



# Driving Freedom

NMA Foundation

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Spring 2014

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

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VS  
VMT TAX**



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**Driving  
Freedoms**

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*“Gas Tax vs VMT Tax”*



**Affairs of State**

by Gary Biller, President, NMA

The public, and therefore the media, loves articles that rate the best of this or the worst of that. The NMA is about to dive back into those waters with a big splash.

In May 2009, we published “Watch Your Wallet When Driving Through These 10 States,” which included a ranking of the 50 states based on the level of exploitation of motorists. That remains one of our most popular national press releases ever. See for yourself; it is reprinted on Page 2 of this magazine.

Five years have passed since 17 different criteria were used to develop the rankings in “10 States.” It is about time to get our feet wet again. (OK, I’ll stop with the swimming/wading references. Just be thankful that after the winter we’ve had, I didn’t use an avalanche of snow puns.) Rather than simply updating the same categories from 2009 however, we are expanding the depth and breadth of the methodology used to introduce a more comprehensive analysis of states that treat motorists reasonably well and those that view us as resources to be tapped at every turn.

We have chosen five major categories, each containing criteria that are applied consistently across all states. One of our primary challenges is finding reliable source data. If there are criteria missing in our evaluation, it is likely because there isn’t adequate information. A case in point is something I would dearly love to include: overhead expenses and miscellaneous surcharges applied to basic traffic ticket fines. We know that in California, the state and localities tack on enough extra fees to quadruple and even quintuple baseline penalties. Unfortunately, we could not find

comparable information for all states.

Not to worry though. Our evaluation criteria address most aspects of the driver-state relationship:

**Legal Protections**

- Right to trial by jury for traffic offenses?
- Trial by declaration offered as an option?
- Real courts with due process or special administrative/mayoral courts nixing defendant rights?
- State laws that define ownership and control of the vehicle electronic data recorder?

**Regulations**

- Speed limits that are consistent with quality of roads and population density?
- Application of seat belt laws?
- Application of motorcycle helmet laws?
- Application of cell phone bans?
- Penalties for first-time offenders with < 0.10 BAC?
- State driver responsibility or super speeder penalties?

**Enforcement Tactics**

- Number of speed traps per total road miles?
- Number of road blocks per total road miles?
- Prevalence of red-light and speed cameras?
- Extent of federally funded ticket blitzes?
- Volume of traffic tickets issued annually?
- Workers have to be present for  
*(Continued on Page 3)*

## Watch Your Wallet When Driving Through These 10 States

*Reprint of May 2009 NMA News Release*

With the first major driving holiday of the summer season approaching, we have analyzed the laws across the country to determine the best and the worst states when it comes to exploiting the motoring public.

These state rankings were calculated using seventeen criteria related to specific traffic laws, enforcement practices, and the treatment of traffic ticket defendants. The rankings are designed to provide guidance to travelers who do not want their vacation ruined by speed traps, arcane laws or “kangaroo” traffic courts.

The state most likely to find its way into your wallet is New Jersey. With its toll roads, roadblocks, and speed traps, New Jersey has left almost no stone unturned when it comes to extracting cash from motorists. The state has also recently pushed through a red-light camera pilot project at a time when many states are banning the ticket cameras because they’ve proven to have a negative effect on traffic safety. Add in “driver responsibility” fees, which are ineffective and have a disproportionate effect on the poor, and you have the worst state in our rankings.

Here are the worst ten states:

- 1) New Jersey
- 2) Ohio
- 3) Maryland
- 4) Louisiana
- 5) New York
- 6) Illinois
- 7) Delaware
- 8) Virginia
- 9) Washington
- 10) Massachusetts

On the opposite end of the spectrum, the five states that

treated motorists most fairly are Wyoming, Idaho, Montana, Nebraska, and Kentucky. The complete list of rankings and the criteria we have used can be found at the bottom of this article.

Jim Baxter, President of the National Motorists Association, said “It is not exactly a well-kept secret that many traffic laws, enforcement practices, and traffic courts are more about generating revenue and political posturing, than they are about traffic safety. During holidays, like the upcoming Memorial Day weekend, we’re bombarded with messages about intensified enforcement, “click it or ticket,” and horrendous fines when in fact most vacation-related traffic accidents are caused by inattention, distraction and fatigue. However,

these are accident causes that don’t generate much in the way of government revenue, so instead our highways are overrun with unmarked police cars and ticket cameras.”

Baxter went on to say “The long term solution to aligning legitimate public interests with government policies is to remove the money from traffic regulation, enforcement, and adjudication. Until that happens, the focus on revenue generation will continue to trump effective traffic regulation and ethical enforcement practices.”

