



# Driving Freedoms

NMA Foundation

## The Future of Driverless Cars

Vol. 24 • Issue 3

Summer 2013

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

If your NMA membership expiration date is on (or before) 7/1/13, this is your last issue of

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#### Cover

*"The Future of Driverless Cars"*



## Taking a Principled Stand

by Gary Biller, President, NMA

At the suggestion of California Member Stu Orton, the NMA recently instituted an award recognizing outstanding service to the motoring public. Award winners can be individuals, groups, or even organizations. I will announce the inaugural winner of the NMA **Sentinel Award** further in this column, but first . . .

The **Sentinel Award** acknowledges those who actively support motorists' causes without regard for personal reward. Sentinels may even have their livelihoods challenged because of selfless actions to serve fellow drivers. This elicits thoughts of whistle-blowers—not exactly a popular term these days—or of public officials who do the conscionable thing by supporting motorists and traffic safety over ticket revenue.

Two examples illustrate potential candidates for our award. Ken Burke, because of his position as County Clerk of Circuit Courts of Pinellas County, Florida, felt obligated to issue and widely publicize a letter harshly criticizing St. Petersburg city officials for unfair tactics used in operating the city's red-light camera program. In Fullerton, California, City Councilman Travis Kiger protested loudly against the use of federal grant money to stage DUI checkpoints throughout the area even though only a tiny fraction of arrests occur during those enforcement actions. This politically incorrect stance likely played a role in his losing bid for reelection.

The **Sentinel Award** includes a framed certificate for the recipient, an

announcement to the NMA membership via the Sunday email newsletter and/or **Driving Freedoms**, and a press release in the recipient's home state. With the press releases in particular, we want to raise awareness of the award winner's accomplishments and highlight the fact that issues faced regularly by motorists often require intervention for just resolution.

For the inaugural NMA **Sentinel Award**, we chose to recognize a member whose recent singular achievement will have a lasting effect on how government agencies respond to public records requests. Barnet Fagel, NMA Illinois State Activist and video forensics expert who has honed his craft on the mass of Chicago-area red-light cameras, began a quest almost three years ago that has earned him our first **Sentinel Award**.

In late 2010, Barnet issued a Freedom of Information Act (FOIA) request to the Illinois Department of Transportation (IDOT), asking for data regarding operation of the state's red-light camera program. After some obfuscation indicative of the agency's reluctance to comply, IDOT sent Barnet a spreadsheet containing the information requested. But in one final act of defiance, they locked the cells of the spreadsheet which prevented the user from sorting the data and looking for trends.

I remember Barnet calling to ask what I thought of IDOT's response. I was skeptical that he could force the agency to provide open access to the spreadsheet since the basic

*(Continued on Page 3)*

## Prepared Member Knocks Out Fumbling Prosecution

by Dr. Ronald Lechner, NMA Michigan Member

I got a speeding ticket in Michigan while driving in the left lane of the interstate. We were heading into a storm and the right two lanes were fairly heavy with cars tailgating trucks, which I thought prudent to avoid given the upcoming weather conditions.

I was traveling fast enough to pass all that traffic when my wife noticed a state trooper on my bumper. He got me at 90 with laser. After he wrote me up, we proceeded through the rain to a wedding.

I decided to fight the ticket. I always waive the informal hearing and demand a formal hearing. When it was time for the hearing, I showed, the prosecutor showed and the officer showed. The judge did not. The prosecution offered me two options: accept responsibility or reschedule. I chose to accept responsibility only because of recent spinal surgery that prohibited any unnecessary driving.

Immediately after accepting responsibility, I turned to the officer and asked him if he saw what the traffic was like in the right two lanes and was angered by his response: "No, nor did I care."

I paid the ticket and stewed for the next several days. I went to the NMA web site ([www.motorists.org](http://www.motorists.org)) and found all the benefits of being a member. I had access to your library and found that when using laser, the officer must focus 100 percent on the targeting of the beam. I also discovered that Michigan law gives me 14 days to revoke my admission of guilt. I did so in both email and in first-class mail to the court. It was confirmed in a postcard assigning a new date for another formal hearing.

In the meantime, the court forwarded conviction of the speeding



ticket to the state, which offered me the Basic Driving Course in lieu of points on my record. Even though I knew this was an error, I took the course expressly to help screw up the case and scored 100 percent. This is a once-in-a-lifetime offer and to this day it remains on my record.

A few days before my hearing, the prosecutor called and asked if I would agree to an adjournment since the officer would not be there. I refused. When I showed in court, the prosecutor sent an intern to go against me. When the judge asked me if I had been informed that the officer was not going to be there, the intern responded "no" before I had a chance to respond, nor was I going to correct him either. The judge then dismissed the case.

