



Driving Freedoms
NMA Foundation

TABLE OF CONTENTS
Volume 17 • Issue 6

Power In Numbers.....2
Our Bills In The Coming Year3
CA Attorney General Targets
Car Manufacturers3
Albuquerque Takes Its Cut4
The Great Ticket Slowdown Of 2006.....4
They're Gunning For You.....6
The "Miracle" Of Speed Estimation7
It's All About The Tickets8
The Cost Of Speed; The Value Of Time.....10
Midwestern Camera Rebellion.....11
News From Around The Country12
Members Write13
The Experts' Corner.....14
Motorist Marketplace15
NMA SCCs and Activists List.16

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Driving Freedoms (permit # 0716556-KWP) is the official publication of the NMA Foundation, Inc. *Driving Freedoms* is published bimonthly by the NMA Foundation, Inc., 402 W. 2nd St., Waunakee, WI 53597. (608/849-6000) Email: nma@motorists.org Web site: www.motorists.org. Nonprofit bulk permit paid Madison, WI. Annual membership in the National Motorists Association includes a subscription to *Driving Freedoms*.

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COVER

"It's All About The Tickets"

Power In Numbers

by James J. Baxter, President, NMA

I have long encouraged our more active members, including NMA State Chapter Coordinators and Activists, to spend a significant amount of their volunteer time seeking out others to work with them. If a single active member, working on a local project, recruits just one other person to work on that project, the manpower is increased by 100 percent. There are many things that two people can do that one person cannot do alone.

This is not exactly a new and original concept, and I doubt that I can patent it. However, I am reminded every single day how much more we could do if we had more members in the NMA, and a significant portion of them were active in some manner or fashion.

Last week, one of our members called and was exasperated over his community's infatuation with speed bumps, traffic circles, and other devices intended to slow or divert traffic. This is a local fight that has to be fought by local people on their home turf. Our member wanted to be put in touch with other NMA members that might join him in fighting the "Traffic Calming" scourge. As is our standard practice, we sent out a notice to all our members in that community to alert them that a fellow member needed their help on this campaign.

We know that not every member may care about a particular issue, others are indisposed, and others still just don't care to get involved. Because we typically have very few members in any one community there may only be one or two, or perhaps no other members interested in helping on this specific project. The result is the one active member loses heart and loses interest in the NMA, and the traffic calming goes on unabated.

There is a solution to this dilemma; more members giving us

a larger pool of people to appeal to. That's easier said than done.

This January marks NMA's 25th year. In some ways we seem to be America's best-kept secret. Why, I don't know. Thousands of people visit our web sites every day. We do radio and newspaper interviews on a daily basis. We're mentioned in car and motorcycle magazines. We send out a constant stream of editorials on motorists' subjects. Still, at the end of the day, and after 25 years of pounding away, only .00275 percent of American motorists see fit to belong to the NMA. If we could just move that decimal point one place to the right, we'd be burning up the road!

One proven method for building membership is through "word of mouth" by having existing members promote the organization to potential members. This too, is easier said than done. Most of us don't like to twist our friends' arms or otherwise put them in situations where saying "no" is awkward or embarrassing. But, there are those moments when a friend or co-worker is railing about a new law, receiving a ticket, or just talking about driving issues. This is your chance to introduce them to the NMA. So what do you say?

You might mention the help we give our members who want to challenge a traffic ticket: Our web site, personal help over the phone or via email, the Legal Defense Kit, and our Traffic Justice Program (where we pay for speeding tickets if the member fights it in court). If your friend is concerned or interested in legislation or a public policy, you might mention how they can find information on this subject on the NMA web site, that we have a lobbyist in Washington, D.C. who works on motorists' issues, and that we work with and

continued on page six



NMA Washington Report by Robert Talley, NMA Lobbyist

Our Bills In The Coming Year

Congress has adjourned for the elections without acting on our priority legislation, HR 5609. This is a bill to address the ownership rights of data captured by electronic recording devices in cars (EDRs)—more commonly referred to as "black boxes." Even though some notification concerns were addressed by the National Highway Traffic Safety Administration (NHTSA) through regulatory processes, the bill remains important because NHTSA failed to address one of the most legally controversial issues: the ownership of the data. NHTSA continues to defer this question to the courts and to Congress, but we have yet to see a resolution in either venue that is favorable to the vehicle owner.

The courts continue to uphold the use of EDR data against motorists. In a recent white paper by the University of Ontario evaluating U.S. and Canadian law on the subject, the authors found "The rapidly evolving jurisprudence in both criminal and civil jurisdictions appears to significantly limit the owner to a reasonable expectation of privacy in allowing access to this

data by many interested parties."¹

In the face of NHTSA's decision *not* to address the issue of ownership, our legislative initiative is more important than ever. The final outcome will have an impact on the future of how motorists control their information and how the government can track citizens' activities.

Unfortunately, with the conclusion of the 109th Congress, we will have to restart our initiative in 2007 to address this matter. However, with a new Congress comes new opportunities and a refreshed timeline.

