



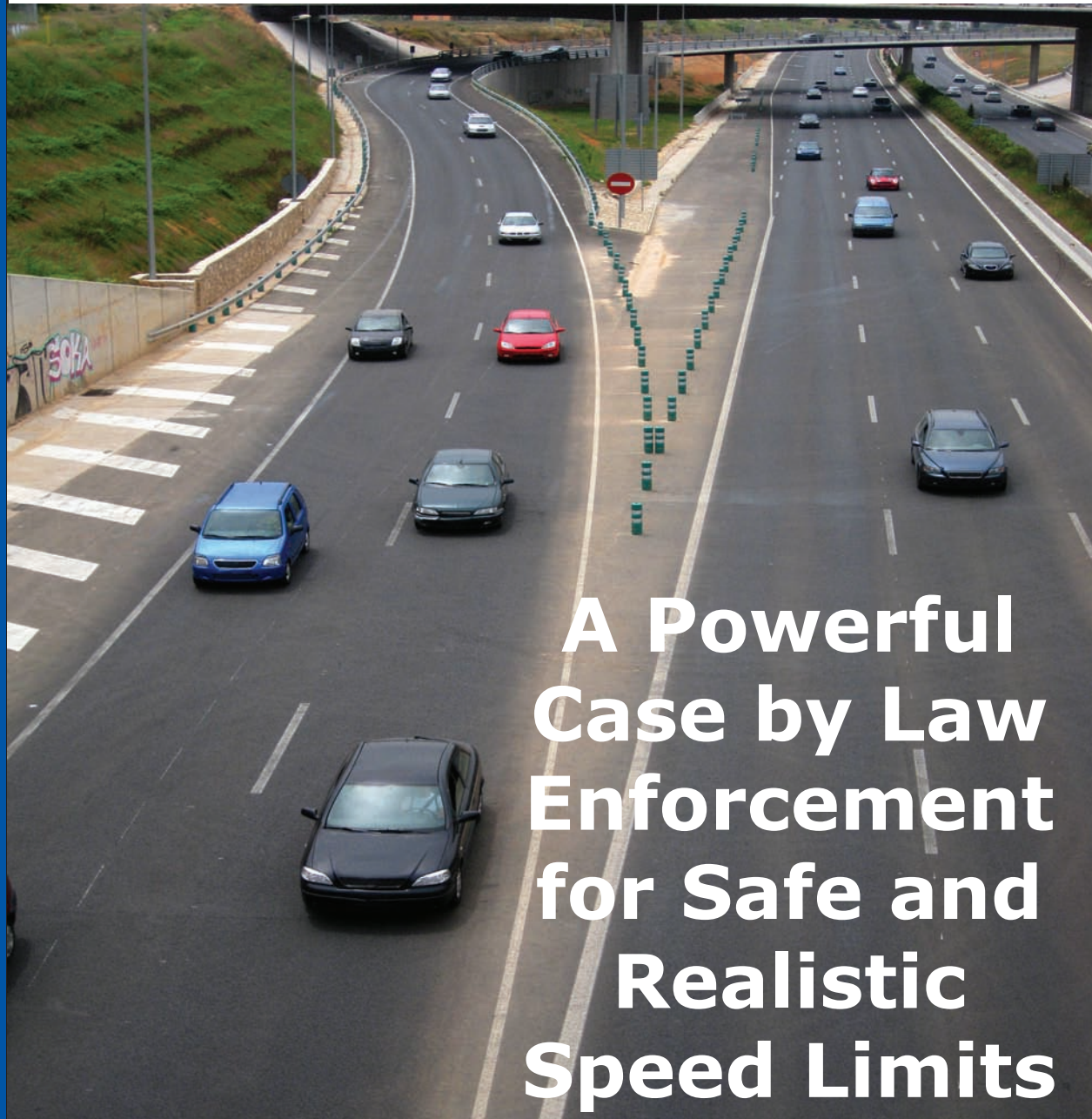
# Driving Freedom

NMA Foundation

Vol. 22 • Issue 2

Spring 2011

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



## A Powerful Case by Law Enforcement for Safe and Realistic Speed Limits

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**Driving Freedoms**

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# Driving Freedoms

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#### Cover

*"A Powerful Case by Law Enforcement for Safe and Realistic Speed Limits"*



## Spending Your Money

by James J. Baxter, President, NMA

Yep, we're spending your money every single day. Monday through Friday we're sending out legislative alerts – today Missouri and Florida are hot spots – responding to media inquiries, reviewing legal arguments and, of course, helping folks with traffic ticket problems.

In March, we did something a little out of the ordinary. We submitted an amicus curiae brief to the Massachusetts Supreme Judicial Court.