To my surprise, a few weeks later I received in the mail a decision by the judge to reinstate the ticket. I went directly to the court to learn that the prosecutor had filed a motion requesting to revive the charge against me. I received the notice for that motion the next day in the mail. I was flabbergasted by how weak the prosecutor's motion was—poorly worded, poorly organized with obvious mistakes.

I decided to fight the motion as well as the ticket. The hearings were

set up for the same day with the motion being heard first. Michigan law states that if a motion is flawed, whoever signed it must be requested to be held in contempt of court. I think they knew my plan because it was well over 15 minutes after my case was called when the prosecution stated that the officer was absent so there was no need for the motion hearing or the ticket hearing.

The judge dismissed all with prejudice. I then asked her if I now had a credit of 4 points on my license since taking the Basic Driving Test and she agreed.

I ordered and placed NMA stickers on two of my cars. I have had 0 points since 1986 and now have -4 points. That sticker warns the officer that I will fight my tickets regardless of cost, and my record shows that the points are negligible. I haven't been pulled over since then and will be renewing my NMA membership in a few months. ■

### Got a Great Ticket Fighting Story?

We'd love to hear it. NMA member ticket-fighting stories are some of the most popular articles featured in *Driving Freedoms*. They're a great way to provide readers with useful tips and tricks for winning their own cases. Plus, they give you a chance to toot your own horn. Everyone wins! Submissions may be emailed to [nma@motorists.org](mailto:nma@motorists.org) or mailed to NMA, 402 W 2nd St., Waunakee, WI 53597



## NMA Washington Report

by Robert Talley, NMA Lobbyist



In May, the National Transportation Safety Board (NTSB) issued a sweeping report that made recommendations for national standards for driving while intoxicated (DWI) as well as encouraging states to increase certain DWI enforcement actions. Most notably, the NTSB recommended that all states adopt a blood alcohol content (BAC) cutoff of 0.05 compared with the current 0.08 standard.

Understanding what this means to the individual is an inexact science because alcohol affects each person differently. BAC calculators suggest a 180-pound man could exceed the 0.05 standard after consuming more than two drinks per hour; a 120-pound woman could exceed the limit after consuming more than one drink per hour.

Political leaders on Capitol Hill were immediately non-committal, suggesting they recognized some political peril to what may well be an unpopular and unreasonable federal limit. This isn't overly surprising because the new policy would effectively criminalize that second glass of wine at dinner

for many American women.

Political response is significant because the NTSB and the federal government don't set a nationally enforceable BAC standard. States retain that authority. However, Congress long ago learned that limiting federal funding to states that don't meet federal standards is a means to "encourage" compliance with a federally proposed limit.

The NTSB also recommended enhanced enforcement initiatives including more high-visibility enforcement and increased penalties. While the NTSB noted the most effective enforcement tool was compulsory breath testing of all stopped drivers, it recognized the possible legal impediments to this approach and instead encouraged widespread deployment of passive alcohol sensors—"sniffers." These devices, often incorporated into flashlights or other objects, can sense ambient alcohol in the air and, if they sense alcohol, can be deemed to provide reasonable cause for an officer to conduct a more rigorous investigation.

In addition to sniffers, the NTSB encouraged enhanced driver's license

restrictions for convicted drunk drivers and broader deployment of ignition lockout devices, a technology that requires convicted drunk drivers to blow through an alcohol sensor before a vehicle can be started.

Adoption of these recommendations is up to state and local jurisdictions. Federal incentives in the form of favorable grant treatment for states and localities that show compliance plays a role as well. This form of encouragement can benefit early adopters who demonstrate implementation or who seek to fund implementation. NTSB recommendation can be enough to induce states and local jurisdictions to begin to implement the policies.

The next major transportation law will be debated over the course of the next eighteen months culminating in new legislation that should take effect on October 1, 2014. How Congress chooses to address the NTSB recommendations remains to be seen, but in the interim look for two things: more sniffers at traffic stops and more discussion about lowering the national BAC standard. ■

## Taking a Principled Stand

(Continued from Page 1)

data were still viewable. Fortunately Barnet disregarded my advice. (That is a lesson the rest of you can ignore!) In his initial efforts to contest the IDOT response, Barnet was thwarted by the Illinois Public Access Counselor who ruled that IDOT met state law regarding public access to government records.

Undeterred, Barnet solicited the pro bono assistance of Kirkland &

Ellis LLP and took the case to Cook County Circuit Court, which found in his favor. IDOT appealed and in *Barnet Fagel v. The Department of Transportation*, the Illinois Circuit Court of Appeals affirmed the lower court's decision and handed Barnet a hard-fought victory. The ruling upheld state law regarding the purpose of the FOIA request—to promote transpar-

ency and accountability of all public bodies. For his dogged actions to force IDOT to be responsive to the public, Barnet is our inaugural Sentinel.