With this in mind, motorists who will be traveling to unfamiliar areas during the holiday may want to check out the NMA’s National Speed Trap Exchange—a listing of speed traps across the country—at [www.speedtrap.org](http://www.speedtrap.org). ■

### 2009 Rankings: Worst States to Drive in

- |                   |                    |                  |
|-------------------|--------------------|------------------|
| 1) New Jersey     | 18) Florida        | 35) Hawaii       |
| 2) Ohio           | 19) Pennsylvania   | 36) Arkansas     |
| 3) Maryland       | 20) North Carolina | 37) Alaska       |
| 4) Louisiana      | 21) Alabama        | 38) Kansas       |
| 5) New York       | 22) Rhode Island   | 39) Mississippi  |
| 6) Illinois       | 23) West Virginia  | 40) Wisconsin    |
| 7) Delaware       | 24) New Hampshire  | 41) Utah         |
| 8) Virginia       | 25) Arizona        | 42) South Dakota |
| 9) Washington     | 26) New Mexico     | 43) Indiana      |
| 10) Massachusetts | 27) Missouri       | 44) Minnesota    |
| 11) Colorado      | 28) Texas          | 45) North Dakota |
| 12) Oregon        | 29) Oklahoma       | 46) Kentucky     |
| 13) Tennessee     | 30) Nevada         | 47) Nebraska     |
| 14) California    | 31) Georgia        | 48) Montana      |
| 15) Michigan      | 32) Connecticut    | 49) Idaho        |
| 16) Vermont       | 33) South Carolina | 50) Wyoming      |
| 17) Maine         | 34) Iowa           |                  |



## NMA Washington Report

by Robert Talley, NMA Lobbyist



In February President Obama called on Congress to develop and pass a four-year, \$302 billion transportation bill to invest in roads, bridges, railways and transit. The current transportation program, known as MAP-21, is scheduled to expire Sept. 30.

There is universal agreement among policymakers that a new bill authorizing transportation funding must be passed. While there are many disagreements about funding priorities, there is also no agreement on how to pay for the authorizing bill. Over the past 10 years, Congress has had to supplement the Highway Trust Fund by more than \$50 billion and future shortfalls are expected.

Support for increasing the gas tax appears limited. Even the administration has dismissed increasing the current \$.185 tax as a possible funding mechanism for a number of reasons including the fact that the administration's own policies to increase vehicle fuel efficiency have

resulted in decreased revenues from the gas tax. Recently, the Congressional Budget Office (CBO) released a study looking into how a vehicles miles traveled (VMT) tax system might work and concluded it was a feasible funding mechanism for the Highway Trust Fund. While CBO didn't make a recommendation in support of the VMT, it did conclude that a VMT would be a more accurate and fair way to distribute the costs of the highway system to drivers than the current gas tax. The Government Accountability Office (GAO) has also issued a report calling for more research into the idea of the VMT tax.

The politics of the VMT are convoluted. In the House, Rep. Earl Blumenauer (D-OR) has introduced legislation to study the most practical ways of taxing drivers based on how far they drive. Chairman of the House Transportation Committee, Bill Shuster (R-PA) has stated that he won't rule out any funding mechanism. In the Senate, Public Works Committee Chair Senator Barbara Boxer

(D-CA) is promoting a wholesale tax on oil production as a possible way to pay for transportation though she has admitted this is not a popular approach and supports a VMT as an alternative.

The Senate has passed a bill calling for a \$90 million pilot project involving 10,000 cars while the House has voted to prevent the U.S. Department of Transportation from implementing a VMT tax. Not only were privacy concerns raised but rural lawmakers also argued such a tax would unfairly penalize their constituents.

The future of the VMT tax is far from certain but in a time of decreased revenues from the gas tax and a need for more money for infrastructure, it is hard to count it out as a possible future revenue raiser for the government. If nothing else, the Mileage-Based User Fee Alliance (MBUFA), a Washington, D.C. trade association advocating for the VMT tax, will be working hard to make sure the VMT remains a viable policy option for the future. ■

## Affairs of State

(Continued from Page 1)

- work-zone violations?
- State-Imposed Cost to Drive
- Extent of toll roads per total road miles?
- Cost of tolls, state fuel tax, and license/registration fees per vehicle mile traveled?
- Average cost of vehicle insurance premium for fixed profile driver?

### State Fiscal Responsibility

- Degree of legislative involvement in transportation planning?
- Road construction and maintenance

- funds restricted for that purpose vs. appropriated at will for any purpose?
- Degree that federal fuel-tax revenues are diverted from road aid to transit capital projects?

Final grades for each state will fall between 0 points (driver hell) and 100 points (nirvana) after importance weighting of each category.

Look for our final rankings to be released to the national media in late May. We will follow up

in the summer issue of *Driving Freedoms* with details of those rankings and a behind-the-scenes look at how they were determined, including red-light and speed camera IQs (infestation quotients).

While we don't expect to create a mass population migration based on our rankings, we do hope to stimulate a stronger awareness of state practices that respect or exploit the driving public. If that stirs up more of a national dialog about motorists' rights, then we will have accomplished our goal. ■

## Defending Yourself is a Learning Experience

by Michael Carapella, NMA California Member

I received a citation in southern California for traveling at an “unsafe speed.” The officer clocked me at 49 in a 35. Ten days after I received this citation, the same officer stopped me again in the same neighborhood for doing 49 in a 25.

I postponed my arraignment and then pleaded not guilty via Trial by Declaration (“TBD”). I was found guilty even though the officer sent in his statement seven days late. I requested and received a *trial de novo*.

To prepare I wrote up a sheet with my first 12 or so questions, compiled pictures and several index cards with specific areas of interest, including one wherein I broke down the language of the vehicle code.

On the day of my trial, my case was the first to be called. The officer and I approached the table in front of the court. The judge said, “OK, this is your trial. Are you ready to proceed?” I said yes and then asked the judge to consider traffic school if he found me guilty. He just looked at me for a couple of seconds and then turned to the officer and asked him to proceed. Immediately, the officer began his statement.

I didn’t have any time to unpack my briefcase and prepare, so I quickly pulled my script out of my briefcase and started making notes.

