



# *Driving Freedom*

NMA Foundation

## **A Constructive Approach . . .**

Vol. 21 • Issue 3

May/June 2010

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



## **To An Unsettling Experience**

If your NMA membership expiration date is on (or before) 5/1/10, this is your last issue of

***Driving Freedom***

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Driving Freedoms

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Cover

"A Constructive Approach To An Unsettling Experience"



Just One Percent

by James J. Baxter, President, NMA

I have just had one of those long winded conversations with a non-member with lots of ideas about what the NMA should be doing. He, of course, had nearly zero knowledge of what the NMA has been doing. Further, despite his fervent interest in driving issues, he has no inclination to join the NMA and support our work. This all too common experience caused me to reflect on a question I have pondered a thousand times over a period of 25 years.

"Why is it so incredibly difficult to attract people who should share our vision of what a large successful drivers' rights organization could accomplish?"

There are over 200 million drivers in the US and Canada. An infinitesimal number of these people belong to the NMA. One can only estimate, but there are tens of millions of drivers who receive traffic tickets while doing nothing dangerous.

Virtually none of these people belong to the NMA. On a daily basis, state and federal legislators, bureaucrats, and local officials hand down edicts that make life miserable for motorists. Again, virtually none of these motorists belong to the NMA.

Right now, over a million people visit NMA web sites monthly, and only a tiny percentage of these visitors are NMA members. Years ago we used to console ourselves with the belief that not many people knew we existed. That song doesn't sell anymore. Yes, there are millions who don't know about the NMA, but there are also millions who do

know about the NMA, and who have been steadfast in refusing to join and support our efforts. Some say "it costs too much," (\$35?) but when we test that complaint by slashing our dues they still don't join.

Another refrain is non-members support our position on X and Y but not on Z. A variation on that theme is "I don't care about X and Y, how come you're not working on Z?" Tens of millions of people belong to or support organizations that they are not in 100 percent agreement with. What makes the NMA different in this regard?

My personal and most resilient excuse for our inability to reach critical mass is that the NMA doesn't offer a unique "in your pocket" membership benefit to attract and hold members. This excuse is wearing thin.

We do offer unique and valuable benefits and provide real services to our members. Furthermore, there are other successful organizations that are devoid of personal member benefits and yet can count their members in the hundreds of thousands or even millions.

I have long held a vision of a National Motorists Association with millions of members. Such an organization would have political clout and the ability to shape public policy, from the smallest community and state legislatures right up to the US Congress, and even beyond. To get from here to there we have to find a

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## Fast Driver? There's an App for That!

by Spike Roberson, NMA Michigan Member

For many years, the tools available to enable Fast Drivers to carry out their mission have been stagnant. Effective radar detectors have been around for decades and although they've been steadily refined, there hasn't been a big breakthrough since the first super-het designs of the 1970's.

CB radios remain virtually unchanged since their heyday over thirty years ago. Laser detectors and jammers are a minor bright spot, although they are illegal in many states and haven't changed significantly since the mid-1990's.

In short, it's been a long dry spell before the Next Big Thing for us "speed-criminals" – but I think we're just beginning to see the light at the end of the technology tunnel.

That light is represented by the current generation of smartphones and a free downloadable application called "Trapster." While it is very flawed, and further development and refinement is in order (and many more users are needed for it to be truly effective), Trapster and applications like it have the potential to be genuine game-changers for the fast driving motorist.

While Trapster is available for a number of smartphones, my experience with it is solely with the iPhone 3G version.

Trapster works with your GPS-enabled smartphone to allow you to see the position of police, speed cameras and other points of interest ahead of you that other Trapster users have marked. Trapster lets you do the same by simply pushing a button on your iPhone screen as you pass a threat – effectively illuminating a cop's location for every Trapster user to see.

To cut down on false markings, you have the opportunity to rate each passed

threat as either valid or false; every user gets rated based on the number of true and false ratings given by other users, so regular false reports will result in the offending user being ignored. In short, it's a self-policing feature to help ensure the credibility of the reporting.



So basically what you have here is a device that cannot be banned, and doesn't need to be hidden, that does the job of a good CB radio without all the Jerry-Springer-quality trash talk and without an ugly antenna, and that has a much broader base of equipped motorists rather than just a percentage of heavy truck drivers.

Reporting is virtually instantaneous and can be taken with a high degree of confidence, without having to listen to a bunch of radio noise. No police officer will be able to hide if this app takes off – users will know his exact position well before they come into range.

In time, as the Trapster community grows, this could spell the end for conventional speed enforcement on freeways as we know it.

