



# Driving Freedom

NMA Foundation

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Spring 2012

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

## Ticket Cameras on the Ballot



## Will Your Vote Count?

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**Driving Freedom**

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**Driving Freedoms**

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*"Ticket Cameras on the Ballot. Will Your Vote Count?"*



**The More Things Change...**

by Gary Biller, President, NMA

It happens with a regularity that would make cicadas envious. Every two or three years, a national report decrying the lack of proper enforcement and controls on our highways is foisted upon us. Each report expresses irrational concern that, if left to their own accord, drivers will speed toward self-destruction like lemmings from a cliff.

Shortly after I began working at the NMA national office in mid-2009, researchers at the University of Illinois-Chicago released a “speed kills” study for publication in the American Journal of Public Health. In promoting *Long-Term Effects of Repealing the National Maximum Speed Limit in the United States*, the lead UIC researcher announced, “The primary finding of our study was that over the 10-year period following the repeal of the National Maximum Speed Law, there were approximately 12,500 deaths due to the increased speed limits across the U.S.”

In March of this year, as if to christen my tenure as president of the NMA, the Governors Highway Safety Association (GHSA) published *Speeding and Aggressive Driving* with much the same hogwash and notably added a recommendation for more ticket cameras to reduce the number of scofflaws. “Restrict, control, and punish” seems to be their approach toward traffic safety.

The GHSA report contained such tried-and-false nuggets as:

- ▶ Almost one-third of all fatalities continue to be speed-related.

- ▶ Many of the state speed-related laws . . . raising speed limits . . . are not expected to improve safety.

- ▶ States should explore addressing speed concerns through aggressive driving enforcement since the driving public believes that aggressive driving is a serious threat to their safety.

- ▶ NHTSA should promote best practices in automated enforcement strategies which are effectively used to address speed and red light running in other parts of the world, but have not gained widespread acceptance in the U.S. The promotion of successful policies and programs will assist states in their efforts to use technology to reduce the harmful effects of speed and aggressive driving.

Based on the sensationalistic conclusions of both reports, the media had no qualms in publicizing the claims without making much of an attempt to question the truth of the authors’ recommendations.

As soon as the UIC report hit the streets in 2009, I wrote a rebuttal letter to the editors of the American Journal of Public Health and wasn’t particularly happy when they didn’t publish it. By then, several weeks had passed and I realized that the public had collectively shrugged its indifference at the call for rolling back speed

*(Continued on Page 4)*

## Winners of 2011 Fall NMA Foundation Fundraiser Announced

The National Motorists Association Foundation is pleased to announce the prize winners of its Fall 2011 fundraising campaign. Congratulations to **Bruce Farr** (Maryland) who won the Grand Prize, an eight-day European driving tour for two. Early entry winners

were **Steve Puntillo** (Wisconsin) who took home a Valentine One Radar Locator, and **Jade Naaman** (Washington) who won a Wagan 400 Watt Power Dome EX Jumpstarter/Air Compressor. The homestretch prize, a Whistler Pro78SE Laser Radar Detector, went to **Doug** and

**Mary Volk** (California). We sincerely thank everyone who participated in the fundraiser. The NMA and the NMA Foundation rely on generous donations by members and supporters to continue our important work of protecting the rights of North American motorists. ■

## The 2012 National Motorists Association Legislative Fundraising Campaign launches with exciting sweepstakes prizes!



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## NMA Washington Report

by Robert Talley, NMA Lobbyist



When we think about the role of the government, we often start with national defense as a core responsibility. At the local level we often think of schools, or in some cases, municipal services like garbage pick-up. But, by necessity, the NMA focuses on the role of government in building roads so the economy can function, and we can carry on with our lives with a minimum of delay and frustration.

However, Congress appears incapable of accomplishing what would seem the simplest of tasks: passing a law to establish funding priorities for the nation's road, transit, bridges and other transportation needs. The last highway funding bill was passed in 2005 and expired in 2009. Since then, Congress has failed to establish a new transportation program and, instead, has passed nine extensions of the old law. The latest extension was passed in March and expires June 30<sup>st</sup>.