The officer began: “I was parked facing westbound observing northbound traffic. I observed a vehicle coming toward me at a high rate of speed. I estimated his speed at 48 and clocked

him at 49 with my Pro Laser III radar. I executed a traffic stop and cited the driver. I have 40 hours of training. Here’s the certificate for the radar unit. I tested the unit before and after my shift.”

The judge asked me if I had any questions for the officer. I said, “Your honor, I would like to make a motion to dismiss. The officer testified that he used RADAR to determine my speed. My citation indicates he used LIDAR.” The judge asked the officer for clarification, at which point the officer looked at the certificate he had presented to me and corrected himself. The judge then explained in a somewhat condescending manner that RADAR and LIDAR did the same thing, but the laser technology was more precise.

I then asked the officer if he recognized me. He unconvincingly said, “Yes.” I then asked the officer if he had ever met me prior to issuing the citation. He said, “No.” I asked him if we had met since he issued the citation. He said, “No, I don’t think so.” Next, I asked him if anyone was in the vehicle with me. He looked down at his notes and said, “Yes, one female.”

I then stated that I believed I was entitled to his independent recollection of the stop, not what he may have noted, and asked him if he could describe my passenger. He said, “No, that’s all I have.” I pressed for more details but he couldn’t remember.

I then asked the judge for another dismissal because the officer clearly had no independent recollection of the stop.


The judge interrupted me and asked if I had seen this officer at some point after the stop. I said yes. The judge said he “wasn’t really moved” by these issues since the real issue is the speed at which I was driving, and the officer indicated he did recognize me as the driver.

I then asked the officer if he brought the applicable engineering and traffic survey with him. He produced a binder with photocopies of various traffic surveys. I made another motion to dismiss, citing the lack of certification from the engineer who produced the report. The judge denied saying the survey was OK because it was in a binder provided to the court by the city.

Then the judge said the following: “The survey is immaterial because you were not cited for exceeding the speed limit. You were cited for unsafe speed. I wasn’t really moved by all this discussion about the other person in the vehicle or RADAR vs. LIDAR or survey certifications, but the officer has to establish why your speed was unsafe—for example there were children playing in the area. Since the officer did not provide any testimony with regard to the reason your speed was unsafe, I find you not guilty.”

I learned a lot from this experience which will help me the next time out. The first point is to understand the charge fully and confirm that the people have proven each component of the charge. I failed to do that (due to the sudden start of the trial) and had to rely on the charity of the judge to obtain a not-guilty verdict on that basis.

Also, I think I should have asked a few more questions about the actual stop so that by the time I made my motion for dismissal, it would have been a foregone conclusion that the officer had no independent recollection. Finally, I should have confirmed with the officer that he had completed his testimony to insure that he couldn’t amend his story. ■



Between October 2013 and March 2014, nearly \$10,000 in NMA Community Support Program grants were awarded. Motorists benefitted in Florida, Illinois, New Jersey, New York, Ohio, Pennsylvania, Texas, and Virginia.

It is time to expand the program’s reach. Help us fund the CSP for the coming year. For more information, go to [www.motorists.org/other/empowering-drivers/](http://www.motorists.org/other/empowering-drivers/)

## J.J. “Joe” Bahen Receives NMA Sentinel Award

*Editor’s Note: The NMA developed the Sentinel Award to recognize those who work diligently on behalf of the motoring public, often at personal risk and sacrifice. The award is signified by a framed certificate and NMA polo shirt to the recipient, and a press release issued across the recipient’s home state. Nominations for the Sentinel Award can be submitted to the NMA for consideration.*

The NMA has awarded J.J. “Joe” Bahen, Jr. its coveted Sentinel Award for his stellar work in advocating for improved traffic intersection design nationally, and particularly in his home state of Virginia. The award was established to recognize individuals or groups that have made significant contributions in support of motorists’ causes, often utilizing vital resources of their own.

Joe has campaigned tirelessly to reform substandard traffic signal design and timing at intersections equipped with red-light cameras, utilizing his experience as a member of the Institute of Transportation Engineers (ITE) and the ITE Traffic Engineering Council. Joe has a 40-year standing as a licensed



*Joe Bahen (in red shirt) conducts a traffic study with NMA Life Member Jim Walker (holding laser gun) and NJ Representative Declan O’Scanlon (standing).*

professional engineer in the Commonwealth of Virginia, commencing shortly after receiving a masters degree in civil engineering from Virginia Tech.

Now retired, Joe hasn’t reduced his activity on highway transportation issues or lessened his personal commitment toward improving traffic engineering standards for drivers everywhere. Some of his work over the past 13 years on behalf of motorists:

- Initiated legislation that resulted in an increase in the statutory maximum speed limit on Virginia interstate highways to 70 mph, and on certain four-lane highways to 60 mph
- Appeared as an expert witness in several cases including one in which the Court of Appeals of Virginia enforced the code requirement that non-statutory speed limits must be based on engineering studies
- Worked with the Virginia Department of Transportation, the Virginia Highway Safety Office, the Virginia State Police, and other safety stakeholders on Virginia’s 2012-2016 Strategic Highway Safety Plan
- Continues his work with the ITE on its Recommended Practice for the timing of traffic signal yellow-light change intervals.
- Investigates potentially deficient traffic yellow-light change intervals at intersections throughout Virginia and elsewhere by conducting



traffic studies, examining public records, and demanding the reform of engineering practices that don’t meet statutory requirements.