That's the good news; so what's not to like? Quite a bit, as it turns out.

In its present form, Trapster is extremely cumbersome, complex and distracting to use to the point that safety can be an issue. The program includes a vast array of information options, most of which are of questionable value.

In an apparent effort to be everything to everybody, Trapster has been designed to provide a moving-map display despite the lack of any GPS navigation capability, although the same company does, in fact, offer a separate expensive application that does just that.

Rather than using easily recognizable tones for various alerts – a convention long ago adopted by radar detectors, Trapster insists on using voices played over the weak smartphone speaker to communicate warnings.

Reporting/confirming/denying threats is too difficult at speed, alerts occur too late and, as noted, are hard to hear. Nonetheless, the concept is brilliant and only needs revision to a better format to be truly useful. The download is free ([www.trapster.com](http://www.trapster.com)) and any fast driver with a smartphone ought to check it out and submit suggestions for improvement to Trapster.

In my opinion, it's only a matter of time before Trapster or a competing app develops this technology into the Next Big Thing. ■

*Editor's Note: Mr. Roberson's review was edited for length. You can see his full review on the NMA Blog (<http://blog.motorists.org/>). If you have used a mobile app or automotive product that may be of interest to NMA members, please submit your review of 650 words or less to the NMA Foundation by email at [nma@motorists.org](mailto:nma@motorists.org) or by regular mail at 402 W. 2nd St., Waunakee, WI 53597.*



## NMA Washington Report

by Robert Talley, NMA Lobbyist



When is a tax not a tax?

As the Congressional calendar slowly progresses closer to election day, the political rhetoric increases and the chances of Congress accomplishing substantive work decreases. Though the elections are not until November, many Members of Congress are already in primary battles back home. Additionally, in election years the historic cut-off for significant policy work has been August. Many of the President's policy objectives remain incomplete, and there is still time to fulfill his election promises.

Notable to the driving enthusiast is the effort to reform our national energy policy with an eye towards weaning us from foreign oil dependence, and lowering our emissions of greenhouse gases. The President has said this is his highest remaining priority this year. Senate leaders have promised to bring a proposal to the floor this summer to match with a proposal passed by the House last summer.

At its core, the presumed legislative proposal that will be considered is designed to promote the development of domestic oil and gas resources, and to encourage efficiency and clean fuels by putting a price on emissions of the greenhouse gas carbon dioxide. For the driving public, this is important because transportation emissions account for close to a third of the total US emissions of greenhouse gasses. Drivers will have to reduce fuel consumption in order to meet the goals set forth by the President.

To create the incentive to use less fuel or to switch to cleaner fuels, the proponents of the proposal have a plan which Senator John Kerry (D-MA) described to a group of executives on April 22, 2010. The proposal would add a surcharge on a barrel of oil which would be paid by the oil companies. The revenues from this surcharge would be returned to the Treasury and from there, a portion would be redistributed for various

programs including deficit reduction.

Senator Kerry took great pains to point out that the oil companies would pay this fee, not consumers, and therefore the proposal was not a gas tax. This is odd, because the entire purpose of the program is to send a price signal to consumers to encourage us to be more mindful of our wasteful ways.

Importantly, President Obama recently reaffirmed his opposition to gas taxes – complicating the discussion on how to raise the price of gasoline for consumers without calling it a tax.

So this begs the question: when is a tax not a tax? Is taxing a barrel of oil not the same as taxing a gallon of gas? If Congress wants to raise the cost of energy for a public good, don't hide it. Don't pretend the oil companies will altruistically pay the fee and not pass it along to us in the form of higher gasoline prices. Be up front. Is it any wonder Congressional approval is in the 20 percent range? ■

### Just One Percent

*(Continued from Page 2)*

way to get other motorists to buy into our vision. Perhaps we should start by asking these kinds of questions:

- What would you do to have rural Interstates with advisory speed limits, like the German Autobahn?
- What would you do to drastically reduce congestion through infrastructure improvements and sophisticated traffic management?
- What would you do to have your gas tax dollars solely spent on

maintaining and improving streets, roads, and highways?

- What would you do to rid our streets of obstacles like unneeded stop signs, speed bumps, one-way mazes, and other devices intended to obstruct and confound traffic?
- What would you do for realistic speed limits that reflect actual and reasonable vehicle speeds, on all streets, roads, and highways?
- What would you do for a court system that wasn't dependent on bleeding motorists for its existence?
- What would you do to repeal

all the laws that were put in place to fleece conscientious motorists of their hard earned money?

- What would you do to feel safe, free, and comfortable in your own automobile?

