



Driving Freedoms

NMA Foundation

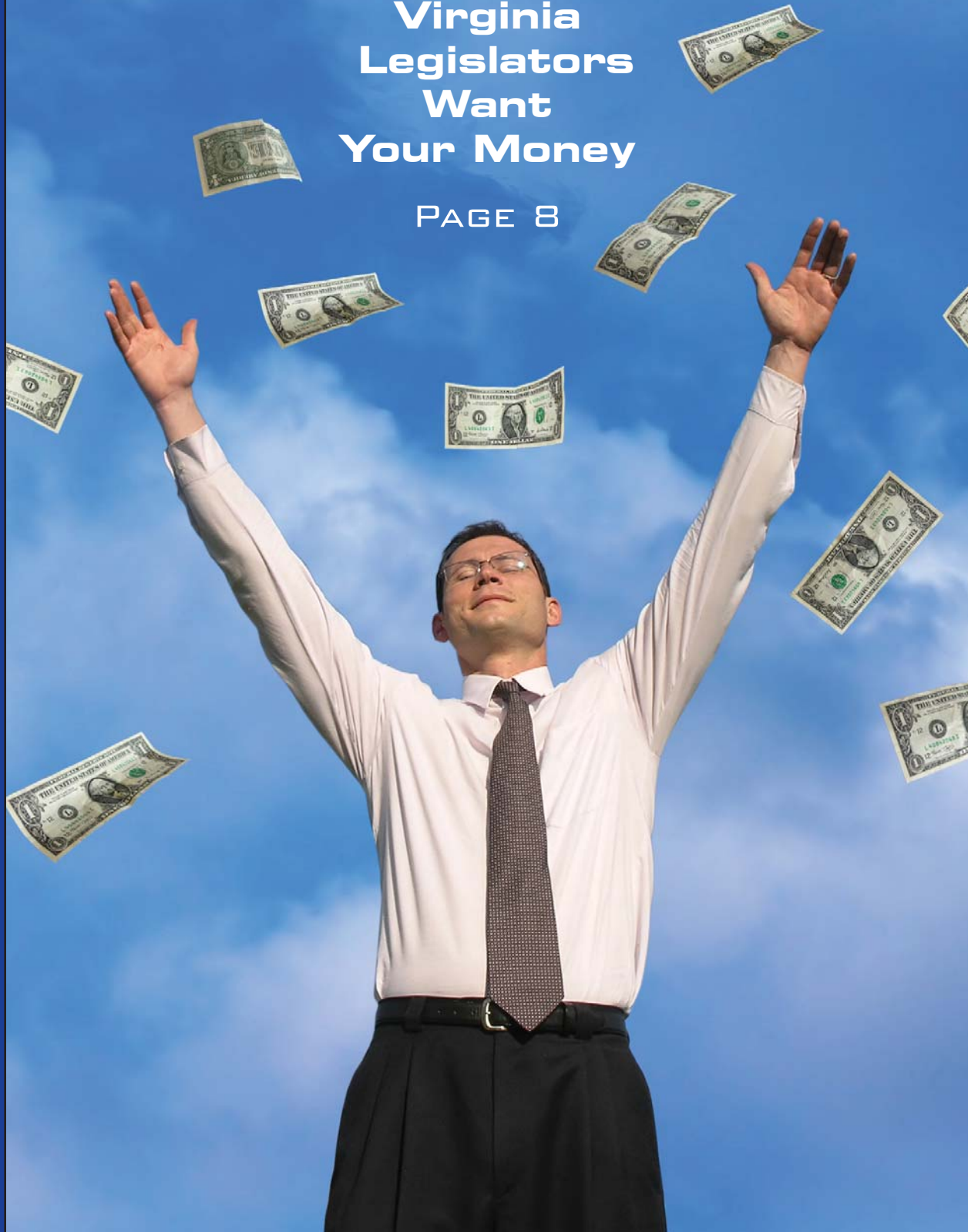
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September/October 2007

The NMA Foundation is a non-profit group dedicated to finding innovative ways to improve and protect the interests of North American motorists.

Virginia Legislators Want Your Money

PAGE 8



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Driving Freedoms

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Cover
"Virginia Abuser Fees"



Questioning Laser Enforcement
by James J. Baxter, President, NMA

It's no secret that law enforcement agencies tend to exaggerate the accuracy and infallibility of the various devices they use to measure vehicle speeds. Sometimes the courts have curtailed the claims and sometimes they haven't. Radar has been through various state courts on numerous occasions over many years. It is still consistently misused and tens of thousands of radar tickets are based on dubious radar readings. However, the errors and limitations of radar are fairly well documented and known by judges, DAs, and attorneys. The same cannot be said for laser devices, also known as LIDAR devices.

Laser guns have generally gotten a free pass in the court system. Judicial notice of the accuracy and reliability of laser devices seems to be an afterthought. Laser devices have not been subjected to rigorous testing and examination within the court system. Most courts readily accept laser readings without question and serious challenges to laser gun use have been rare and usually under-funded. Three years ago the NMA Foundation set out to prove that laser guns are not infallible, and that limits should be put on their use.

