fact that many of these orders were issued against people whose licenses were already suspended, so only 300,000 motorists were affected.

In fact, multiple suspensions are not a rarity in New Jersey. Almost two-

thirds of the suspension orders in 2005 were given to motorists with two or more active suspensions. More shocking still, nearly a quarter of those affected had at least ten active suspensions pending!

While the sheer number of license suspensions is staggering. The reasons used to justify these suspensions are often superficial at best. **Fewer than six percent of all suspended drivers lost their licenses strictly because of a driving reason.** Approximately five percent lost their licenses for reasons entirely unrelated to the operation of a motor vehicle.

Not surprisingly, the most common reason for suspensions was failing to pay motor vehicle surcharges, but this accounts for only 28 percent of total suspensions. Other frequent causes include failure to pay parking tickets and failure to appear in court for a moving violation or municipal ordinance violation.

The real question here is, what is an acceptable reason for someone to lose his or her license? The NMA's position has always been that a driver's license should only be used to signify that a person is reasonably trained to drive a vehicle safely. Therefore, a person's license should only be suspended or revoked if the opposite is true. Failing to pay a parking ticket in no way shows that someone is unable to drive safely.

Worse still, New Jersey is one of a dozen or so states that does not offer conditional or restricted driving privilege for motorists who have lost their licenses. However, the MVC's report does recommend that drivers whose licenses have been suspended for inability to pay fines be allowed to drive for employment, education, or medical care.

Whether New Jersey embraces such reform is up to state legislators and Governor Corzine. For the good of its citizens, the state's leaders should take action to make New Jersey's license suspensions both fairer and less common. ■



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Year _____ Model & trim _____ Body style _____

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Michigan Speed Limits To Rise

by Aarne Frobom, NMA Member

On November, 9, 2006, Michigan will get the nation's toughest speed law *against* speed traps and unrealistic, too-low speed limits.

On that date, Public Act 85 of 2006 (House Bill 5240) takes effect, and most speed limits on local roads will be invalidated unless based on engineering studies or driveway frequency. This new law was passed

at the insistence of the Michigan State Police, to give the state uniform, systematic speed limits.

This doesn't mean that Michigan motorists can go as fast they want, but it does mean that you will be able to drive at a reasonable and proper speed down any main road in Michigan without fearing a fine. You still might get a ticket: not every city will post

new limits under the law's mandated methods by November. But unless the local jurisdiction has set speed limits properly under the new law, the ticket *must* be thrown out in court.

Speed limits will rise gradually, city by city, as local governments realize that motorists can no longer be convicted for violating pre-2006 speed limits. ■

Transitions

continued from page two

nice homes, and the wonders of electricity. (In the latter case, the writing is already on the wall—nuclear power is back.) So, even if we are commuting to work with 100-mpg vehicles, we'll still be paying dearly for the privilege.

This isn't a doom and gloom scenario, it's just about change. Remember when (okay, a lot of you won't remember when) we envisioned the end of leaded fuel and emissions requirements forever killing off high performance fun automobiles? For a few years it sure looked like it was heading in that direction. But, today the average person can find numerous affordable fun cars that are fast, safe, and durable. In 1970, a car wasn't expected to last much beyond 100,000 miles. Today, you wouldn't get a second look if you said you had 200,000 miles on the odometer, and the engine still isn't burning oil.

The process won't be painless and there will be plenty of political and economic fallout. There will also be tremendous economic opportunity as well. Our biggest challenge, as an organization, will be trying to keep government from "fixing" problems and in the process retarding or crippling our transition into a new and better world of personal transportation. ■

Tennessee

continued from page three

simplify Tennessee's speed laws and strengthen the state's commitment to setting 85th percentile speed limits.

The bill, HB 3851, was filed and scheduled for a hearing before the House Safety and Rural Roads Subcommittee. In the end, the bill was discussed at two hearings. Hal was at both hearings to speak in favor of the bill. Ron Brown joined him at the second hearing and testified as well. In the end, the bill fell victim to partisan politics. That doesn't mean that Hal and Ron, or the NMA have given up on this issue.

Pursuing similar legislation in the future is one possibility. Especially, if the political make up of the Tennessee House changes. In the meantime, Hal is ready to pursue his goals through litigation as well.