We expect that 2007 will also offer us an opportunity to address the regulation of photo enforcement technologies, which is another of our legislative priorities. The exploitation of this technology by its manufacturers and their avaricious municipal and state governments is a clear abuse of the public trust. Communities employing these technologies have failed to increase the safety of their citizens. At the same time, they extort money from a public who have virtually no recourse when issued a citation. Federal oversight of the application of these technologies and

the clear conflict of interest that exists within both the contractor and government's financial arrangements are part of our agenda and we intend to pursue an active legislative review of these technologies. The failure of these mechanisms to impact the safety of drivers has not hindered the eager pursuit of installation of these technologies in a host of new locations.

Privacy and due process were core beliefs of the founding fathers of the United States. These rights are granted to us and are not assailable by law or by procedure. Yet federal, state, and local governments can only be held accountable to retain these rights if citizens are motivated to fight to preserve them. The appropriate role of an association is to provide citizens, with a common interest, a magnified voice before these entities and to promote their interests. The NMA will continue to place pressure on Congress and ask that they protect your rights both as citizens and as motorists.

¹ "A Review of Jurisprudence Regarding Event Data Recorders: Implications for the Access and Use of Data for Transport Canada Collision Investigation, Reconstruction, Road Safety Research and Regulation," Robert N. Green, LLB, MD, Kevin J. McClafferty, BESC, University of Western Ontario Multi-disciplinary Accident Research Team, March 31, 2005. ■

CA Attorney General Targets Car Manufacturers

In the world of politics, the weeks leading up to an election are a time when candidates pick easy targets to vilify. The idea is that by identifying and attacking a problem, the candidate will make themselves more appealing to the voting population. In his bid for the California State Treasurer position, California Attorney General Bill Lockyer is

actively following this philosophy by targeting the auto industry.

Lockyer has filed suit against General Motors, Ford, Toyota, Chrysler, Honda, and Nissan. His complaint is that emissions from their vehicles are contributing to global warming that is "harming California, its environment, its economy, and the health and

well-being of its citizens."

Specifically, that harm is listed as, "An earlier melting of the snow pack, raised sea levels along California's coastline, increased ozone pollution in urban areas, increased... threat of wildfires, [and] millions of dollars [spent by the state government] in

continued on page ten

Albuquerque Takes Its Cut

The city of Albuquerque changed the unfair way it was dealing with city employees who received red-light-camera tickets. Unfortunately, it took a lawsuit from six outraged bus drivers to convince the city that it was wrong for them to directly deduct ticket fines from employees' paychecks without offering them a hearing to contest the alleged violations.

"We are going to refund monies that were collected from these drivers," Deputy City Attorney Randy Autio said. "We are also then going to establish a process so that these drivers can have a process prior to their either being any disciplinary action or a payment of the fine," he continued.

Paul Livingston, the attorney representing the drivers, explained

that the recent changes are unlikely to persuade the bus drivers to give up their claim. The lawsuit seeks the reimbursement of their fines and cancellation of any disciplinary action, among other measures.

They allege in their suit that the red-light-camera ordinance violates common law because it "irrationally" declares city vehicles public nuisances. They also argue that the city's method of fine collection violated due process provisions in the U.S. and New Mexico constitutions by not allowing those ticketed to have a hearing.

More broadly, the suit is an attack on the entire ticket-camera program. Under state law, only uniformed police officers have authority to give out tickets for red-light violations.

Albuquerque's programs depends on the city sidestepping the law and declaring vehicles that run red lights to be "public nuisances," similar to loud music or an unleashed dog.

"They need to clear up the mess they have with the law that allows the city hearing offices and city process to administratively rule on traffic violations, which are essentially misdemeanors that need to be heard in court," Livingston said.

He has yet to hear directly from the city and hopes this can be worked out without going to court. However, Livingston added that he's not sure that'll be possible at this point. To read more about the lawsuit, visit www.abqgov.com/City-Photo-RedLight-Page.htm. ■

The Great Ticket Slowdown Of 2006

by Casey Raskob, New York Activist

New Yorkers had a bonus this summer, courtesy of the leadership of the New York State Police. This has been the slowest year in decades for writing speeding tickets on State Police patrolled roadways.

The standard practice is for the officer who writes the ticket to go to court and prosecute it. In that capacity, he usually would offer a reduction to the motorist, if warranted. Occasionally, a town or city would hire a prosecutor, but normally the police agency is responsible for prosecution.

In New York, the Road Troopers could, by watching the court schedules and their individual shifts, write "overtime" by making sure that some tickets would occur in towns with courts that meet outside of shift hours. Brass up at State Police Headquarters in Albany decided they didn't want to pay this overtime and announced "Effective September 1st, 2006, State Police will not negotiate tickets."

This was not a new "traffic safety"

drive. Rather, State Police officials claimed it was an ethical violation to negotiate a ticket. However, the Police Benevolent Association (PBA) has made it clear they believe this has nothing to do with ethics and everything to do with overtime pay.

This has brought up two issues. New York's point system has high points for moderate speeds (a legacy of the 55 mph National Maximum Speed Limit days). The courts were the "slippage" that allowed most good drivers to get a break and allow the system to exist unchanged. If the towns hired a prosecutor, then the State Police wouldn't object to a plea deal. They just wouldn't do it themselves.