If you encounter a meritorious act on behalf of motorists, I hope you will send us a **Sentinel Award** nomination. There is too little recognition for those who advance motorists' causes, something we aim to rectify. ■

## Update on Cell Phone/Texting While Driving Laws

Laws governing cell-phone use and texting-while-driving are evolving rapidly. Currently, 11 states prohibit all drivers from using hand-held phones while driving, and 40 states ban texting for all drivers. Keep in mind that many communities have passed their own cell-phone and texting bans. However, some states prohibit localities from enacting such laws. The following information is current as of April 2013 and comes from the National Conference of State Legislatures ([www.ncsl.org](http://www.ncsl.org)) ■

STATES	HAND-HELD BAN	ALL CELL PHONE BAN	TEXTING BAN
Alabama	No	Drivers age 16 and 17 who have held an intermediate license for less than 6 months.	All drivers
Alaska	No	No	All drivers
Arizona	No	School bus drivers	No
Arkansas	No	School bus drivers, drivers younger than 18	All drivers
California	All drivers	School and transit bus drivers and drivers younger than 18	All drivers
Colorado	No	Drivers younger than 18	All drivers
Connecticut	All drivers	Learner's permit holders, drivers younger than 18, and school bus drivers	All drivers
Delaware	All drivers	Learner's permit and intermediate license holders and school bus drivers	All drivers
District of Columbia	All drivers	School bus drivers and learner's permit holders	All drivers
Florida	No	No	No
Georgia	Drivers younger than 18	School bus drivers. Drivers younger than 18.	All drivers
Hawaii	No	No	No
Idaho	No	No	All Drivers
Illinois	Drivers in construction and school speed zones	Learner's permit holders younger than 19, drivers younger than 19, and school bus drivers	All drivers
Indiana	No	Drivers under the age of 18.	All drivers
Iowa	No	Learner's permit and intermediate license holders	All drivers
Kansas	No	Learner's permit and intermediate license holders	All drivers
Kentucky	No	Drivers younger than 18, School Bus Drivers.	All drivers
Louisiana	No	School bus drivers, learner's permit and intermediate license holders, drivers under age 18	All drivers
Maine**	No	Learner's permit and intermediate license holders	All drivers
Maryland	All drivers , School Bus Drivers.	Learner's permit and intermediate license holders under 18. School bus drivers.	All drivers
Massachusetts	Local option	School bus drivers, passenger bus drivers, drivers younger than 18.	All drivers
Michigan	Local option	No	All drivers
Minnesota	No	School bus drivers, learner's permit holders, and provisional license holders during the first 12 months after licensing	All drivers

<b>STATES</b>	<b>HAND-HELD BAN</b>	<b>ALL CELL PHONE BAN</b>	<b>TEXTING BAN</b>
Mississippi	No	School bus drivers.	Learner's permit holders and intermediate license holders
Missouri	No	No	Drivers 21 years of age or younger
Montana	No	No	No
Nebraska	No	Learner's permit and intermediate license holders younger than 18	Learner's permit and intermediate license holders younger than 18 All drivers
Nevada	All drivers	No	All drivers
New Hampshire	No	No	All drivers
New Jersey	All drivers	School bus drivers, and learner's permit and intermediate license holders	All drivers
New Mexico	Local option	Learners permit and intermediate license holders.	No
New York	All drivers	No	All drivers
North Carolina	No	Drivers younger than 18 and school bus drivers	All drivers
North Dakota	Drivers younger than 18	Drivers younger than 18	All drivers
Ohio	Local option	Drivers younger than 18.	All drivers
Oklahoma	Learner's permit and intermediate license holders, school bus drivers and public transit drivers	School Bus Drivers and Public Transit Drivers	Learner's permit holders, intermediate license holders, school bus drivers and public transit drivers
Oregon	All drivers	Drivers younger than 18	All drivers
Pennsylvania	Local option	No	All drivers
Rhode Island	No	School bus drivers and drivers younger than 18	All drivers
South Carolina	No	No	No
South Dakota	No	learner's permit and intermediate license holders (effective 07/01/13)	learner's permit and intermediate license holders (effective 07/01/13)
Tennessee	No	School bus drivers, and learner's permit and intermediate license holders	All drivers
Texas	Drivers in school crossing zones	Bus drivers. Drivers younger than 18	Bus drivers when a passenger 17 and younger is present; intermediate license holders for first 12 months, drivers in school crossing zones
Utah	See footnote*	Drivers under the age of 18.	All drivers
Vermont	No	Drivers younger than 18 shall not use any portable electronic device while driving.	All drivers
Virginia	No	Drivers younger than 18 and school bus drivers	All drivers
Washington	All drivers	Learners permit and intermediate license holders.	All drivers
West Virginia	All Drivers	Drivers younger than 18 who hold either a learner's permit or an intermediate license	All drivers
Wisconsin	No	Learner or Intermediate License holder	All drivers
Wyoming	No	No	All drivers

\* Utah considers speaking on a cell phone, without a hands-free device, to be an offense only if a driver is also committing some other moving violation (other than speeding).