Our first task was to find a candidate willing to be the aggrieved defendant. The perfect defendant landed right on our doorstep. She was well beyond being a teenager, she had a clean driving record, and she had been laser clocked at 61 mph in a 45-mph zone at a claimed distance of 1760 feet, driving a little three cylinder GEO. She had one glaring negative issue that had to be

worked around; she was married to a notorious trouble maker and near-do-well who was known to be a real thorn in the posterior of the District Attorney's office.

We hired Henry Roberts as an "expert witness" on laser and Rex Anderegg, an attorney that specializes in appellate law. We assumed we would be appealing an unfavorable lower court decision.

We didn't attempt to have the court declare laser as unfit for speed enforcement. What we did want to do was have the court establish standards for maintenance, calibration, testing, and use of laser speed detection devices. Laser use is still in the "wild west" phase in most states. There are no required formal pre-use testing regimens, no periodic maintenance requirements, no limitations on the distance of accepted speed-readings, and no specific operator training requirements.

The District Attorney was well aware that this was not just a speeding ticket case. He made sure to have an expert witness of his own, one that had worked on the development of the laser gun used to measure the defendant's speed.

The trial itself was awkward, and confusing, and never settled into a pattern where the key issues could really be debated. The DA started right out trying to make an issue out of who the defendant's husband was. The Judge, to his credit, shut that issue down.

What should have been a routine vetting of the expert witness's

(Continued on Page 6)



NMA Washington Report

by Robert Talley, NMA Lobbyist



The transition to balancing budgets through user fees, sin taxes and motorist monitoring continues across the country and the federal government is doing its part. Unfortunately, this is likely to only be the beginning of a disturbing trend in changes to how we use our transportation network.

Whether it be through the sale of public properties such as is proposed in New Jersey, the implementation of congestion pricing user fees in New York, the imposition of exorbitant fines on speeders in Virginia, or the use of automated traffic cameras to track motorists as is proposed in Arizona, there are numerous efforts to push increased costs and limits on motorists in the US.

Most recently, the US Department of Transportation offered New York Mayor Bloomberg a whopping \$354 million grant to fund a conges-

tion pricing system in the heart of the city. This didn't come without strings though—in order to get the grant, the New York legislature has to rush the adoption of the proposal through within 90 days of convening—not much time for public dissent. It is also interesting to note the proposal allows for the imposition of increased fines upon SUVs.

Importantly, the implementation of this system is expected to require the development of an identification system for all vehicles entering the control area. This system will monitor the movements of vehicles entering or exiting the control zone and charge them accordingly. While this may seem innocuous, we must ask what the system will be used for next?

The use of vehicle fines such as speeding tickets or parking tickets to balance local and state treasuries is

not a new phenomenon. What is new is the increased emphasis it is taking and the aggressive implementation of strategies to secure these funds by local, state and federal officials. This trend is disconcerting and if followed to the extreme would result in a substantial imposition on the rights of motorists and the freedoms we enjoy today.

The National Motorists Association has been fighting to promote the interests of motorists at the federal level through a curb on the abusive use of photo enforcement on drivers but this is really just the tip of the iceberg. We need your help to press our elected officials harder to get them to understand the implications of continuing this policy direction. You need to make this an issue you are willing to discuss with your peers and encourage them to get involved in this fight. ■

Progress In Tennessee

Thanks to the efforts of a loyal network of volunteers, positive changes are coming to Tennessee. First of all, after two years of hard work, legislation was passed that places increased emphasis on engineering studies and the *Manual for Uniform Traffic Control Devices* (MUTCD) when it comes to setting speed limits in the state.

The new law, which was enacted in June, allows local authorities to change speed limits only if they do so based on an engineering and traffic investigation that conforms with standard engineering practices laid out in the MUTCD. Last year, NMA member Hal Rounds and NMA Activ-

ist Ron Brown testified at a hearing for a more strictly worded version of the bill. During both sessions, Representative Dolores Gresham championed the legislation. She deserves particular credit for securing its eventual passage.

The enactment of this new law coincided with a disappointing courtroom decision dealing with the MUTCD in Tennessee. Hal Rounds, who is also an attorney, represented NMA member Zol Hooper pro bono. Hooper was challenging a speeding ticket he received in an area where the limit was not set in accordance with the MUTCD. The appellate court declined to view the MUTCD as something

more than abstract guidance. The case was funded through a Legal Aid Grant from the NMA Foundation. Currently, Rounds, Hooper, and the foundation are deciding their next move.

This year, the NMA and NMA Foundation are targeting Tennessee's ticket cameras. NMA Activist Tona Ball is working with her state legislator to introduce legislation that would ban ticket cameras. At the same time, Ron Brown is involved in a foundation-funded case that also takes on these cameras. This two-pronged approach doubles our chance of successfully limiting or eliminating the use of ticket cameras in the state. ■

The Politicization of the Minnesota Bridge Collapse

By Greg Amy, NMA Connecticut Activist

I've noticed a disturbing number of inaccurate and misleading political ideas arising from the collapse of the bridge in Minnesota. Leaving aside the whole idea of people abusing this tragedy to sow their own political hay, these inaccuracies should be addressed before they become "accepted fact."