Part of the failure to act stems from the fiscal crunch the system faces—we no longer pay enough in gas taxes to cover our infrastructure needs—but part of it also exists because congressional reform has

eliminated the “earmark” process. In the old days, powerful committee chairmen who controlled the House and Senate Transportation bills would circulate among the House members and Senators and promise to fund pet projects back in their respective congressional districts. All the players understood that any member of Congress who got funding for projects in the district would support the final bill. Any member who reneged on the deal wouldn't get any “pork” the next time.

This made it relatively easy to marshal the necessary support to pass transportation bills. In fact, it allowed Congress to expand the scope of the bills to cover bike paths and environmental improvement/beautification projects without much difficulty.

A few years back, Congress chose to stop accepting the so-called earmarks and, in the process, lost perhaps its best tool to get the bills passed. One could reasonably debate whether it was good or bad to let legislators pick what projects get funded in their districts, but the outcome is increasingly clear: a bottleneck in the passage of a transportation bill.

As of this writing the Senate has approved a two-year authorization bill to allow new construction, but the House is unable to accept the Senate proposal. House Republicans have several objections to the Senate bill. They would like to link new highway construction to proposals to expand domestic energy production, arguing that more roads will mean more drivers and thus, a need for more energy.

Other members remain concerned that the proposals currently under consideration do not address the structural shortfall in highway funding caused by a failure of the gasoline tax to grow with inflation. These and other policy objections make it hard to generate a majority for a House proposal. How it will be resolved remains unclear.

Ultimately, Congress will have to act responsibly to resolve these issues. Highway funds are critical to our nation's transportation resources. With 20 percent of our highways in disrepair and seventy-thousand bridges classified as unsafe, it is time to get a plan in place to address these deficiencies. ■

### Change...

(Continued from Page 2)

limits to the levels of past decades. That same driving public non-reaction has accompanied the release of this year's GHSA report.

Of course, public indifference does not mean “mission accomplished.” It is still common to encounter posted speed limits around the country that are set to the 30<sup>th</sup> to 40<sup>th</sup> percentile range rather than the optimum 85<sup>th</sup> percentile. In other words, many existing speed limits are

set at levels that automatically turn 60 to 70 percent of motorists who are driving within their natural comfort zones into conscientious objectors.

It is easy to attack the profit motives of organizations like the GHSA that are backed by insurance giants and ticket camera companies. Yet I suspect there are some safety advocates who truly believe that a strict control-and-punishment approach to traffic enforcement is the best policy. In either case, we definitely continue to have hard work ahead. ■

*Postscript: Because so many of you responded enthusiastically to the Winter 2012 special edition of Driving Freedoms, in which Jim Baxter recounted the highlights of the NMA's first 30 years and pointed to future challenges, we have printed additional copies. Please drop us a note if you would like a few extra copies to help recruit new members. It is a wonderful way to let others know what the NMA is all about.*

## Court's Delaying Tactics Backfire

by Michael Aneson, NMA New Jersey Member

To avoid an erratic driver in a pickup truck, I was forced to pass on the right and make a quick right turn. Even though I proceeded through the turn in a controlled manner, when I stopped at my destination, the red and blue lights were pulsating in my mirrors.

The officer asked me if I was drunk. I told him I wasn't and explained the situation. He stated he hadn't noticed the pickup and continued badgering me about being intoxicated. After I proved I wasn't, he wrote me a ticket, referencing my turn, for "careless driving."



On my first court date, the prosecutor refused to plea bargain. When I was one of three people left in the court, my case was finally addressed. The prosecutor informed the court the officer was not present, and the judge granted a continuance. I did not make a motion for dismissal. Three months later I found myself in the same circumstances—no plea bargain and no officer. I moved for a dismissal which the judge refused. This scenario repeated a third time, four months later.

On my fourth appearance, I talked to the prosecutor about the plea bargain, after which he told me to wait outside his office. I waited while he addressed other cases. I finally asked him about my case. He told me to go into the court room.