\*\* Maine has a law that makes driving while distracted a traffic infraction. 29-A M.R.S.A. Sec. 2117.

\*\*\* Listed as a part of contributing factors

With the exception of Nunavut, all Canadian provinces have enacted laws against texting and/or the use of hand-held devices while driving.

## Is There a Driverless Car in Your Future?

Depending on the model, your next car may come with a lane departure warning system, a forward collision warning system, side-view assist, or any number of other capabilities ostensibly intended to make driving safer and easier. Some vehicles can even park themselves ... almost.

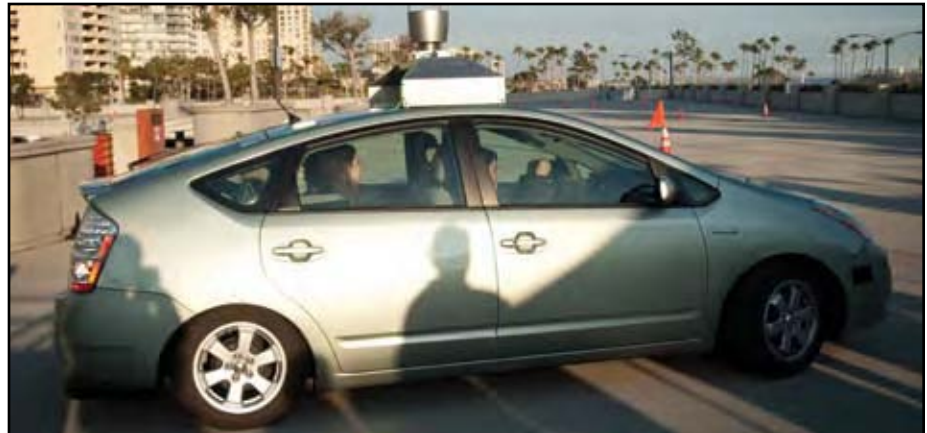
Welcome to the rapidly evolving world of driving automation—a world that may someday include cars that can drive themselves. And why not? Automation has improved daily life in so many ways: greater productivity, more leisure time, countless conveniences, greater security and safety. But will it do the same for driving?

In 2010 Google announced the development of a driverless car and has been testing and tweaking it ever since. A Google search yields copious details and videos showing the car in action on streets and highways throughout northern California.

And it really can drive itself under certain conditions, thanks to an array of radar sensors, laser range finders, cameras, GPS and some really nifty computer programming. By all accounts the vehicle can respond faster than a human driver, doesn't get lost and requires less space on the road. It also relieves the passengers of the burden of actually having to drive.

Google isn't alone. Major carmakers are developing their own driverless vehicles while continuing to introduce semi-autonomous features like the ones mentioned above. For example, Audi and Mercedes Benz plan to release a traffic jam assist feature that combines radar and cameras to allow hands-off driving on the highway at speeds up to 30 mph.

Google has been lobbying hard at the state and federal level to pave the way for broader use of its vehicle. Nevada, Florida and California have enacted laws allowing testing of driverless cars. Google has also been looking for partners in the automo-



tive industry. And a spokesperson has said the company would like to have driverless cars on the road within a decade.

GM has also announced plans to begin testing its autonomous car by mid-decade. These timelines may be optimistic; some experts believe widespread deployment of fully automated vehicles may not occur for 20 years or more.

Depending on cost, driverless cars may find an eager market, especially in younger drivers who are showing less and less interest in driving. In a recent survey, nearly half of respondents said they would be willing to use a driverless car. And who wouldn't at least be intrigued by a technology that promises so much:

- Fewer traffic accidents
- Reduced congestion
- Greater mobility for older or disabled persons
- A solution to the DUI problem
- Less need for traffic enforcement
- Cost and time savings
- Lower insurance premiums

Many of these benefits will certainly be realized to one degree or another. But there will be trade-offs, especially for those who view driving as more than just a means to get from one place to another. Let's take a look at the implications in some key areas.

### Safety

Proponents of driverless cars point out that computer-controlled vehicles can react more quickly than humans, don't get distracted and always follow the speed limit. But they're a long way from proving if that makes any difference from a safety standpoint.

The Google car fleet has logged more than 300,000 miles with no accidents while under computer control. That sounds impressive, but based on an analysis from Bryant Walker Smith with the Center for Automotive Research at Stanford University, the fleet would need to log 725,000 miles without incident to be deemed safer than conventional cars. Factor in fatal accidents only and that figure jumps to 300 million miles.