Jim Walker, executive director of the NMA Foundation, is a frequent collaborator with Joe on field studies of traffic flow and signal timing. Walker observed, “One of Joe’s secrets to success is his unfailingly polite and professional approach to officials, coupled with a fierce determination to succeed. He simply does not accept wrong answers from officials, but keeps coming back with more data and more proper engineering arguments to support his position until the issue is fixed.”

Joe Bahen is on a mission, one dedicated toward ensuring that drivers in Virginia and other states are protected with traffic engineering practices that are fair and safety-based rather than contributory revenue generators. For his prolific advocacy work on behalf of motorists, the National Motorists Association is pleased to recognize Joe Bahen as a worthy recipient of the Sentinel Award. ■

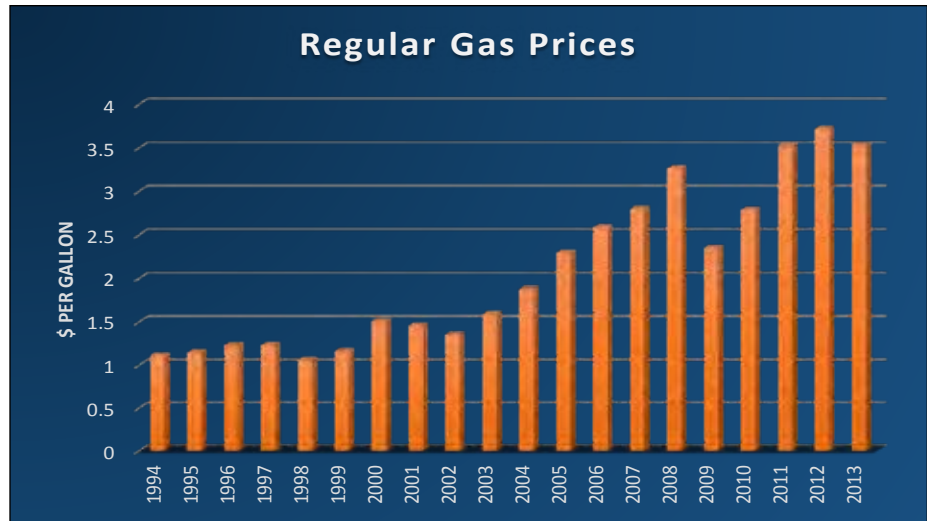
## Gas Tax vs VMT Tax: Which Will Win Out?

Nobody likes to talk about raising taxes, especially lawmakers and especially when it comes to fuel taxes. But if we don't do something soon, we risk one or both of the following bleak consequences: 1) The U.S. highway infrastructure will continue to erode, becoming increasingly unsafe and unable to meet traffic demands. 2) Alternative highway funding schemes such as vehicle miles traveled (VMT) taxes will proliferate, with attendant expensive, intrusive and invasive tracking technologies to monitor driving locations, habits and patterns.

A VMT tax generates revenue for highway funding by charging motorists a fee based on when, where and how far they travel, as opposed to the current system of charging state and federal taxes based on the amount of fuel a vehicle uses. There are several options for implementing the tax, each using different levels of technology.

The simplest approach is for drivers to track their annual mileage, self-report it to their state DMV and pay accordingly. Other systems track odometer readings and then record them during annual inspections or transmit them from the vehicle to a specialized gas pump that adds the tax onto a fuel purchase. Others use full-blown GPS transponders capable of tracking motorists' detailed driving habits. After the data are transferred and compiled, the tax could be assessed at the pump, through billing or electronic payment.

VMT tax supporters claim alternative funding schemes are needed because states and the feds simply can't collect enough revenue through the current fuel tax. In addition, government inefficiency and political expediency have resulted in the diversion of billions of transportation dollars to other uses. However, this will be a problem no



Price for regular gas, 1994-2013. Source: U.S. Energy Information Administration.

matter where the money comes from and should be addressed separately.

Proponents of the fuel tax, like the NMA, point out that the federal fuel tax has not been raised since 1994 when gas sold for about \$1.11 per gallon. In 1994, the \$.18 per gallon federal fuel tax equated to an effective sales tax rate of 14 percent. Factor in inflation and today that rate is down to 5.3 percent. If the fuel tax had been indexed for inflation every year since it was last raised, federal revenue would be 1.5 times what it is today.

Another primary argument for a VMT tax is that the increasing number of electric and hybrid vehicles simply don't consume enough fuel to generate their fair share in taxes. But, according to Lee Armstrong, an expert on connected vehicle technology: "The problem with this argument is that there are not enough of these vehicles on the road to have a measurable impact on total taxes collected. By most estimates, we are at least 10 to 15 years away from when this will be a problem."

Armstrong argues that we have plenty of time to implement a VMT tax. In the meantime, he says, let's raise the gas tax and then study the

best way to implement VMT using emerging connected-vehicle technology. We agree with the first part of this answer but not the second.

VMT taxing schemes facilitated by GPS track not only how far people drive, but where and when they drive as well. This encourages the imposition of congestion fees which charge extra for driving through busy areas during certain times of the day or week. Such fees limit drivers' ability to travel where and when they want on public roads—roads for which they're already paying to use. Congestion fees also have a proportionately greater impact on those of lower economic means and could impair their ability to travel to work or attend school.

GPS is also expensive. Estimates to purchase and install a GPS tracking device range from \$50 to \$100 per vehicle at scale. Multiply that by the number of registered vehicles, and the costs to the driving public become astronomical. And this doesn't include the costs of building the infrastructure to collect and report the data or the costs to administer the program.