The first concern I have is in regard to talks about taxation. Folks who believe taxes should be higher are crowing that the Federal tax cuts have "cut into" money needed for infrastructure maintenance.

Attempting as best I can to avoid arguments about whether increased taxation is good or bad, one should honestly point out that despite or because of (depending on your political bent) decreased tax rates, the Federal government is enjoying record tax revenues. This means that money is actually coming in at a greater rate than ever before. Therefore, it is disingenuous for people to claim that tax rates are detrimentally affecting revenue.

Second, people are using this tragedy to crow about money spent on the war in Iraq, making claims such as, "the \$600 billion spent on Iraq could have been spent on maintaining our bridges." Well, that money came from a special session and approval of Congress; if we were not in a war, that money would not have been spent over and above what the budget process allows.

Therefore, that marginal money could not have gone specifically to bridge maintenance.

Third, I recently heard Charles Osgood interviewing someone about taxes. This person suggested that if we're not willing to raise taxes to cover infrastructure maintenance that we should initiate user fees. Well, guess what? We already have in place a user fee system that works damn well. It is automatically collected without any additional government bureaucracies, is virtually impossible to avoid paying or to cheat on, increases as the user increases their use of the highway/road system, automatically increases as someone damages the system more with larger vehicles, and even encourages some conservation of the system based on this sliding scale of use.

What is this glorious system? It's called the fuel tax. The problem is that politicians don't have the spine to be honest with the people and simply increase the fuel tax to reflect the true cost of the system, choosing instead to hide it in other forms of taxation.

Final point in regard to taxation, one thing that no one wants to talk honestly about is how these funds are spent.

We have plenty of revenue coming from transportation resources. Problem is, like most forms of revenue into government coffers, it gets tossed into general fund type of expenditures or gets re-directed into non-transportation-related uses. If all the highway money that we send to various governments in the form of transportation/fuel taxes was used for transportation uses, we'd be flush. But, given that the amount of transportation revenue is far too much for politicians to keep their paws off of, they use it for other things. Do we want to fix our bridges, or subsidize bike paths through the forest?

Well, it sure seems we can't have both...

There are many other ideas coming out of this tragedy, such as the "thank goodness it was rush hour otherwise the tragedy would have been worse." Hogwash! Which is better: 50 vehicles sitting bumper-to-bumper on a bridge about to collapse, or 10-15 vehicles spaced out 5-6 car lengths apart traveling across the bridge at 65 mph? If you knew the bridge may collapse at any random moment, would you go across it as slow as you could, or would you zip across it as fast as possible, minimizing your exposure? I know which way I would prefer. I'm confident that if there were no construction, all lanes were open, and traffic was flowing across that bridge at the time of collapse, there would be a lot fewer cars sitting at the bottom of the Mississippi River right now.

When someone starts trying to tell you they "know" what caused this tragedy, or even "could" have caused this tragedy, it's time to stop listening to them and giving them air time. No one knows why this bridge failed. No one. In time we will figure it out, and those results will be published, and like all man-made tragedies, we will learn from it and make changes to ensure that it doesn't happen again.

But to abuse this tragedy for political purposes is nothing more than morbid, disrespectful, and selfish. ■

New Ticket Camera Report

Greg Mauz, an NMA Texas Activist, recently completed a new report on the ineffectiveness of red-light cameras titled "Camera Enforcement: A Picture of Fraud."

You can view a copy of the report at this link:
www.motorists.org/mauz.php

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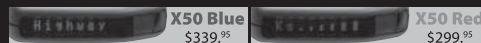


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Questioning Laser

(Continued from page 2)

qualifications became another epic distraction that served no purpose but to confuse matters. Witnesses appeared out of order and battles over minutia pre-empted testimony over the key issues.

Because of time constraints the Judge asked that closing arguments be in writing and submitted to the court at a later date. In some respects this was a blessing as we were not able to raise the issues in open court that we had originally set out to address. Perhaps we could salvage the situation with a written closing argument.

The final decision was rendered a month or two later. It was as convoluted as the trial. The Judge suppressed the laser reading; meaning it was inadmissible and could not be used to convict the defendant. His reasoning was that the officer did not test the laser device's ability to determine speed. He tested for distance and for sight alignment, but he did not do a simple test to

see if the laser gun was accurately measuring speed. No laser reading, no evidence, not guilty, right? No, that's not the outcome. The Judge tossed out an "however" and said he believed the officers "visual estimation" of the defendant's speed was sufficiently accurate to find her guilty of speeding. This was supposedly a visual estimation that took place at 2000 feet, head-on!

In reality the officer shot the car with laser as soon as it appeared in sight and that reading provided the grounds for his visual estimation. Anyone who has ever crested a hill or rounded a corner and then been dusted with microwave beams knows the trigger pull was not preceded by a visual estimation of speed.