Another researcher estimates that a driverless car would need to have less than one fatal crash per three million vehicle hours traveled to be acceptable from a safety standpoint. That's orders of magnitude greater than the failure rate for other software-based consumer products such as laptops and mobile phones.

If the vehicle's operating system crashes (pun intended), will the passenger be prepared to take control of the vehicle? How much time will that take? Engineers are studying these and other related questions. However, engineers may not

*(Continued top of next page)*



be able to answer this one: What if the passenger doesn't know how to drive?

In the end, there may be no substitute for a seasoned human driver. How can a driverless car access experience amassed over a lifetime? Driverless cars can't benefit from the subtle human interactions that aid driver safety. If four driverless vehicles converge at an uncontrolled intersection, which one goes first? For human drivers, eye contact, gestures, even verbal cues help us negotiate these ambiguous driving scenarios.

### Privacy

Driverless cars pose huge privacy challenges. (Remember, the world's largest snoop—Google—is behind much of the technology.)

Driverless cars will make it possible for Google, and whoever else has access to the data, to know the most intimate details of your life, like when you dropped the kids off at school, whether you went through the McDonald's drive-thru on your way to work and how many times you went to the gym last week. If your routine changes—maybe you got a new job—that will be noted as well.

Integrate this treasure trove with all of the other crumbs of data you leave behind (like online browsing habits or social networking activities) and any pretense of personal privacy is shattered. Maybe you're only gathering information on 12-step programs to help a close friend, but when your car is tracked to a known AA meeting location three times a week, somebody will have learned a very personal detail about your life.

Some argue that we're already vulnerable to such scrutiny through our ubiquitous use of cell phones, social media, etc. There is a critical difference, however. We can choose to turn off our cell phone or not take it with

us. We can choose what we disclose about ourselves on social media. We can choose to turn it all off if we really want to. But, will we have that option when it comes to driverless cars?

Many people will gladly forfeit their privacy for the promise of extra safety and convenience, as well as economic and environmental benefits. We hope that those who don't want to make this trade-off will have the option to get to their destinations the old fashioned way.

### Freedom and Control

And speaking of old fashioned, many of us still enjoy driving. We get a certain satisfaction out of carving the perfect corner along a twisty country road, the adrenaline rush from accelerating onto the interstate. We marvel at the graceful lines of a '31 Duesenberg Model J or the sheer decadence of a Bugatti Veyron. Hopping into a generic toaster mobile, inputting our destination and watching a movie on our iPad while the "car" putters along at the under-posted speed limit just won't cut it for some of us.

Driving has always been about more than just getting from one place to another. It's about exercising freedom, along with personal responsibility, skill and discipline. It fosters confidence and self-reliance. All of these things are good for people and good for society.

Under the current Google car configuration, passengers sit passively, hands off the wheel, and let the car do the driving. However, the driver can gain control in a moment's notice simply by tapping the brake or grabbing the steering wheel. This could come in handy should road conditions suddenly change but does require the driver to pay attention. Will there come a time when the override is disabled permanently? Some drivers may never feel comfortable relinquishing



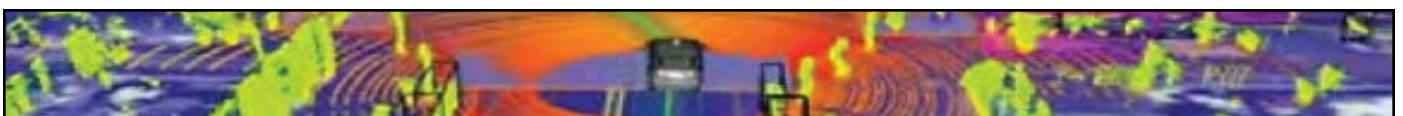
total control of their vehicle, and some may not feel comfortable taking it back.

### Insurance/Liability

Who's responsible when a driverless car gets into an accident? Technically, there is no driver, so is it the vehicle owner, the passenger, the automaker, the software designer? While the answer may not become apparent for years, people are starting to ask the question. The automakers have already begun lobbying state legislators for certain liability exemptions related to driverless cars.

The insurance industry itself will face serious disruptions as well. Widespread deployment of driverless vehicles will likely cut down on accidents, resulting in lower premiums. Some have estimated that widespread adoption of driverless vehicles will cause the insurance market to contract by as much as 75 percent. Without drastic changes to their current underwriting models, many of the large players may not survive.