GPS tracking also raises serious

*(Continued top of next page)*



privacy concerns. VMT supporters claim privacy protections are a top concern and that VMT taxing schemes can be implemented without relying on GPS. In Oregon, where VMT has been embraced in a big way, VMT advocates point out that drivers can choose their own method of mileage reporting—from basic odometer tracking to advanced GPS technology. The odometer metering approach is less intrusive, they say, but it can't tell when a vehicle is traveling out-of-state or off-road. GPS tracking certainly can, plus a whole lot more.

But sooner or later the tracking system will have to be standardized, and we highly doubt drivers will be left on the honor system by self-reporting mileage. In addition, government and corporate interests won't be able to resist gobbling up all that valuable data.

It's instructive to hear how VMT tax supporters spin all this together. The following comes from an October 2013 *Thinking Highways* article written by a group of transportation consultants:

**However, as stated earlier, such [driver] participation is neither required nor costly. The public sector can already collect [VMT tax] using manual approaches that rely on existing technologies [i.e., odometers]. Private sector participation in [VMT tax] can occur the same way other goods and services occur in a market; when customers demand it.**

Do they really expect us to believe that a VMT tax will be voluntary, inexpensive, easily implemented and demand driven? Remember, this comes from a private consulting firm that specializes in "transportation policy, planning, ITS and road user charging."

Speaking of corporate interests, VMT taxing schemes represent prime targets for Public Private Partnerships (PPPs), which are essentially contractual arrangements between public and

private sector partners designed to finance and deliver public services. VMT taxing schemes would employ private firms to develop, install, operate and maintain the required infrastructure.



*Will the gas tax go the way of the dinosaur?  
We hope not.*

Commenting on the nature of PPPs, Jim Baxter summed it up this way in a NMA Blog post:

**The potential for corruption and citizen abuse reaches new heights when governmental power is merged with corporate profit motivations. Controlling and mitigating forces like legitimate regulation and fair competition are rendered impotent when governments go on the hunt for profits.**

Nothing illustrates Jim's points better than the infamous Chicago parking meter deal. In 2009 the City of Chicago leased the rights to its entire parking meter operation—36,000 parking meters—to a private company controlled by Abu Dhabi interests for an up-front payment of \$1.6 billion. The procurement process was rushed and lacked transparency, according to the city's inspector general. Within months, parking rates

soared and many meters were either mislabeled or malfunctioning.

In addition, the contract requires the city to pay the contractor millions in additional fees annually. According to *TheExpiredMeter.com*, by the time the contract is up in 2084, the city will have paid back the entire \$1.6 billion. It will have also lost out on the ongoing revenue stream from the meters themselves. And Chicago-area drivers will have paid 75 years of ever-increasing parking fees controlled by a monopoly, not the City of Chicago.

Another transportation consultant, Duncan Matheson, writing in the January 2013 issue of *Thinking Highways*, argues for the environmental benefits of a VMT tax:

**How about adopt a VMT scheme that charges all vehicles based not only on distance covered, but also related to the energy used and environmental impact associated with that use, in a manner that incentivizes drivers to use less polluting vehicles?**

Doesn't the gas tax already do that? Matheson continues by laying out the criteria for a workable VMT tax: It must apply to all vehicles; it must be cost effective; it must be easy to implement and to comply with; it must charge accordingly for fuel use, it must account for roadway wear and tear. Again, doesn't the current system already do all that?

The spinmeisters would have us believe that raising the gas tax will never happen, that a VMT tax is inevitable. But their arguments are contradictory and unconvincing.

The only shortcoming to raising the gas tax is that it's not politically palatable. But is that reason enough to scrap it and start over with something that will be more costly, more intrusive and infringe on our rights as drivers? We don't think so. ■

## ALPRs—Coming to a Street Near You

*Editor's Note: This article originally ran as NMA Newsletter #191. We republished it in the Winter 2014 Driving Freedoms. It came to our attention that the background treatment we used made the article hard to read so we're presenting it again without design embellishment. We apologize for any inconvenience.*

The NMA first raised the alarm on automated license plate readers (ALPRs) two-and-a-half years ago (*E-Newsletter Issue #61: Here, There, Everywhere*). With more and more police agencies throughout the country employing the technology, we thought an update was in order.

ALPRs are cameras—either stationary or mounted on patrol cars—that snap a photograph of every license plate that passes by them. The devices then check the plate number against a variety of databases searching for things like stolen vehicles, owners with lapsed registrations, outstanding fines or warrants.

By all accounts ALPRs have proliferated rapidly. But just how fast and how far this troublesome technology has spread remains an open question.

Here are a few things we do know about ALPRs: Enforcement agencies in all 50 states have adopted the technology due to its ability to efficiently process vast amounts of data. One plate reader can scan up to 3,000 license plates per minute. Patrol-based units use a laptop computer to quickly identify and pinpoint the location of a suspect vehicle in real time.

With enough cameras, ALPR systems can blanket a city and essentially track the day-to-day movements of thousands of vehicles at a time. For example, Washington D.C. has quietly installed more than 250 ALPR cameras throughout the district. That's more than one camera per square mile.

Millions in federal grant dollars have been made available to law enforcement agencies for the purchase of ALPR systems. System suppliers have been quick to facilitate the grant-making process by offering extensive assistance to agencies searching for grant money.

