



Driving Freedom

NMA Foundation

Vol. 22 • Issue 3

Summer 2011

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



Mileage-Based User Fees: A Tax By Any Other Name

If your NMA membership expiration date is on (or before) 7/1/11, this is your last issue of

Driving Freedoms

PLEASE RENEW NOW
TO AVOID ANY LAPSE!

NON-PROFIT
ORGANIZATION
US POSTAGE PAID
MADISON, WI
PERMIT #2860

ADDRESS SERVICE REQUESTED

NMA Foundation
402 W. 2nd St.
Waukegan, WI 53597



Driving Freedoms

TABLE OF CONTENTS
Volume 22 • Issue 3

Road Trip 2

Survey Says....Roundabouts 3

NMA Washington Report 4

Traffic Ticket Overhead..... 6

Mileage-Based User Fees 7

Laws on Use of Electronic Devices .. 9

Members Write 11

News From Around The Country 12

Experts Corner 13

SCCs & Activists List 14

Copyright © 2011 by NMA Foundation.
All rights reserved.

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

Editorial Staff

Managing Editor Gary Biller
Staff Writer James J. Baxter
Staff Writer Aaron Quinn
Staff Writer.....Robert Talley
Editor-at-Large..... Bill Jordan

Cover

*“Mileage-Based User Fees:
A Tax By Any Other Name”*



Road Trip

by James J. Baxter, President, NMA

Every year I like to take a reading on the state of cross- country travel. This May I loaded up my “long in the tooth” Honda Sabre and headed from Wisconsin to Southern California.

When the flower petals that were falling to the ground melted, I should have suspected a bad turn in the weather. It rained in Wisconsin and all the way through Iowa. However, I mostly got wet only on my right side—that’s what happens when you have a 30 mph crosswind out of the north.

The temperature hung in the mid-40s throughout the day and into the evening when I declared an end to the “fun” and found a motel in Fremont, Nebraska.

Lessons for the day included the realization that my supposed waterproof shoes weren’t, my somewhat expensive Aerostich riding suit was worth every penny and then some, and it’s really nice when the motel, bar, and restaurant are all in one building.

The next morning I burned up most of breakfast time getting my smallish rubber boots on over my two-sizes larger shoes, knowing full well I would never stop and take on this task once on the road. Then I headed for Boulder, Colorado to visit an old friend.

During much of this day I had the wind behind me, still out of the north, and I stuck to two lane roads as I had the previous day. It rained, but not too hard. Traffic and traffic enforcement are typically light on these roads. The latter follows the

former; that’s where the money is. (As in, “Why do they rob banks?”)

It turns out my friend was in Estes Park, not Boulder, so I had the pleasure of driving a snaky canyon road, in the dark, amongst the deer and elk, at the end of a 12-hour riding day.

Somewhat embarrassingly, but wisely, I pulled over on occasion to let faster traffic go by. If I had gone much slower on some of the corners, I would have fallen over for lack of momentum. There are no trophies for road racing in my closet at home.

After a great visit and a virgin audience for some of my favorite stories, I headed over the Rockies on I-70. I don’t like this road, especially on a motorcycle. The traffic consists of 30 mph truck traffic, 85 mph commuters who know the turf, horsepower-eating altitude, winds from three directions at once, periodic snow storms, and vertigo-inducing tunnels. Otherwise it’s OK.

Then I encountered one of highway signage’s great mysteries—“NO SERVICES FOR 60 MILES”—strategically located just beyond the turn-off for those last services.

First I slowed to 70, then 60, and finally to 45 mph. I was still 20 miles out when the reserve light started to blink. I figured the reserve was good for 15 miles. I was hunched over the tank, looking like Mr. Aerodynamic, tottering down

(Continued on Page 4)

Survey Says: What You Think About Rotaries/Roundabouts/Traffic Circles

Editor's Note: Our March 15, 2011 weekly email newsletter asked subscribers a basic question: "Roundabouts - Love'em or Hate'em?" The responses were varied and plentiful. After publishing the basic metrics of the survey (67.7 percent favored roundabouts, 17.8 percent were opposed and the remainder had mixed feelings), we promised to print some of the more interesting comments.

What follows is only a small portion of the feedback about roundabouts. We accumulated dozens of pages of roundabout comments - pun intended - worthy of sharing with you, but there simply isn't the space to do it here.

The comments, some edited for brevity, are not attributed to specific individuals nor are they sorted by common viewpoints. Much like with roundabouts, we thought it best to just let them flow anonymously in the random order they entered the "circle."

* * * * *

I live on Hilton Head Island. The roundabout is a very good traffic control method since traffic flows without the use of traffic lights. We've had four of these roundabouts for five years; I have yet to see one accident on any of them.

* * * * *

Roundabouts are counterintuitive, permanent, and cannot be bypassed. They force the vehicle on the right to yield, the opposite of our usual right-of-way protocol. Emergency vehicles cannot bypass roundabouts; do we want our first responders to have to run those types of gauntlets when critical response times are measured in seconds?