Would you join and support the National Motorists Association to achieve these goals? If just one percent of North American drivers say "YES," and join us in this vision, we will be well on our way to realizing these goals and becoming a true national association of motorists.

Just one percent. ■

## Beating a Speeding Ticket With Detailed Preparation

by James, an NMA California Member

*Editor's Note: There are several approaches to fighting and winning in traffic court. James, who prefers we don't publish his last name, makes the dismissal of the speeding charge against him – cited for going 56 mph in a 40 mph zone – sound like a simple matter, but his preparation was very thorough. In addition to several email messages and phone calls with the NMA, he details below some of the other resources he utilized.*

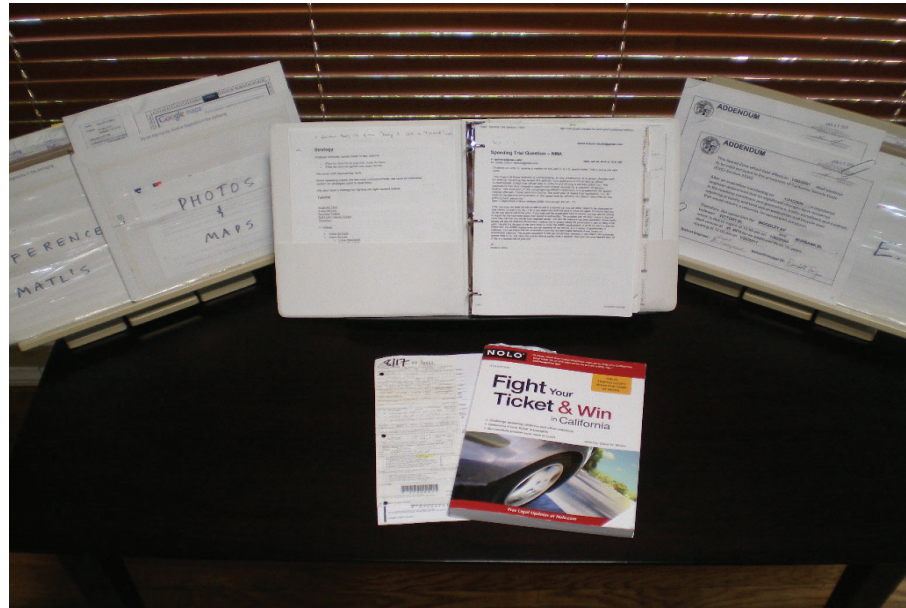
*It also helps to have some knowledge of state regulations. California's speed trap law (California Vehicle Code 40802) requires, in part, that a recent engineering and traffic survey be available for a section of non-local, non-school zone road in order for the police to use an electronic device such as radar or lidar to clock the speed of vehicles in that area.*

*Here is James' account:*

I went to trial and my case was summarily dismissed. I had prepared my defense on three things:

- 1) Gathering information to bring into question the accuracy of the laser reading of my speed.
- 2) Given that the posted speed limit was a prima facie one, showing that my speed was a reasonable one based on the current conditions, and which did not endanger other people or property.
- 3) Proposing that the existing Engineering and Traffic Survey I obtained two weeks prior to my trial actually did not justify the posted speed limit. (Based on the 85th percentile and the traffic data from the survey, 90 percent of the vehicles observed in "my part" of the road were speed "violators" of the posted limit).

I found information on the NMA site and on the NMA Foundation's *Guerrilla*



*Ticket Fighter* CD that is provided to each new member. I also spoke with NMA California State Activist Paula Martin, who directed me to the "Help, I Got a Ticket" website ([www.helpigotaticket.com](http://www.helpigotaticket.com)).

I used information from those sources and from the "Fight Your Ticket and Win in California" book (David Brown) to prepare "scripts" for different scenarios I might encounter.

I prepared pictures of the roadway and Google aerial images of the area with notes, and made copies for the judge, the officer and myself. Additionally, I had copies of the aforementioned Engineering and Traffic Survey so I could point out pertinent facts in my defense, given my belief that the survey did not justify the posted speed limit.

Before the trial the ticketing officer showed me a folder with his laser certification, and after adding that, "56 in a 40 is pretty high," he asked if I would like to do traffic school to keep the points off my record.

I told him I already had done traffic school in the last 18 months. He said, "that's okay, we can take care of that,"

even though California law says you can only take traffic school once every 18 months.

I asked to see the Engineering and Traffic Survey to look at the 85th percentile limit, to which he responded, "I don't have it but I can go downstairs and get it." He came back and said it was "missing an addendum" and that my case would be dismissed. My copy of the Survey had an addendum on the front of it, but I obviously wasn't going to offer to share it with him.