Court officials were shocked. A State Police memo goes out, and suddenly the courts must (at their own cost and expense) hire an attorney to prosecute the tickets? The other choice is to sit for hours, and listen to each and every ticket go to trial. In this scenario no motorist would get a break on his or her ticket.

The elected part-time judges and clerks were not about to work a 40-hour week, especially so the fine money could go to Albany.

This caused mass confusion. Some courts hired a prosecutor as hoped by the brass at State Police. These were mostly the rich towns or the very busy speed traps. Many of the "deals" got better, so that the town could keep the money. Some courts have always had light calendars, so now they are going to trial, which means "no deal" and a bad day for the motorist.

Still other courts fought back. The town of Wallkill dismissed entire calendars. One judge advised me that in all his trials, not one trooper was successful in putting forth a case sufficient to sustain a conviction! Some courts have quietly stopped scheduling trooper tickets for trial, leaving them in administrative limbo.

The troopers are very unhappy. I've been told that they are all dependent to some extent on

continued on page seven

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"A technical masterpiece"

- European Car

"The best ever made"

- Forbes.com

"Consistently ranked #1"

- Men's Journal

"The World's Best"

- Radartest.com

"The highest protection"

- Motor Trend

"The one to have"

- Sport Compact Car

"The only way to go"

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Power In Numbers

continued from page two

assist members who are working on issues in their state or local community. You might also mention our growing use of legal challenges to contest unethical and unconstitutional enforcement practices and the elimination of due process rights for traffic ticket defendants. The NMA is not an empty bag of hot air!

Many times folks feel as if they are in the dark when it comes to traffic laws, their rights as motorists, and what they should do when confronted with stressful situations like a traffic stop or a roadblock. You can point to the informative

articles in this newsletter, our web site, and the ability to talk personally to an NMA staff person or a volunteer "expert." Despite the best efforts of government and the courts, motorists still possess basic rights and the best way to protect those rights is to exercise them. We're here to help people do just that.

Next month you'll be receiving information on the NMA's re-energized *Member Get A Member* campaign. Have you ever wanted to go to Pebble Beach for the Concurs d'Elegance, attend the Indy 500, or walk the halls of Congress with a professional lobbyist to see how "the levers of

power" are actually pulled? Well here's your chance and it won't cost a dime. Every time you recruit a new member to the NMA you and the person you recruit will be given an entry to win one of these great trips. You simply pick one of these four great options. If you recruit a dozen new members, you'll earn a dozen chances toward the event of your choice.

So, if appealing to the other guy's higher, more noble principles doesn't convince him to join the NMA, maybe a trip to Daytona will break the stalemate. We're depending on you to help us move that decimal point one more place to the right. ■

They're Gunning For You

by John Holevoet, Director of Development

Maybe you haven't heard yet, but you ought to delete the term "drunk drivers" from your vocabulary. Now, the concern for policy ninnyes at groups like the Insurance Institute for Highway Safety (IIHS) is "Drinking Drivers." In the September issue of their publication, *Status Report*, the cover article looks at how to target average drinkers for "drinking and driving" enforcement.

The article's author concedes that the main problem is "hard-core drinkers," a nebulous group consisting of drivers who have past DWI convictions or those caught with Blood Alcohol Contents (BACs) of 0.15 or greater. Despite this fact, Anne McCartt, the Institute's Vice President of Research, says the enforcement focus must shift to target *all* drivers that drink. This means you!

IIHS is gunning for any person who drinks. They want to see harsher penalties for anyone convicted of DWI, including imprisonment, expanded vehicle

impound program, and ignition interlock (devices that stop a person from driving if there is any indication of alcohol on their breath beyond a certain point). The article even points to installing ignition interlocks on all cars, not just those belonging to people with a known history of DWI.

Their favorite enforcement technique is sobriety checkpoints. They continue to pay these roadblocks lip service, even though research has consistently shown them to be a waste of time and resources; random police patrols always are more effective and result in more DWI arrests. Reality doesn't faze the folks at IIHS. They claim roadblocks deter people from drinking, which is their true motivation.

The biggest problem I have with IIHS and their ilk is that they constantly are claiming to speak for the majority of Americans. In reality, most of us drink, at least socially. This also means that most

of us have had a drink or two before driving. This doesn't mean that we are hard-core DWI offenders. Nor does it mean we really need to face strict penalties for our normal activities.

If more people were aware of what these "safety" advocates are actually proposing, maybe we wouldn't be so willing to believe all of their "helpful suggestions," not just about DWI policy, but also about speed limits and safety devices.

Deep down, IIHS knows they don't speak for us. They are only looking out for their own business interest. In fact, that very article points out that one of the "challenges" they face is public acceptance. Apparently, their surveys have shown that people prefer "punishing DWI offenders over curbing everyone's [alcohol] consumption." Shocking, isn't it? We want to solve the problem, not blow it out of proportion. Maybe IIHS should take the hint. ■

The "Miracle" Of Speed Estimation

by John Holevoet, Director of Development

"I can spot 'em a mile away," the officer says of speeders when asked about his ability to visually estimate vehicle speeds. The question is, how true is his statement? Is it even possible, let alone probable, that he can visually estimate a vehicle's speed at a mile away?