* * * * *

The key skill for a motorist approaching the circle is to not watch the car coming from the left to see what it is going to do, but LOOK AT THE RIGHT FRONT WHEEL. Watching what the wheel does gives better information than

looking at the car as a whole.

* * * * *

My experience and opinions come from operating fire engines all over the American west, including major metropolitan areas such as San Diego, Los Angeles, and Las Vegas. Roundabouts are a welcome addition for several reasons. They are far safer to drive Code 3 through because there is no unexpected car blowing the intersection and T-boning the fire engine. There are no red lights to cross (for the fire engine). They are far less likely to be clogged, and it is much simpler for cars to pull forward and through the intersection if they need to make way.

* * * * *



We've had rotaries, as we call them in Massachusetts, for as long as I can remember and I have been driving since 1961 and observing traffic since the 1950s. Roundabouts are the optimal solution when one doesn't have a limited access highway. Their utility has been compromised by increased enforcement of the ridiculous notion that traffic already in the roundabout has absolute right of way over entering traffic. This causes people entering the roundabout to be overly cautious and miss the opportunity to blend in seamlessly by matching the speed of traffic already in circulation, defeating what I call "opportunistic merging."

* * * * *

Increasingly, drivers seem to misuse roundabouts and cause the traffic

backups they are intended to prevent. As soon as the backups become asymmetrical, the idiots in the responsible agencies begin to resort to inappropriate solutions like adding traffic lights to the roundabout. Then, why even have a roundabout? The proper solution to a choked roundabout usually involves additional lanes, a larger diameter, and improved sightlines for entering and circulating traffic.

* * * * *

Roundabouts are all about merging, and that gets harder and harder to do in tight spaces. We need to do a better job of explaining the simple rules to drivers. Once you understand the concept that you have to yield when entering the roundabout, and then ride all the way around, it becomes pretty intuitive.

* * * * *

I doubt there is any support for an argument that it's safer to stop a vehicle, and make 90 degree turns, versus slowing, yielding, and merging at smaller angles without stopping. Roundabouts encourage movement and thinking on the fly. I think it would be tremendously beneficial to start breaking the bad habits some drivers have of stopping their vehicle at the slightest uncertainty.

* * * * *

Here in Southeast Michigan smaller roundabouts are the latest fad with traffic engineers. The most complex is on Michigan State Route M-23 just South of I-96. It has multiple circles, and is very confusing to a newcomer. I use it about once a month and have not observed an accident. The best improvement for traffic flow and fuel economy has to be rolling right turns with caution at red light and stop sign intersections. No construction required.

* * * * *

(Continued on Page 5)



NMA Washington Report

by Robert Talley, NMA Lobbyist



It is hard to write a serious report about how your elected officials are addressing critical long and short term transportation issues when Washington is more focused on Weiner problems than substantive issues. Nevertheless, somewhere in the distant background these conversations do occur, though progress is difficult to measure.

Legislators continue to grapple with how to fund our national transportation infrastructure, lower our reliance on foreign oil, and lessen our impact on the environment. To address these goals, there are serious competing policy proposals under consideration. These range from more mandates and increased taxes to alternative funding streams for transportation.

On the mandate side, the Obama Administration recently rolled out a proposal to increase the Corporate Average Fuel Economy (CAFE) standards to 62 mpg by 2025 from 35.5 mpg mandated by 2016. Given that auto manufacturers have already announced that meeting the 2016 mandate will increase the average cost of a vehicle by \$1000, it is hard to fathom what it will cost to almost

double the CAFE standard.

Retailers already report low consumer demand for cars that get 40+ mpg, leaving some in the industry wondering whether consumers will even buy the government-mandated vehicles.

Further, reducing gas consumption will only exacerbate the shortfall of transportation funding from gasoline taxes. The basic issue preventing progress is that dedicated revenues from taxes fall well short of what legislators feel they need to fund transportation projects.

Analysts estimate the tax will collect roughly \$300 billion over six years, yet the Administration has proposed spending \$556 billion over that same period.

Responding to a 62 mpg mandate and the need for road maintenance funds, GM CEO Dan Akerson has explained that a \$0.50 per gallon gas tax increase is a more realistic and direct way to promote conservation and raise revenues. Of course, a gas tax wouldn't hurt his company the same way a CAFE mandate would.

But raising revenues through taxes remains a third rail for the Republicans

who run the House and may garner a majority in the Senate after the next election. Republicans have opposed any additional taxation, whether by vehicle miles traveled, increasing the gasoline tax, or tolling of roads.

One proposal that is getting some support is the use of innovative ways to leverage debt financing through federal loan guarantees. Still, funding roads with debt just postpones the problem, rather than solve it. The financial burden would be placed on future generations.

Some of these issues will have to be resolved over the course of the summer as our current transportation funding laws expire in the fall. Both chambers are committed to releasing proposals shortly. What will be of interest to NMA members is the extent to which legislative committees scale back non-essential programs and instead focus on core issues like construction funding.