Thank you for the help, NMA. I'm glad I joined your organization. ■



## A Finely-Tuned Ohio Mayor's Court

by Jim Fawcett, NMA Ohio Member

I received a speeding ticket on January 13, 2010 for allegedly going 40 mph in a 25 mph zone, and was summoned to appear at the Ohio Mayor's Court on February 3rd in Bloomville.

The Mayor's Court is a state court created by the municipality to hear traffic cases and other misdemeanors. A magistrate appointed by the mayor presides; it is typically not a court of record.

The summons required me to be at court at 6:30 p.m., so I arrived 15 minutes early. The door to the city hall was closed, and no one was around. After a few minutes, a minivan pulled up and an older man asked if I needed something. I explained the timing of my required appearance. The man looked at his watch, said "she" would be showing up shortly and then drove off, no doubt making a few quick calls.

Shortly afterward, an elderly woman arrived and unlocked the sliding door to the building. I recognized her as the 77-year-old mayor and soon discovered that she would be handling my arraignment. It took me awhile to realize that the mayor was unsuccessfully trying to contact the clerk of court to see where my ticket was filed. Madam Mayor asked if I had a copy of my ticket, which I had left in my car. I offered several times to retrieve the ticket, but she kept saying I didn't need to.

After a little more scuffling around, a local council member suggested that the case against me be dismissed. While the mayor continued looking for a record of my ticket, I explained that I would be pleading "not guilty." Rather than keep quiet (a lesson I've since learned), I filled the time during their search by explaining the basis of my defense. After all, I had put in a lot of time

researching and gathering materials.

I was prepared to present photographs of the street showing how easy it was to miss the "Reduced Speed Ahead" and "Speed Limit 25" signs. I brought a copy of Section 2C.38 of the Ohio Manual for Uniform Traffic Control Devices that showed a picture of the proper signs to use, thanks to the NMA's help.

I was also prepared with a copy of a January 22, 2009 Ohio Court of Appeals Opinion that included the 1952 *Cleveland vs. Keah* syllabus where it is made clear that a speed greater than the prima facie limit is a rebuttal presumption which may be overcome by showing that the speed was neither excessive nor unreasonable. Even though the 2009 appeal was unfavorable for the defendant, the court upheld the 1952 ruling regarding prima facie speed limits.

My research about the Ohio Mayor's Court system left me with the impression that you cannot predict what to expect, so I spent extra time preparing to defend my case. It turned out that the Mayor's Court could only perform the arraignment and deal with guilty pleas; defendants willing to fight their tickets were processed into the county court system where the proceedings would be held in a court of record.

Luckily, my case never got that far. The mayor dismissed the charge against me because they couldn't find their copy of my ticket. Before I left, the mayor made sure to get my name so that if and when they did find the ticket, they could note the dismissal.

Despite the amusing nature of the outcome, I am glad I was ready, willing and able to exercise my right to due process. It is our duty as citizens to make sure that those who have been given responsibility to enforce the law do so

according to those laws.

If I had actually committed an unlawful act that threatened the well-being of the community of Bloomville, Ohio, then a fine would be appropriate. Some of my faith in Ohio law was restored when I learned that the speed limit laws make speeding unlawful only if unsafe driving is involved.

Why were the words "prima facie" included in Ohio Revised Code 4511.21? Wouldn't it have been easier to enforce absolute limits? Yes, and we like simple laws that are easy to enforce, but the point of law is to protect the citizens. One threat to that protection is the abuse of the law by those with the authority to enforce it. ■

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## A Constructive Approach To An Unsettling Experience

*The Call for a "Driver Bill of Rights for Traffic Stops"*

Member Edward Honig of Nassau County, New York was subjected to an unnerving traffic stop at the hands of two NYC police officers in plainclothes and an unmarked vehicle.

His story and his subsequent reaction are worth telling because, while a majority of police officers and state troopers handle traffic stops with a professional demeanor, the exceptions to the rule can be both daunting and dangerous, particularly considering how many times motorists are required to interact with law enforcement on a daily basis.

On a slushy December 2009 day, Honig was driving his wife's Lexus GX470 SUV in Manhattan. While waiting at a traffic light, he noticed an old blue jeep behind him, flashing its bright lights. The jeep did not have usual police lights such as a "cherry" or any other type of colored or strobing lights.

As Honig drove a bit further, the jeep continued flashing its headlights at him so he pulled over. The driver of the jeep, dressed in a kangol cap, a long dress coat, and a sweatshirt with a wild design on it, approached the Lexus

and screamed at Honig for ignoring the flashing lights.