Currently the NMA is working with Hal, and the NMA's Tennessee Activists, Ron Brown and Tona Ball, to coordinate two different types of legal challenges. The first is to win a case at the appellate level that establishes that a motorist cannot be found guilty of speeding if the speed limit is not properly set. Hal, who is an attorney, is already working on a case he believes has potential.

Another option would be to launch a suit to prohibit a particular jurisdiction from issuing tickets to motorists driving on a stretch of road where the limits have not been set according to federal standards. To participate in this option a person does not have to receive a ticket; they only have to drive in that area often. Again, the ultimate goal would be to win such a suit at the appellate level so that it could set a precedent that all Tennesseans could use.

Once we achieve such a victory, the NMA and NMA Foundation would do their very best to publicize it. That way more people would know how they can fight back against unfair speed limits. Right now, we are looking for NMA members, as well as your friends, and family that might be interested in serving as litigants. If you are interested, contact either John Holevoet or Hal Rounds. Their contact information is below:

John Holevoet
(608) 849-6000
jph@motorists.org

Hal Rounds
(901) 465-3558
halrounds@earthlink.net ■



News From Around The Country

Colorado

In Colorado Springs, city traffic engineers are attempting to update their traffic studies of 85th percentile speeds and set local speed limits accordingly. They are facing resistance from the city council, which is being unduly influenced by a few upset citizens.

Florida

The Florida Department of Transportation (FDOT) has ordered the removal of the red-light cameras in Gulf Breeze. In typical fashion, Gulf Breeze's city leadership has ignored FDOT. After all, they ignored the will of the legislature and an opinion from the attorney general when they installed the cameras in the first place.

Illinois

State lawmakers have been supportive of a measure that would expand the use of red-light cameras beyond Chicago. The State Senate voted 33-22 in favor of the bill. A companion bill (HB 5246) has since been introduced in the House, where the Rules Committee is currently reviewing it. You can contact the members of this committee as well as your state representatives to voice your opinion about this legislation.

Kansas

Motorists pulled over in Kansas will soon face fingerprinting. Over the next year, the Kansas Bureau of Investigation (KBI) will test 60 automated fingerprint readers throughout the state. The tests in Kansas are part of a \$3.6 million upgrade to the KBI's statewide fingerprint database, which is largely funded by a grant from the Department of Homeland Security.

Maryland

Already in widespread use in London, automatic number-plate-

recognition technology is poised to expand in the Baltimore-Washington area because of Department of Homeland Security funding. These cameras would automatically scan license plates and cross check them against a database to ensure the car is not stolen and that the owner has no outstanding offenses on his or her record, including speeding tickets.

Massachusetts

The state's teen drivers already have to deal with a tough graduated-license system. A new legislative proposal would make teens in Massachusetts wait longer to receive their licenses than any other teens in the United States. The bill would delay teens from getting their learner's permit by six months. They would then have to wait a full year before they could receive their license at age 17 and a half.

Michigan

SB 26 would have banned the use of geographic territories in setting insurance premiums. The insurance industry threatened that if the bill passes, premiums would rise by about 16 percent outside Detroit. The bill was supposed to help control rising premiums in Detroit, but it appears to have stalled in committee. The average cost of a six-month auto insurance policy in Detroit is \$1,484, versus \$861 statewide.

Minnesota

A legal victory by the American Civil Liberties Union has put an end to Minneapolis's use of red-light cameras, at least temporarily. A recent court ruling invalidated the city's "Stop on Red" ordinance because it holds the owner of a vehicle responsible for a violation even without evidence relating to who was driving at the time. Minneapolis is appealing the decision.

New Jersey

GEICO returned to New Jersey in 2004 following a 28-year absence that it claims was necessary because of overregulation. The company has since caused controversy by using a person's education and job status to figure out how much to charge. In short, GEICO charges blue-collar workers and those with less formal education more. Assemblyman Cohen has introduced a bill that would ban such practices.

Oregon

Professors at Oregon State University are currently working on a system to track a vehicle's mileage for a proposed per-mile fee system that state officials said might one day replace its gas tax. The system relies on the use of GPS (Global Positioning System) data to calculate fees. Many fear that this data could later be subpoenaed for any number of reasons, including criminal cases or divorce proceedings.