Both Chambers have promised to eliminate earmarks, but what will happen to non-essential programs like federally-funded enforcement campaigns remains to be seen. ■

Road Trip

(Continued from Page 2)

the right lane (75 mph speed limit) when just for fun, the state closed the right lane for repaving. Now I'm in the left lane blowing on the windshield for added propulsion, with eyes glued to the rearview mirror.

Here the thundering herds come, with their full tanks of fuel, not fretting the complications of leaving your motorcycle and all earthly posses-

sions in the ditch, thus leaving you with a five mile hike to the nearest service station. The only "staying alive" option was to cross the median rumble strips and ride the sliver of pavement to the left, letting the faster traffic pass on the right.

(Actually, everyone slowed down and gave me plenty of room, probably assuming I was having some kind of problem. They must have known I couldn't be low on

gas because there was that sign back there . . .).

I know most of you do not read this newsletter for travel stories, and I've reached my allotted length, so I'll just quit here. But, if you would like to read more about my research trip, I'll post the remainder on our web site at <http://www.motorists.org/newsletter/jimbiking>. If you don't frequent the web, just drop a note or give a call and I'll send you a hard copy. ■

Rotaries/Roundabouts
(Continued from Page 3)

I've been adamantly opposed to them until recently. About two years ago, Arizona began putting in some roundabouts, and I've been forced to get used to them or divert many miles out of my way. Now I'm actually beginning to like them. While it's true that inexperienced or timid drivers do not know how to properly enter and exit a roundabout, I've observed that with time, they learn, and traffic begins to flow more smoothly.

* * * * *

I lived more than 50 years in Great Britain where I suspect the roundabout was invented. I am totally in favour of their introduction in many places and consider that they would seriously improve traffic flow. They must be introduced under the British system whereby the traffic on the roundabout has priority over the traffic joining.

* * * * *

Personally, I am all for a well-engineered rotary in many instances rather than traffic lights or stop signs. However, I would like to see rotaries fall under federal rules to have them uniform throughout the country, thus reducing confusion from state to state.

* * * * *

Drivers in Europe are much more talented and knowledgeable about how they are supposed to work. I think it's a lost cause if we think we can educate American drivers on how to properly execute the choreographed ballet that's necessary to utilize the benefits of roundabouts. Time and again, we see drivers come up to a roundabout and stop first. It's insane.

* * * * *

I had seen how well they could work while driving in Europe, but was expecting the worst here since most Americans are unfamiliar with them. I don't admit this often so take note: I was wrong. The roundabouts have had the

effect of keeping traffic flowing. Gone are the traffic lights and the seemingly endless wait for them to change.

* * * * *

There are two downsides. One is that upon entering a roundabout one must stay alert because some drivers are more hesitant than others and can balk unexpectedly. The other is that, despite the fact that some of these roundabouts are two-laners, there is still not a wide enough arc for an 18-wheeler. Used properly, roundabouts are traffic flowing devices, not traffic "calming" ones.

* * * * *

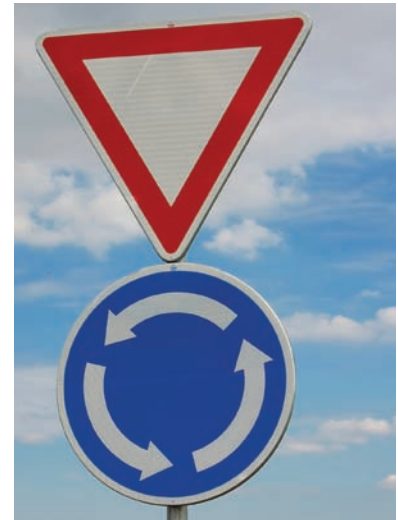
When properly designed, they move traffic through intersections much more efficiently than traffic lights, which never seem to stay synchronized. Most importantly, I have never seen a red-light camera in a roundabout.

* * * * *

I consider them to be a nuisance. Roundabouts confuse other drivers, which scares me when I approach them. Foreign drivers may become confused when entering a traffic circle in America. In America, the drivers who are in the circle have right-of-way. In Europe, drivers in the circle are required to yield right-of-way to those entering from the right. If you are not familiar with the traffic roundabouts and the intersecting streets, it can be very difficult to exit the roundabout.

* * * * *

As always, the key is proper signage and pavement markings. There's a two-lane roundabout in my former home that, like most of Boston, is completely unsigned. As a result, some drivers try to turn from the inner lane while others proceed straight from the outer lane at the same time, with chaos the predictable result. Contrast that with the past five years I've lived in Australia; roundabouts are properly marked, and it's very pleasant. I see fewer near-misses in traffic circles than I do at stop signs, by a large margin.



* * * * *

I have witnessed the transformation of my hometown in northern Italy due to the introduction of roundabouts. In the space of two years, 80 percent of red lights were replaced by roundabouts. The number of accidents and traffic backups, and the amount of pollution, were DRAMATICALLY lower. Roundabouts are by far the greenest form of traffic control. If you ask anyone there if they want the red lights back, they will think you are crazy for even asking such an idiotic question.