Edward asked the man if he was a police officer. The question was left unanswered, so Honig asked to see identification and further requested that if the man was, in fact, with the police, that a uniformed officer be dispatched to the scene. These requests were also ignored, raising doubts by Honig that the man was a legitimate officer, particularly because of the aggressive behavior being exhibited. After about three minutes of ranting, the man took out a silver badge and pinned it onto his coat. The badge was not in a wallet, just a standalone badge.

After more yelling, the supposed officer simply said, "Alright, I've had enough. Give me the keys to your car." Honig refused, and actually wondered if this was an elaborate carjacking.

The man's partner, also in casual clothes, emerged from the Jeep and approached the passenger door of the Lexus. He opened the door with his other hand on his holstered gun and said, "Answer the sergeant when he talks to you."

Honig again insisted on having a uniformed officer on site. The call was made, and a patrol car arrived in order to deliver some blank tickets to the sergeant, but the patrolman did not get involved in the discussion despite Honig's pleas.

The sergeant wrote up four tickets, but did not print his name on any of the tickets as required. At this point, Honig apologized to the officer, noting that he sincerely did not know for sure that he was dealing with genuine police officers until the patrol car showed up.

The tickets issued to Honig were for going through a red light, two counts of failure to signal a lane change, and not having proof of insurance.

Honig submitted a formal complaint to the NYPD Civilian Complaint Review Board about this episode, noting that his main concern throughout was to verify he was being stopped by police officers, and not by criminals or gang members. He had a concern for personal safety when the response to his request to see ID was met with belligerence and a demand to turn over his car keys.

In the process of writing the complaint, Honig found a June 2003 Interim Order to the NYPD Patrol Guide Procedure 203-09, "Public Contact – General" that stated, "*Courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so. Allow the person ample time to note this information.*"

Then Edward Honig did something unusual for someone subjected to such an unsettling experience with the police. He proposed a solution to better protect motorists in such situations, realizing that

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nothing good can come from the driving public or police officers misreading or misunderstanding each other in the stressful environment of a traffic stop.

Honig wrote a letter to the NYPD Chief of Patrol describing the incident and stating, "I strongly believe that there has to be a uniform procedure that every driver must be made aware of in the event that they are pulled over by an unmarked car, or by an officer out of uniform."

Honig continued, "One possible solution would be to contact the appropriate politicians and agencies to formulate a "driver bill of rights when being pulled over" which would be sent out separately, or printed on the back of every drivers license upon



renewal. This would serve to protect the public, by bringing awareness to drivers about their right to verify that an officer is in fact genuine when he is out of uniform. A bill of rights would serve to diffuse any hostility that an officer may project onto a driver for requesting their ID."

So we put the call out to you, the readers of *Driving Freedoms*: What items would you include in a "Driver Bill of Rights for Traffic Stops" that can clearly and concisely be conveyed, perhaps on a small laminated card? What steps/actions can a motorist take when being pulled over to ensure his/her safety, yet be responsive to requests from legitimate law enforcement officers?

Your feedback, based on diverse viewpoints and experiences, will help the NMA develop an effective "Driver Bill of Rights for Traffic Stops" that can be publicized in a nationwide press release prior to an upcoming summer driving holiday, such as Labor Day. ■

## June 2010 is the Eighth Annual Lane Courtesy Month

The NMA Foundation first declared June as Lane Courtesy Month in 2003. We have taken the opportunity every June since then to raise public awareness of lane courtesy through national press releases and measures such as the launching of the website, LaneCourtesy.org, and the issuance of sample letters to the editor for use by the concerned and interested public.

Make no mistake about it; encouraging motorists to yield the leftmost lanes to faster moving traffic on multi-laned highways is an education process. While several states have laws on the books to stop drivers from hogging the left lanes, the practical matter is that those laws are rarely, if ever, enforced.

There is so much to be gained by allowing traffic to flow more freely through the practice of lane courtesy. Having drivers move to the right when not passing other traffic leads to fewer pockets of congestion, less driver stress, and ultimately, fewer accidents.

Georgia Member Paul Freeman wryly observes that as long as we have

speed limits that are improperly set, state legislatures should push for more enforcement focus on "keep right" laws than on minor speeding infractions. He puts it succinctly, "Address the efficiency, and the safety will follow."

Nick Jones, a New Mexico member, notes that road signs indicating "Keep right except to pass" are immeasurably better than the more typical "Slower traffic keep right" message that tends to be ignored by many drivers who, willfully or not, don't recognize themselves as being in the "slower" category.

