



Driving Freedom

NMA Foundation

Vol. 25 • Issue 4 • Fall 2014

THE RED-LIGHT CAMERA DOMINOS ARE FALLING



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

ADDRESS SERVICE REQUESTED

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

Driving Freedoms

Vol. 25 Issue 4

Traffic Justice 1

2014 Visionary Club Members..... 2

NMA Washington Report 3

CSP Update..... 4

2014 Foundation Fundraiser 5

The Dominos are Falling 6

CHP Officer Drops the Ball 9

Members Write 10

News From Around The Country 11

Experts Corner 13

Editorial Staff

Managing Editor.....John Bowman
 Staff Writer Gary Biller
 Staff Writer.....Robert Talley
 Guest Writer.....Ted Loewenberg
 Editor-at-Large.....Bill Jordan



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

Renew your NMA membership now to avoid any lapse.

Copyright © 2014 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*.



TRAFFIC JUSTICE

BY GARY BILLER, PRESIDENT, NMA

Some would argue that “traffic justice” is an oxymoron. It is ironic then that there are few more appropriate terms to illustrate the NMA’s commitment to protecting the rights of drivers.

Shortly after joining the NMA, I raised my eyebrows in surprise when I learned the scope of the Traffic Justice Program (TJP). What financial sense did it make to collect \$35 a year in dues but then promise reimbursement of up to \$300 to those who fought their speeding tickets and lost? No one knows precisely how many speeding citations are issued across the country, but a good guess is upwards of 100,000 per day. That estimate did nothing to lessen my anxiety about the TJP.

Fortunately for my own job security, I refrained from questioning Jim Baxter’s sanity. I decided first to better understand the goals of the program and to determine how well it was working. The question still nagged at me though: Why wasn’t the NMA swamped with \$300 reimbursement claims, enough to potentially cripple the organization?

The answer lies in what makes the traffic justice system tick, or more precisely, the thing that gums up its works: too many defendants having the audacity to challenge their tickets. In looking back at the 18 years of the TJP, there is no way of determining how many members were encouraged to fight their speeding tickets while knowing they had the NMA as a



safety net. By showing up in court and challenging their speeding tickets, it is likely hundreds were able to get their tickets dismissed or reach a plea bargain that was too tempting to pass up.

The eligibility guidelines for the Traffic Justice Program are remarkably simple:

- ▶ Only speeding tickets are eligible for reimbursement.
- ▶ You must be an active supporting NMA member when the ticket was issued and remain so until final disposition of the charges.
- ▶ You must plead “not guilty” and have your case heard in a court trial.
- ▶ You must be found guilty. Plea bargains void eligibility for TJP reimbursement.
- ▶ You must provide proof of the original ticket, the guilty verdict at trial, and penalty/court costs. (Attorney fees are not covered under the TJP.)
- ▶ One ticket up to \$300 will be paid per member per membership year.

(Continued on Page 3)

2014 NMA Visionary Club

Many thanks to members of the Visionary Club who have demonstrated a commitment to furthering the rights of motorists through their gifts to the NMA and to the NMA Foundation over the years. We are very pleased to recognize their contributions.

You too have an opportunity to become a Visionary Club member. Also consider building your legacy for motorists' rights with a gift through our Planned Giving Program. Please contact the NMA for more information. All gifts are applied toward improving and protecting the interests of motorists throughout North America.

Benefactors (\$2,500-\$9,999)

Harold H. Adams Jr.	Ethan McConnell
George Anderson	Josh McKay
C. Joseph Arbogast*	George E. Miller
Luke Ball	Keith G. Milligan
Jerry Bartolomucci*	Terence Murphee
Bradley Baxter	Dr. Michael L. Nash
J. P. Beaudry*	W. John Nelson
Eric W. Berg III MD	Andras Nevai
R. Gordon Black Family	Andrew Petreas*
Cliff Coury	G. Thomas Phillips
Laszlo Csernak*	Jack Potter*
Robert D'Angelo	Patrick J. Quinn Family
Mark De Frino*	Alex Rankin
Stephen R. Donaldson	Thomas Rawson Family
William W. Erbring	William F. Rein
Henry P. Erwin	Klaus Rexroth
J. A. Evans	James J. Ring
Bud Evans	Daniel J. Robinson
Jack Evans	Fred J. Schwarz
Bruce Farr Family*	Brad Shattuck*
Richard Field*	Franc Stern*
Frederick B. Fitts Jr. MD	Gilbert L. Steward Jr.
Ted Giovanis*	Martin L. Swig
Louis Goldsman*	Richard Taylor
R. C. Haege	James Thomas
Terry Hefty	Dr. Terry Toranto
William Holland	James Turbett
Dr. Charles Holman	Cdr. R. M. Tvede Jr.*
Gurdon W. Hornor*	Scott D. Tyler
Tom Huber*	Doug & Mary Volk
Michael Huemer	Tom Walker
Norman Ingram Family	James C. Walker*
Marilyn Kelly	Gordon L. Wangers
Brian G. Kiernan	Gary Webster
John Kretschmann	Robert H. Whitworth Jr.
William M. Lake	Allen J. Wolpert
Paul W. Little	John Beecher Wood Family*
Bryan Lockwood	Roger D. Wyman*
Ken Malo	
William Markowitz	