* * * * *

Traffic control devices are only as good as motorists' ability to understand and utilize them properly. With that being said, the biggest problem I have witnessed with any roundabout in Michigan is driver familiarity and understanding of proper roundabout function and rules. It's about motorist education. ■

Editor's postscript: It is clear from these responses that there are different standards (and understandings) of whether the right of way belongs to traffic in the circle or to vehicles entering. Roundabouts are becoming more, not less, prevalent in North America. Clear and consistent standards must be adopted and more resources applied to educating drivers on the proper use of roundabouts.

Traffic Ticket Overhead Reaching New Highs

The cover story of the March/April 2010 issue of **Driving Freedoms** delved into the myriad of fees and surcharges added to a typical California traffic ticket. “*The Anatomy of a Traffic Ticket*” detailed overhead charges that effectively quadrupled the base fines of such violations as failure to provide proof of insurance at a traffic stop.

If that story got you riled up, you ain’t seen nothing yet.

The State of California has the eighth largest economy, ranked by GDP (gross domestic product), *in the world*. It falls just below Italy, but ahead of Brazil and Spain. California is faced with a devastating \$10 billion deficit, and is tapping any and all resources for more revenue. Traffic fines are squarely in the crosshairs of state legislators.

Those lawmakers continue to add new assessments to traffic penalties, to the point where a ticket for not wearing a seat belt (see longtime NMA member Hal’s letter in *Members Write*) octupled—how is that for an unwanted verb?—from a base fine of \$20 to a motorist payout of \$160.

In Los Angeles County, 15 different assessments are added to base traffic fines, turning a \$100 penalty for a moving violation into a \$480 expense for the driver. (See the table in the next column.)

That same \$100 ticket “only” cost \$271 in 2001 after the application of various fees and surcharges. Ten years ago, a California ticket for speeding 10 mph over the posted limit carried a base fine of \$25 and extra charges of \$52 for a total penalty of \$77. Today, that same ticket has grown to \$234, an increase of nearly 12 percent per year.

One estimate puts the number of traffic tickets issued in California at 16 million per year. If the State of California has been going broke, it isn’t for the lack of putting the screws to motorists.

Overhead Charges for a \$100 Traffic Ticket in Los Angeles County	
1. State Penalty Assessment	\$98.00
2. City Traffic Fund	90.16
3. State Courthouse Facilities Construction Fund	49.00
4. State Security Fees	40.00
5. State DNA ID Fund	39.60
6. County Emergency Medical Services Fund	39.20
7. State Conviction Fees	35.00
8. County Criminal Justice Temp. Construction Fund	24.50
9. State Criminal Surcharge Fund	20.00
10. County Courthouse Construction Fund	19.60
11. County General Fund	7.84
12. State Automation Fund	7.68
13. County Auto Fingerprint ID	4.90
14. County Emergency Med-Air Transportation	3.92
15. State Night Court	1.00
Total Overhead Charges	\$380.00
Total Ticket Penalty	\$480.00

Former state senator George Runner agrees. “I think it got to a tipping point where these fees became too onerous. I don’t know where the line is, but I can’t believe anyone would say a fine over \$500 for running a red light is fair. I think anyone and everyone sees that as unfair.”

There is an unquestionable impact on a personal level. Ask Ken Breeding of Gardena, CA who was ticketed for not stopping properly at a stop sign. After contributing \$271 (\$35 base fine) to the city, county and state coffers, Breeding commented, “I’m a self-employed, single father and, right now with the economy, I’m living paycheck to paycheck . . . It’s like sticker shock . . . That’s two months

of groceries for me.”

Perhaps Mr. Breeding had already factored in peripheral but very real costs—like increased auto insurance premiums—when he added, “I broke the law but it seems these days that the traffic ticket is not about enforcing the law. It’s more of a business than law enforcement.”

While the information provided here is specifically about California traffic tickets, other states are also struggling mightily to right their economic ships and see ticket revenue as a resource to tap. The next time you need some motivation to challenge that traffic ticket from Hoboken, New Jersey or Des Moines, Iowa or Midland, Texas, just think about the inflated overhead charges that are likely built into the final penalty amount. ■

Los Angeles Red-Light Camera Program

There could be fewer tickets issued in California in the near future. The Los Angeles Police Commission recently voted 5-0 to discontinue the city’s red-light camera contract with American Traffic Solutions (ATS).

The L.A. City Council, despite fierce lobbying by ATS, could not (at the time this issue went to print) muster the simple majority vote needed to bypass the Commission’s decision and extend the ATS camera contract on a month-to-month basis for up to a year. The rationale put forward by the two council members who made the motion for the contract extension is that more time is needed to review the red-light program. Both the Police Commission and City Controller had done extensive program evaluations in recent months.