Be sure to tell friends, relatives, and colleagues why it is important that all drivers practice lane courtesy. Send a letter to the editor of your local paper. (The 2009 May/June issue of *Driving Freedoms* has a sample letter on page 7. If you don't have a back issue, go to [motorists.org/newsletter/09MayJun.pdf](http://motorists.org/newsletter/09MayJun.pdf) or contact the NMA directly.)

We are all educators when it comes to spreading the word about the value of lane courtesy. ■

## Help the 2010 NMA Legislative Drive

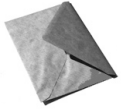
You likely have already received a letter from us announcing the 2010 NMA Legislative Fundraiser, and the specific issues we will target with your help:

- ▶ Establish proper speed limits based on the 85th percentile principle,
- ▶ Gain nationwide acceptance of yellow light standards based on scientific criteria,
- ▶ Change right-turn-on-red laws to require yielding the right-of-way rather than stopping completely before the turn, and,
- ▶ Repeal laws that require traffic to move to the left when emergency vehicles, with flashing lights, are parked on the shoulder.

This year, we are offering four sweepstakes prizes to donors including an **Apple iPad** tablet computer.

Each \$30 contribution will result in one sweepstakes entry and a chance to win one of the prizes. You can donate online at [www.motorists.org/donate/](http://www.motorists.org/donate/) or by returning the Contribution Form from the NMA mailing. ■





## Members Write

A while back, you printed an article on why under-posted speed limits are actually a detriment to safety. It was very informative, however, you left out what I believe is the biggest hazard of under-posting: inattention.

It has to do with human nature, specifically the inability of our brains to maintain concentration on a task that is non-challenging. Through all of human development, these sorts of activities have been part and parcel of our daily lives, so our brains evolved to use this down-time to ponder other things.

Dawdling along at a speed well below our capability, and that of our vehicle, is guaranteed to have the same effect. In that circumstance, maintaining a high state of awareness becomes impossible. This explains why I (and I am sure many of you) have such difficulty obeying the speed limits; subconsciously we realize that it is dangerous to drive like that!

So, ironically, it is the better drivers who are penalized the most rather than the ones who actually present the greatest danger. Those of us who have put forth the effort to become better drivers are the very ones most likely to be ticketed! Go figure!

Compounding the irony: The first thing traffic engineers do when a stretch of road has a high number of collisions is lower the speed limit.

God save us from bureaucrats!

*RL Diehl  
Black Canyon City, AZ*

How can we stop slower drivers from blocking the passing lane? They may be concentrating on texting, day-dreaming, or engaging in real live conversation, and have no idea they are clogging the traffic flow. Are they playing speed enforcer trying to control the speed of cars behind? Either way, they are raising blood pressures, causing anger and, on occasion, instigating ROAD RAGE episodes.

When that happens, there is seldom a mention of what caused the incident. All of the blame goes to the person that lost it and resorted to violence. True, that person should have devised a way to control his temper, but that left-lane driver provoked the situation, breaking a law that is rarely, if ever, enforced.

I try to remember that my goal is to get there a little faster than you, which I enjoy if I can get freedom in the left lane. If a car is passing, they should be in the left, but otherwise should move to the right. If we flash our lights at them from behind just a little, maybe they will get the hint, wake up and move over. It is selfish, rude, wrong, and against the law in most states to continually stay in the left lane unless dictated by congested traffic.

We should encourage our state and local government representatives to use that left lane law as an easy source of revenue, and ticket people that block the left lane. They also should steer some public education money toward the subject. If the left lane wasn't blocked,

it would improve traffic flow, thereby improving the efficiency of our existing roads, and minimizing the need to spend money building new roads or improving existing ones. If it aggravates you too, do something about it. Start with writing a letter to the editor.

*Jim Nelson  
Marietta, GA*

*Editor's Note: See the Lane Courtesy article on page 8 of this issue for details of a sample letter that can be adapted for use.*

Your article in the March/April issue (*Can You Hear Me Now?*) ignores the fact – after paying lip service to it – that the danger of cell phone use is that it diverts the driver's concentration from the road, and that it has nothing to do with one-handed driving. So the fact that accident rates have stayed constant following hand-held cell phone bans tells us nothing about whether talking on a cell phone while driving causes accidents.

As for enforcement of texting laws, I find it easy to spot drivers who are texting. They are looking down, they are often swerving, and you can often see their phone. If you were at all familiar with the Virginia Tech study on distracted driving (they put video cameras in 100 cars in the DC area and ran them for a year), you would be aware of their conclusion that the risk of accident begins to rise sharply when a driver takes his eyes off the road for more than 2.0 seconds.