The answer is no. In fact, depending on the size of the vehicle and the conditions at the time, a person can only visually estimate a vehicle's speed at less than 1,000 feet. If it's dark, this distance drops to just a few hundred feet!

This doesn't stop police officers from making ridiculous claims of miraculous powers of visual speed estimation. Nor does reality stop judges from believing this type of testimony. In fact, there are volumes of cases, which give credence to visual estimations done by all kinds of people, from children to elderly non-drivers, under all sorts of circumstances.

For this reason, the NMA Foundation wants to conduct a research project to study the true limits of visual estimation. This study can then serve as the basis for future legal challenges, which question the reliability of estimations that we can show are really impossible at the distances or under the conditions in a given case.

Visual speed estimations are supposed to be an independent part of the tracking history used to issue speeding

tickets. An officer needs to make such an estimation before using a radar or laser unit to confirm it. Any drastic difference between the visual estimate and the speed measuring device's readout can alert the officer that there is a problem with their equipment.

That's the way it's supposed to work, but we all know it rarely does. In reality, police officers sit by the side of the road with their radar or laser units already on. They may not even be watching traffic at all. In some cases, they are in positions so they couldn't see oncoming traffic even if they wanted to. They simply look up when the audio alert on their speed measurement device goes off. Then, they hastily pursue the first vehicle they see.

This is the method used to issue most tickets. Are we really surprised when the police make mistakes? This is why it is critical that we have realistic standards regulating the conditions under which visual speed estimation can be made and held admissible in court.

For our planned research to become a reality, we need your support. Last year, generous donations from supporters like you helped us raise \$40,000. We are hoping to surpass that amount this year. Please help us meet this goal. Detach the donation form to the right, and return it to us with your tax-deductible donation. ■

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Ticket Slowdown

continued from page four

overtime details. They, too, have fought back. The total volume of tickets written this year is down. Courts where ten troopers appeared with a dozen tickets each now host four troopers with five tickets each. Another change is that most speeding tickets are coming in as four points. Normally, speeding tickets start at the

six-point threshold so that the \$300.00 DMV tax kicks in. One might surmise the troopers are limiting the income on purpose. Indeed, I had two ten-year troopers tell me in no uncertain terms that they are doing everything they can so the state does not make money while still enforcing the law.

This makes it a very mixed bag for the motorist in New York. Your chances of a ticket are somewhat

lower. If you get that ticket outside of New York City you'll probably get a deal, possibly a very good one. But if it's a trooper ticket in a rural town, you most likely will be stuck with the whole fine.

The end result is that there is a massive ticket slowdown, the courts are clogged up or just not scheduling trooper tickets, and the Road Troopers are working to keep money from going to the state. ■



It's All About

Fight Your Ticket

This article is aimed at members who have never had the "opportunity" to fight a speeding ticket or have recently been given this "opportunity." For those of you who are veteran ticket fighters, this is a chance to refresh your memory with a look at the basics.

During The Stop

Fighting your ticket begins the moment you see police lights in your mirror. Once you determine you are the person the officer is pursuing, you should find a spot to park that offers the best protection for yourself and the officer. This could be as simple as not parking on a curve or an exit ramp. Making the stop easier for the officer could result in a warning or lesser fine. In the same vein, turn your overhead light on if dark and keep your hands where the officer can see them.

Don't reach for your driver's license until the officer requests it. Not only does this keep your hands visible, it may help you avoid a seatbelt ticket. Many times, the officer doesn't see the driver unbuckling to reach for his license in a pocket. The officer only sees another ticket that he can issue.

When the officer is at your window, do not admit your guilt! You should avoid answering any questions such as, "Do you know how fast you were going?" You can hurt your case with an innocuous response like, "I don't know what speed I was going." A more appropriate response would be, "Do you believe I was speeding?"

Pre-Trial Prep

Once you've been ticketed, you'll have to prepare for your day in court. First, you need to know how your speed was measured. Sometimes this is as simple as reading your citation. If it hasn't been noted on the ticket, the easiest way to find out is to call the police and ask. In most cases, the

department will have no qualms about giving you an answer.

Once you know how the officer measured your speed, the next step is to gather more information pertaining to your ticket. To do this, you must determine what method of research will work best. While each state has a different set of rules on what is allowed in regards to speeding tickets, it really boils down to two different options: discovery or a public records request.

In essence, discovery is a court process in which you are requesting the prosecution to provide information about your case. If your adversary fails to comply, you can ask for a dismissal based on this fact. In this regard, discovery is the preferred method. *However, it isn't always available for speeding tickets.*

The alternative is a public records request, which is also known as a Freedom Of Information Act (FOIA) Request. This is a request for a public record from the agency that is holding that record. In this case, it is most likely the police agency that issued the ticket. While this method is an option in every state, it does have its shortcomings. Most notably, it isn't part of the court process. If the police don't supply the information in time for your trial, the court may not take this into account. Your request was a private correspondence between you and the police. It often doesn't matter that the information is essential to your case.