In 2009, the Massachusetts State Legislature passed and the Governor signed a bill that requires traffic ticket defendants to pay a fee to defend themselves in court. The law requires a fee of \$25 just to get a hearing before an administrative clerk.

The police officer who issued the citation doesn't even have to attend this hearing. The cost to get a hearing in a real court with a real judge, with the police officer present, is another \$50. Just to heap absurdity upon injustice, these mandatory fees are not refundable, even when the charges against the defendant are dismissed.

We have railed against this practice, which we believe to be unconstitutional, ever since the law was passed in Massachusetts. We were fully prepared to challenge this law in court if we could find a suitable defendant to press the issue in an appellate court.

We lucked out. Quite independent of our efforts, an

attorney by the name of Ralph Sullivan challenged a traffic ticket he had received, lost at the hearing process, and won on appeal to a regular court. Ralph made a motion to have his \$75 in fees returned, which the court denied. Ralph appealed that denial.

Meanwhile, in another corner of the Massachusetts justice system, another motorist lost his challenge of a parking ticket, this time in an administrative hearing run by the same agency that issued the parking ticket. (The State seems oblivious to the obvious conflict of interest in this system.) Unhappy with the outcome, the parking ticket recipient appealed the hearing verdict. This is where he discovered that it would cost a nonrefundable \$275 to appeal his \$15 parking ticket. With the help of the ACLU, this issue also entered the appellate court system.

In a rare and unusual act, the Massachusetts Supreme Judicial Court requested that the Sullivan and parking ticket cases be transferred to its jurisdiction and consolidated for review. This proved to be an excellent opportunity to weigh in on this issue on behalf of our members and motorists in general.

After reviewing the arguments submitted by all parties,

*(Continued on Page 4)*



## The NMA's Visionary Club

The NMA recently announced the formation of the Visionary Club to properly recognize significant contributors to the organization over the years. The philanthropy of such donors has been critical to the success of the NMA and NMA Foundation. No other North American motorists' rights organization has had anywhere near the 30-year longevity of the NMA.

If a person's or organization's cumulative gifts to the NMA have totaled \$2500 or more, they qualify as members of the Visionary Club. The donations may have been directly through the annual Legislative and Foundation fundraising campaigns, through planned estate gifts, or by combination of the two.

There are five different membership levels within the Visionary Club. They are based on specific giving levels and are shown in the adjacent box.

Every August, the NMA will update donor levels to identify new Visionary Club members and those who have climbed to a higher level within the Club. Each new member, and member with updated status, will receive a Certificate of Membership (similar to that shown on this page) to memorialize their contributions toward improving and protecting motorists' rights through our advocacy programs.

Through late 2010, there were 46 Visionary Club members. We know



### Visionary Club Membership

<u>Visionary Club Membership</u>	<u>Cumulative Giving Level</u>
Benefactor	\$2,500 to \$9,999
Benefactor Cum Laude	\$10,000 to \$24,999
Benefactor Magna Cum Laude	\$25,000 to \$49,999
Benefactor Summa Cum Laude	\$50,000 to \$99,999
James J. Baxter Founders Circle	\$100,000 and greater

that number has already increased with some recent gifts. A list of members will be published each year in the Fall issue of **Driving Freedoms**. Visionary Club members also have the option of remaining anonymous if they wish.

Planned giving includes gifts made as part of an overall financial/estate plan. For more information about how you can become an instant Visionary

Club member by including the NMA as a beneficiary of your will, living trust, retirement account, or life insurance policy, please contact Gary Biller at the NMA National Office in Waunakee, Wisconsin via email ([nma@motorists.org](mailto:nma@motorists.org)) or by phone (**608-849-6000**).

Gifts of appreciable property – cash, stocks, bonds, and collectibles – are also applied toward Visionary Club membership. ■

## Winners of 2010 NMA Foundation Sweepstakes Announced

Congratulations to the following NMA members, whose names were drawn at random as Sweepstakes prize winners:

**Gurdon Hornor  
of Cumming, GA**

Winner of the Escort Redline  
Radar Detector

**Marilyn Kelly  
of Stormville, NY**

Winner of the Valentine One  
Radar Locator

**Richard Morse  
of University Park, FL**

Winner of the Garmin Nuvi  
3790T GPS Navigation System



## NMA Washington Report

by Robert Talley, NMA Lobbyist



Funding for our roads remains a focus of federal legislators because since 2009, Congress has failed to provide a long term highway program. On March 3rd, just two days before the current program was set to expire, Congress approved an extension of current transportation funding through the end of the fiscal year. The bill, which will fund state transportation departments through September 30th, passed the House easily with a 421-4 vote.

The existing surface transportation bill expired in September 2009 and has been kept alive with a series of stopgap funding extensions ever since. The temporary extension comes as the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee are working on a multi-year reauthorization of the surface transportation program that is expected to come up for debate in the spring. Leaders in both chambers say they want to get the bill to President Obama's desk no later than August.