Benefactors Cum Laude (\$10,000-\$24,999)

Charles R. Burnett III
Kathleen Calongne
Stephen & Martha Carrellas Family
Will King
Greg Simon

Benefactors Magna Cum Laude (\$25,000-\$49,999)

Gary Biller
David Gannon**
Andrew Pesek**
Michael Valentine

Benefactors Summa Cum Laude (\$50,000-\$99,999)

John F. Carr IV

James J. Baxter Founders Circle (\$100,000 and greater)

James J. Baxter



*Became Visionary donors in 2014

**Moved up at least one giving level

Five Visionary donors requested anonymity



NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Who owns the electronic data your vehicle generates and stores?

On September 1, the National Highway Traffic Safety Administration (NHTSA) implemented a rule requiring all manufacturers to install event data recorders (EDRs), commonly called black boxes,” in all new vehicles. While this isn’t a huge change—more than 95 percent of all cars manufactured today already have them—the issues of who owns the information and who can access it remain controversial.

EDRs capture information about a vehicle just before and at the time of a crash. While the EDR records continuously as a vehicle travels, the data are only stored if a major event occurs, such as a crash or airbag deployment. The data in these recorders are used by the police for crash reconstruction and are also used by NHTSA to conduct investigations into potential vehicle defects.

But who owns that information and how can it be used? Law enforcement and insurance companies both want unfettered access to the

information, which poses a number of questions. Does a vehicle owner have a right to prevent law enforcement from accessing information that may prove incriminating? Is accessing that data without consumer knowledge or consent an illegal search? Does a vehicle owner have a right to prevent insurance companies from accessing information that might potentially impair an insurance claim?

The NMA has long been concerned that these are significant privacy issues that must be addressed and has advocated protections for drivers. A number of states have taken steps to protect drivers but the policies are inconsistent. Enter Congress.

On September 15th the U.S. Senate Commerce, Science and Transportation Committee reported the Driver Privacy Act, a bill that clarifies that any information in an event data recorder is the property of the owner or lessee of the vehicle in which the recorder is installed. The bipartisan bill prohibits a person, other than the owner or lessee of the motor vehicle, from accessing data recorded or transmitted by such

a recorder. The bill isn’t a blanket prohibition. Among other exceptions, the data can be retrieved to determine medical treatment, for research purposes or subject to a court order.

The bill also calls for more research. NHTSA is directed to do a study to determine the best time ‘snapshot’ for black boxes to record when an event occurs and to promulgate regulations that establish a standard for the industry.

Given the amount of time left in this Congress it is difficult to be optimistic that these motorist protections will become law this year. However, the bipartisan support for the bill suggests that the chances are good for the privacy provisions to be favorably considered when Congress does finally get around to the next transportation policy bill. Such a bill would presumably be up for consideration before June, 2015 when the current short-term funding and authorization law for transit programs expires. Of course, Congress’ track record of meeting deadlines hasn’t been too good lately so no promises. 🚗

Traffic Justice

(Continued from Page 1)

From 1997 to the present, we have received 188 requests for ticket reimbursement, fewer than twenty a year on average. Eighty-four percent of the requests—158 in all—have been approved. Of the thirty requests denied, 17 were for tickets received before the applicant became a NMA member, nine were submitted despite dismissed charges or plea bargains, and the remaining four involved ineligible family members or violations other than speeding.

The total payout by the NMA for TJP

claims throughout the years has been \$29,251. That is a big number when considering that the NMA fights to make every dollar work toward protecting motorists’ rights, but it averages just \$1,625 per year over the life of the program. The investment to encourage more people to fight their tickets continues to be one of the NMA’s most important advocacy efforts.

For a summary of the ticket-fighting resources offered by the NMA to members, see Page 9. 🚗



Community Support Program off to a Strong Start

One year in, the program has funded member advocacy efforts at local and federal levels

The first Community Support Program (CSP) grant was issued October 2013. Over the following twelve months, the NMA received seventeen more grant applications for grassroots advocacy efforts on behalf of motorists. Member donations to the NMA fund the CSP making *Driving Freedoms* the perfect venue for a program review.

We have two primary goals with the CSP:

1. To provide financial resources for local or regional projects that protect or enhance drivers' rights through the reform of traffic law and public policy
2. To extend NMA influence to a wide array of communities by encouraging citizens to get involved in drivers' rights issues

Supporting members are eligible to apply for a CSP grant as are donors of at least \$20 to the NMA or NMA Foundation during the grant application year. A five-person CSP Grant Review Committee consists of the three NMA directors—Gary Biller, Luke Ball, and Eric Berg—and two at-large NMA members who serve one-year terms. The at-large members are selected by random draw from the NMA donor pool. Howard Jacobs and Martin Railsback filled these spots admirably during the first year of the program. Dan Robinson and Fred Schwarz have graciously accepted those roles for the coming year.