The irony of all this is because the laser evidence was ruled "inadmissible" we couldn't appeal on the basis of the laser reading. We could appeal the visual estimation, but there was very little on the record about visual estimation and the appeal process deals with the record and the law. Nevertheless, we appealed.

The unpublished Appellate Court decision (just one judge) did not disturb the laser decision of the lower court. It upheld the visual estimation evidence, but said that by the officer's own admission, of being only 80 percent accurate, the violation and fine should be lowered to the next lower category.

So what did we achieve after all this time money and effort were expended? We have added to other lower court precedents that laser guns should be tested prior to use to make sure they are accurately measuring speed, not just a fixed distance. The court did not issue any edicts that enhanced the status or reputation of laser speed detection. We have first hand knowledge that we can share related to strategies that can be employed in future laser challenges. We learned that the subject of visual speed estimation needs to be dragged out into the light of reality. And, finally, my wife has learned not to volunteer to be the sacrificial defendant in future NMA Foundation legal challenges. ■

A Note From The Editor

The July-August issue of *Driving Freedoms* contained an article on the subject of global warming. The author, Joel Kauffman, has long offered his expertise, as a chemist, to NMA members, in our Experts' Corner. Mr. Kauffman's article was quite lengthy, too much so to fit in one issue of our newsletter. Consequently, we intended to publish the remainder of his article in this issue of *Driving Freedoms*. In the interim we heard from several members who disagreed with Mr. Kauffman's conclusions, of which one, Brent Meeker, asked for equal space to present the other side of this contentious issue. We agreed to this request and Mr. Meeker submitted his article, the first installment follows this Editor's note.

To fully and properly publish either of these articles in their entirety would consume an overly large percentage of

our newsletter. We have multiple issues and events competing for space in *Driving Freedoms* and we endeavor to cover as broad a variety as possible.

Therefore we made the decision to place the unabridged versions of both global warming articles on our web site (www.motorists.org/warming.php) where they can be read in their entirety and without editing. For those without web access, or anyone wanting hard copies of these papers we will provide either or both papers upon request, just call the NMA office to place your order, there is no charge for this service.

A last point; the NMA Foundation does not take a position on the global warming debate, other than to recognize that a debate does exist, as is evidenced by these two capable authors. ■

Denying Global Warming Will Get You In Hot Water

By Brent Meeker, NMA Member

“To most of us nothing is so invisible as an unpleasant truth. Though it is held before our eyes, pushed under our noses, rammed down our throats – we know it not.”

–Eric Hoffer, *The Passionate State Of Mind, and Other Aphorisms* (1955)

Professor Joel Kauffman has made a scatter shot attack on global warming. First it isn't happening. Then maybe it's happening but it's not our fault. I'll take up his specific points later, but first I want to review the simple mechanism of global warming. Once that's understood, it's obvious that human activity is causing global warming. The uncertainty is only in how much.

The Nobel Prize winning Swedish chemist Savante Arrhenius was the first to realize that the Earth is kept warm by the greenhouse effect of atmospheric gases. They have this effect because they let the light energy of the sun in to be absorbed but they scatter or absorb part of the infrared energy that is re-radiated toward space. So an energy balance is achieved at a higher temperature than would obtain in the absence of the greenhouse effect; higher by about 35C.

Already in 1906 Arrhenius thought about the effect that burning coal would have on global temperatures. He calculated that doubling the amount of CO₂ in the atmosphere would raise the average temperature 5.5C. Being in Sweden, he didn't think this would be a bad thing.

Since Arrhenius' time we've switched from burning coal to burning oil and gas – and at a rate that puts over six billion metric tons of carbon into the air each year. About

two billion tons are absorbed into the ocean, so the net atmospheric gain is four billion tons. Any sensible person would conclude that this would increase the amount of CO₂ in the atmosphere. And indeed it has. Direct measurements over the last sixty years show an increase from 0.32 percent to 0.38 percent. Indirect measurements using ice core samples indicate the level was around 0.28 percent when Arrhenius was doing his calculations.

So theory says that increasing CO₂ in the atmosphere will cause warming. We've put a lot of CO₂ into the atmosphere and the amount has increased. Has the temperature increased? Yes, it has. Direct measurements show a sharply upward trend since 1900 as in Figure 1.

Kauffman shows a similar curve from IPCC First Assessment Report, 1990. He calls it “the most scientifically reliable,” even though the 2001 report, with eleven more years of data, was already available. But actually Kauffman's curve is a slightly doctored version of H. H. Lamb's 1965 estimated climate history for England [1]. It was presented as a global warming curve by German high-school teacher and global warming denier, E.G. Beck, whom Kaufman also cites on atmospheric CO₂ concentrations. Apparently Kauffman chose an old curve because it was more congenial. I predict that Kauffman will find the IPCC 2007 report even less congenial as it adds another six years of data.

Kauffman cites the criticism of Mann's “hockey stick” curve by Essex and McKittrick (and also by McIntyre). Their criticism is based on Mann's statistical method and its effect on the first term in a series of functions, called principal components, representing the data. It's irrelevant to the curve because one doesn't use *only* the first term to represent the data. The same “hockey stick” shape has been confirmed by other climatologists using other methods, as shown in figure 1.