Transportation Secretary Ray LaHood has been on the Hill on a congressional tour to discuss the administration's six-year \$556 billion surface transportation plan outlined in the White House fiscal 2012 budget request. The White House plan for a surface transportation reauthorization would give greater weight

to public transit and rail projects, putting them in the renamed Transportation Trust Fund alongside highway projects. The proposal also creates a National Infrastructure Bank and sets aside \$4.1 billion for livability projects. The \$556 billion price tag represents a 66 percent increase in transportation funding, committing roughly \$270 billion more over six years.

Most significant, the new budget increases come without any plan to pay for the new programs.

This is a critical shortcoming as the current highway funding stream, the national gasoline tax, fails to adequately meet transportation needs. As legislators grapple with financial choices over the course of the summer, difficult decisions will be made over funding some high profile programs like drunk driving education and sobriety checkpoints.

Meanwhile, ideas to stop drinking and driving continue to proliferate. Sen. Tom Udall (D-NM) has proposed that the Department of Transportation annually study and report ways to limit drunk driving in the US.

Sen. Lautenberg (D-NJ) would like to go further. He proposes to withhold increasing portions of federal funding for highways from states that refuse to implement programs that require breathalyzers to be installed in vehicles of individuals convicted of drunk driving.

Undoubtedly, as the year progresses and Congress begins to seriously tackle our infrastructure, we will see increasingly inane proposals that will require intervention by motivated NMA members. ■

### Spending Your Money

(Continued from Page 2)

including the state, it was clear that the issues concerning us the most were not being addressed; namely, how this law violated the due process rights guaranteed by both

the United States and Massachusetts State Constitutions.

Consequently, we began the drafting of an amicus curiae brief for the Massachusetts Supreme Judicial Court. The final brief was submitted on March 8th. The oral hearing was held March 10th. At

the time of this printing a decision has not been rendered.

To view the NMA amicus brief, please go to the following URL, or you can contact our office for a printed copy:

[www.motorists.org/due-process-brief/](http://www.motorists.org/due-process-brief/)

■

**Vehicle Accident Reconstruction – An Overview, Part 2***by Jerry F. Cuderman II, Ph.D., P.E.*

*Part 1 of Dr. Cuderman's article appeared in the Winter 2011 issue of Driving Freedoms.*

If an accident reconstructionist is hired soon enough after the actual event, much of the physical evidence left by the collision may still be at the site. However, even if the physical evidence is largely gone, there are techniques to reacquire the data if police investigators or others take sufficient photographs shortly after the accident.

Proper photographic techniques are time-consuming and involve using special cameras and/or computer software, but are essential in reconstructing the collision in the absence of key physical evidence.

There are a number of factors that are often analyzed in accident reconstruction (AR): nighttime visibility, visual conspicuity, lamp filament analysis (to determine if vehicle headlights were on at the time of collision), traffic light timing and sequence, roadway friction issues, hydroplaning, mechanical failure, signage, braking performance, and yaw mark (sideslip) analysis, just to name a few. Every collision presents a different set of analysis requirements for AR.

A more recent class of physical evidence involves event data recorders (EDR), often referred to as black boxes. Although the latter

term is a bit of a misnomer, more and more vehicles are equipped with a means of recording crash information that is useful in determining what happened. At the very least, typical recording equipment will register information regarding the crash pulse, which is the change in speed of the vehicle during the collision.

Some EDRs will provide up to several minutes of data prior to the

in a case in the past 15 years where access to the data was not ultimately agreed to by the owner or ordered by the court.

AR can ordinarily determine what occurred in an incident without the availability of EDR data.

Analysis of the physical evidence varies from collision to collision. It is almost always necessary to study the physical evidence to determine

how vehicles moved prior to, during, and after impact. Estimating vehicle speed is also important and typically requires application of the physics of conservation of momentum and conservation of energy.

Sometimes data from the vehicle are nearly self-explanatory relative to speed and not much else needs to be analyzed.

There are also occasions where it is necessary to accurately measure how much a vehicle was crushed during an accident.

That information can then be used in conjunction with government or other crash test data to calculate the energy of the collision itself. Through this process, a complete picture of the vehicle speeds before and after the collision can be developed.

In addition, it is often necessary to perform a time and motion analysis to determine, (1) the relative positions of the vehicles through the course of the accident, (2) what each



collision, including vehicle speed, brake light and anti-lock brake status, transmission gear selector position, throttle position, steering wheel angle, vehicle rotation rates, seatbelt usage, and more.

It is critically important to know how to interpret the EDR data. One of the biggest effects that such data have had is keeping everyone “honest,” since the collected information often provides a solid foundation that cannot be ignored. Hence, the “black box” does not replace AR but can actually enhance it.