Be sure to research whether discovery or a public records request is the right method for your state. You need to use the appropriate option to ensure you receive the information you need to fight your ticket.

What To Request And Why

At this point, you should know which speed-measuring device was used and how to request the information you need.

The question now becomes, what information should you request? While every case is different, here are a few of the basics that you will need.

You should request the maintenance records of the speed-measuring device. You want to ensure that a technician (other than the officer) has inspected the device in the last few years.

Another item would be the officer's training with the speed-measuring device. If the officer has been with the police for several years, you should check whether he has been re-certified in this technology. If he hasn't, there may be grounds for a dismissal.

Last, and definitely not least, you should request any notes, records, or reports the officer made concerning the traffic stop. This includes the backside of the officer's copy of the ticket. These are crucial for you to obtain as it gives you an insight into what the officer is going to say in court. Because most officers don't remember the particulars of each traffic stop, they will review these notes and records before the trial. There may be something in these comments to help validate one of the points you will make in court. Or, it may help you pin down the officer's version of events. Either way, this is an invaluable resource for you.

There are other items you may want to request, however, they will be specific to the type of speed-measuring device used or unique to your situation.

NMA Ticket Fighting Resources

Obviously, this article isn't the whole story. Fighting a ticket involves more steps and a lot of hard work. This barely scratches the surface. If you are fighting a ticket, the NMA has plenty of resources available to you.

The *NMA Foundation Legal Defense Kit* (LDK) is our premiere

continued on page nine

The Tickets



Fight Your Ticket

continued from page eight

ticketing fighting resource. This comprehensive resource and information packed kit was developed by the NMA. It's a ten-pound package that covers court procedures, defense strategy, technical information on almost all speed-measuring devices, and it is customized with key statutes from your state. Members receive a discounted rental rate for this package. To order, simply call 800-882-2785.

The NMA web site also offers a variety of ticket fighting help. Once you are at www.motorists.org, simply click

on *Fight Your Traffic Ticket* to begin accessing information like sample discovery and public record forms.

Two more resources that can be accessed via the web site or this newsletter are *The Experts' Corner* and our list of *Activists and State Chapter Coordinators*. Most of these members have fought their own tickets and are willing to share their experience with you. In addition, our *Experts' Corner* includes individuals who are very knowledgeable about radar and laser devices.

And, for those of you who can't fight your own ticket because you don't have

the time, the ticket is from a different state, or the penalties of your ticket are too severe, we have a carefully cultivated list of attorneys who specialize in defending people with traffic tickets. We have an attorney referral list on our web site, and a more extensive list is available to members when they call our Membership Department at 800-882-2785.

Hopefully, this short article has inspired you to take a stand against your ticket. Fighting unfair tickets is one of the best ways to deter police from giving them to you and others in the future. ■

Engineering Ignored Again by Eric Skrum, Managing Editor

A recent article in the *Belleville News-Democrat* is a classic example of what happens when speed limits are raised. The section of Illinois 159 that goes through Maryville had been widened to five lanes. These and other improvements caused the traffic engineers at the Illinois Department of Transportation (IDOT) to raise the speed limit from 35 to 45 mph.

This seems pretty straightforward. Improve the road, study the conditions, and then raise the limit if a traffic study dictates it should be done. Not in this case.

Local leaders such as Mayor Larry Gullledge and Police Chief Richard Schardan requested that the limit be returned to 35 mph. Even though IDOT engineers set the speed limit to 45 mph based on studies and engineering criteria so that it would be the best possible speed limit for that

roadway, they changed the signs to appease the village.

If you read the article, there is no mention of the arguments made by town leaders beyond the idea that they see this as a safety issue. Yet, this makes little sense. Traffic engineers are trained to set the best possible limits according to proven engineering standards. They epitomize the idea of traffic safety.

This is similar to walking into an operating room and asking the surgeon to give you the scalpel because you feel you can do a better job.

What occurred in Maryville is not an isolated event. It is the rule, rather than the exception. How do you justify issuing speeding tickets when qualified personnel did not set the limit?

When will we allow the engineers to do the job they have been trained to do? ■

New Ticketing Tool

Oregon has finished testing a new laser device that can measure the distance between vehicles. This tool is meant to enable the police to issue tailgating tickets.

Colorado-based Laser Technology Inc. is the manufacturer of this device. Police use this upgraded laser device to target the first car's bumper and then the second car's. This measures the traveling speed and distance between the cars. Unfortunately, police will be able to issue speeding tickets in addition to tailgating tickets.

Police in Portland, Gresham, Clackamas, Salem, Grants Pass and Lane County are currently using these devices. No information is available as to how many tickets are being issued. Laser Technology is making a special point to demonstrate the technology to judges and prosecutors to ensure its acceptance in court.