Both of the above are attempts to obfuscate evidence for global warming by showing that in the past it has been equally warm when there was no human contribution. This is like arguing that your coat isn't keeping you warm now because in the past you've been warm without a coat. ■

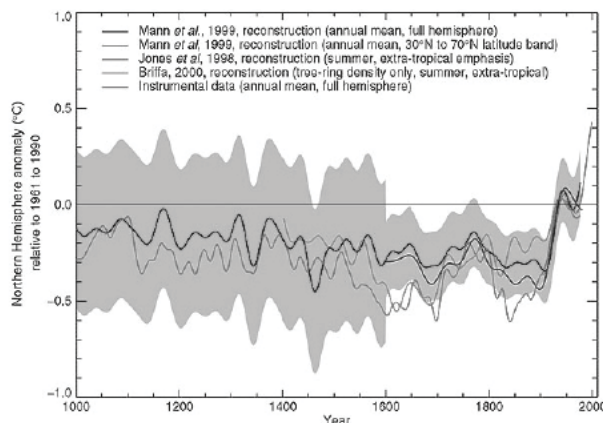


Figure 1. Comparison of warm-season (Jones et al., 1998) and annual mean (Mann et al., 1998, 1999) multi-proxy-based and warm season tree-ring-based (Briffa, 2000) millennial Northern Hemisphere temperature reconstructions. The recent instrumental annual mean Northern Hemisphere temperature record to 1999 is shown for comparison. From the IPCC Third Assessment Report, 2001.

*This article was written in response to Joel Kauffman's article in the July/August 2007 issue of **Driving Freedoms**.*

This is only an excerpt of Brent Meeker's article. To read the full version, with full charts and references, please visit this link on our website: www.motorists.org/warming.php.

Virginia's Abuser Fees Are Abusive

Like many other states, Virginia is facing a transportation-funding crisis. Also, like most other states in similar situations, Virginia politicians have decided to forego fiscal restraint and hope to nickel and dime the public to make up the transportation shortfalls. In Virginia's case, nickel and dime may not be the best term given that the new "abuser fees" enacted by that state can be as high as \$3,000.

These insane fees, whose official name sounds justifiably punitive – they're okay because they go after "abusers" – are nothing more than a new tax on Virginians. In fact, out-of-state drivers are exempt from the new fees.

Albo Fees By The Numbers

Here's a sampling of Virginia's "abuser fees," which are also called Albo fees after one of their chief proponents, Delegate David Albo:

- Having more than eight points on your license: \$100, plus \$75 per point.
- Driving on a suspended license: \$750
- Driving without a license: \$900
- Reckless driving (including going as little as 10 mph over the limit): \$1,050
- Driving under the influence and related offenses: \$2,250
- Felony traffic convictions (such as leaving an accident scene): \$3,000

Remember: All of these fees are in addition to the existing ticket costs. ■

Motorists that have a few tickets on their records will face an extra surcharge for each point on their license past eight. The other new fees, which are also known as Albo fees (after one of their notorious supporters), range from \$750 to \$3,000. Amazingly, these fees are in addition to existing fines and court costs.

Perhaps the most outrageous of the new fees is the \$1,050 surcharge that will be added onto the existing cost of a reckless driving citation. Virginia permits officers to cite anyone traveling over 80 mph with reckless driving. Given Virginia's 70-mph speed limit on certain interstates, a driver could face a total fine of more than \$1,300 for driving as little as 11 mph over the limit!

With many of the avaricious fees above \$1,000, legislators lengthened the time allowed to pay. Virginians must

pay in three installments over 26 months or they will lose their licenses.

These new abusive fees have been greeted by widespread public outrage. Only weeks after the new fees became law, an unusual press conference was held. On hand were Democratic Governor Tim Kaine, Republican House Speaker William Howell, Republican Senate Majority Leader Walter Stosch, Republican House Majority Leader H. Morgan Griffith, and Democratic Secretary of Transportation Pierce Homer. This bipartisan group, which rarely agrees on much, attempted to present a united front as they defended the increasing unpopular fees.

Even then, Governor Kaine foreshadowed some of the political backpedaling that would occur in the subsequent weeks. He conceded that these fees would be closely monitored to see how effective they were. Since that time, many legislators that once ardently supported the fees have denounced them in the face of mounting public opposition (more than 170,000 people have signed an online petition to repeal them).

Much of the legal community is also displeased with the fees. "Quite frankly, these are going to be a major burden on the clerk's office," remarked Judge Michael Cassidy. The full impact of these fees on the judicial system is not yet known. The number of people challenging traffic charges is expected to skyrocket.

Many judges seem reluctant to enforce the new fees and are amending reckless driving charges to speeding instead. Two local judges have even classified the new fees as unconstitutional because they run contrary to equal protection under the law, which is guaranteed under the 14th Amendment. Individuals and organizations in a number of Virginia jurisdictions have launched similar constitutional challenges.