On a side note, whether the law says the owner of the vehicle “owns” the data appears to be largely irrelevant – I have never been involved

*(Continued top of next page)*



driver was able to see, and (3) how much time they had to perceive and react to the situation.

Once all the evidence has been gathered and interpreted, it is time to formulate opinions as to what happened in the collision. Driver perception-reaction should be accounted for, and what each person did or failed to do requires analysis to reach conclusions on the ultimate cause of the collision.

Once the accident reconstructionist has formed opinions, it is typically necessary to prepare a report containing conclusions. Many times the AR report is used by other experts – such as the biomechanics specialist who needs to know the speeds and acceleration rates in a collision to determine cause of injury.



Finally, AR specialists are often asked to provide expert testimony regarding the details of their reconstruction. This is usually done by deposition, or if the case goes to trial, courtroom testimony. In a deposition or trial, the AR expert is typically asked how the analysis was conducted and what foundation exists for the opinions rendered.

Twenty years ago, most civil cases probably proceeded until all AR depositions were taken. Then, 95 percent of the time, cases would be settled before trial. Today, more and more cases are settled even before reports are written or depositions taken. One way or another, most

cases involving accident reconstruction settle prior to trial. ■

*Editor's Note: Subsequent to Dr. Cuderman's submittal of this article for **Driving Freedoms**, the National Highway Traffic Safety Administration (NHTSA) renewed its efforts to mandate the inclusion of EDR in all North American manufactured vehicles within the next two model years. NHTSA is leveraging the controversy surrounding the alleged acceleration problems of certain Toyota models to gain further political traction on the issue.*

*The NMA remains adamantly opposed to the release of EDR data by anyone other than the actual owner of those data, the registered owner or lessee of the vehicle. As we have noted in previous issues of **Driving Freedoms**, current federal and state laws are woefully inadequate in spelling out a vehicle owner's rights with regard to EDR data.*

### **Are You Really the Owner of Your EDR and Its Data?**

Five years ago, NHTSA predicted that by 2010 nearly 85 percent of the vehicles on North American roads would be equipped with event data recorders. While it is difficult to verify whether that prognostication came true, it is clear that a large percentage of vehicles now available for sale do have the capability of recording and storing a range of operating parameters.

Currently, several makes of cars and trucks store data that include a wealth of information. This information is held for

*(Continued top of next column)*

several seconds – sometimes minutes – and is saved in the event of a collision. Such data can include vehicle speed, engine speed, throttle position, accelerator position, transmission selector gear, steering wheel angle, cruise control status, brake switch state, anti-lock brake activity, longitudinal and lateral acceleration, and roll rate.

NHTSA's 2006 ruling, 49 CFR Part 563, provided guidelines for the standardization of data to be collected by EDRs. The basic categories noted in the ruling included pre-crash vehicle dynamics and system status, driver inputs, vehicle crash signature, restraint usage/deployment status, and post-crash information.

Originally, NHTSA noted a compliance date of September 1, 2010 for 49 CFR Part 563. When it became clear that many auto manufacturers were not going to meet that requirement, NHTSA extended the compliance date to September 1, 2012. As noted in the adjacent *Editor's Note*, NHTSA is now pushing for mandatory compliance to 49 CFR Part 563 by all North American car and truck manufacturers.

Most car and truck owners do not know if their vehicles have EDRs, how to extract the data from the recorder, or what their ownership rights are regarding the collected data. With only twelve states (Arkansas, California, Colorado, Connecticut, Maine, New Hampshire, New York, Nevada, North Dakota, Oregon, Texas, and Virginia) having laws on their books to define ownership issues surrounding EDRs, motorists will need to become better informed about their rights. ■

## A Powerful Case by Law Enforcement for Safe and Realistic Speed Limits

The Michigan State Police get it. Not only do they get it, the MSP are instrumental in advocating for it with their state legislators.

“It” is the setting of speed limits based on the 85th percentile principle, something long supported by the NMA and a wide range of traffic engineers.

Studies have established that the safest limits are those based on the speed at or below that which 85 percent of unencumbered traffic is traveling. The 85th percentile speed results statistically in the lowest speed variance among vehicles, helping to alleviate congestion and minimizing the number of collisions.

Typically statutory speed limits, many of which have been unchanged for several decades, are set in the 30 to 40 percentile range. This means that by just traveling at the speed of prevailing traffic in those areas, 60 to 70 percent of the drivers will be violating the posted speed limit.