While I am grateful for your work helping members fight tickets that have nothing to do with safety, I am seriously disgusted that you would question banning something that is such

*(Continued top of next page)*

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](mailto:nma@motorists.org) or mailed to 402 W 2nd St., Waunakee, WI 53597

an obvious and serious road hazard as texting while driving. Your stance on this issue is irresponsible, and if you persist, this will undermine your credibility in ticket fighting where it has nothing to do with safety, and everything to do with taxation. Your members need you to maintain your credibility by being responsible in the battles you pick.

*David C. Holzman  
Lexington, MA*

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I strongly recommend that you provide source data on the reports noted in articles like ‘*Can you Hear Me Now*’ in the March/April edition of **Driving Freedoms**.

That way, we can use the articles to write letters to the editor of our local newspapers. I have had good luck so far with three articles published in the **Bowie Blade**.

I will submit a letter using the info from the article noted, but I would feel much better if I could back up my letter with the exact ID of the reports. My computer savvy is not the greatest when it comes to research, so I need the additional ID info on the reports.

I also strongly recommend that you encourage members to write letters to our local papers as a method of spreading the NMA message.

Keep up the outstanding work.

*George Buss  
Bowie, MD*

*Editor’s Note: The NMA keeps information about our source material in an office folder for each newsletter in order to respond to similar queries. Rather than pepper each issue with footnotes and citations – we don’t want **Driving Freedoms** to resemble a staid professional journal – we encourage you to send us an email at [nma@motorists.org](mailto:nma@motorists.org) if you are interested in finding out source material for a specific story.*

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I’ve always thought that it should be illegal to ban radar detectors, even though I haven’t used one for years.

After all, it’s just a radio. If one party is transmitting over public airwaves, others should have the right to receive that transmission – as is the case with radio scanners. Of course, with regard to scanners, it is illegal for the user to divulge what he hears to a third party, or to use the information in the commission of a crime.

I frequently hear names, birth dates, phone numbers, addresses, and even social security numbers on a scanner – that does not mean that scanners should be illegal. It is what the operator does with the information that is important.

I’m sure that those who support making radar and laser detectors illegal would say that they only have one purpose – to allow the user to break the law. That may well be the intent of the vast majority of people who buy detectors, but there are a few who simply want to take precautions so that they can check their speed in certain circumstances.

After all, even honest, upright, law-abiding pillars of the community sometimes inadvertently exceed the speed limit. ;-) Seriously, it is not always practical to use cruise control, and there are people who try to obey the speed limit who get caught in a moment of inattention (going downhill, say, or on a road that is clearly under-posted) so that even the most cautious person might find themselves “speeding.” My point, of course, is that there are other uses for a radar detector besides evading law enforcement.

To bolster this argument, detector manufacturers have begun to offer some safety features, such as warning of upcoming construction or school zones.

It seems pretty cynical and transparent to me, but if the warning system works, then great.

Also, a detector is not a license to speed, nor does it act as some sort of “cloaking device” (in trekkie vernacular). Far from it. Cops have eyes. They drive in unmarked cars with certified speedometers, and can pace vehicles. They use VASCAR (timing a vehicle over a known distance to determine speed). There is instant-on radar – the police just sit somewhere out of sight and shoot a vehicle as it crests a hill or rounds a bend. Finally, laser has a much tighter beam spread than radar. It does not bounce or travel beyond the vehicle(s) being clocked the way that radar sometimes does. If a laser detector alerts, it almost always means that the vehicle’s speed has already been determined.

All of the above sums up why I have all but given up on radar/lidar detectors and don’t use one.

Which brings me back to the “informer” terminology. At what point does a device go from being a detector to being an informer? As far as I know, there is nothing illegal about my coworkers and me calling each other to keep informed as to basic observations we might make while commuting to and from work – like where deer are, or providing advance notice of accidents, road construction, and the presence of emergency vehicles.

What we do with the information is up to us. These cell phone applications seem to be the same thing. Just good citizens keeping each other informed.

*Sherman Johnson  
Middletown, MD*

*Editor’s Note: Member Johnson originally sent this letter to his father, a communications law professor.*





## News From Around The Country

### California

Voters in California's tenth largest city, Anaheim, will have an opportunity to ban red light cameras in November. The Anaheim City Council unanimously endorsed the idea of placing a charter amendment on the ballot that, if approved by the public, would ensure that automated ticketing machines never appear on city streets.

Loma Linda will not extend its contract with the company that operates the city's red-light cameras when the agreement expires in December. The City Council voted 3-1 to terminate the agreement with Redflex Traffic Systems. After the Council mandated that yellow light intervals be increased at camera intersections by one full second in November 2009, violations for straight-through red-light running dropped 92 percent.