As it stands, the L.A. red-light cameras are scheduled to be shut down on July 31, 2011 unless the Council takes extraordinary action. ■

Mileage-Based User Fees: A Tax By Any Other Name

by Gary Biller, NMA Executive Director

Depending who you listen to, there are different reasons to institute a mileage-based user fee (MBUF) to supplement or replace the current per-gallon tax we pay at the gas pumps.

One claim is that a “pay based on where you’ve been” tax will lower the amount of national vehicle miles traveled (VMT) during the course of a year, helping to relieve traffic congestion and decreasing our dependence on foreign oil. (The MBUF has alternately been referred to as a VMT tax.)

The State of Washington enacted legislation three years ago to reduce greenhouse gases, with a MBUF program as one of the key strategies.

But serious purveyors of a mileage-based tax acknowledge that the goal is to increase highway fund revenue. Their claim is that, with ever-improving vehicle fuel efficiencies, the existing gasoline tax simply isn’t generating enough money to pay for highway maintenance and improvement.

Gas/electric hybrids haven’t made a substantial dent in the nation’s fleet of cars. Even if the Obama Administration’s goal of having one million electric-powered vehicles on the road by 2015 is met, that will constitute perhaps one half of one percent of all road-worthy cars and trucks in the United States. Yet there is concern by spenders in Washington D.C. that electric cars will further erode the amount of money collected via the gas tax.

Never mind that a chunk of funds generated by the gas tax has historically been diverted to other non-highway (and even non-transportation) projects or that the collection and redistribution of the gas tax revenue is terribly inefficient by anyone’s definition.

In a 2007 report (“Paying at the Pump: Gasoline Taxes in America”), Jonathan Williams, then of the *Tax*

Foundation, wrote, “. . . current federal highway legislation authorized over 6,000 earmarks from the highway trust fund. Some of these went to legitimate transportation programs, but others were earmarked for items such as the infamous ‘bridge to nowhere.’ Today, gasoline tax revenue is spent on everything from public education and museums to graffiti removal and parking garages.” This is a chronic problem borne of the political process of Washington D.C..



The *Transportation Review Board* issued “Special Report 285” in 2006, noting that two years earlier the U.S. federal government collected \$107 billion in highway user fees, with the majority coming from gas tax revenue. The TRB also reported that only \$85 billion of that total was devoted to highway spending.

Before jettisoning the gas tax, our revenue-centric politicians would do well to first ensure that highway user fees are being applied solely to highway improvement projects.

Then they should reform the convoluted process by which gas tax revenues are funneled back to Washington D.C. and the Department of Treasury bureaucracy before being redistributed to the states via federal highway funds. Each administrative layer adds unnecessary overhead costs.

In short, the conversion of highway user fees into funds for improving our highways is a highly politicized process rife with misdirected funds and the application of wasteful overhead expenses. Is there any wonder that a disproportionate amount—\$22 billion in 2004—of what motorists pay at gas pumps, at toll booths, and through various mandatory excise taxes never gets applied to maintaining and improving our highway infrastructure?

U.S. Congressman Scott Garrett (R-NJ) recently introduced a bill that would cut the feds out of the highway funding equation and place primary responsibility for transportation projects and taxing authority with the states. Garrett hopes his Surface Transportation and Taxation Equity (STATE) legislation would free states from heavy-handed federal influence and more efficiently apply gas tax revenues to highway projects.

But as Jim Walker, a Michigan member of the NMA has aptly noted, Garrett’s bill “. . . probably doesn’t stand a ghost’s chance in hell of passage. Most D.C. politicians and bureaucrats on both sides of the aisle hate to give up power.”

At its core, the gas tax remains the fairest method of collecting highway improvement funds. In a 2009 editorial, NMA President James Baxter wrote:

"Fuel consumption is considered a good indicator of use and the impact on roadway infrastructure. Miles traveled and weight-based demands and wear and tear on our highways are reflected in fuel consumption. The fuel taxes are further adjusted to shift costs to those road users who have an exaggerated impact on our highways, for example large trucks.

(Continued top of next page)

“The first fraudulent assumption is that the fuel tax is not, and cannot meet our funding needs. The argument goes, ‘the public is resistant to increasing the fuel tax and therefore it is not a viable taxing mechanism.’ Or ‘fuel use is declining and with it so are fuel taxes.’

“If the fuel tax was sufficient to build the Interstate system (and most of the remaining road system) and maintain it all these years, why is it no longer viable?”

There is no reason the current gas tax structure cannot be adjusted to deal with today’s higher fuel efficiencies in order to collect adequate revenue to support our nation’s highways. It may take a bit more ingenuity to charge drivers of electric vehicles fairly for their share of wear and tear on the roads, but that is not an insurmountable issue.

Why the talk about instituting a mileage-based user fee then? Because a MBUF that uses global positioning system technology creates opportunities for the government to confuse motorists with a series of new taxes and surcharges. And by “confuse,” I mean obscuring the basis and intent of the taxes to the point where the driving public will not feel comfortable challenging those charges.