The committee approved sixteen of the initial eighteen applications received, awarding grants totaling \$10,020. The funded grants included:

- ▶ Representation of the NMA at a national MUTCD (Manual of Uniform Traffic Control Devices) conference by three members who participated in two technical committee meetings—Signals and Regulatory/Warning Signs—and made a presentation. The grant covered registration fees, travel and hotel expenses.
- ▶ The production of three short videos on the issue of red-light cameras and short yellow lights. Videos were released as advocacy and educational spots on social media and through targeted advertising in the New York City metro area.
- ▶ NMA member testimony provided at three different forums: the Illinois State Toll Highway Authority regarding tollway speed limits, an

Ohio state legislative committee considering a bill to ban ticket cameras, and the Pittsburgh City Council, which was reviewing a proposal to institute a red-light camera program. The grant reimbursed travel and hotel expenses.

- ▶ Traffic studies conducted by NMA members in New Jersey and Florida to evaluate yellow-light timing at red-light camera intersections by measuring vehicle approach speeds and measuring existing yellow-light intervals. Hotel and travel were compensated.
- ▶ The issuance of two public records requests, one asking for existing speed studies in a South Carolina community and the other seeking Florida red-light camera data. The grants covered processing fees.
- ▶ Expert support at a precedent-setting hearing in Chicago regarding several red-light camera tickets. The tickets were dismissed.

The image shows a screenshot of a web-based application form for the National Motorists Association's Community Support Program. At the top, there is a header with the NMA logo and contact information: "NATIONAL MOTORISTS ASSOCIATION Empowering Drivers Since 1962", "402 West 2nd Street, Milwaukee, Wisconsin 53205-1342", "Telephone: 800-949-6000, Fax: 800-787-0381, E-mail: nma@motorists.org, Website: www.motorists.org". There are buttons for "Print Form" and "Submit by Email".

The main heading is "Community Support Program Grant Application". Below it, instructions state: "Please fill out each section as completely as possible and either submit an electronic copy by Email (use the 'Submit by Email' button above) or mail a printed copy to the National Motorists Association (Attention: CSP Review) at the address provided above."

The "Program Goals" section lists two points:

1. Apply financial resources to local or regional projects that protect or further enhance drivers' rights through the reform of traffic law and public policy.
2. Extend NMA influence to a wider array of communities by encouraging citizens to get actively involved in drivers' rights issues.

The "Program Guidelines" section lists five points:

1. Applicant must be current supporting (paid) member of the NMA or has donated at least \$20 to the NMA or NMA Foundation during the grant application year.
2. CSP funds may not be used to make donations to political candidates or parties.
3. Project management must be on a volunteer basis, i.e., CSP funds cannot be used for payment of salaries or reimbursement of indirect overhead expenses.
4. Grant applications will be judged on overall beneficial impact on a range of drivers, on the chances that the proposed project will produce the desired results, and by a commitment by the applicant(s) to drive the project to completion.
5. The NMA CSP Review Board, consisting of the three NMA Directors and two at-large NMA members has final authority in approving grant awards, in determining grant size, and in approving project expenditures.

The "Project Overview" section (labeled "Optional: Not to be Submitted by Email") contains several input fields:

- Project Title: [Text input field]
- Specific Community Involved: [Text input field]
- CSP Application Date: [Text input field]
- CSP Funding Requested, \$: [Text input field]
- Project Start Date: [Text input field]
- Estimated Completion Date: [Text input field]

The "Contact for Proposed Project" section contains one input field:

- Name of Applicant: [Text input field]

A sample of the CSP grant application form available at www.motorists.org/other/nma-csp-grant-application.pdf.

(Continued top of next page)

Two grant requests were not approved. One was to cover significant advertising costs to launch a safe-ride program in cities around the country. It was a worthy project but if the new enterprise never got off the ground, the money spent on advertising would be for naught. The committee always seeks out the most effective use of CSP funds and that one did not qualify. The other grant application was for the development of a mobile app that would allow the user to extract the log of GPS activity from a cell phone so that the information could be used as a possible defense against a speeding ticket. There are similar apps already on the market, not for the same specific purpose, but available nonetheless.

NMA members have donated a total of \$36,128 to the Community Support Program during the course of the past two Legislative fundraising campaigns. At the same time, the names of five states were drawn at random to have CSP grant money set aside for projects within their borders. The details of the CSP general and state funding at the time *Driving Freedoms* went to press are shown in the accompanying chart.

NMA members are encouraged to apply for CSP grants to help cover out-of-pocket expenses for motor-

Community Support Program Resources	
General Funds	\$17,613
State Funds (Reverts to General Funds January 2015)	
California	\$1,000
Florida (\$240 already awarded)	\$760
Missouri	\$1,000
Texas (\$250 already awarded)	\$750
Virginia (\$726 already awarded)	\$274
State Funds (Reverts to General Funds January 2016)	
Arizona	\$1,000
Kentucky	\$1,000
Michigan (\$289 already awarded)	\$711
Virginia	\$1,000
Washington, D.C.	\$1,000
Total CSP Funds Available as of September 15, 2014	\$26,108

ists' advocacy efforts within their own communities. It just takes a few minutes to complete and submit a grant application form at www.motorists.org/other/nma-csp-grant-application.pdf/. Get NMA support to organize that petition, print those flyers, place an ad in the local paper or file a public records request. The CSP is designed to fund motorists' rights projects that might not otherwise move forward. 🚗

NMA Foundation Fundraiser to Promote Lane Courtesy

Lane Courtesy, the driver behavior of keeping or moving right to allow faster traffic to pass on the left, is vital to establishing a safe, efficient and enjoyable driving experience. Many motorists claim to be advocates of Lane Courtesy, but relatively few practice it consistently.