Lt. Gary Megge is a formidable spokesperson for the MSP. He recently

appeared before the Transportation Committees of the Michigan Senate and House of Representatives, driving home the importance of setting realistic speed limits, i.e., those set by following these steps:

1. Conduct a traffic study to determine the 85th percentile speed;
2. Analyze crash data (accident rate and type of accidents);
3. Assess the roadside environment;
4. Consider the roadway configuration, e.g., number of lanes, length of road;
5. Factor in other traffic and pedestrian movement influences

Lt. Megge emphasized the need to conduct the traffic studies during ideal driving conditions while eliminating any external factors that would prevent the free flow of traffic.

He also noted that the measurement of vehicle speed during the traffic study should be done unobtrusively so that drivers don’t necessarily realize that their

driving habits are being surveyed.

That last point is an interesting one because the premise behind the 85th percentile speed is that regardless of what the posted speed is (or isn’t), the benchmark speed of the prevailing traffic will be the same for a given stretch of road. In other words, the majority of drivers will travel at a rate they feel safe and comfortable.

Megge demonstrated this to the Michigan legislators through the use of several PowerPoint slides, some that we have reproduced for this article. In **Figure 1, Improper Change**, data from two different traffic surveys at the same location (Jolly Road at West Driveway) are presented. One survey was conducted with a posted speed limit of 55 mph, the other after the limit was reduced to 45 mph. Note that the 85th percentile speed varied only from 52 mph to 51 mph between the two tests. Despite claims to the contrary from “speed kills” advocates, drivers don’t automatically speed up when posted limits are increased.

Even more dramatically, the MSP ran traffic surveys at a similar location with a wider spread between posted speed limits, from 55 mph to 70 mph. The results? As shown in **Figure 2, Speed Studies**, the 85th percentile speed actually decreased from 73 mph to 72 mph when the posted limit was 15 mph higher.

Megge and the MSP acted as mythbusters in another regard. Too many people believe the old saw that slower traffic flow results in safer roadways. That folly is disproven by the facts, as illustrated in **Figure 3, Crash Involvement vs. Speed**.

First, notice that the crash involvement curves – one each for night-

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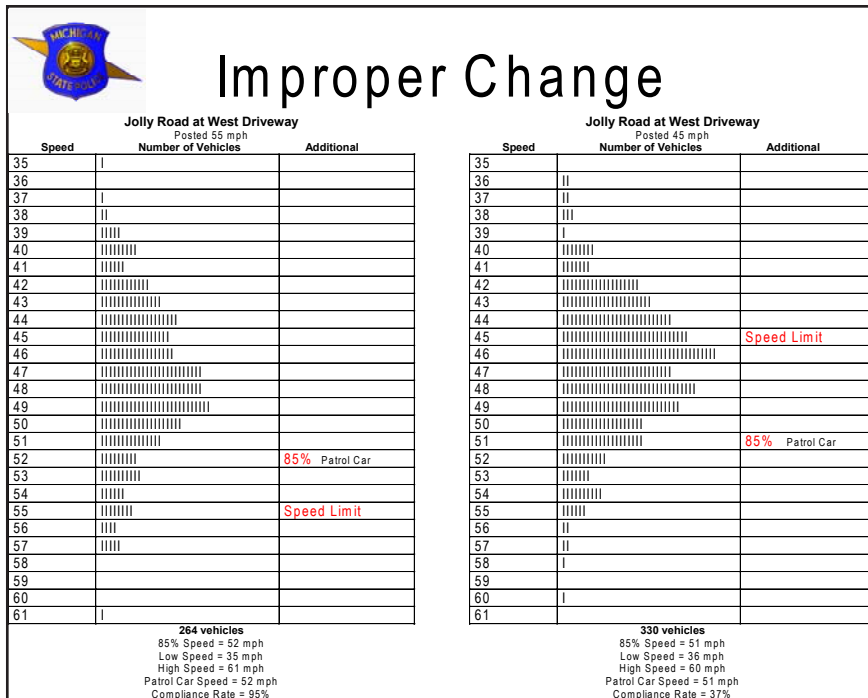