The idea of installing a GPS tracking device in every vehicle, one that could be downloaded at a specially-designed gas pump or monitoring station, has been gaining support by policy makers and transportation industry experts.

The former see a means to generate a new level of revenue from motorists, while the latter envision a means to redirect traffic patterns in urban areas

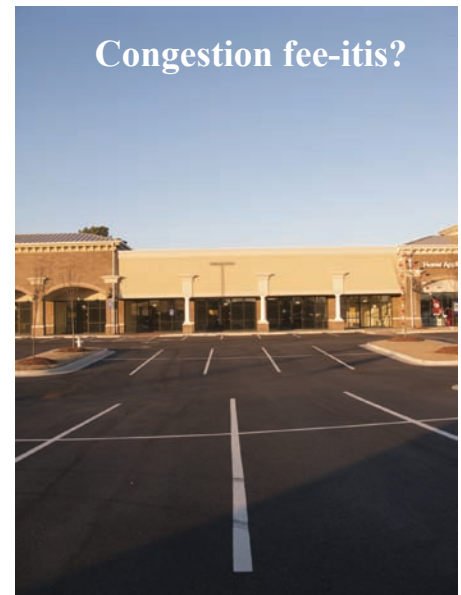
through disincentives.

This is onerous on many levels. Let’s start with the cost of implementation. There are over 200 million vehicles on the road in the U.S. Even if the cost of a GPS transponder can be minimized by mass production to, say, \$15 per vehicle, the cost of installation will probably add at least another \$25. 200 million vehicles at \$40 each would equate to a cool \$8 billion “investment” in a MBUF program.

Vehicle owners and taxpayers—through government subsidies—no doubt would bear the brunt of this cost. (Double taxation, anyone?) The current gas tax has no such implementation cost. And the current system does not discriminate against financially-disadvantaged drivers whose taxes pay for the upkeep of roads that congestion fees would effectively screen them from.

Charging commuters in high traffic areas with congestion fees is a popular concept among urban planners. A few international cities have charged such fees for several years. London, for example, began a congestion fee program in 2003, picking the pockets of commuters who drove through specified zones in the city.

Last December, London scrapped the congestion fee in one area, the Western Extension Zone. During the first three months of 2011, traffic entering that zone increased by eight percent compared to the same period in 2010. Retail business owners were ecstatic. Said Yuliya Zakharenko, one such trader, “Businesses are growing because there are more people around. It was a desert before the zone was removed. When it finally went it was a huge relief.” She added, “Before we were only seeing locals, now we are finally getting random customers. In the last month, we’ve seen takings rise between 20 and 30 percent.”



Chalk up another corollary to the law of unintended consequences: congestion fees hurt small businesses which, in turn, hurts the economic growth of the region.

Perhaps the most disturbing aspect of the GPS tracking of every vehicle is the government commencement of a data-mining operation that would end the ability of individual motorists to travel public thoroughfares unmonitored.

In essence, the nation’s roadways would be converted into one giant monopoly of wireless toll roads. The tolls on each vehicle would vary based on time of day, day of week, location of travel, and even the nature of traffic encountered.

Increased taxation. Schemes that will keep motorists from using public roads paid for by their tax dollars. Loss of freedom to travel without government tracking.

These are just some of the reasons the NMA opposes mileage-based user fees. The current gasoline tax, with some necessary reforms, is a fair and effective method of charging highway users for the natural wear and tear incurred by the nation’s highways. ■



Laws Regarding the Use of Electronic Devices While Driving

The laws regarding cell phone use and texting while driving are in a fairly regular state of flux. Even in states where there is no broad restriction on the use of cell phones or of

texting while driving, local ordinances banning such behavior might apply.

Distracted driving laws may also come into play.

The following information is

current as of April 2011. A comprehensive resource for cell phone and texting restrictions for both U.S. states and Canadian provinces can be found at www.handsfreeinfo.com.