After every case had been heard the judge asked me why I was there. I said I was waiting for my case. He said my case had already been addressed, and the prosecution was given another continuance. I said I wanted to make a motion for dismissal. He told me I wouldn't get it. To ensure that it was on the record, I pressed him to allow me to make my motion. As I began to speak he denied it before I finished.

Angered by my predicament, I wrote a letter to the judge and prosecutor making another motion for dismissal. I referenced my previous motions, the officer's absence, and the fact that the next court date would be more than a year after the citation. I also sent a request for discovery for any information the officer wrote down about the ticket. I received no reply to either letter.

A year after my alleged offense I found myself before the prosecutor again. He looked at my file then at me and said, "We are going to trial today, right?" I firmly stated, "Yes." He locked my gaze and said, "I have the cop here today so we are going to go to trial." I respond confidently, "Good."

I brought up my letter for discovery, and he said he never received it. I gave him a copy. He told me to wait outside and that we would still have the trial, despite the fact I hadn't received discovery.

After everyone else had spoken to the prosecutor, he called me back in with the police officer standing silently in the back. The prosecutor stated, "OK, I have the cop here are you sure you want to do this?" I replied, "Yes."

For the first time throughout this ordeal he mentioned a plea bargain. I said no. The prosecutor again made me wait until every other trial had finished.

The judge signaled the prosecution to start. The prosecutor informed the

court that the officer had no notes on the ticket and no memory of issuing it, since it had been a year after the incident. The judge reprimanded the prosecutor for failure to prosecute. He turned to me and tersely asked if I wanted to say anything. As I contemplated what to say without being rude, the judge snapped, "No? Case dismissed." I left a free man, yet unsatisfied that I did not opine on how the court trampled on my right to a speedy trial. Heartening though it was, that the court's delaying tactics ultimately worked in my favor, I felt abused by a system that I had fought against for so long. ■

### Further Appreciations

In the course of developing the 30-year retrospective issue of *Driving Freedoms* (Winter 2012), it was virtually inevitable that the names of some key contributors to the success of the NMA were inadvertently unmentioned. There are so many people to thank—there are close to 1,800 dues-paying members alone who joined the NMA prior to 1995—and too little space in which to do so. The support of all of our members over the years has made the NMA the most successful drivers' rights organization in North America.

At the risk of compounding the earlier omission, there are three gentlemen who we feel compelled to add to those mentioned in the *Driving Freedoms* retrospective: Mike McGuire (Florida) and Steve Purdy (Michigan), NMA state activists for several decades representing the NMA while helping innumerable members during that time.

Also, John Carr (Massachusetts) not only remains an activist to this day, his continuing incisive entries to the NMA Blog help define what the NMA is all about.

## The Perils of Personal Service in Arizona

by Mark Spray, Arizona

My story begins in January 2008 with a mysterious speed camera ticket in Scottsdale, Arizona. Mysterious because I never received it, and the court has no record that I ever received it. Nonetheless, it set off a chain of events that led to my license suspension as well as exposure to the abuses rampant in the photo enforcement racket.

The ticket was allegedly mailed to me in early February. For whatever reason, it never got to me. So I had no knowledge that I was scheduled to appear for an arraignment in April. Because I failed to appear, I became subject to personal service, which means a process server was required to deliver the ticket to me in person. Again, I was never served, even though court records show that a person at my address was appropriately served. For the record, I live alone. Clearly something was amiss.

As a result, I failed to appear a second time, so the court entered a default judgment against me and suspended my driver's license. I never received notice of this judgment either.

Fast forward two years to April 2010 when I received a ticket for driving with a suspended license. Needless to say, this was news to me. This time, however, I had notice of my hearing date and was eager to explain my side of things.

In court, I fought the license suspension on the grounds that I never received notice of the original speed camera citation or the suspension, and therefore had no chance to defend myself. No matter. The court ruled that the original service was proper and upheld the license suspension.

This was crazy. How could I possibly be penalized for an infraction that I didn't know I committed,

received no notice of, and had no opportunity to defend myself against? The whole situation was absurd, and I was motivated to doing everything I could to fix it. So I appealed to the Superior Court of Arizona, Maricopa County.