The real question is, what does the future holds for these abusive "abuser" fees? If public pressure is sustained into next year's legislative session, their days should be numbered. Even if opposition wanes, a successful constitutional challenge would also spell their demise. ■



The winner of the "Members Getting Members" trip giveaway was longtime NMA member Richard Taylor. Richard and his wife Sally chose to travel to Indianapolis to watch the Indy 500.

Being Cassandra

By John Holevoet

What a difference a little press coverage can make. It's amazing to watch news spread; once one large media outlet reports something, the story can snowball very quickly. That was certainly the case when it came to coverage of Virginia's "abuser fees."

While it was great to see this issue receive the important coverage it deserved, it was also disappointing that the media chose not to report on the fees until they had already been passed and were almost a reality. It wasn't that people hadn't tried to get their attention earlier; I know because I was one of those people.

The mythic Cassandra was blessed with the ability to predict the future, but she was also cursed because nobody would believe her predictions. At times, it's easy to empathize with her. For example, I've tried to publicize a city council's hearings leading to the installation of ticket cameras, but the local papers only covered the story after the cameras were put up. They

even remarked how the decision to install cameras "came out of nowhere." All I could do was shake my head.

In February of 2006, long before Virginia's infamous new fees were a foregone conclusion, the NMA sent out a press release about the fee proposal to all of Virginia's major media outlets. However, the story, which would make headlines for weeks this summer, received no coverage at that time.

We also tried, in the 2006 press release and by other means, to draw attention to the personal benefits that would be gained by one of the fee scheme's architects if it ever became law. In Delegate David Albo we found a man that could inspire hundreds of lawyer jokes that are completely appropriate in his case.

Albo is a partner in a law firm that specializes in defending people with traffic tickets and DUIs. This is certainly nothing of which he should be ashamed. However, ethical alarm

bells should have sounded when he repeatedly introduced legislation in favor of abuser fees that would drastically increase his firm's business. When a \$200 traffic ticket begins to cost more than \$1,000, obviously people are more likely to pony up the cash needed for an attorney.

Beyond the sheer greed demonstrated by his actions, Albo's hypocrisy is staggering. His firm's web site praises their success in avoiding harsh penalties for its clients, while he is busy making more penalties for all motorists. Observers have also noted that the website's editorial content is seriously toned down near elections. Once voting ends, the missing content returns.

Albo ran unopposed last election. Let's hope the residents of the Virginia's 42nd District will have more of a choice next time, and that they will make the right one by dumping Albo. ■

In Bad Company

Virginia isn't the only state to impose extra civil penalties for traffic offenses as a quick way to raise money. Even though Virginia has company, you'd be hard pressed to find a success story among this group.

Texas charges anyone with six points on their license an extra \$100 for three years, plus \$25 for each additional point. For a first DUI it charges \$3,000 spread out over three years. If you have more than one DUI, that amount goes up to \$7,500. A recent legislative report shows that the payment rate for these fees is only 29 percent. That's because the most common fees target the urban poor whose licenses have been suspended, often for reasons unrelated to their driving.

New York charges anyone with six points on their license an extra \$100 for three years, plus \$75 for each additional point. Motorists that receive DUIs are charged \$250 for three years. In New York, poor notification has resulted in rampant license suspensions and revocations. This, in turn, results in

more penalties and fines for unsuspecting motorists.

Michigan charges anyone with seven points on their license an extra \$100, plus \$25 for each additional point, for as long as they have the points on their license. DUI recipients face an extra fine of \$2,000, payable over a 48-month time period. Fees are also charged for expired licenses or insurance. A pending bill in the legislature would repeal the fees, which have hit thousands of households.

New Jersey was the birthplace of this type of extra surcharge. The state charges anyone with six points on their license an extra \$100 for three years, plus \$25 for each additional point. If you have a DUI you will face an added penalty of \$1,000 for three years. Those with expired insurance will be charged \$750 and will have three years to pay. Even though these fees have been around the longest, they have never been tied to a positive safety benefit. ■

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News From Around The Country

California

Traffic tickets issued in Orange County, California are processed by workers in Nogales, Mexico according to a court announcement released Thursday.

The Orange County Superior Court signed a \$1.5 million contract in March 2006 to hand over half-a-million traffic tickets every year to Cal Coast Data Entry for processing.

Each of these tickets, containing sensitive personal data on individual motorists including name, address, driver's license number and signature, is transferred via microwave uplink to a work center in Nogales.

Delaware

The Delaware Department of Transportation (DeIDOT) released an audit report at the end of February arguing that its red light camera initiative "has largely been successful" since it began in 2004.

But an independent researcher discovered that DeIDOT's data reflected basic mathematical errors. A table containing the number of "red light crashes" on a before and after basis simply did not add the numbers properly.

This error was compounded by the fact that DeIDOT did not provide raw data for number of rear end collisions or the total number of accidents, rendering the remaining data elements questionable.

Florida

Florida motorists may catch a break from citations issued by thirty police officers who were not properly trained on the use radar and lidar speed

detection devices in Daytona Beach and Volusia County. The Flagler County Sheriff's office is investigating a Daytona Beach Community College training course taught by Flagler County deputy David Barbee, 34. The validity of tickets issued by twenty-five Daytona Beach officers and five Volusia County deputies who took the course January 26 may face additional scrutiny in court.