The NMA Foundation is out to change that. With your tax-deductible donations to the NMA Foundation this fall, we will launch a continuing campaign to raise public awareness of Lane Courtesy. Over the coming months the NMA Foundation, with assistance from the NMA, will produce "Do the Right Thing" public service announcements, flyers, and advertisements to extol the virtues of Lane Courtesy.

We have already developed an enhanced graphic, shown here, that will be the unifying theme of the campaign.

Make a generous donation to the NMA Foundation



before December 31st, and together we can make Lane Courtesy second nature across the country.

Do you have any suggestion on how to make our campaign as effective as possible and to get America "doing the right thing?" We'd like to hear from you. Send your ideas to nma@motorists.org or call us at 608-849-6000. There's also a spot on the back of the fundraiser mailing donation card for your suggestions. 🚗

The Red-Light Camera Dominos are Falling

But will it be enough to sink the industry once and for all?

The last two years have not been kind to the red-light camera industry. Wracked by scandal, gross mismanagement, public backlash and seemingly endless legal challenges, red-light camera purveyors have lost substantial ground in their fight to install a camera on every corner.

In no place has the anti-camera trend been stronger than in California. Once, more than 100 cities throughout the Golden State operated red-light camera programs. Today, approximately 40 programs remain. And it's not just small communities dumping cameras. Los Angeles, San Diego, San Jose and Oakland have all stopped issuing \$500 photo tickets over the last few years.

Much of the California anti-camera movement is focused in Orange and Riverside Counties where camera cities seem to be falling like dominos. Riverside became the latest casualty after the city council voted in July to cancel its contract with Redflex. Council members noted increasing public backlash against photo enforcement as a primary reason to end the program. "I think the will of the people should take precedence over the desires of the bureaucracy," Councilman Chris MacArthur said. "It's time once and for all to terminate this."

In nearby Murrieta, tireless anti-camera activist Diana Serafin led the charge to put a camera ballot initiative before voters. American Traffic Solutions (ATS) fought back with lawsuits and a \$100,000 ad campaign. But this well-funded effort could not prevail in the court of public opinion. Voters decided 57 to 43 percent to dump the cameras. (More on ballot initiatives below.)

In March the city council in nearby Santa Ana voted to end its Redflex

contract because it wasn't meeting financial expectations. Industry observers point to the use of so-called "snitch tickets" as a key reason for Redflex's California nosedive. Redflex mails these unofficial notices, which often look like real summons, to vehicle owners when it cannot positively identify the driver. The idea is to trick the owner into simply paying the fine or identifying who was driving. As more California vehicle owners have realized they can disregard these sham tickets with no consequences, ticket revenue has dropped precipitously.

Redflex incurred another self-inflicted wound when it lost its contract with the city of Chicago amid allegations that it bribed the city official who oversaw the red-light camera program. The company is now the subject of an ongoing federal bribery investigation that has already resulted in the indictment of former company CEO Karen Finley. The fallout from the scandal has been disastrous for the company. In June Reflex admitted it will likely lose \$9 million as cities across the country reject doing business with the tainted firm. According to a recent Redflex investor statement:

"Conditions within the USA market continue to be difficult, and Redflex is currently experiencing a higher than normal number of cities choosing not to renew their programs," the Redflex statement explained. "The resultant reduction in cameras and associated asset write-downs, together with a lack of new installations, has negatively impacted our USA revenue base and profitability."

In the first half of 2014 the company had a net loss of 171 camera locations, and that only accounts for 141 of the total 384 Chicago cameras. According to a Redflex investor presentation, the



company at best expects to break even in the second half of Fiscal 2014.

The Chicago bribery debacle has put the spotlight on a red-light program riddled with abuses, "technical glitches" and a systemic lack of oversight. Is it enough to topple the largest red-light program in the country? It's hard to say, but the NMA is encouraging Chicago Mayor Rahm Emmanuel to take steps to improve the program or scrap it all together. See NMA President Gary Biller's open letter to the mayor on Page 7. As of press time, we've received no response from the mayor.

The other major red-light camera company, American Traffic Solutions (ATS), is facing challenges as well, thanks to revelations from Florida that the Florida Department of Transportation (FDOT) had ordered shortened yellow-light times at camera-equipped intersections.