The company says it will market the laser device more aggressively if the courts continue to accept the results. Even though Arizona, New Mexico and Tennessee have also begun testing these devices, the \$700 price tag, in addition to the normal cost of a laser gun, will keep this out of most areas. ■

The Cost Of Speed; The Value Of Time

by David B. Smith, P.E., NMA Member

Increasing fuel prices in the Fall of 2005 through Summer 2006 inevitably brought out do-gooders espousing methods of conservation. The most common and effective advice is "slow down." For example, the EPA Mileage Guide indicates "Driving 65 instead of 55 reduces fuel economy by over 15 percent." However, that also increases travel time by 18 percent, which may well be just as important. Every fuel-saving technique involves tradeoffs, but since most advocates do not consider factors other than fuel, overall travel value is seldom addressed.

I pondered how to relate speed, fuel and time. It came down to a simple question: "If I drive a little faster or slower, how much more or less fuel do I use per change in travel time?" If measured in gallons per hour, or dollars per hour (factoring in the price of fuel), this relationship would put speed in a perspective that I can understand, relate to, and evaluate. I call this measure Dynamic Fuel Consumption (DFC).

In my first effort I tested my 1990 Mustang 5.0 liter V8, achieving 25.7 miles per gallon (mpg) at a steady 70 miles per hour (mph), rising to 27.9 miles mpg at 60 miles per hour. The slower speed reduced fuel consumption by 0.4 ounces per mile; but every mile took nine more seconds of my time. Converting to more useful units, driving 60 instead of 70 in my Mustang equals 1.3 gallons of gasoline saved per hour of increased travel time. At a gas price of \$3/gallon, that's \$3.90 per hour, less than the current Federal Minimum Wage of \$5.15 per hour. Thus, I decided it was not worth slowing to 60 mph when conditions safely and legally permitted 70 mph.

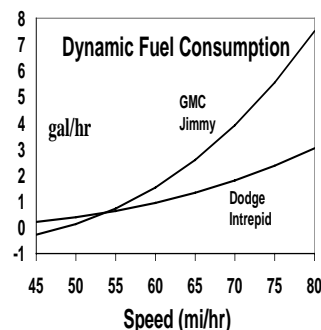
That was a start, but I wanted to answer my question over a range of speeds and vehicles. I found little to no published data, so I tested six personal vehicles at various speeds using both on-board electronics and standard filling station pumps. I got similar results to the 1990 Ford Mustang with a 1994 Dodge Intrepid (large sedan), measuring 32 mpg at 45 mph,

decreasing to 24 mpg at 80 mph. I tested a 1985 Mercury Grand Marquis (large station wagon), 1997 Oldsmobile Bravada and 1999 GMC Jimmy (medium-size sport utility vehicles), all of which achieved about 24 mpg at 45 mph, decreasing to 16 mpg at 80 mph. I tested a 2002 Ford F250 diesel pickup truck, measuring 27 mpg at 50 mph, decreasing to 18 mpg at 80 mph. Thus my testing confirmed that driving slower does indeed save fuel. I found above 40 to 50 mph fuel consumption increases with the square of speed due to aerodynamic drag.

Next, I used a standard least-squares statistical process to fit the test data to a second-order polynomial equation. I then applied the mathematical process of Differential Calculus to calculate Dynamic Fuel Consumption. The results fell in two groups, represented by the Dodge Intrepid and GMC Jimmy, as shown in the graph.

For the Intrepid, calculated DFC at 45 mph is near zero, but increased rapidly at higher speeds. Intrepid DFC reached 1.8 gallons per hour at 70 mph, nearly doubling to 3.0 gallons per hour at 80 mph. At a gas price of \$3/gallon, the cost of going a little faster or

savings for a little slower at 70 mph is \$5.40 per hour, just about the current Federal Minimum Wage. The cost at 80 mph in the sedans rises to \$9/hr, a



rate that is still affordable and justifiable for many people.

Looking at the results of the Jimmy SUV, the DFC at most speeds is two to two-and-a-half times the sedans. The DFC at 70 mph is 3.9 gallons per hour, or \$12/hr. Thus drivers of larger, less aerodynamic vehicles pay a higher price to drive at higher speeds.

For more information on this subject, including test procedures, and a spreadsheet program for calculating DFC, contact me at Speedvalue@aol.com. ■

CA Targets Cars

continued from page three

assessing those impacts and preparing for the inevitable increase in those impacts and for additional impacts."

This case is weak and does not have much chance of progressing to any significant level of the judicial system. The most blatant flaw in Lockyer's arguments is that it seeks to punish car manufacturers who are in compliance with state law.

Essentially, the suit is saying to these companies, "You have met our guidelines for emissions, however, those emissions are still causing damage. Therefore, even though no law is being broken, you

should still be held responsible."

If something needs to be done, it should be through the proper channels. Utilize the legislative and executive branches to set appropriate regulations. Then, if the companies aren't complying, the judicial branch should be used. As it is, this is putting the cart in front of the horse.

Of course, this is a moot point. In reality, this isn't about global warming. This effort is an extremely frivolous lawsuit engineered to gather votes. As such, it is a waste of money for California citizens as well as the car manufacturers who must defend themselves. ■

Midwestern Camera Rebellion

by John Holevoet, Director of Development

Being based in Wisconsin, the NMA staff has a "front row seat" to the legal battles over red-light cameras in three neighboring states, Minnesota, Iowa, and Illinois. An all out rebellion against these devices is being staged in Midwestern courtrooms. The question is, how successful will these challenges ultimately be?