There is no doubt that automation will fundamentally alter our relationship with our vehicles. (It's already happening.) Many will embrace the new technology and the promised benefits. We only hope there's still an open lane for those of us who wish to maintain some sense of freedom, privacy and personal responsibility. ■



## Base Speed Limits on Facts, Not Emotion

by Clyde Hunt, Jr., NMA North Carolina Member

*Editor's Note: NMA North Carolina member, Clyde Hunt, Jr. recently sent us a copy of a letter he wrote to Fayetteville Observer columnist Tim White in response to White's column, "Aren't we going fast enough?" Clyde's response brings a unique voice of experience to the NMA's positions. Factual support for his points can be found on the NMA website, particularly in the "Speed Limits" and "Lane Courtesy" issues sections. We thank him for allowing us to share portions of his letter.*

In my 50 years and over one-million miles of driving as a sales professional, I have received several speeding tickets, but none at unsafe/excessive speeds, and none for infractions that cause accidents. I've had three or four minor fender-benders in my 57 years of driving but not one chargeable accident; none that were my fault or avoidable.

Rather than expressing so much concern about speeding and speed limits (more on this later), perhaps our law enforcement folks should concern themselves with the problems that cause the accidents that result in property damage, injuries and deaths, such as:

- ▶ Those cruising in the left lane slower than the 85 percentile, which causes cars to "bunch up." This greatly increases the likelihood of collisions than were they cruising unimpeded further apart. There's a reason for the "slower traffic keep right" signs, and unlike what the left lane/passing lane "squatters" may think, it is not so those dangerous speeders can drive at 90 to 100 mph, but rather to keep the cars separated and flowing smoothly.

- ▶ Those tending to anything other than concentrating on driving, like texting, talking on the phone, applying lipstick, disciplining children who are in the back seat, reading a newspaper, one arm out the window and one wrist on the wheel.
- ▶ Anyone changing lanes, making turns, entering or exiting the interstate, etc., without first signaling intent, or driving fast then slow, then fast then slow, driving erratically and unpredictably.
- ▶ Those giving attention to anything other than the important task at hand—controlling a two-ton weapon traveling at 70 mph among others doing the same.

These people cause the accidents, not speed. Of course the faster you're traveling when a collision occurs, the greater the opportunity for more serious injury. But if this is our only concern, then the maximum speed limit should be 5 mph, so no one would ever be injured or killed. Driving 5, 10, 15 mph over the posted limit (which is often below the 85th percentile standard) is seldom the cause of the accidents. Inattention, mistakes, poor decisions, lack of proper driving skills, driving erratically and unpredictably cause the accidents. So, let's concentrate our efforts on these causes.

Back to the "speed" part. I recently asked a friend, who is an average "Charlie" with average or below driving skills how fast he drives in a 70 mph portion of an interstate highway. He responded, "Oh, 75 to 78 mph." I asked how fast would he drive if the limit was 75 mph. His response: "Oh, probably 75 to maybe 80."

Then I asked, "What if there was no speed limit; would you drive 90



or 100 or 110 mph?" "Hell no, that's crazy, that's dangerous, plus my gas mileage would decrease dramatically." This is a typical response on surveys nationwide. The point? Generally, motorists drive at the maximum speed (the 85th percentile speed) at which they feel safe and comfortable (and economical) regardless of the posted limit. Of course there will be some few who probably will drive 85 or 90 mph in 75 mph zones, and I hope the police catch them.

Until 2000, I shared seat-time with one of my sons, racing sports cars on road courses at Sebring, Road Atlanta, VIR, Mid-Ohio, etc., day, night, rain or shine, at speeds up to 130 mph or so. I would not consider driving 90 or 100 mph on an interstate highway regardless of the posted limit. Not because I couldn't handle it safely. But because of all the others out there who are driving erratically and unpredictably and too fast for

*(Continued on Page 10)*



## Members Write

*Editor's Note: A recent email newsletter discussing possible reactions to a report showing a slight increase in the 2012 U.S. highway fatality rate triggered many member responses. We thought we would share a few. Also, one of our Texas State Activists remembers a motorists' rights pioneer.*

The problem is that decision makers are allowed to act on words rather than statistics and, more importantly, clear analytical thinking.

These 'alarmists' use shocking phrases like "sharp trend reversal" when in fact change is only gradual and moderate, and even expected as mentioned in the article.

In many cases the producers of these publications have a hidden agenda: an expectation of financial or other benefit.

Obvious motives could be payment to conduct a specific study, ego enhancement, revenue through increased insurance premiums, more tickets, more expensive tickets.

I wish there were more people fighting against those who produce biased data, and more people ready to blow the whistle on officials who make policy based on specious information.

*A. Malber  
North Texas*

Let's look at safety—the topic of this newsletter. The folks at IIHS and NHTSA don't get it. Those two organizations continue to take the path of least resistance when advocating safety.

There are six primary factors

that determine traffic safety: one's behavior, the vehicle, the highway design, weather, terrain and miscellaneous. Behavior includes that of the motorist, pedestrian or bicyclist. Vehicle includes the type and condition. Miscellaneous includes factors that can't be included in the previous five (e.g., falling tree limbs, etc.).