STATE	TEXTING ALLOWED?	HAND-HELD ALLOWED?	HANDS-FREE ALLOWED?	MISCELLANEOUS COMMENTS
Alabama	Yes	Yes	Yes	No restrictions on cell phone use or texting
Alaska	No	Yes	Yes	Drivers banned from watching videos
Arizona	Yes	Yes	Yes	Phoenix bans sending/receiving text messages
Arkansas	No	Yes	Yes	<18 no cell phone use, 18-20 hands-free only
California	No	No	Yes	<18 no cell phone use, >=18 hands-free only
Colorado	No	Yes	Yes	<18 or learner's permit » no cell phone use
Connecticut	No	No	Yes	<18 no cell phone use
Delaware	No	Yes	Yes	Learner's permit » no cell phone use
D.C.	Yes	No	Yes	Learner's permit » no cell phone use
Florida	Yes	Yes	Yes	No restrictions on cell phone use or texting
Georgia	No	Yes	Yes	<18 no cell phone use
Hawaii	No	No	Yes	No state restrictions, but all counties prohibit hand-held use
Idaho	Yes	Yes	Yes	No restrictions on cell phone use or texting
Illinois	No	Yes	Yes	<19 or school/construction zones » no cell phones
Indiana	No*	Yes	Yes	<18 no cell phone use, *effective July 2011
Iowa	No	Yes	Yes	<20 with restricted license » no cell phone use
Kansas	No	Yes	Yes	Learner's permit » no cell phone use
Kentucky	No	Yes	Yes	<18 no cell phone use
Louisiana	No	Yes	Yes	<18 no cell phone use, <1 year license » hands-free use only
Maine	Yes	Yes	Yes	<18 or learner's permit or intermediate license » no cell phone use
Maryland	No	No	Yes	<18 or learner's permit or intermediate license » no cell phone use
Massachusetts	No	Yes	Yes	<18 no cell phone use
Michigan	No	Yes	Yes	Detroit allows hands-free use only
Minnesota	No	Yes	Yes	<18 with learner's permit or intermediate license » no cell phone use
Mississippi	Yes	Yes	Yes	Texting banned for drivers w/ restricted licenses
Missouri	Yes*	Yes	Yes	*<21 texting banned

Laws Regarding the Use of Electronic Devices While Driving

STATE	TEXTING ALLOWED?	HAND-HELD ALLOWED?	HANDS-FREE ALLOWED?	MISCELLANEOUS COMMENTS
Montana	Yes	Yes	Yes	No restrictions on cell phone use or texting
Nebraska	No	Yes	Yes	<18 with learner's permit » no cell phone use
Nevada	Yes	Yes	Yes	No restrictions on cell phone use or texting
N. Hampshire	No	Yes*	Yes	*Ban against using electronic devices with 2 hands
New Jersey	No	No	Yes	Learner's permit or probationary license » no cell phone use
New Mexico	Yes	Yes	Yes	No state restrictions, some local ordinances
New York	No	No	Yes	Secondary enforcement on texting
N. Carolina	No	Yes	Yes	<18 with provisional license » no cell phone use unless calling parents
N. Dakota	No*	Yes	Yes	*Effective Aug. 2011: no texting, <18 no cell phone use
Ohio	Yes	Yes	Yes	No state restrictions, some local ordinances
Oklahoma	Yes	Yes	Yes	<20 w/ junior or restricted license can't use hand-held while vehicle is moving
Oregon	No	No	Yes	<19 no cell phone use
Pennsylvania	Yes	Yes	Yes	No state restrictions, some local ordinances
Rhode Island	No	Yes	Yes	<18 no cell phone use
S. Carolina	Yes	Yes	Yes	No restrictions on cell phone use or texting
S. Dakota	Yes	Yes	Yes	No restrictions on cell phone use or texting
Tennessee	No	Yes	Yes	Learner's permit or intermediate license » no cell phone use
Texas	Yes	Yes	Yes	Intermediate license or <17 with restricted license » no cell phone use; no hand-held at school crossings
Utah	No	Yes	Yes	
Vermont	No	Yes	Yes	<18 no cell phone use
Virginia	No	Yes	Yes	Intermediate license » no cell phone use
Washington	No	No	Yes	
W. Virginia	Yes	Yes	Yes	Learner's permit or intermediate license » no cell phone use
Wisconsin	No*	Yes	Yes	*No writing/sending of texts while vehicle in motion. OK to read texts.
Wyoming	No	Yes	Yes	

Canada: By mid-2011, the Canadian provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland/Labrador, Nova Scotia, Ontario, Quebec, and Saskatchewan will have active laws against texting and/or the hand-held use of electronic devices. The Yukon Territory bans the use of cell phones while driving. Prince Edward Island bans hand-held use. The Northwest Territory is working on distracted driving legislation for 2011. ■



Members Write

Enclosed please find a letter I received from the California DMV and a snippet from a DMV page that tries to explain all of their added fees that turned a basic \$20 seat-belt ticket into a \$160 fine (plus an additional \$10 "convenience fee" if I choose to pay online).

I'm 68. I've owned nothing but red Porsches and Corvettes since 1959. Despite driving an average of 60,000 miles per year, I haven't had a ticket since 1961. To give me this current seat-belt ticket, a cop chased me down a busy street as though I had just robbed a bank. I can only wonder what crimes go unsolved while the police are out chasing revenue for the state!

The only reason I am able to write this letter (and pay the fine) is because in 1976, I wasn't wearing a seat belt when I was thrown out of my car before it went upside down in a water-filled swamp. I was pretty badly injured, but that was preferable to be law abiding and dead.

*Hal
Long Beach, CA*

The Cities of Homestead and Florida City are on the southernmost tip of the Florida mainland. **Motorists must travel through these cities to access the Florida Keys.** I am in the process of writing letters to the Mayor, Vice Mayor and members of the Homestead City

Council expressing my outrage at their misguided red-light camera program that is clearly intended to extort monies from the motoring public. I will copy the NMA and the local newspapers on my upcoming communications.