Investigative reporter Noah Pransky with WTSP in Tampa Bay broke the story and has done dozens of follow-up pieces over the last year. His exhaustive work pressured FDOT to mandate

(Continued on Page 8)

**NATIONAL MOTORISTS ASSOCIATION****Empowering Drivers Since 1982**402 West 2nd Street
Waunakee, Wisconsin 53597-1342

Telephone: 608-849-6000

Fax: 888-787-0381

E-mail: nma@motorists.orgWebsite: www.motorists.org

August 20, 2014

The Honorable Rahm Emanuel
Office of the Mayor of Chicago
121 N. LaSalle Street
Chicago City Hall, 4th Floor
Chicago, IL 60602

Dear Mayor Emanuel,

Intersection safety is best accomplished by design, not by command-and-control tactics like Chicago's red-light camera program. With growing evidence that program parameters are set for optimum revenue generation – lucrative enough at \$70 million a year to attract corrupting influences – rather than safety benefits for the public, the cameras should be shut down. Some of that past revenue should be applied to the proper engineering of the city's intersections and its 3,035 traffic signals in order to make traveling Chicago's streets safer and less punitive.

Program management was deemed unacceptable per the Inspector General's May 2013 report that found a "lack of basic recordkeeping and an alarming lack of analysis for an ongoing program that costs tens of millions of dollars a year and generates tens of millions more in revenue." It has only gotten worse. One month ago the *Chicago Tribune* reported thousands of undeserved red-light camera tickets were issued as a result of "faulty equipment, human tinkering, or both." Last week Chicago Judge Robert Sussman said that he routinely dismisses the photo tickets noting, "We're having a big problem with these yellow lights. Sixty to seventy percent are coming up under [the federal minimum and city standard] three seconds."

The two major U.S. cities closest to Chicago's 2.7 million population – Los Angeles at 3.9 million and Houston at 2.2 million – both removed their red-light cameras three years ago without an appreciable change in accident statistics. That raises the question: Why does the City of Chicago need to assess tens of millions of dollars a year more in penalties to achieve intersection safety levels that aren't much different than Los Angeles, Houston, or any other city for that matter?

Mr. Mayor, please prove to your constituents, including groups such as Citizens to Abolish Red-Light Cameras whose ranks grow with every organized protest against the ticket cameras, that your concern is more about intersection safety than revenue generation.

If you are not quite ready to pull the plug on the cameras altogether, then choose nine camera-equipped intersections in 30 mph speed limit zones that have high numbers of straight-through red-light violations. Increase the yellow light interval duration to 3.3 seconds at three, 3.6 seconds at a second set of three, and 4.0 seconds at the last three intersections. Have independent observers report on the straight-through violation rates over a period of at least one month and compare those results to the rates at the same intersections during a like period just before the yellow intervals were increased. The results will make it clear that the longer yellows are much more effective at reducing straight-through red-light violations than the cameras. And unless the Chicago driving environment is so unique that it bears no similarities to results other cities have attained after dropping their camera programs, the violation rates will not rebound to any notable degree after the ticket cameras are eliminated.

You may think that you have nothing to gain and everything to lose with this challenge. This is not the case unless you consider the welfare and safety of Chicago motorists, bicyclists, and pedestrians and those visiting your great city for business or leisure to be less important than maximizing the income side of the City's budget.

Sincerely,

Gary Biller
President
National Motorists Association

(Continued from Page 6)

longer yellow-light times. Camera citations and the subsequent revenue have plummeted. As a result cities like St. Petersburg have abandoned their ATS-managed programs because they're not profitable anymore. Shortly thereafter, the Tampa City Council voted to end its camera program, but a last-minute compromise has kept the cameras flashing—for now.

The example of the small Florida community of Green Cove Springs illustrates perfectly what's going on. In 2011 the city was caught red-handed short changing yellow-light times. But now with the FDOT-mandated longer yellows, camera revenue is drying up and the city officials fear they may have to dump their ticket camera program as too expensive. (Monthly rental of a single red-light camera can run \$3,000-\$4,000).

Of course the city claims the real reason revenues are down is that the cameras are working "too well"—drivers are finally changing their behavior. In this case, "too well" is doublespeak for "the state forced us to lengthen the yellow-light times and now the cameras are eating our lunch." The same scenario is playing out in Sarasota where camera revenues are \$1.5 million below budget. The city is scrambling for cash and says it may have to lessen contributions to a city employee benefit fund to fill the gap.

As WTSP's Pransky observes, Florida has more red-light cameras than ever, but revenues are falling through the floor. It may only be a matter of time before other Florida cities feel the financial pinch of longer yellow-light times and begin to dismantle their camera programs as well. So much for the "red-light cameras are only about safety" argument.

Still, the IIHS persists in telling us



how much the public supports red-light cameras. Based on a 2013 survey of 800 Washington, D.C., residents, the institute claimed overwhelming support for red-light cameras. But the NMA was quick to point out that only 38 percent of respondents were regular drivers and that targeting non-drivers skewed the results. The IIHS used a similar polling tactic in Houston where it contracted a phone survey of about 300 city residents and proclaimed 57 percent supported red-light cameras. Yet this was only a handful of months after 53 percent of 335,000 Houston voters cast their ballots to eliminate ticket cameras.