My appeal focused on due process and highlighted the potential for photo ticketing to infringe on the rights of motorists. My argument to the court was that due process requires a defendant to receive a notice of violation and the right to a defense. Because I received neither, the original judgment and penalty should be set aside. In its appellate ruling, the court highlighted this requirement with the following case law reference:

**An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.**

*Huck v. Haralambie*, 122 Ariz. 63, 65, 593 P.2d 286, 288 (1979).

The appellate court also had to consider what is commonly known as the "mail delivery rule," which basically states that, barring evidence to the contrary, a properly addressed and mailed letter can be presumed to have reached the addressee. The fact that I testified to the contrary wasn't enough to save me. However, I had one more



ace up my sleeve. I pointed out that the city subsequently resorted to personal service, which indicated it knew the original mail service had failed. Score!

Next, I had to attack the faulty personal process service. I pointed out that the process server's affidavit described me as male, 32-years old, 5' 8", 170 pounds with blue eyes and blond hair. I happen to be 47-years old, 5' 9", 180 pounds with brown eyes and brown hair—although I am male and wish I looked 32.

I also established that I live alone and that I had no visitors during the time in question. Consequently, the appellate court concluded that while the process server may have served someone, that someone was not me. Score again!

I had met my obligation to provide "clear and compelling evidence" that the original service was improper. The court concluded that the Scottsdale Municipal Court had erred in its original ruling. The appellate court therefore vacated the default judgment against me and reinstated my driver's license. Win!

(Many thanks to Michael Nysather from The Law Offices of Wade and Nysather for his assistance with this case.) ■

## How Camera Companies and Policymakers Silence Voters

Automated traffic enforcement camera companies and the policymakers they've co-opted claim the public's well-being is their top concern. But when the public exerts its right to choose what is in its own best interest (either through legislation or ballot measures), the companies and their government partners fight back like wounded badgers.

And understandably so. Anti-camera measures have appeared on 25 ballots nationwide and have passed 24 times, despite massive push-back by camera operators and policymakers. Company strategies include funding of "grassroots," pro-camera safety groups, as well as more overt efforts to block initiatives from the ballot or to nullify the results afterward. There is little doubt as to their motivation, considering that conservative estimates peg annual gross receipts from red-light and speed cameras nationwide at upwards of \$1 billion.

In addition to undermining election results, camera vendors also attempt to overturn duly passed legislation that impacts their bottom line. Such heavy-handed tactics not only prove destructive to communities, they disenfranchise voters and erode the democratic process.

Take Houston, Texas. The city's camera debacle began in 2006 when it signed a contract with red-light camera vendor ATS. Officials subsequently extended the contract through 2014. As part of that deal, the city agreed to the removal of an early termination clause. So, if the state legislature chose to ban cameras statewide, Houston's program would be safe through 2014.

What Houston officials failed to consider, or chose to ignore, were the wishes of their constituents. In 2010, fed-up voters rejected enforcement



cameras through a November ballot initiative, despite the \$1.7 million ATS spent to fend off the effort.

Two things happened. First, ATS filed a lawsuit in federal court to keep the contract in place. Second, a federal judge ruled that the ballot results were invalid and that the cameras had to be turned back on. (Note that the judge, Lynn N. Hughes, served with another judge, who just happened to be the father of the lead ATS attorney in the case.)

The mayor ordered the cameras back on in June of 2011, saying the city was strapped for cash, especially with the potential for a multi-million dollar payout to ATS. A public outcry ensued, and the cameras went off again in August. ATS demanded \$25 million to settle the dispute. Finally, in January of this year, the city announced a \$4.8 settlement with ATS to end the case.

The cameras are off, but what about Judge Hughes' ruling to overturn the ballot results? His move to block reinstatement of the results drew a strong rebuke from a higher court. The case is still pending, and camera foes

vow to keep fighting until the decision is reversed. Without that, the city could put cameras back onto Houston's streets, against the will of the majority of its citizens.

Here's the template: Cameras go up. Public rebels. Vendor sues. City pays. Taxpayers lose. Motorists lose.