We can't change the weather, and there are practical limitations to what we can do about terrain and miscellaneous factors, but behavior, vehicles and highway designs are all on us.

We as humans/drivers/taxpayers can make a huge difference, and we do, but not in the correct proportions.



In relative terms, it's easy to pass traffic laws (to control behavior) and compel automakers to make vehicles safer, but there isn't a lot more to gain from this. In fact, over the past ten years, I believe we've lost ground; namely in the wake of cell-phone use, omnipresent air bags, large head rests, wide roof pillars and aerodynamics.

You can group vehicle crashes in a variety of ways. Let's do it this way (from most to least severe): fatality, permanent injury, serious injury, minor injury, fender-bender, near-miss and momentary anxiety (that you're worried about getting into a crash).

Statistics are easily found for fatalities. Beyond that, the numbers are less reliable and non-existent for the latter two.

The fatality rate may decrease, due to all the safety features that have been crammed into our cars, but the overall rate (for all seven "crash" types) will invariably go up. I take little solace in all the embedded air bags in my car when I'm trying to simply back out of a parking space.

Instead of designing cumbersome safety features into our vehicles, we could improve highway designs to decrease the overall accident rate. It's certainly expensive but proportionally correct.

*K.C. Green, PE  
Cornelius, NC*

A 5.5 percent rise in traffic accident fatalities is not good news; we all know that. The fact that those deaths are still at the fourth lowest level in 50 years in spite of rising speed limits also says a lot, and that is good news.

Personally (and without any proof whatsoever), I think one factor that nobody ever brings up is that every year, a whole batch of new, inexperienced drivers takes to the roads.

The oldest, most experienced drivers either stop driving or die off and are replaced by novices. They tend to drive very fast and take what older, more experienced drivers would regard as reckless risks, thereby endangering everyone around them.

I'm not blaming them for being inexperienced; we all were at one time. I think every generation of new drivers thinks it is better than it actually is. I thought I was an exceptional driver, too, but that was in 1962 and there were fewer cars on the roads.

*Dave Podesta  
Brooklyn, NY*

*(Continued on Page 10)*

## Base Limits on Facts (Continued from Page 8)

their skill level. I knew at all times what my qualified fellow drivers were going to do while on the track, and therefore felt relatively safe at high speed and under stressful conditions.

“Speed Kills” is mostly a misnomer. Speed is “involved” in many accidents, mostly because the majority of drivers travel above the

artificially low posted limit. “Involved” does not mean speed is the cause of the accident. And again, the causes are what we should be targeting.

Interesting that when we were considering moving the national “Jimmy Carter” 55 mph maximums back up to more realistic numbers, many predicted carnage on the roadways due to this “speed” increase. The deaths per million miles traveled actually went down and have

been trending that way ever since. Sometimes we must make decisions based on the facts rather than on our emotional responses. ■



## Members Write

(Continued from Page 9)

One recent morning I was trying to find out what happened to Jim Sykes, a long-lost NMA member from my days as Texas State Chapter Coordinator (SCC) when I ran across the unfortunate news that Jim had died in Houston at age 63. Outside of Jim Baxter himself, Jim Sykes was a formative presence in helping me tackle the issue of the 55 mph speed limit.

It was in late January of 1988 when I received a call from Jim Sykes, a member of Citizens for Rational Traffic Laws. Earlier that month, I had assumed my new role as Texas SCC for the organization that would later become the NMA.

Jim and I got together and spoke for about three hours on different issues concerning speed limits, activism, politics and upcoming events. He showed me news clips on KPRC TV and WFAA TV in Dallas with him and former Texas SCC Leslie Read discussing the 55 mph speed limits. Jim was a gifted spokesperson, his passion for the cause infectious. During that first conversation, he informed me that there was an upcoming hearing on expanding the 65 mph zones in

Texas. The 65 mph speed limit went into effect on 2,400 miles of rural interstate on Mother’s Day, 1987. The 1988 expansion covered fewer than 90 miles.

I asked Jim why this was important. He told me that getting press coverage on the issue was more important than the particulars of the issue (just one of many insights gained from his years in marketing and sales.) I was only 23 at the time, but that concept has stuck with me to this day. Thereafter, I sought out opportunities to speak against the 55 mph speed limit as often as possible. Those early efforts culminated in travel with Gail Morrison to the Texas Legislature to speak out against a bill that would eliminate speed re-authorization.

Jim was a cheerful, solid, anchored warrior for the motorists cause. He attended almost every event that the CRTL and the NMA put on. He helped me set up numerous events, including the NMA’s second and third Civil Obedience Drives in Dallas and Victoria, Texas.

Each time we got together, Jim shared stories, insights and material from past events or items of interest. When I visited his house in early 1991 to pick him up for the

protest drive in Victoria he showed me mountains of paper and the sought-after study—55: *A Decade of Experience* (he called it a decade of decadence).