The ballot box is a more accurate measure of how the public views red-light cameras. Voters in 31 cities across the country have used ballot measures to pass judgment on ticket cameras, and the cameras have failed 28 times. That's a 90 percent rejection rate. At least two more camera ballot initiatives are likely this fall, both in Ohio, where activists in Cleveland and Maple Heights have submitted more than enough signa-

tures to force votes this November.

Eight Ohio communities have already voted on ticket cameras—more votes than in any other state—with the cameras losing seven times. The pro-camera forces will spend lavishly to block any and all camera ballot initiatives, but the domino theory appears to be proving out in Ohio as well.

The camera companies are also coming up with new product offerings to compensate for the downturn in the red-light camera market. These solutions looking for problems include school bus stop-arm cameras, stop sign cameras, cross-walk cameras and cameras that ticket you if you "block the box."

But there's an even more troubling development: the growth in the number of cities adopting speed cameras. As of August 2014, 140 cities across 14 states and the District of Columbia are using them. That's up from 92 in October 2011 for a 52 percent increase. Speed cameras present motorists with many of the same technical and due-process issues as red-light cameras. Whereas red-light cameras prey on motorists by encouraging the shortening of yellow-light times, speed cameras prey on motorists by promoting the setting of artificially low, and in many cases unsafe, speed limits.

In what may be a sign of the bad things to come, Redflex has been lobbying to take over the City of Baltimore's lucrative speed-camera network, which isn't even operational now due to years of mismanagement, ongoing technical issues leading to thousands of false citations, official cover-ups and multiple vendor changes. Sound familiar?

The only saving grace may be that if Redflex does get the Baltimore contract, it will likely botch the job and put itself out of our misery for good. 🚗

Member Wins Dismissal when CHP Officer Fails to Show Up

By Ted Loewenberg, NMA California Member

I was prepared. I was brilliant. I was rehearsed. I was elated to win.

Yes, I had a ticket from California Highway Patrol (CHP) for allegedly making an unsafe lane change. I got a court date almost exactly one year later, so I had plenty of time to prepare and practice.

I showed up at court with a folder full of rulings from the U.S. 9th Circuit Court of Appeals, a closing summation and a sheet full of questions for the officer. In a room with about 45 cases, only about 10 were heard by the judge. The startling part was that about 35 cases were dismissed. Of those, about 30 were because the ticketing officer did not come to court. Including mine. I was elated although somewhat disappointed that my argument was not to be heard. Victory is sweet, no matter how you get it, within the bounds of morality.

The lesson here is simple: Always fight every ticket. There is a chance that



the accusing officer won't show. Even if he does, you'll keep that officer off the street for a few hours, unable to write citations. By going to court, we make these highwaymen work for their money.

The other lesson I learned is to thoroughly research the case law for the stated offense. I was accused of violating California Vehicle Code 21658 (a). I searched online for references to the law. I found that the U.S. 9th Circuit Court ruled on this very law in 2002. The panel found that the law was poorly crafted. In the referenced case, police pulled

over a driver for possible DUI. A vehicle search revealed narcotics. However, the court declared the stop was not legal. The lane change was in fact not a lane change, and that CVC 21658 posed the test of remaining in a lane of traffic "as much as reasonably possible."

The defendant, as in my case, did not make an unsafe lane change. Hence the drug charges had to be dropped for lack of probable cause. In my case, the CHP officer was never in danger of being hit by me because my venture into his lane ahead of him was aborted as soon as I saw him emerge from my blind spot. I returned to my lane and increased the gap between us. Then I moved over. He cited me anyway.

I was prepared to argue that the circuit court ruling applied to me and that a verdict of Not Guilty was necessary. But thanks to the officer's absence, I won, and that's result I wanted. Do your homework and fight every ticket. 🚗

Take Advantage of these Key Ticket-Fighting Tools

The next time you get a traffic ticket, don't just pay it. **Fight it!** As a supporting NMA member, you have access to a unique array of member benefits including the valuable ticket-fighting resources shown below. Visit the "Fight Your Ticket" and "Members Area" at www.motorists.org for more information on ticket fighting as well as other NMA member benefits.



FREE "Fight That Ticket!" E-book

**Traffic Justice Program:
Speeding Ticket Reimbursement**



One-On-One Ticket-Fighting Assistance from NMA Staff

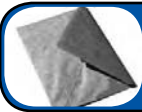
Legal Defense Kit: The Most In-Depth Guide available for Pro Se Defendants



NMA Guide to Freedom of Information & Public Records

Access to State Activists and Experts from Many Fields





MEMBERS WRITE

The views expressed below do not necessarily represent those of the NMA. 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. Send to nma@motorists.org or mail to NMA, 402 W 2nd St., Waunakee, WI 53597

Longtime member (since 1986). Will be 90 in a little over two years. Aiming for 101 so here's my three-year membership renewal, but stopped most donations to ensure money to live on. Slowed down a bit, not because I need to, but afraid for any little infraction and license will be taken away just because of "AGE." Love driving my '93 Lincoln in perfect condition, inside and out—just like lucky me! The car obeys me just like "Old Dobbin" used to. Favorite speed was 83—never ticketed—stayed in right lane and kept an eye out. Plate says "The BMW"—notice it's my initials. Draws a laugh. My motto is "Keep Moving," and I do.