The struggle in Minnesota is the longest running of the three. Camera critics, led by the ACLU of Minnesota, shut down Minneapolis' cameras sometime ago after winning in county court. The city appealed, but the state appeals court upheld the earlier decision by Hennepin County District Judge Mark Wernick. Wernick found the cameras were unconstitutional because requiring the registered vehicle owner to pay conflicted with the standard burden of proof in similar cases. He put all pending camera-ticket cases on hold.

The Minneapolis city attorney's office may decide to appeal again to the state's supreme court, although they must file their brief by the end of October for it to be considered. Furthermore, even after consideration, the Minnesota Supreme Court can decide not to hear the case. In the meantime, a class-action suit pending in U.S. District Court is moving again because of the appellate decision against the cameras. The suit seeks a return of past ticket recipients' fines.

The camera challenges in Iowa are at an earlier stage. A Scott County judge rejected the first challenge to Davenport's ticket cameras, which asserted that the camera tickets deprived vehicle owners of federal and state constitutional rights to due process. This lawsuit was spearheaded by ACLU of Iowa, which has already appealed the lower court's ruling.

Meanwhile, a new challenge has begun in Scott County District Court. Attorneys for Monique Rhoden, who received a camera ticket, have launched a class-action suit seeking to refund the fines to everyone who has received a ticket from these devices. They assert

that state law preempts Davenport's ticket-camera ordinance, which unfairly handles criminal moving violations as if they were civil infractions. The suit states that the fines generated from these cameras are "merely a revenue generating measure which has been and continues to be illegally imposed."


In Illinois, only Chicago is allowed to use ticket cameras, but that city's cameras are also in jeopardy because of a new lawsuit filed in Cook County Circuit Court. Parveen Idris of Bloomingdale and two other plaintiffs say the camera program violates their civil rights because, among other things, it metes out \$90 tickets to car owners regardless of whether or not they were behind the wheel at the time of the offense.

The lawsuit calls the city's approach "arbitrary, capricious and unreasonable in that the ordinance makes irrelevant whether the penalized party actually violated a red traffic signal." Idris contends, for example, that he received a \$90 ticket for a red-light violation in January, when he was out of the country. Idris and his fellow plaintiffs,

Binder Electric Service of Skokie and KJJ Enterprises of Bensenville, hope to bring the case as a class action on behalf of other ticketed vehicle owners.

Chicago Law Department spokeswoman Jennifer Hoyle said Monday that the holding owners responsible for what's done with their vehicles has been upheld in other contexts, such as parking tickets. She doesn't think the city's program will be slowed down by the court challenge. Chicago plans to expand the program to 50 intersections by the end of this year and 280 intersections by 2010.

The confidence of Chicago officials seems more like bravado now that Minneapolis has lost a similar challenge. Beyond Minnesota, Iowa, and Illinois, there is evidence that the rebellion against these cameras is not isolated to the Midwest. In fact, the NMA Foundation is planning to assist with an upcoming challenge regarding ticket cameras in Tennessee. Check future issues of *Driving Freedoms* for the very latest on developments in the fight against these devices. ■



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News From Around The Country

Arizona

Scottsdale's speed cameras on Loop 101 were deactivated in late October. Currently, researchers at Arizona State University are conducting an evaluation of the program, which will look at how the cameras affected travel speeds, traffic volume, and total crashes. During the nine-month pilot program, 63,000 citations were issued. If the evaluation is favorable to the cameras, the program may be reactivated sometime in 2007.

California

Victorville is preparing to install red-light cameras. The city plans to place the cameras at three or four "high-profile intersections." The intersections are not being chosen because of the number accidents that occur at them; rather, the city is planning cameras for its busiest intersections. No doubt, this will maximize the number of \$350 tickets each camera will issue.

District of Columbia

The Senate confirmed Mary Peters as the new Secretary of Transportation. Peters had previously served as a state transportation official in Arizona and most recently, as the head of the Federal Highway Administration. President Bush selected her to replace Norman Mineta, who resigned in July after holding the job for five and a half years, longer than any past Secretary of Transportation.

Georgia

Drivers involved in accidents while speaking on their cellular phones will face a fine of up to \$500 under a new DeKalb County ordinance. The law, which is the first of its kind in Georgia, sanctions drivers whose "improper" usage of a mobile phone was a

"contributing factor" in a collision. County officials said the law only applies in unincorporated portions of the county, not in its cities.

Michigan

The speed limit on I-696, the state's busiest freeway, will be raised to 70 mph on November 9th. This is the latest in a series of speed limit increases spearheaded by the Michigan State Police and Department of Transportation. First Lieutenant Thad Peterson, commander of the State Police traffic services section, said that most other state freeways that don't already have 70-mph limits would be studied to see if an increase is needed.

Nevada

The Nevada Sheriffs and Chiefs Association is floating two disturbing proposals. One would make not wearing a seat belt a primary offense, and the other would grant the police the authority to use ticket cameras. Both ideas have been considered by the state legislature before and have failed to pass. Automated traffic cameras are illegal in Nevada under legislation adopted in 1999, and police can only cite someone for failing to use a seat belt if they have pulled that person over for some other offense.