Jim Sykes was a valuable soldier in a noble fight to rid the country of the most violated law since prohibition. His insights, his wit and his persistence were an inspiration to me and undoubtedly touched everyone involved with the cause. I am thankful that Jim was there at a critical time during NMA history. He is missed but his legacy has certainly lived on in ways seen and unseen. His impact on this country was far greater than most know.

Henry Stowe  
Cypress, TX

The views expressed in member letters do not necessarily represent those of the NMA. 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 and should not exceed 600 words. Submissions may be emailed to [nma@motorists.org](mailto:nma@motorists.org) or mailed to NMA, 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](http://www.motorists.org)

### National

The Supreme Court ruled that police usually must try to obtain a search warrant from a judge before ordering blood tests for drunk-driving suspects. The justices sided with a Missouri man who was subjected to a blood test without a warrant and found to have nearly twice the legal limit of alcohol in his blood.

### California

The American Civil Liberties Union (ACLU) filed lawsuits against both the Los Angeles Sheriff's Department and the Los Angeles Police Department over their use of automated license plate readers (ALPR). The ACLU had originally filed Public Records Act requests asking to see what data were being collected by the departments. When the agencies failed to respond, the ACLU filed a lawsuit.

### Florida

With the assistance of NMA Foundation Executive Director Jim Walker, an investigative news report from Tampa revealed that the Florida Department of Transportation had been quietly shortening yellow-light times at intersections equipped with red-light cameras. The changes came after 2010 revisions to the Florida Manual on Uniform Traffic Control Devices and generated millions of dollars in additional ticket revenue.

### Louisiana

The office of the Louisiana Department of Insurance verified that nothing prevents insurers from raising rates on vehicle owners who receive

a photo ticket in the mail. The hike in insurance premiums lasts several years, so in the states where rates climb for photo ticket recipients, insurers can collect far more profit per ticket than the cities operating the red-light camera programs. For that reason, the insurance industry's lobbying and public relations arm, the Insurance Institute for Highway Safety (IIHS), has been at the forefront of red-light camera and speed camera advocacy.

### Maryland

Maryland's General Assembly adjourned for the year after failing to implement any legislation that would have imposed limits or placed quality checks on photo ticketing operations. Such measures were deemed more urgent than ever, given the ongoing abuses present in the Baltimore speed camera program.

### Michigan

A former police officer filed a lawsuit accusing the Novi Police Department of wrongful discharge after he spoke out about alleged ticket quotas. The officer, Michael Corbett, had been on the force for more than 25 years until taking early retirement. In statements, Corbett said he was "disappointed" and "embarrassed to be a Novi policeman." A spokesperson for the department said the allegations were not consistent with departmental practice.

### New Jersey

An Atlantic County state senator has proposed to tax electric cars by the mile to pay for road main-

tenance. Under the proposed rate, electric car owners would pay more than if they were being charged the state's current 10.5 cents-per-gallon tax on gasoline and 13.5 cents-per-gallon tax on diesel fuels.

The New Jersey Department of Transportation announced no new locations would be added to the list of 76 red-light camera intersections in 25 towns under a pilot program that's due to end as early as December 2014. Last year, officials suspended the red-light camera program for a month after determining that 63 of the 85 devices were not tested to ensure the yellow lights were timed in accordance with the law.

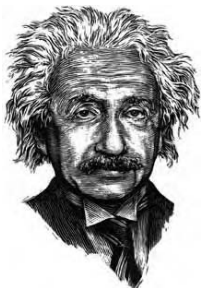
Burlington County legislator Scott Rudder and Assemblywoman Celeste Riley penned a bill that would require the New Jersey Department of Transportation to reduce the speed limit on qualified local roads from 25 mph to 15 or 20 mph if a community association or majority of the residents in a neighborhood request it. The bill would apply only to access streets within residential neighborhoods where the majority of streets do not have sidewalks.

### Ohio

The top speed limit in Ohio is officially going up this summer to 70 mph. Gov. John Kasich signed the measure into law as part of a two-year, \$3.87 billion transportation budget. Ohio's top speed limit will match those of bordering states except for Pennsylvania, where the top speed limit is still 65 mph. ■

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)

## The Experts Corner



If you have a question that only an expert can answer, the NMA can help. The experts here have volunteered to help you. Please mention that you're an NMA member when you contact them.

*This is not intended for listing of commercial business services.*

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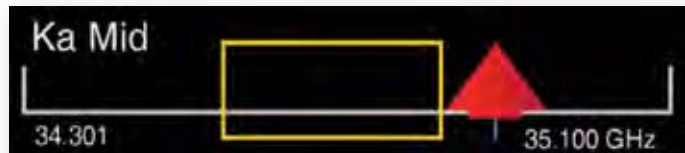
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