Illinois

The village of Tinley Park earlier this month gave the first element in a series of required approvals to a contract that stands the typical ticket camera contract on its head. Instead of the city paying Australian camera vendor Redflex a fee for its services, Redflex will pay Tinley Park a flat-rate fee for the right to issue as many automated tickets as it is able to muster. Redflex would retain all of the profit from the tickets it issues. The arrangement ensures a steady stream of revenue without any financial risk to the village.

Michigan

Trustees in Shelby Township have authorized township attorney Robert Huth Jr. to explore the possibility of suing the state to reverse a recent increase of the speed limit on Mound Road. The Michigan State Police and the Macomb County Road Commission recently raised the speed limit after a study of traffic patterns.

New Jersey

The New Jersey Supreme Court yesterday upheld the principle that police cannot attempt to search an

automobile without a "reasonable and articulable suspicion" that a crime has occurred. The high court applied this standard to a case where police coerced motorists stranded on the side of the road into allowing the search of their disabled vehicle.

Ohio

Police may issue traffic citations without proving that the ticketed motorist was driving unsafely or at an unreasonable speed, according to an Ohio Supreme Court ruling issued last week. A unanimous court found that police officers only need to show a motorist violated a numeric speed limit for a citation to be valid.

North Carolina

The North Carolina House of Representatives moved to stem the tide of cities dropping red light camera programs with an 84-31 vote to increase the cost of a photo citation by fifty percent. One-third of the cities that had operated red light camera programs dropped them by late last month when the state supreme court ruled that cities must hand over ninety percent of the gross revenue generated by the cameras to the state school system.

Texas

Although a new Texas law prohibits its cities from using cameras to catch speeders, the Texas Department of Transportation was making plans to place cameras at three sites for a six-month study to evaluate the technology. Complaints from legislators and the general public caused the DOT to rethink their plan and it has since been postponed until at least June 2009. ■

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



Members Write

I was very pleased to see so much space devoted to exposing the dirty truth about photo enforcement in last month's issue.

I believe the public is slowly realizing that photo enforcement is all about revenue. I don't think that people yet realize that the cameras are causing more accidents than they prevent.

Keep up the good work and please continue to educate those towns that actually believe the camera vendors' slick sales pitch. Thanks.

*Doug Carmean
Leesburg, OH*

Roger Spaulding criticizes the fact that bicyclists don't have to pay gas taxes that finance bike lanes (letter, July/August). But cyclists deserve their bike lanes, and anything else that will encourage them to stay in the saddle.

Every cyclist means one less car contributing to traffic jams. Furthermore, bicycles reduce roadway wear and tear, as compared to cars. Finally, every bicycle on the road means we are buying less petroleum from nasty Middle Eastern dictatorships.

I *love* cars (check out my website, motorlegends.com for fun car stuff, including '57 Chevy shirts, the world's only Porsche valve menorah, and Richard Nixon's biggest mistake), but I'm grateful to everyone who rides a bicycle.

*David Holzman
Lexington, MA*

My immediate reaction to the article by Megan McDonald on page seven of the last issue hit me like a ton of bricks. What happens when a designated driver who's had absolutely

nothing to drink, loads up his or her vehicle with "drinking pals" one-at-a-time to drive them home?

By the time the second, third or fourth "inebriate" is strapped in, the inside of that auto ought to be pretty well permeated with "alcohol breath," and the wonderful technology that is meant to protect the non-drinking public is not going to let the designated driver do their proper work.

This sounds like technology gone too far to me.

What legislators and the auto industry have obviously overlooked is mentioned in the article, along with my above scenario, and the fact that almost everyone on the highways (and local roads) today have a cell phone, and can use it if they *see* anyone that we used to call a "Harvey Wallbanger" driving erratically.

The number is universal; 911.
What happened to common sense?

*Roger Roddy
Jamestown, TN*

Regarding the article on global warming fears, I am rather surprised and disappointed to see your publication print such an emotional statement that has no scientific validity to the given point.

Right off the bat, when he states "it is time to examine the actual science, so we can respond intelligently" he is in denial of reality.

That is exactly what has been

done in the last 20 years and there is a reason that 95 percent of all environmental scientists around the world strongly agree that humans do have global influence by showing an accumulation of data that confirms it.

Joel should stick to his day job. His biggest oversight is the detail about water vapor. Of course there are many gasses in the atmosphere including water vapor and they all have various levels of significance due to their quantities and effects. CO2 with water vapor exacerbates the problem.

We have records of CO2 levels back nearly a million years which show the spike starting in the mid 1800's and going up non-linearly ever since. This CO2 coming out of sequestration into a closed system will, without question, have an effect. The only question is when.

He is simply ignoring the real data from the scientific community. I am sorry to say, this is the classic case of denial because of the implications he is picturing in his mind and the absence of real data to support his claim.

Otherwise, keep up the good work.