Figure 1

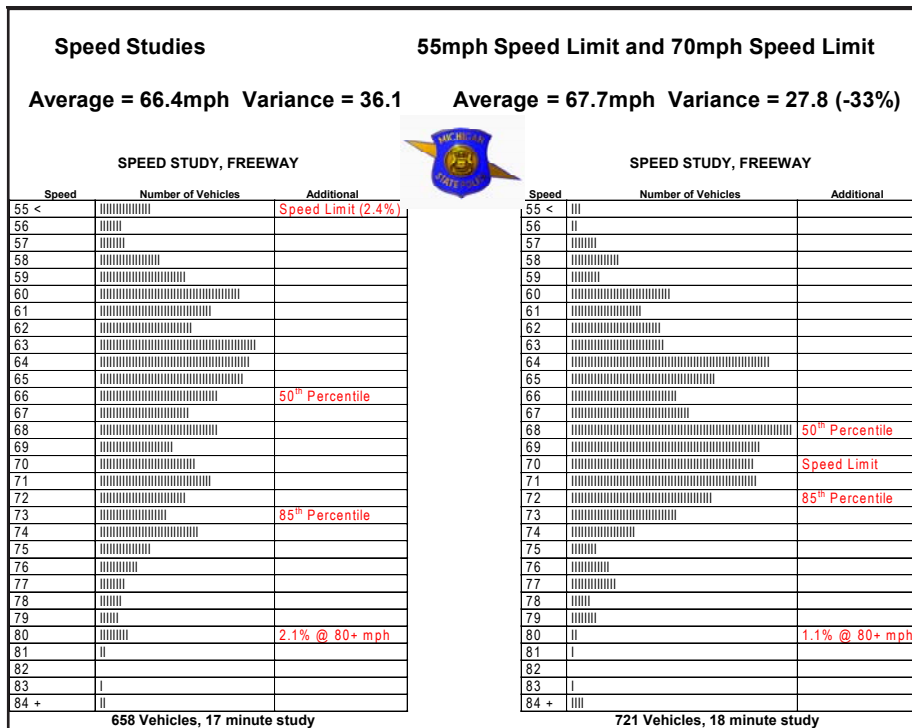


Figure 2

Responsibility Act (DRA) penalizes drivers over and above usual traffic fines, particularly those with specific prior traffic violations, or who have accumulated seven or more points on their driving records. \$800 million in revenue was collected under the DRA between 2004 and 2009, with most of that money being deposited in the state's General Fund. Our members in Michigan have been very active in working for the repeal of the DRA. Last September, the State House of Representatives voted unanimously for that repeal. Unfortunately, the State Senate did not pick up the issue before the legislative session ended, effectively killing the initiative for that year.

The DRA activity is not a reflection on the enforcement responsibilities of the MSP or the active work they are doing to advocate safer and more realistic speed limits throughout the state.

The NMA is pleased to endorse the efforts of law enforcement agencies like the Michigan State Police, who are truly helping motorists by educating both legislators and the electorate on the virtues of rational traffic regulations and proven engineering methods. ■

time (rural), daytime (rural), and freeway driving – bottom out close to zero deviation from average speed, or slightly to the plus deviation side. This implies that the safest traffic flow occurs when speed variance among vehicles is near zero.

Second, note how steep the crash involvement curves become when the deviation from average speed becomes more and more negative. Slower drivers create a much higher risk of collision than drivers who are at or above the average traffic speed.

The MSP have an enlightened culture, one that values traffic safety over collecting revenue through command and control tactics such as speed traps. The MSP were instrumental in drafting Michigan's Public Act 85, a law that requires localities to base speed limits on proven, scientific methods, like that of the 85th percentile.

When several communities were still using antiquated speed limits and were issuing speeding tickets accordingly, Megge and the MSP spoke out loudly to the media about the disregard for the lawful requirements of PA 85.

It is also noteworthy that the MSP

were instrumental in encouraging a change to Michigan's standard work zone speed limits. The current "45 Where Workers Present," as opposed to a blanket lower limit with or without workers present, might not have been enacted without the help of the MSP.

Not all is peachy keen for drivers in Michigan, however. The state's Driver

## Crash Involvement vs. Speed

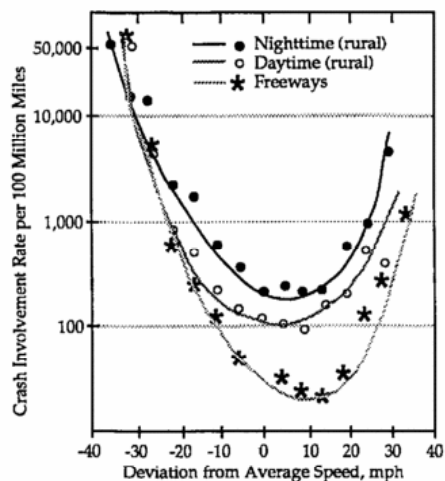


Figure B-2 Crash involvement rate by deviation from average traffic speed (Solomon 1964; Cirillo 1968 in Stuster and Coffman 1997, 4). 1 mph = 1.609 km/h.

Figure 3





## News From Around The Country

Now featured, with daily updates,  
as "NMA Driving News" at [www.motorists.org](http://www.motorists.org)

### United States

The U.S. Department of Transportation has released data revealing that American drivers traveled over 2.9 trillion miles in 2010. According to DOT, that's a 0.7 percent, or 20.5 billion-mile) increase over 2009, and the highest rate since 2007.

### California

The city council in San Bernardino voted 5 to 0 in early March to pull the plug on its red-light camera program. The action follows the lead of a growing number of jurisdictions in the Golden State that have been disillusioned with automated ticketing machines.