Baytown, Texas, endured a similar ordeal that began when voters passed a ballot initiative to require the presence of a uniformed officer at an intersection before a red-light ticket could be issued. Camera revenues dried up. ATS filed a lawsuit against Baytown for breach of contract and turned off the cameras. The city eventually agreed to pay ATS \$1 million and to nullify the ballot results in exchange for early camera removal.

Even though the cameras had come down and ATS got its payday, the company still wanted the ballot results thrown out. The precedent of letting the people decide the future of ticket cameras in the state was too threatening to their for-profit business.

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In both Texas cases, citizens (to whom elected officials are presumably accountable) spoke up, exercised their democratic rights and said no to cameras. And in both cases, legal entanglements, special interests, and shortsighted policymakers attempted to thwart the will of the people.

Another serious assault on voter rights recently took place in Washington state. The Washington Supreme Court ruled that local policymakers have exclusive power to make laws regarding ticket cameras that are not subject to repeal through local ballot initiatives. The lawsuit was brought by ATS front group Mukilteo Citizens for Simple Government.

It's interesting to note that ATS pursued the case even though Mukilteo had already heeded voters' wishes by not installing cameras. The action shows just how much the camera companies fear giving voters a say on the issue. As camera vendor Redflex stated in a 2010 investor presentation: "Negative legislation and citizen-led ballot initiatives at both municipal and



state levels are potential threats and will be funded and fought."

Redflex made good on this promise when it filed a lawsuit against its customer, the City of Farragut, Tennessee, in 2011. The move was a response to the passage of Public Act 425, statewide legislation that effectively banned camera tickets for

improper right-turn-on-red infractions. Red-light camera citations in Farragut dropped by 50 percent. In its lawsuit, Redflex claimed:

**The compensation received by Farragut and by Redflex is tied directly to the number of citations issued for traffic violations and the payments received from violators... Any restriction or limitation on the authority of Farragut to use photo-enforcement systems has a direct and immediate financial impact on Redflex and the town.**

ATS jumped in and sued the City of Knoxville, where the new restrictions led to a 90-percent reduction in camera citations. The ATS lawsuit asked the court to either declare Public Act 425 unconstitutional or to clarify that it did not apply to existing contracts. (The state attorney general had previously issued an opinion saying Public Act 425 was constitutional and did not unlawfully impact existing contracts between municipalities and camera vendors.) Neither case has been settled.

The camera operators have the "L-Cubed Factor": Lots of Lawyers and Lobbyists. So don't expect them to back down anytime soon. They know they can sucker at least one more city into a bad contract and then sue if the deal goes belly-up (i.e., when the public demands a say).

But there is good news. Those who are fighting for more public input are dedicated and skilled in their own right. Ballot organizers in Texas continue to push camera initiatives in several cities, despite resistance from officials and camera operators. In Washington, ballot proponents recently received the support of a state legislator who has introduced a bill to allow ballot initiatives on ticket cameras.

And there's also increased public scrutiny of photo traffic enforcement from many quarters. A primary example comes from the U. S. Public Interest Research Group with the release last fall of its red-light camera study, "*Caution: Red Light Cameras Ahead.*" This sweeping report describes what can go wrong when policymakers cede control of local traffic enforcement to private companies. (Learn more about the report's findings here: <http://www.motorists.org/red-light-cameras/studies>)

About the only time the camera companies' litigious tendencies pay off for the public is when they tangle with each other, as ATS and Redflex have done. The companies have been fighting on and off over the last several years in state and federal courts. Claims and counter-claims involve deceptive business practices, charges of false advertising, lost revenues, etc. One cannot help but see the irony. ■

### MotorWatch Service Discontinued

With the recent untimely passing of David "Dré" Solomon, MotorWatch.com has discontinued operations. The NMA partnered with Dré and MotorWatch in mid-2008 to provide supporting members with free access to advice from automotive service technicians on a variety of topics. Dré was one of the most respected automotive technical authorities.

He was the author of several books and trained scores of automotive mechanics and diagnosticians over the past four decades. Solomon is listed as a World Class Automobile Technician in the Automotive Hall of Fame located at Dearborn, Michigan. Dré was a friend of the NMA; his contributions to the automotive world will be sorely missed.