*Bob Simpson
Oregon*

Editor's Note:

The article on global warming by Joel Kauffman in the last issue of Driving Freedoms generated a lot of response from readers. Many readers strongly disagreed with the conclusions drawn in the article. In acknowledgement of this disagreement, we have included a rebuttal written by NMA member Brent Meeker which appears on page eight of this issue. The NMA takes no official position on the topic. ■

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.

Motorist Marketplace

NMA Foundation Legal Defense Kit

Represent yourself in traffic court and win! In addition to covering court procedures and strategy, this ten-pound kit includes technical information on speed enforcement devices. It also contains state-specific information on Discovery and Public Records Laws (this is how you get information from the police on your case!). Remember, this resource is being constantly updated and improved.

Call 800-882-2785 to order the Kit and tailor it specifically to your ticket!

\$155 Refundable Security Deposit \$10 S&H Rental Fee: \$30/month



NMA Patch

The patches are three inches in diameter. They have a white background, a color NMA Logo, and the NMA web site is embroidered on the patch in black lettering. They can be easily sewn to just about anything. Hats, jackets, or shirts are just a few of the options.

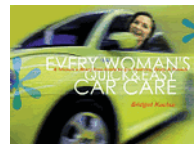
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Guerrilla Ticket Fighter

Now, while you're driving, you can learn how to fight traffic tickets and win. **Guerrilla Ticket Fighter** will tell you how to defend yourself against traffic tickets using strategies that have proven successful for other motorists, just like you. Available on CD or audiocassette.

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Every Woman's Car Care

Many motorists don't have useful knowledge about the vehicles they drive. This book can help. While it was written by and for women, this book is an asset for anyone. Its 262 pages cover everything from how to read gauges to "jump starting" and trouble shooting.

Non-Member Price: \$19.95 **Member Price: \$14.95**



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.

Non-Member Price: \$29.95 **Member Price: \$21.95**



Legal Research

Many laws and statutes that you need to prepare your case are state specific, which means that you will have to do the research. This book gives you the basic understanding of how to conduct legal research. The book explains everything in easy-to-understand terms.

Non-Member Price: \$44.95 **Member Price: \$34.95**

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Your best defense against radar

(choose one): **Situation Awareness?**
 Situation Ignorance?



Mike Valentine: Electronics Engineer and Co-Inventor of the original Escort® detector.

Situation Awareness.

Fighter pilots just say "SA." When you peel off the military jargon, SA turns out to be man's oldest survival technique: *know what's going on around you.*

For combat pilots, SA is a two-step process. First: know all the threats — where they are and how many. Second: identify each one, friend or foe? A jet warrior will never be surprised by a bogey closing on his six if he has SA.

The Shrug Factor

When a beeper gives two beeps and then goes quiet, most drivers shrug: "It's probably nothing," they say. Wrong! Two beeps is exactly the warning when instant-on ambushes somebody ahead. You could be next. Every beep may not be radar, but it's a threat until you know otherwise.

V1 has antennas facing both forward and behind, for radar and for laser. It scans all around your car. This patented SA system reports to you through locating arrows and the Bogey Counter. With V1, you won't shrug.

Situation Awareness:
V1 says 2 radars ahead.

Situation Ignorance:
Other detectors always say "BEEP!"

SA on the Road

The Valentine One Radar Locator is born of my personal passion for SA. I want to know the threats, both radar and laser. *All of them. As far away as possible.*



When Valentine One finds radar or laser, a red arrow points toward the source. Ahead? Behind? Off to the side? V1 tells you instantly. Other detectors? They all go "beep" and leave you guessing, just like they did in the Seventies. Situation Ignorance, in other words.

Situation Ignorance

Our patents prevent our competitors from matching V1's SA. So they try to distract you with technology. "Intelligence" is the latest claim for a GPS scheme aimed at reducing your Shrug Factor by reducing beeps. But GPS doesn't find new threats, **just false alarms you already know about.**

Arrows and the Bogey Counter

V1's advanced computer analysis tracks each signal separately. And the arrows point toward each one. A digital display called the Bogey Counter tells "how many." V1 won't keep you ignorant. Example: you see one radar, but there's another ahead. V1 tells you about each one. The beepers just go "beep."

I guarantee V1 to be free of bells, whistles, and distracting gizmos. It's an instrument of Situation Awareness, pure and simple.

"Awesome...the patented arrows are a huge advantage."

— MPH, April, 2006

What others say about V1

"The Valentine One radar detector provides the best, most comprehensive, most useful, and least annoying alerts."

PC Magazine, April, 2006

"Best detection range in our tests."

Wired, January, 2007

"The controls and interface are a marvel of logical design."

Wired, March, 2006

"This is the only unit that can track radar and laser in 360 degrees, and it can detect multiple threats, helping drivers to better identify false signals."

Popular Science, April, 2006

"The only radar detector that works at all is the Valentine One. It shows if the signal is forward, rear, or side, as well as the number of signals."

Best Life, February, 2007, quoting Alex Roy, four-time trophy winner of the Gumball Rally

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"...it's worth every penny." — Wired, January, 2007