The result? Countless police agencies adopting a surveillance technology capable of tracking countless motorists, all with the financial support of the federal government. What can go wrong?

In an effort to target relatively few drivers for legitimate law enforcement purposes, detailed information on millions of others is swept up in the process, creating what amounts to a warrantless tracking tool. The privacy implications are staggering: How long is that information stored? Who has access to it? How can they use it? What protections exist to make sure abuses such as mistaken identification don't occur?

The length of time data are retained varies from agency to agency. Some keep data for as little as 30 days, while others, like the New York State Police, retain the data indefinitely. The potential for data sharing is huge. The ACLU has reported that states are beginning to pool their ALPR data into huge databases which are easily accessible by law enforcement officials at all levels. All with no judicial oversight. Speaking of oversight, only two states (New Hampshire and Maine) have enacted laws controlling the use of plate readers and the data they generate.

Back to our original question, how fast and how far has ALPR technology spread? To find out, local ACLU chapters recently sent public records requests to nearly 600 municipal and state law enforcement agencies seeking detailed information about their use of ALPR systems. Freedom of Information Act requests were also filed with the Department of

Justice, Homeland Security, and the Department of Transportation to learn how the federal government uses the technology and how it has been funding ALPR programs around the country.

We commend the ACLU and believe its work will help protect motorists from the inevitable abuses posed by ALPRs. However, it's worth noting that some of the largest



compilers of ALPR data are not public agencies but private companies.

Vigilant Solutions, a California-based company, has built what may be the largest repository of ALPR information anywhere. Using the same technology as law enforcement, the company claims to have compiled a database of more than 825 million license plate records, all of which it makes available to law enforcement agencies.

We've all seen what happens when public officials ally themselves with for-profit private firms (e.g., ticket camera vendors) in the interest of public safety. What, if any, motorist privacy policies Vigilant has put in place remains unclear. Establishing ALPR oversight in the public sector is important, but doing so in the private sector may be more critical in the long run. ■

## Benefit through Planned Giving & Protect Motorists' Rights

A gift to the NMA or the NMA Foundation through our Planned Giving Program can provide a meaningful and enduring impact on drivers' rights for years to come. A variety of asset classes are eligible, and a gift to the foundation may be tax deductible. We can work with you to tailor a plan to meet your needs and maintain a significant financial base for both organizations to continue their vital work.

Your gift will help ensure that the NMA will continue its efforts to influence all levels of legislation favorable to the driving public. Your gift to the NMA Foundation will support vital causes that can be advanced through targeted education, research and litigation.

### Gift of Cash

In these days of sophisticated financial tools, a gift of cash is often overlooked. This is one of the simplest and most effective ways you can aid in the fight to improve and protect motorists' rights.

### Gifts of Securities

Your donation of stock, bonds, mutual fund shares, treasury bills, or certificates of deposit can include those made directly from a mutual fund or electronically through a brokerage account. Your gift to the foundation may greatly benefit you by providing an income tax deduction equal to the securities' market value and exemption from capital gains taxes.

### Vehicle Donations

We have joined with Car Program LLC to offer you the option of donating your car, truck, or RV to the NMA Foundation. Contact us, and we



will arrange for the timely pick-up of your vehicle. It does not even have to be in working order, and you will be eligible for a tax deduction equal to the fair-market value of the vehicle.

### Real Estate

This may include either appreciated developed property (such as a personal residence, summer home, farm/ranch, condominium, and commercial or industrial properties) or undeveloped land. You may choose between giving an outright gift—and immediate transfer of property—or retained life estate, which allows you to make the gift of a personal residence while retaining the right to live there during your lifetime.

### Life Insurance

Donors are often able to give a great deal more through a gift of a life insurance policy than would otherwise be possible. Such gifts can take several forms—an outright gift of either a paid-up or partially paid-up policy, a policy that names

the NMA or the NMA Foundation as the beneficiary, or an existing policy in which either organization is listed as a contingency beneficiary. If you donate to the foundation, you would be eligible for a federal income tax deduction for the approximate value of the policy that was gifted and receive tax deductions for annual insurance premiums if they still must be paid.

### Other Personal Assets

There are numerous types of personal property to consider donating to the NMA or the NMA Foundation. These include boats, works of art, jewelry and other items of significant value. You can also help by donating in-kind gifts such as computer equipment, software and other office supplies.

### Retirement Plans

Most retirement plans can serve as excellent charitable gifts. Balances remaining at the time of death from plans such as an IRA, 401(k), 403 and others are subject to both income and estate taxes. If the plan is properly willed to the NMA Foundation, these taxes can be avoided. Your retirement plan can be donated to the foundation as an outright gift, a traditional bequest or a trust established through the use of retirement plan assets. You can also simply designate the NMA or NMA Foundation as your plan's beneficiary.

For more information about our Planned Giving Program and about using a bequest to accomplish your charitable giving goals, please contact Gary Biller at 608-849-6000 or [nma@motorists.org](mailto:nma@motorists.org). You should consult with your financial and tax adviser before deciding on which planned giving opportunity is right for you. ■



## Members Write

I agree with your point that split speed limits between cars and trucks are extremely dangerous.

I just drove today from New Orleans to Austin, Texas, mostly along Interstate 10. There is a roughly 20-mile long bridge between Lafayette and Baton Rouge, Louisiana, running over bayou, creeks and rivers. The car speed limit is 60 mph and the truck speed limit is 55 mph. State troopers also pretty notoriously patrol this long, flat, straight section with laser.