## Members Write



*Editor's Note: In a recent weekly email newsletter, "Experience Matters," we took on the topic of driver's education, specifically the effectiveness of Graduated Driver's Licensing (GDL) programs to protect new drivers while preparing them for a lifetime of safe driving.*

*Our members had many interesting perspectives on this topic, so we thought it would be valuable to devote some extra space to it in the form of this expanded "Members Write" section.*

*We have reproduced the original newsletter article on Page 10 for reference as well.*

I started driving in Florida at 14. This was 1963, and it was daytime only with an adult, my mother. She did not enjoy driving, so I was in effect her chauffeur. The many hours I accumulated behind the wheel, added to by the drivers education the school provided, gave me a good head start by the time

I was able to drive on my own at 16. I credit this early graduated start for the fact that until now at age 62, I have not caused an accident and have only been "sucker-punched" twice at intersections.

As your article states, starting kids earlier is key, but today many kids don't have a parent like mine to take the time to do what mine did. How do we legislate that?

*Clair E. Oppriecht  
Rio, WI*

Europe seems to understand "drinking" much better than the United States. There children are allowed to drink early and many have wine with meals. It doesn't seem to have the "forbidden fruit" appeal that it does in here.

Also I believe by allowing youngsters to drink in a family-meal setting

they learn how it feels and are better able to control drinking. The United States still has such Victorian standards. And it seems to be getting worse with all the laws and restrictions the young must deal with nowadays.

When I grew up we could legally drink beer at 18 and everything else at 21. But that changed in the '70's and I never understood why except that the insurance industry wanted it. Has it been scientifically proven to be better?

With all the video games now, it's stupid that kids aren't exposed to responsible driving instruction in simulators from grade school through high school. They could get so much fun education and really learn what it's like to control different types of cars and pickups.

I consider myself fortunate I grew up on a farm and started driving before I started school. Only on the farm and farm roads, of course.

My first permit was at 12 for the farm, a restricted driver's license at 14 and full license at 16. I've had minor fender benders but never anything serious. My experiences are probably not even possible for kids nowadays.

My bottom line before the draft ended was if I can be drafted at 18, I should have all other adult rights!

*Joe Schuessler  
Aptos, CA*

I don't think there's enough information to conclude the problem is lack of experience, although that is certainly a possibility. We don't know (unless I missed something) that the teenagers crashing two and three years later are people who didn't bother getting their licenses until they could get a

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**Reprint of NMA E-Newsletter #143: Experience Matters**

To paraphrase the late Art Linkletter: “Kids do the darndest things.” Government has taken that sentiment very seriously by establishing prescribed ages when our youth – all apparently in lockstep on the same maturity scale – are suddenly better equipped to tackle specific responsibilities.

But shouldn’t experience trump age requirements?

There are many 17-year-olds who are intellectually curious, informed, and perfectly capable of making an appropriate decision at the voting booth. Yet they are prevented from doing so until reaching the magic age of 18.

Then again, there are adults at least twice that age who don’t have a clue as to who or what they are voting for.

Countries establish minimum drinking ages under similar pretenses. One has to wonder if there would be fewer problems with binge drinking in today’s society if young adults were permitted to sample alcoholic beverages in public venues at an earlier age.

(This isn’t a plug for the new documentary by Ken Burns, “Prohibition,” but it does appear that we haven’t learned the lessons of that era. The Eighteenth Amendment, which ushered in a 14 year ban on the manufacture, sale or transportation of “intoxicating liquors” beginning in 1919, remains the only U.S. constitutional amendment to be subsequently repealed.)

A recent nationwide study published in *The Journal of the American Medical Association* further highlights that it is the experience of the individual, not some

arbitrary statutory age limit, that matters.

Lead author Dr. Scott Masten, a researcher with the California Department of Motor Vehicles, and his colleagues found that graduated driver’s license programs, adopted by many states over the past 20 years, are simply delaying teenage driving fatalities rather than preventing them.

Graduated driver licensing (GDL) programs typically target drivers under the age of 18. Those younger drivers have restricted privileges under GDLs, usually involving supervised driving, limits on night-time driving, and quotas on the number of young passengers being transported.