A New York Member

On Saturday, August 16, 2014 my daughter and 18-year-old grandson were driving north on I-75 near Gainesville, Florida, at about 10:30 am. My grandson had just taken over the driving from my daughter on their way from Lakeland to Dallas where my grandson will start his freshman year at SMU. They noticed six to eight police cars lined up on the right shoulder of the highway far ahead.

My grandson slowed to 40 mph and attempted to move into the left lane. Because there were other cars already in the left lane, he was delayed in moving over. As soon as he passed the police cars one pulled out and pulled him over. As the officer walked up to the car he handed my grandson a flyer on the "Move Over Law" and ticketed

him for not moving over soon enough.

My grandson attempted to explain to the officer that he couldn't move over safely due to other vehicles in the left lane. The cop was not interested in his explanation and wrote him a ticket. My daughter asked why the police were even there on the shoulder because there was no accident and no one was being ticketed for other traffic violations. The cop told her they were doing a "Move Over" safety check exercise. My daughter said that sounds like entrapment. The cop got very upset and told her too bad and said my grandson could make his complaint to the court. This is just another abuse of the traffic laws to generate revenue for the State of Florida. While my daughter and grandson were waiting for the ticket, the police pulled over five to six other vehicles in a span of 15 minutes.

*Ted Levitt
Alba, TX*

I wanted to write to say thank you and give a huge shout-out and thanks to Mr. Barnet Fagel!

I received a speeding traffic camera ticket in Flordell Hills, Missouri. At the time I was not a member of the NMA. I dwelled on the ticket for a while and did some random searches online trying to find out a little more about speeding camera tickets.

I finally came upon a few cases that had been dismissed along with a high profile case of Charlie Brennan who is a radio show host in St. Louis, so I

thought I finally had something since my ticket was in the same state. I started calling lawyers and was utterly disappointed, because not only was I told they couldn't represent me, but a few even gave me the advice of "just pay it, it doesn't go against your record." One even told me it's nothing more than a money scheme. That did nothing but tick me off even further.

As I became more fired up I came across the NMA. I signed up for membership and downloaded the free e-book the same day. I then made a few phone calls to our experts, one being to Barnet Fagel who responded that same day as well. One word to describe Barnet through this process is "phenomenal." His advice and guidance was superb. I owe a ton to him in helping get my case dismissed.

The administrative hearing did not go in my favor. I was prepared and absolutely shredded the prosecution's case. The judge got very frustrated and even began harassing me with a few questions. I was still found guilty, because in the judge's words "there was a preponderance of evidence against me," even though that preponderance was all of six pages of worthless data and a few photos compared with my 40 pages along with proper photographs actually documenting things.

I appealed and was somewhat shocked to see what played out there. The prosecuting attorney arrived one minute before the hearing time, grabbed my folder from the clerk and approached me. He asked if I was OK with dismissing the case, because he didn't want to have to go through all of those "shenanigans" again. I was blown away. I knew I had them, but I didn't think it was going to go down so easily. Thank you, Barnet, and thank you NMA!

*Cory Lucas
Brighton, IL*





DRIVING NEWS

This information is current at time of printing. Get daily driving news updates from across the country through the “NMA Driving News” area of our website. For even more in-depth coverage of motorists’ issues from some of the country’s leading commentators, visit the NMA Blog at blog.motorists.org.

National

In an unclassified report, the FBI predicted that autonomous cars “will have a high impact on transforming what both law enforcement and its adversaries can operationally do with a car.” The report noted that “bad actors will be able to conduct tasks that require use of both hands or taking one’s eyes off the road which would be impossible today.” The report speculated that one nightmare scenario includes suspects shooting at pursuers from getaway cars that are driving themselves.

According to a new report, over two-thirds of Americans think Uncle Sam should beef up funding for transportation projects, while just over half of the 2,013 randomly surveyed people around the country would support a bump in the gas tax. Perhaps more telling for our elected officials is this: 51 percent of the people surveyed would be more open to voting for a candidate who supported an increase in road funding. Only 19 percent would be less likely to vote for a candidate who campaigns on the basis of improving American roads.

Alaska

Alaska has installed radar-activated speed limit signs along highway safety corridors in the state. Officials said the signs that were recently placed at four safety corridors are intended to provide

instant visual feedback to drivers on how fast they are traveling. According to officials, the signs are not used for enforcement and they do not take photographs. The safety corridors are located on the Seward, Sterling and Parks highways, and on the Knik-Goosebay Road.

Arkansas

Two companies that make automated license plate reader (ALPR) technology filed a lawsuit against the state of Arkansas, claiming the state’s ban on non-law-enforcement use of ALPRs is a violation of their First Amendment rights. The plaintiffs, DRN and Vigilant Solutions, argued that the dissemination and collection of license-plate data using their technology is constitutionally protected speech since their technology is no different than any regular citizen taking a picture of a license plate and researching it.