Tennessee

Coopertown Mayor Danny Crosby has been at the center of a controversy over speed limits and traffic enforcement in his town for months. The Mayor is now under investigation by the Tennessee Bureau of Investigation (TBI) because he blocked a motorist from paying a speeding ticket with a check that had "for speed trap" written on it. Some believe Crosby broke the law by refusing the check.

Virginia

The Virginia House of Delegates passed a bill that raised the speed limit on I-85 from 65 to 70 mph. Governor Tim Kaine has since approved the measure. Interestingly, it was Kaine's father-in-law, Governor Linwood Holton, who last raised the speed limit on Virginia interstates from 65 to 70 mph, just prior to the National Maximum Speed Limit of 55 mph taking effect. ■

As of this printing, this information is current. For more information on this and other motorist news, visit www.motorists.org.



Members Write

I have lived in Wisconsin for nearly six years now, previously residing in Michigan and then Indiana. Neither of these latter states required the use of a front license plate and therefore, upon my arrival to Wisconsin I was quite disturbed at the requirement to place another ID tag on my front bumper. One of the cars I own actually requires the front bumper to be physically altered (drilled) to attach a license plate. In the fact that I would have to damage my car to mount a plate, I chose not to. My other vehicle does have an accessory bracket available to mount a plate without destruction to the bumper, but again I chose not to fork over the \$20 to purchase this item.

Where I'm going with this is that I have now been driving 15k miles per year for the last six years and have never been pulled over for driving without a front plate. My contention is this...I would tend to believe that the offence for driving without a front plate carries a much lower penalty than a photo radar ticket for speeding or running a red light. Further, driving without a front plate basically guarantees that one is immune from photo radar.

Your community may not have photo radar at this time but one never knows when traveling through other communities or states. Decide for yourself.

Jeff Corbat
Racine, WI

I read "Putting Laser Jammers To The Test" in the latest newsletter. I realize this was not an official test or anything like that, however I was compelled to write in defense of K40 products. Currently, K40 is the best laser defuser on the market.

I have tested these units with

police friends with police-issued laser guns. They were completely unable to get any reading off of a customer's Dodge Viper until the 17th (yes I said 17th) attempt. We had to turn around and approach the officer four times before he got any reading.

A quick disclaimer. I do sell and install not only K40 products, I also sell and install Escort products too. Even though I don't get any discount, I use the K40 in my own vehicle. What does that say about which detector/defuser I prefer?

I would like to make a couple of offers. First, to whomever owned the vehicles with the "not installed properly" laser defusers covered in the newsletter article. I would be happy to assess and possibly even repair them for you free at my store in Framingham, Massachusetts.

Secondly, why don't the Massachusetts NMA members get together again this spring and have

another test? I will try to get a laser gun from either a trooper or a town police officer to bring along as well as my K40 equipped vehicle. Either way, I truly feel that the NMA should get a little more involved in helping its members get the best protection possible for our enthusiastic driving styles. I will be glad to help any way I can, whether it be by discounting to members, or even just tech advice. I would like to help anyone else that drives like me to know when they're being shot at, whether it be a laser or a radar gun.

Robert Murphy
Xtreme Performance & Audio Inc
Framingham, MA
www.xtremeperf.com ■

Your letters are welcomed and should not exceed 300 words. They may be edited for length or clarity. Full-length articles will also be considered for publication and should not exceed 600 words. Submissions may be emailed to nma@motorists.org or mailed to us at 402 W. 2nd St., Waunakee, WI 53597.

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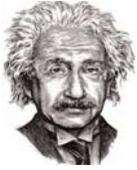
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The Experts' Corner

If you have a question that only an expert can answer, the NMA can help. The experts here have volunteered to help you. Please mention that you're an NMA member when you contact them.

If you would like to join this list, contact us with your field of expertise, contact address, and preferably a telephone number. 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>

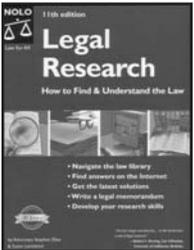
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Beat Your Ticket

State and local governments are increasingly relying on traffic ticket revenue for daily operations. This book gives responsible motorists the means to protect their rights by addressing many types of tickets: speeding, reckless driving, defective equipment and more. Author David Brown practices law in Monterey, California. This is the latest in a series of books where he is looking out for the driver.

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

As an NMA member, the State Chapter Coordinators and Activists are available to you online at <http://www.motorists.org/join/membersonly/sccact.html>

If you are interested
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