Conventional wisdom, promoted by organizations like the Insurance Institute for Highway Safety, has been that GDLs have successfully reduced teenage driver fatalities.

The problem is that most data gathered to support that conclusion surveyed the records of 16-year-old drivers only. Masten reviewed fatal crashes over a 21-year period involving 16- to 19-year-olds behind the wheel and found that, “75 percent of the fatal crashes we thought we were saving just occurred two years later. It’s shocking.”

It isn’t shocking to followers of the NMA. We have steadfastly maintained that there is no substitute for meaningful experience behind the wheel, and that starting driver’s education at an earlier age will produce safer teenage drivers.



Masten has a couple of theories for the delayed fatality syndrome uncovered by his study.

The first is that many 16- and 17-year-olds are holding back from getting their licenses until they can avoid the GDL restrictions. The other hypothesis is that teenagers subjected to GDL restrictions are not gaining the necessary practical driving experience; in essence, their limited driving skills at age 18 are not much better than what those skills would have been at age 16 with a newly-minted driving permit.

Whichever theory you subscribe to, the premise is the same: Quality driving experience, not the mandate of a one-size-fits-all “age of maturity,” is the key factor for producing safer drivers. ■

*Editor’s Note: This article originally appeared as part of the NMA’s weekly E-Newsletter series. Both Supporting and Basic members are eligible to subscribe. If you don’t currently receive the newsletter, but would like to, simply log in to your NMA member account and update your subscription preferences. Or call our Membership Services Department at 1-800-882-2785 for assistance.*

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non-graduated license, or who simply didn't drive much until they could drive without their parents in the car.

It is interesting that the death rate rises substantially with age. My first guess is that those young drivers with a couple of years of experience with graduated licenses, in which they had less freedom to push the limits, when they finally get unrestricted licenses are pushing the limits harder, and thus get into fatal trouble more often than they would have had they had the chance to scare themselves at (presumably) lower speeds, earlier in their driving careers.

However, that is just a guess, and more information is undoubtedly needed to understand these data.

*David C. Holzman  
Lexington, MA*

The whole head-in-the-sand approach of simply raising age limits for things always seems to backfire. Raising drinking and driving ages does have a positive result for some parents: it delays or eliminates their responsibility to help their kids learn critically important life skills. I would argue that driving is the most risky behavior that most of us ever engage in, and kids need all the help we can give them to learn how to do it safely.

Learning to handle alcohol responsibly could well be a close second, and it appalls me that we have allowed our bone-headed politicians and a few wrong-headed do-gooders to pass laws that prevent our kids from learning about alcohol while they are still living at home in a safe environment.

When my kids passed their tests and got their licenses from the state, I was appalled at how little they knew, even though I and their driving instruc-

tors had done our best to teach them. They just didn't have any experience.

So the state gave them licenses and turned them loose on public highways to get that experience, which they and everyone around them would hopefully survive. That is a problem, not only for new drivers, but for everyone else on the road.

The problem is you learn most about driving from your mistakes and from the mistakes of others. You learn how to avoid accidents by not making your mistakes twice. And you learn how to avoid others' mistakes by observing the results of those mistakes.

I do have a solution that I think would help save lives and speed the learning process. Computer simulators, similar to the very effective flight simulators used to train pilots, would expose students to many common driving situations, helping them learn how to cope. Hazards could be simulated such as cars running stop signs and red lights, people stepping off curbs, etc.—situations students may not encounter for years in normal driving.

After several hundred hours of training, students would be much better prepared for the road. They would also have to pass a test consisting of a driving course where all sorts of hazards pop up. We could even let kids, with permission from parents, experience the results of driving the simulator after consuming alcohol, so they can see the actual effects of doing that.

All of these driving simulators, including home software and simulators built into real car bodies, exist today. But they are expensive, and there is no requirement for anyone to use them. I would change that.

*Dick Goodwin  
Portsmouth, NH*

What about driver training? Has that been studied? I think not, and to state (or at least imply) that experience is the sole factor toward safer driving is an over-simplification.