California

The Palo Alto Police Department vehemently denied claims made by three anonymous officers in an NBC Bay Area report that there is strong pressure within the department to meet “unofficial” ticketing quotas, which they say has harmed public safety in the city. The three officers—heavily disguised when shown on camera—accused the department of being more focused on creating a positive public image through gener-

ating statistics than on public safety.

Internet entrepreneur Sean Parker, founder of Napster, donated \$49,000 to back a voter initiative to give more of a voice to San Francisco motorists. The bill, which will appear on the San Francisco ballot in November, includes provisions to make parking more available and affordable, and calls for enforcing traffic laws as they pertain to bicyclists. The initiative signifies a push-back against the anti-car movement by reasserting the interests of drivers and ensuring those interests are represented in city government.

Florida

A Broward County Sheriff’s deputy took a pair of drunken friends on a cruise through a major bar district and made the spectacularly poor decision of handing over his patrol car’s PA mic to one of his intoxicated passengers. Phone calls from concerned passersby who thought the cruiser was stolen flooded in after the drunken passenger began yelling derogatory remarks over the 2007 Dodge Charger Pursuit’s loudspeaker. The deputy was fired but is considering an appeal to get his job back.

With heavy lobbying from AAA, Gov. Rick Scott vetoed Senate Bill 392, which would have authorized state officials to raise the interstate speed limit 5 mph to a maximum 75 mph if deemed safe. The governor said his decision was based on the case of a state trooper who was killed while conducting a crash investigation on the interstate.

Georgia

Data show police and parking enforcement officers have greatly

(Continued on Page 12)

(Continued from Page 11)

increased the number of tickets they issue. Park Atlanta wrote 141,000 tickets in 2010 and two years later, wrote 221,000, according to recently released documents. The documents also show the number of traffic tickets issued doubled from 2009 to 2010. While the revenue multiplied accordingly, Mayor Kasim Reed said money was not the motivation for the increase.

Idaho

The Idaho Transportation Board voted unanimously to approve 80 mph speed limits for southern Idaho freeway stretches on I-84, I-86 and I-15 that now are 75 mph, but only after a long discussion about the changes and with the condition that the new limits be reviewed in one year. The board's resolution took note of comments in favor from the NMA and in opposition from the Idaho Trucking Association and AAA of Idaho.

Illinois

Kankakee County considered resurrecting a sheriff's traffic unit that would write 2,200 speeding tickets per year and raise an estimated \$221,000 in a last-ditch effort to save 25 law enforcement jobs. The revival of the unit would put two deputies on full-time traffic duty.

Kansas

Police officers in Valley Center are now required to write a minimum number of traffic tickets each month. Officers are required to give out one ticket for every shift and a half (15 hours) they work. That equates to about 10 tickets per officer per month. With nine officers on staff, that means a minimum of 90 tickets issued department-wide per month.

Maine

Maine increased speed limits on most of I-295 and on long sections of I-95, but none will be faster than the existing 75 mph stretch of I-95 north of Old Town. The speed limit for most of the interstates was 65. Lawmakers enabled the higher limits last year.

New Jersey

State Assemblyman Declan O'Scanlon introduced a bill that would block the New Jersey Motor Vehicle Commission from providing other states with information about drivers photographed by traffic enforcement cameras. This would mean New Jersey drivers flashed by a red-light camera in another state would not be able to be fined.

New York

More than 200 new speed cameras have been authorized for school zones in New York City and Long Island under legislation signed into law by Gov. Andrew Cuomo. The cameras will operate during and immediately before and after school activities. Drivers photographed by the devices will be mailed a \$50 ticket.

North Carolina

The state House of Representatives approved a bill that would bring red-light cameras back to Fayetteville. The city had to stop the program in 2006 because the proceeds were not being used to fund education, which is considered unconstitutional. Under the new bill, the money would go to the Board of Education and the schools would then pay to fund the camera's operating cost. If passed, the bill could pave the way for additional cities to revive their red-light camera programs.

Oregon

A recently filed federal lawsuit claims the City of Beaverton has been illegally writing tickets to drivers at intersections that use red-light cameras. The civil suit claims the yellow signals on traffic lights are too short to comply with the Oregon Vehicle Code. It also claims the city is "unlawfully generating revenue" and putting people at risk of injury or death.

Texas

The Texas Department of Public Safety (DPS) has begun requiring full sets of fingerprints from everyone who obtains a new driver's license or photo identification card. This applies to those who come in as required for periodic renewals, but it doesn't apply to mail-in renewals. Previously, DPS took only a thumbprint. A DPS spokesperson said fingerprint information collected at driver's license offices is not run against the national fingerprint database.

Wisconsin

A Milwaukee woman was arrested for drunk driving after being T-boned by a police officer. The only problem? She was sober and not at fault for the accident. Deputy Sheriff Joseph Quiles hit Tanya Weyker's car while on patrol around General Mitchell International Airport. The crash broke her neck in four places, leaving her unable to blow into a Breathalyzer or take a field sobriety test. Quiles said that he made a full stop at the stop signed intersection, but security cameras caught Quiles rolling through the stop sign before hitting Weyker's Camry. Quiles was suspended for making a false report but never received formal punishment. 🚗