### Colorado

For months, speed camera vans in Denver have been ticketing drivers on a 45 mph stretch of South Santa Fe Drive. Although thousands have already been ticketed at the location, the Colorado Department of Transportation recently determined that 55 mph is a safe speed and will be raising the limit accordingly.

### Illinois

Chicago's \$7 million program to spy on illegally parked cars, videotape them, and send tickets to the owner by placing the cameras on street sweepers is now on hold. The city has already spent \$400,000 on the new technology, and not a single ticket has been written.

### Iowa

Red-light cameras are not likely to be installed in Urbandale any time soon. The City Council recently discussed the idea of adding the cameras at several city intersections, but none of the five council members expressed interest.

### Louisiana

Rep. Jeff Arnold failed in his effort to ban traffic cameras used to issue citations, but the Algiers Democrat convinced the House Judiciary Committee that accused drivers should at least get their day in court in front of an elected judge. House Bill 283 originally required that tickets be processed in a "competent court of jurisdiction," bypassing the administrative traffic court judges that usually handle routine tickets such as those for speeding or running a red light. The new version of the bill would allow a local jurisdiction to continue directing automated tickets to an administrative court. Drivers would have the right to appeal to the district court or other court with elected judges, without having to pay the usual filing fee.

Jefferson Parish's ticket camera program has been out of commission since January, when council members announced that they discovered documents showing that former New Orleans Councilman Bryan Wagner was receiving a portion of all traffic fines paid to the camera operator, Redflex Traffic Systems.

### Michigan

Motorists on the Ann Arbor portion of M-14 can drive by the city a little bit

faster now. The Michigan Department of Transportation just raised the speed limit to 65 mph from the former 55 mph zone surrounding Barton Drive.

### Missouri

Missouri's Supreme Court recently denied the city of Springfield's request to have the high court revisit a March 2nd decision declaring Springfield's process for enforcing red light camera violations to be in conflict with state law. The city suspended use of its 13 red light cameras after the decision, and dismissed all outstanding camera-related tickets.

### Ohio

Protesters rallied next to Cleveland's most prolific ticket camera to announce campaigns to let voters decide if the cameras should be banned in Cleveland and Garfield Heights. The groups hope to have charter amendments on the ballots in both cities and are launching campaigns to collect enough signatures on petitions.

### Texas

State officials have determined that Martindale derives too much money from speeding fines, listing it with three other cities statewide accused of running afoul of speed trap rules. A 1975 state law bans municipalities with fewer than 5,000 residents from collecting more than 30 percent of annual revenue from traffic fines. If fines exceed that limit, the money goes to the Texas comptroller's office. The other three cities are Kendleton, Patton Village, and Zavalla. ■

As of this printing, this information is current. For more information on this and other motorist news, visit [www.motorists.org](http://www.motorists.org)

# Great Deals At The NMA Store!

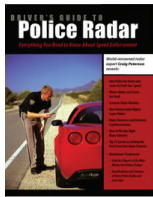
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## Beat Your Ticket

State and local governments are increasingly relying on traffic ticket revenue for daily operations. This book gives responsible motorists the means to protect their rights by addressing many types of tickets: speeding, reckless driving, defective equipment, and more.

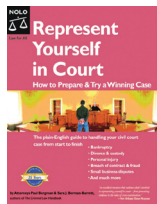
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## Driver's Guide To Police Radar

Ever wondered just how close that police officer has to be to get you on his radar? Have you heard that lasers can't be aimed through car glass? Are you getting your money's worth from your detector? These are just some of the questions answered in *Driver's Guide To Police Radar*.

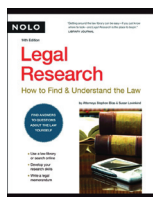
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## Represent Yourself In Court

*Represent Yourself In Court* is written for the non-lawyer. This book offers a step-by-step guide to representing yourself in a civil trial, from start to finish. It does double duty in that you can use this information for any civil matter, not just traffic tickets.

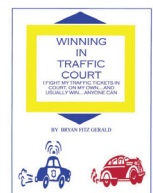
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## Legal Research

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: \$29.95      **Member Price: \$22.95**



## Winning In Traffic Court

This book is a helpful, enjoyable read on how to fight a traffic ticket. The author not only explains how to fight a traffic ticket, but also offers amusing anecdotes along with his justification for fighting every ticket you receive.

Non-Member Price: \$19.95      **Member Price: \$9.95**

## 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, and 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!

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