This bridge might warrant a lower speed limit because it provides the potential for extremely gruesome car crashes (I couldn't stop thinking about alligators if we were to go flying over the three-foot high concrete wall, and that a water rescue at night wouldn't happen because passing motorists would probably have a hard time noticing you all that way below).

However, the split speed limits have created very bad tailgating lines because drivers jockey to be the first to get in the left lane and pass the 18-wheeler. Whenever there's open space, many drivers dismiss the posted limit as too low with some cars doing over 70 mph. Tailgating is bad enough on dry land, let alone a bridge!

It's interesting to point out that the new super highway (toll way) near Austin is posted at 85 mph. There is no split speed limit, and trucks typically travel 65-70 mph. Most drivers don't go over 75 mph. The ones who do drive fast mostly seem to be good drivers—following lane etiquette and not tailgating.

Jon  
Austin, TX

A couple of years ago I drove a 6 cylinder Dodge Dakota pickup from Albany, New York, to Chicago via interstate highways, a distance of over 800 miles. The truck was a 1995 with over 150,000 miles on it and equipped with a streamlined hard shell cap covering the bed.

Alone, driving an aged vehicle and in my mid-70s, I did not feel confident driving faster than 55 mph governed by the cruise control. At my age I'm not in a hurry to get anywhere and am content to stay in the far right lane and let the world pass me by.



The EPA estimated mileage sticker for my vehicle forecast a highway mpg of 17 as determined by manufacturer's tests. Heading west along the NYS Thruway I noted an average mpg of 21. At the time there were some states west of New York that pumped motor fuel without ethanol. Leaving New York, and for the duration of my trip, my mpg continued to climb until I returned to New York and refueled with motor fuel polluted with ethanol. My mpg had climbed to nearly 24 mpg out-of-state but immediately dropped again to 21 upon filling up with New York's 10 percent ethanol blend.

While only an anecdotal experience, it would appear that there may be some validity to mph being related to overall mpg, but ethanol pollution of motor fuel would also seem to play a

part in engine performance. A similar mpg experience was encountered a couple of years later with the same vehicle on an almost identical trip.

Ethanol has fewer BTUs than gasoline and when blended into motor fuel it yields less energy per gallon resulting in fewer mpg.

To save money and boost mpg, we should dispense with the ethanol mandate, which amounts to an added expense and a giveaway to the ethanol lobby. It makes no sense to burn our seed corn in order to get lower mpg.

A New York Member

Please tell these people (MADD, IIHS, NTSB, NHTSA, GHSA, etc.) enough! The laws are already onerous, and there is little to be gained by making them stricter. DUI laws, which substantially changed in the early '80s, have dramatically decreased DUI crashes, but they've also dramatically ruined the lives of over-the-limit people who were driving perfectly fine.

Like a broken record, I'll continue to lament the pitiful investment in highway improvements. That's where we'll make headway toward safer roads, not making punching bags out of legally, but not physiologically, impaired drivers. The cause for highway safety continues to be a disproportionate effort. Money talks, and in this case, it's a lot cheaper to pass new laws than it is to widen a road.

K.C. Green, PE  
Cornelius, NC

The views expressed 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](mailto:nma@motorists.org) or mail to NMA, 402 W 2<sup>nd</sup> 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

A fired executive of beleaguered red-light camera company Redflex alleged in a lawsuit that the company doled out bribes and gifts within dozens of municipalities in 14 states and said he is cooperating in an ongoing federal investigation. During his tenure Redflex "bestowed gifts and bribes on officials in dozens of municipalities within, but not limited to the following states: California, Washington, Arizona, New Mexico, Texas, Colorado, Massachusetts, North Carolina, Florida, New Jersey, Tennessee, Illinois, Virginia and Georgia."

### Arizona

The Arizona Department of Public Safety (Highway Patrol) began issuing speeding tickets to people caught texting while driving. This is due to an interpretation of state law that says you can't drive at a speed "greater than is reasonable and prudent." DPS spokesman Bart Graves told the Arizona Daily Star, "Any speed is not reasonable when you're texting, because you're not fully in control of your driving."

A man claimed his First Amendment rights were violated after he was arrested following a confrontation with a mobile photo radar operator in the city of Scottsdale. Shelton Obadiah, an outspoken anti-photo radar activist, stated he believes the city of Scottsdale is out to get him and that is why he is facing charges of disorderly conduct. According to a police report Obadiah stood in front of the photo van's camera and blocked the view of oncoming cars for about 10 minutes.

### California

Red-light cameras in El Cajon were given the permanent stop sign. Covered up by 10 tarps at seven intersections in the city since February, the cameras are now history as the city council voted 4-1, with Mayor Mark Lewis casting the dissenting vote, to discontinue the red-light camera program.

A Riverside County Sheriff's Deputy put on a costume that made him look like a large, delicious cookie (a gingerbread man), then walked back and forth in a crosswalk to see who would violate his right of way. Officers were then able to get closer to their ticket quota by citing 20 drivers in 50 minutes, 19 of whom allegedly failed to yield.

The Los Angeles City Council agreed to pay close to \$6 million to eleven police officers who accused their superiors of a secret traffic ticket quota system. The officers in the suit alleged that their superior required them to write tickets on a quota system and punished them if they didn't meet that quota. Under California law that is illegal.