New Jersey

For the first time in decades, insurance prices are falling all over the state. New Jersey was one of the country's last holdouts for heavy insurance regulation. This led some big insurers to stop doing business in the state entirely. Fearful of even more insurers leaving, state officials finally decided to give the industry more flexibility with prices and driver ratings. Insurance regulators

say that more than 75 percent of New Jersey's drivers are now paying less for auto insurance and further reductions are expected.

Ontario

A Swiss man caught speeding on a Canadian highway has blamed his actions on the absence of goats on the roads. The man was caught driving at 161 km/h (100 mph) in a 100 km/h (60 mph) zone. A traffic officer's notes stated the Swiss driver had said he was taking advantage "of the ability to go faster without risking hitting a goat." The driver was ordered to pay a speeding fine of C\$360 (\$330).

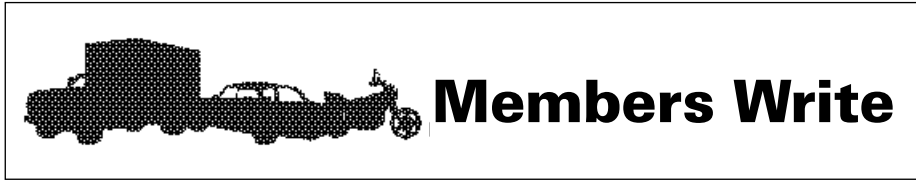
Texas

Michael Kubosh, a critic of Houston's red-light cameras, was recently cited for running a red light he deliberately ran to get a camera ticket. His effort was thwarted by a nearby Houston police officer that cited him instead. That means he will face a criminal misdemeanor with a maximum \$200 fine instead of the civil citation and \$75 fine that's issued to violators caught on tape. Kubosh plans to carefully run a red light again and eventually challenge the city's ticket cameras in court.

Virginia

In Tysons Corner, a project to optimize traffic signal timing reduced delay by approximately 22 percent. Over three dozen signalized intersections were connected to a temporary operations center, which monitored traffic conditions and retimed signals as needed. It was estimated that the system would save motorists approximately 20 million dollars annually in both fuel and time savings. The system would also dramatically reduce total emissions. ■

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



I just got around to the March/April issue of *Driving Freedoms*. I have to comment on the article "Energy May Be A Problem, But Ethanol Isn't The Solution."

I won't try to refute the thrust of the article, but I have to bring up an aspect of the energy question it barely mentions.

I think the single most important point is the need to de-fund the terrorists. This would be accomplished by stopping the importation of oil. If we stopped importing oil, and they could still afford to attack us, at least we wouldn't be funding their attacks.

The Wahabi sect of Islam has spread throughout the world, including the United States, funded by Saudi oil money. It is mainly they who run the madrasses where children are taught that the will of Allah is for believers to kill unbelievers.

I don't much care whether Archer Daniels Midland prospers from Ethanol or Methanol or goes out of business. But I think we better see the reality of our situation and act accordingly.

*Phil Rensen
Bloomfield, CT*

I have a situation that you may be interested in. I was on my way to Mount Rushmore and had a deer run into the side of my car. I called the Iowa State Police to report the incident. After taking the report, the officer asked if I was aware that my California driver's license had been suspended for over a year. I replied I had not. I then called the California Department of Motor Vehicles (DMV) and was told that my license had been suspended for DUI. Now, I've never been stopped for DUI. In fact, I am a Type II diabetic and

alcohol is dangerous to my health. I was given a \$200 ticket and faced driving over 1,000 miles home knowing that I could be incarcerated and my car impounded at any time.

Upon my return to California, I contacted an attorney (Moore Law Firm) recommended by the NMA web site. A paralegal provided me with how to obtain my driving record. In addition, they gave me information on who to contact to learn more about this fraudulent offense. By the way, the Moore Law Firm helped me free of charge.

I was also lucky enough to contact an employee of the California DMV who tracked the charge to Eureka. The problem was traced to a police officer who wrote the wrong driver's license number on the ticket.

The whole incident was dismissed as a mistake. Being on the receiving end of this "mistake," I believe there are several questions

which must be addressed: (1) Considering the consequences, doesn't a police officer have the obligation to make sure that the documentation for which he/she is responsible is correct? (2) Does an agency with modern computers and the power to deny a citizen of their ability to earn a living, incarcerate them, and impound their property have the obligation to make sure that a driver's ID number, name and address correspond to one another? Or, in the zeal to fight drunk driving, is the Fifth Amendment going the same way as the Fourth?

Being charged and punished for a crime you didn't commit and weren't aware of is something that happened in Nazi Germany—not the United States of America. Yet it happened to me.

*Fred Kern
Los Banos, CA*

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.



The Experts' Corner

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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.

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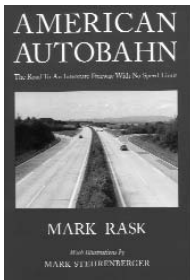
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Smile For The Speed Camera: Photo Radar Exposed!

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

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American Autobahn

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

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