The Los Angeles County Metropolitan Transportation Authority will convert sections of Interstate 10 and Interstate 110 from high-occupancy vehicle (HOV) lanes to what it calls "Express Lanes," which will allow drivers to zip along solo if they're willing to pay a toll.

### Colorado

One class of Colorado license plates are virtually invisible to photo enforcement systems: those on the vehicles of Colorado's own lawmakers. The legislative license plates are not tied to a car's vehicle registration information, so photo tickets aren't issued.

### Illinois

Alderman Ray Suarez (31st) wants to mandate countdown signals at all Chicago intersections with red-light cameras. Countdown signals are normally installed to protect pedestrians,

but may also be useful for drivers to help anticipate signal change.

### Maryland

Baltimore police and transportation officials are trying to correct a problem with about 2,000 red-light camera citations bearing the signature of a long-deceased police officer.

### Massachusetts

The Massachusetts Supreme Judicial Court is reviewing the appeal of Belmont attorney Ralph Sullivan, who says the \$75 it cost him to challenge a traffic ticket is just plain unfair — and violates his right and the rights of thousands of others to equal protection and due process under the law. (See "Spending Your Money" on page 2 for more information about this news item.)

### Missouri

On January 12th, the Missouri Highways and Transportation Commission adopted a new policy that will regulate red-light and speed cameras on roads and highways that are under state control. New cameras will have to be preceded by studies and a 30-day public awareness campaign; signs will have to be posted in advance of camera-enforced intersections; local agencies using the cameras must provide ongoing safety and citation data; and certified law enforcement officers will have to determine violations.

### New Jersey

Glassboro, the first southern New Jersey municipality to issue a red-light camera ticket, has admitted that it issued 12,000 tickets worth \$1 million at

an intersection where the yellow-light time was illegally short.

### North Carolina

State Senator Don East introduced legislation in early March that would make it a crime to operate a red-light camera or speed camera. On the other end of the spectrum, a dozen Democrats in the state House joined two Republicans in introducing competing legislation that would authorize the use of speed cameras to generate revenue to pay a court judgment entered against the state.

### Oregon

The days of having your speeding ticket reduced because of a good driving record would be over if Oregon House Bill 2712, overhauling court fines, passes the Legislature this year. The law would remove judges' discretion to order those reductions.

### South Carolina

South Carolina is considering a bill that would allow police to slap \$150 tickets on motorists caught driving less than 10 mph over the limit, but let them skip reporting the tickets to shield low-speed offenders from higher insurance premiums, and likely to minimize the resistance of would-be ticket fighters.

A new South Carolina program is making sure the state gets the money from those who haven't paid their traffic tickets — by taking it from their income tax returns. The program will take your money if there's an outstanding contempt warrant out for you, which means if you failed to show up for your court date or failed to pay under a payment plan. ■

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

## Two Cases, Two Strategies, Two Victories in Traffic Court

### Signs of a Common-Sense Defense

by Rod, NMA Arizona Member

A friend and I decided on a late-night supper out. We arrived to find the restaurant had just closed. Close by was a fast-food place across a big boulevard. I headed east after crossing four lanes to get to the fifth – a left-turn-only lane. When the left turn arrow switched to green, I pulled a U-turn, and then a right into the fast-food joint.

Moments later, I was stopped and ticketed for the U-turn. I told the cop I thought U-turns were legal in Arizona unless posted. He said I was correct, but that the intersection was marked. I asked him to show me. We walked ½ block, and yep, on a horizontal bar over a go-straight lane was an unlit “no-U-turn” sign between two bright traffic signals.

I measured and took pictures the next day and night. The unlit sign was seventeen feet off of the ground, thirty-five feet to my right. When I made the U-turn, I had concentrated on the traffic signal on the opposite corner, to my left. I made an enlarged night photo from what had been my viewpoint. You could barely make out the sign. I went to court. My friend testified that from the passenger seat, he too had no idea the sign was there.

I cited the five fundamental criteria for regulatory signs in the Manual on Uniform Traffic Control Devices (MUTCD): 1) Fulfill a need, 2) Command attention, 3) Convey a clear, simple meaning, 4) Command respect from travelers, and 5) Give adequate time for proper response.

I noted to the court that the sign in question failed to meet three of the five requirements! I introduced my

night photo plus another of an identical intersection only a couple of miles from where I was cited. That intersection had a second “No-U-Turn” sign on the opposite signal post. I stated that if the City deemed a second sign was needed at that intersection, one should have been present at “my” intersection. I also noted that if a second signal post is needed, a second sign should be also.

After being found “not responsible” (the judge complimented me), the cop came up and said that after my performance, he was glad my case was not a lawsuit against the city for a crash caused by a poorly marked intersection! Soon a second “No-U-Turn” sign was installed on the opposite signal post – BUT – only eastbound. The same situation still exists going west...