I thought it interesting, but perhaps not unique, that this ticket camera program and resultant fine collections are being conducted totally outside the State of Florida's traffic law system. Tickets issued via red-light cameras are classified by Homestead City as local code infractions. No points against drivers' records, no submission of violations to the state in any shape or form. No need to contest your tickets, folks. Just send in your money to the City of Homestead.

*Bob Davis
Key Largo, FL*

Do seat belts save lives?

Sometimes, but not always. In fact, there have been many documented cases of accidents where seat belts have caused deaths and injuries. Our friends in Washington know this. A number of years ago, the National Highway Traffic Safety Administration was found to have deliberately suppressed a study that confirmed that in certain kinds of accidents, a seat belt can actually cause death or injury!

I remember hearing about a cop telling an accident victim, "It's a good thing you weren't wearing your seat belt, because if you had, you would have been killed. But I'm going to have to write you up for not wearing it." Can you imagine a cop citing you for breaking a law where you would have been killed if you had obeyed it? That's like waking someone up to give them a sleeping pill!

In many cases the penalties for violations of these laws are extremely unfair. There are some states where not wearing a seat belt is a moving violation, in the same category with running a red light or stop sign. In states that have a point system, you could actually lose your license.

In Rhode Island, there was a recent case of a girl who had accumulated 19 different moving violations, but who was still driving legally. Authorities claimed that "bad and dangerous drivers often slip through the cracks." Of course they do. The police are too busy looking for responsible drivers who don't wear seat belts and bikers who don't wear helmets.

Ever since Nader came along, seat belts have become a symbol of "do-gooderism" masquerading as safety. They are also touted as a cure-all, but in reality seat belts are a questionable solution to a vastly complex problem with variables that change from case to case, often instantaneously.

We are in trouble if our politicians are such bubbleheads that they believe dangerous drivers are not the criminals, but that their innocent victims are. Is it any wonder this country is in trouble?

*Duncan Holmes
Fall River, MA*

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 402 W 2nd St., Waunakee, WI 53597



News From Around The Country

Now featured, with daily updates,
as "NMA Driving News" at www.motorists.org

United States

The Department of Homeland Security delayed implementation of the Real ID program for a third time, giving states until January 2013 to issue identification cards or driver licenses that meet federal standards for a national ID card. The original compliance date was May 2008. That was extended to December 2009 and then to May 2011 prior to the latest delay. Many states continue to resist participation in the program.

After pressure from four U.S. senators, Apple Inc. said it will start rejecting iPhone applications that tip drivers off about police roadblocks.

California

California drivers do not need to use their turn signals if no other car is nearby according to a ruling handed down by the state's second-highest court. Vehicle Code section 22107, the code in question, states that a signal must be used when "any other vehicle may be affected by the movement."

The presiding judge of the Napa County Superior Court's Appellate Division ruled that the 2008 contract between Napa and Arizona-based Redflex violated state vehicular law by including a provision for payment based on the number of citations generated.

Florida

A Broward County judge ruled that officer-written tickets for running red lights were unconstitutional because they carry stiffer penalties than when a camera catches a red-light violator.

Indiana

Starting this summer, drivers in Indiana will not be allowed to send text messages from their cell phones while driving.

Traffic officers in Gary will not be required to write a minimum ten tickets per shift as previously ordered by Commander Timothy Tatum.

Louisiana

A Senate committee unanimously voted to reject a bill that would have banned speed cameras now in use by parishes and cities around the state.

Missouri

Red-light cameras in the city of St. Louis violate state law. That's a judge's preliminary ruling on a lawsuit filed by drivers who received photo tickets and challenged their legality. The judge found that St. Louis did not have the authority to enact its red-light camera ordinance in the first place.

Oregon

The state senate voted overwhelmingly to permit municipalities to lower speed limits by five miles per hour on residential roads designed for walking or bicycling.

Tennessee

Governor Bill Haslam says he will sign into law a traffic camera bill that aims to eliminate their use as speed traps and reduce private vendors' influence over where they are located.

According to a recent investigation by a Nashville television station, law enforcement agencies in localities across Tennessee have a longstanding practice of apparently stealing money from innocent drivers who travel along I-40.

Texas

If a bill currently on Governor Perry's desk becomes law, highways all over the state will undergo traffic surveys to determine which counties are able to increase their speed limits to 75 mph.

Statewide, separate night-time and truck speed limits will become history. Each road will have one speed limit for all hours of the day.

Washington

A Chelan County Superior Court judge blocked residents of that jurisdiction from having an up-or-down vote on red-light cameras at the public ballot box. The judge sided with camera vendor American Traffic Solutions (ATS) in ruling that the city council, not the people, had the ability to decide whether to use photo enforcement.

Governor Chris Gregoire signed new laws allowing traffic enforcement cameras on public school buses and new toll lanes.

A vice president of business development at camera vendor ATS was suspended after a newspaper in Washington discovered the executive misrepresented himself as a local resident on its website and made comments to promote red-light camera business in the area. ■

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