The key is to teach our young people how to drive, how to control the car and/or motorcycle. We've started taking it more seriously with motorcycles, with states requiring the MSF course be completed for those under a certain age.

But the requirement really needs to include all ages, since training and education cannot be gained through osmosis. The same applies to driving a car; the 'training' given is woefully inadequate and significantly contributes to the high accident rate among our youth, and all other age groups too.

Non-scientific approaches to vehicle and highway safety are the norm. We have medical doctors as head of NHTSA, when it should be a safety engineer. We insist on the "need" to have a driver's license without taking the responsibility to require the training to safely operate a vehicle. Until we stop going by our "gut" and embrace an evidence-based approach we will continue to fail to protect our nation's driving population.

*Paul Robinson  
Leesburg, VA*

The views expressed in member letters do not necessarily represent those of the NMA. The NMA encourages you to share your thoughts and opinions on driving-related issues. 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



## News From Around The Country

Now featured, with daily updates,  
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### United States

The National Transportation Safety Board has made a sweeping recommendation calling on states to ban the use of portable electronic devices for everyone behind the wheel.

Cell phone bans, such as those recently recommended by the National Transportation Safety Board, have so far proven useless when it comes to actually reducing car crashes, according to the Insurance Institute for Highway Safety

### Alabama

The Montgomery City Council voted 7-1 to pass an ordinance authorizing an automated photographic speeding enforcement system.

### Arizona

Questions are being raised about the purchase of 1,000 new-model Taser stun guns by the Arizona Department of Public Safety at the request of a procurement officer with ties to the firm. DPS used money from photo-enforcement citations to pay for the new Tasers.

### Colorado

Lawmakers rejected a proposal to ban red-light and speed cameras in Colorado. Opponents of the bill cited safety concerns and the importance of allowing municipalities to decide the matter on their own.

### Illinois

Gov. Pat Quinn has signed a bill that will allow the City of Chicago to blanket the city with speed cameras.

### Maryland

Prince George's County, Maryland judges are tired of complaints that photo enforcement citations are inaccurate or otherwise invalid. To speed proceedings on "speed-camera day" when automated citation cases are heard, at least one judge is cautioning motorists not to bother attempting to prove their innocence, regardless of the merit of their argument.

### Massachusetts

An MIT professor and three colleagues say they have come up with an algorithm that can predict whether an oncoming car is about to run a red light one or two seconds before a possible collision.

Massachusetts Lieutenant Governor Tim Murray didn't brake or try to steer away from the rock ledge his Ford Crown Victoria was headed for at speeds of nearly 100 miles per hour. That's according to reports stemming from the aftermath of an early morning accident. Murray miraculously survived, but questions remain about the circumstances of the crash. The state police issued Murray a ticket for speeding, not wearing a seat belt and a lane violation in connection with the incident.

### Ohio

While voters in East Cleveland chose to keep red-light cameras, voters rejected traffic cameras in Garfield Heights, South Euclid and Ashtabula, adding to a growing national movement against the much-maligned devices.

Police in Ohio may not pull a motorist out of his vehicle to "check on his welfare." The state court of appeals handed down a decision in a case involving a man parked on the side of the road in a quiet Columbus residential neighborhood who was "helped" out of his car with physical force.

### Texas

The camera doesn't lie, or so goes the adage. But don't tell that to Lillian Akers. The 76-year-old Kingland resident insists that the city of Austin's red-light camera is falsely accusing her of a traffic violation in a car she doesn't even own.

At least \$46 million in revenue from red-light camera tickets, intended to help fund trauma centers across Texas, sits in Austin instead as lawmakers use it to back certification of a balanced state budget.

Good news for Texas drivers: The speed limit will soon rise from 70 to 75 mph on nearly 1,500 miles of highway. The new limit was approved by the Texas Transportation Commission after studies on the roads determined that the change would be safe.

### Washington

The city council in Bellingham voted 6-1 to respect the wishes of voters and pull out of a red-light camera and speed camera contract. The city had previously signed a contract with American Traffic Solutions (ATS), ignoring local activists who had been collecting signatures for a ballot measure opposing camera use. ■

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