### Exercising My Rights

by Sasha Lanz, NMA Texas Member

After checking with the NMA to make sure I was covered by their Traffic Justice Program if I lost my battle, I went to my traffic court hearing to fight a ticket for doing 61 mph in a 40 mph zone.

I thought I was pretty safe, since the speed limit posted where I got the ticket was 45 mph. If the officer can't even get the posted speed limit correct, how can we trust him to do the rest of his job properly?

Besides, I was cited for speeding on a freeway exit ramp, with the 45 mph sign within sight of the officer's hiding place. He clocked me in the vicinity of the sign, and if he pushed

the button on the radar gun just before I reached his position, 60 mph would have been a legal speed. Surely they wouldn't convict me for 1 mph over.

I was in traffic court before 1:30 p.m. along with about 50 other misdemeanor miscreants. The first thing that happened was dismissal of the charges against everyone in the room who was represented by a lawyer. I didn't pay to be represented, knowing that the NMA had my back if I lost.

Several people agreed to deferred adjudication (\$150 fee) or probation (\$180 fee). Four of us were left to go to trial, and it was 4:30pm. The officer was available, but they still had to impanel a jury. So they began the hard sell to be tried by the judge, instead of a jury. That was my preference anyway, and the others finally gave in. The judge told the prosecutors to prepare the paperwork, and then sent for the officer.

“Mr. Lanz, please see the bailiff.” So I walked up to the front, where I was told that my case was dismissed. Nearly 5:00 p.m. and I had out-waited them. I suppose they all wanted to go home, and looked for the most likely case to get rid of, or maybe the 40 vs. 45 vs. 60 posted speed limit question was the key.

Perhaps it was that I was the only defendant in a suit and tie, carrying a briefcase. I will never know. I didn't stick around to see how those three other quickie trials were resolved. ■





## Members Write

In response to your recent article on driver licenses (*the Nov/Dec 2010 issue cover story*), I have some comments.

A couple of weeks ago at a road-block checkpoint, I got a ticket for being an “unlicensed driver.” That’s what you get in New Jersey even if your license is simply expired – not suspended, not revoked, just expired.

Why should a driver license ever expire? I suggest the primary reason is all about control. The government wants to keep track of their “subjects” by having an updated picture and other personal information for their files. And, of course, they want the money in the form of the license renewal fee.

In effect, the system says that if your driver license is expired, you are expired. It becomes a hassle to open a bank account, or even obtain a library card. They might as well stamp “expired” on your forehead.

In a 2009 study called *Freedom in the 50 States*, each state was ranked by a number of different factors. New Hampshire was first, meaning the most free from inane governmental dictates. New York was dead last, barely edging out New Jersey which was in the 49th slot. The “Garden State” motto on NJ license plates certainly doesn’t reflect that.

With any luck, the current budgetary crisis will result in fewer

police to issue tickets. I, for one, will not miss them.

*J. Mackenzie  
Marlton, NJ*

I note recent news articles about red-light cameras (RLCs) in the state of Illinois, and in the city of Chicago in particular. The stories note how ticket revenue is down due to motorists going out of their way to avoid intersections with RLCs.

There is an overlooked, and I think important, point to be made in the fight against photo enforcement. I’ll use a comparison of Illinois cities south of Chicago – Homewood, Lansing, Calumet City and Dolton – to those just across the state line in northwest Indiana (Hammond, Munster, Highland, and Merrillville, to name a few).

The Indiana towns don’t have RLCs. Illinois residents in the aforementioned communities should do all of their shopping in northwest Indiana. In addition to avoiding the risk of being flashed by a camera, motorists will find that the sales and gasoline taxes are lower in Indiana.

In other words, boycott local businesses where RLCs exist. Emphasize that point with the media so that local merchants in RLC-infested communities recognize that the monetary pressure they are feeling is due to the presence of the cameras.

I’m sure the Chicago/north-

west Indiana situation is not unique around the country. There are bound to be other areas where motorists and shoppers can show their displeasure with photo enforcement by taking their business to nearby cities, towns and villages that don’t use RLCs to inflate their coffers.

Media stories about the migration of retail customers because of RLCs can bring additional pressure to bear on local merchants. Small businesses are the economic engine for many locales. If we can grab the attention of business owners through their pocketbooks, just as RLCs have grabbed our attention through our wallets, the fight against red-light cameras will have gained a powerful set of allies.

*Paul  
Crete, IL*

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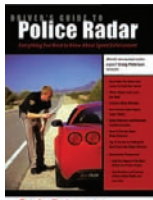
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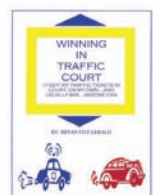
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