### Colorado

Colorado Department of Transportation (CDOT) officials acknowledged what many NMA members have known for years: many drivers don't pay attention to speed limits. That was the case on U.S. 24 between 31<sup>st</sup> Street and South 8<sup>th</sup> Street in Colorado Springs. A recent speed study showed 85 out of 100 vehicles, on average, were traveling 55 to 60 mph, not the posted 45 mph, said a

CDOT spokesman. CDOT decided to go with the flow and posted new 55 mph speed limit signs for both eastbound and westbound lanes.

### Florida

State Senators Jeff Brandes and Jeff Clemens proposed legislation to raise Florida's speed limit to 75 mph. The new limit would apply outside urban areas of 5,000 or more residents. To qualify, roads would have to have at least four lanes divided by a median strip. If passed, the bill will take effect on July 1, 2014.

A television news investigation revealed many Florida cities and counties with red-light cameras are unable to provide statistical data regarding the safety efficacy of their camera programs, as required by statute. Nearly half of the communities in the state failed to answer Florida Department of Highway Safety & Motor Vehicles basic questions regarding accident frequency at camera-equipped intersections.

### Maryland

According to written accounts from Maryland State Police, Maryland Attorney General Douglas F. Gansler regularly ordered state troopers assigned to drive him to turn on the lights and sirens on the way to routine appointments, directed them to speed, run red lights and bypass traffic jams by using the shoulder. When troopers refused to activate the emergency equipment, Gansler, now a Democratic candidate for governor, often flipped the switches himself, according to the police accounts. And on occasion, he became so impatient that he insisted on driving, directing the trooper to the passenger's seat.

*(Continued on Page 12)*

*(Continued from Page 11)*

Baltimore's speed cameras likely charged motorists for thousands more erroneous tickets than previously disclosed, according to data from a secret audit conducted for the city last year. Consultant URS Corp. evaluated the camera system as run by Xerox State and Local Solutions in 2012 and found an error rate more than 40 times higher than city officials had claimed. The city got those findings last April but never disclosed the high error rate, refusing calls by members of the City Council to release the audit.

### **Michigan**

State Senator Rick Jones made a push to end what he calls "a tax on the poor," by eliminating speed limits that are not set scientifically. Along with Senator Tom Casperson, he is working on a package of bills that would eliminate loopholes in existing legislation that requires state government entities to set speed limits based on traffic studies.

### **Missouri**

Drivers who receive red-light camera tickets in the city of St. Peters should expect to get penalty points added to their driver's license records. That's the upshot of a vote by the Board of Aldermen to remove a city ban on assessment of points in state driver's license records for camera violations, said City Attorney Randy Weber.

### **New Jersey**

A New Jersey police officer, citing performance evaluation standards that pitted officer against officer by comparing ticket-writing prowess, contacted the National Motorists Association for help because of the organization's efforts to ban ticket quotas in Michigan. The NMA facilitated a meeting with the cop and New Jersey Assemblyman Declan

O'Scanlon, who has championed other motorists' causes such as opposing red-light cameras in the state.

### **Pennsylvania**

Pittsburgh building code officers cited residents under an obscure and infrequently enforced ordinance that prohibits homeowners from parking in their own driveways without a \$225 zoning variance and permit, two city council members said. Residents were typically unaware of the ordinance until the Bureau of Building Inspection (BBI) notified them. City officials said the ordinance has been on the books for years, and controversy crops up cyclically when officials issue citations.

By a 7-to-2 vote, the Pittsburgh City Council approved red-light cameras at 20 city intersections as a pilot project for the next three-and-a-half years. No word yet on what intersections will get the cameras, since the Pennsylvania Department of Transportation has not yet approved the deal.

### **South Carolina**

The small town of Turbeville has come up with a clever way to bring a little extra revenue in: town speeding tickets. Rather than issuing traffic citations under state guidelines, the Turbeville police department issues traffic tickets based on town traffic ordinances. These tickets often cost people up to \$500, much more than state traffic violation fines. Police Chief David Jones said the high fine amounts are meant to "shock the conscience" and deter drivers from speeding.

### **Texas**

A Texas woman said she was cuffed outside her Richland Hills home by an officer who was waiting for

her when she stepped out to go to work. The officer told her a warrant had been issued for her arrest after she failed to pay a summons for running a stop sign in August.

### **Utah**

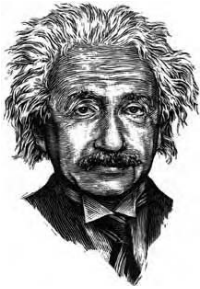
A state lawmaker announced plans to introduce legislation that would allow for higher speed limits on more Utah highways. The bill would give the Utah Department of Transportation the flexibility to determine whether some freeways and highways are eligible for increased speed limits, including 80 mph in some areas. Last year, the Utah Legislature passed a bill allowing an additional 289 miles of state highway to be posted with 80 mph speed limits. This followed a test done on a stretch of I-15 several years ago that resulted in no increase in accidents or fatalities and an increase in the prevailing speed by only one mile per hour.

### **Wisconsin**

The Wisconsin Legislature considered a bill to raise interstate speeds to 70 mph. The Assembly passed the measure by a 63 to 32 vote, and the bill moved to the Senate transportation committee. The committee heard public testimony, including from the NMA. AB 389 would require the Wisconsin Department of Transportation to make the final decision on sections of interstate where speed increases would be suitable. The agency would have six months to change speeds on affected portions of roadway. ■

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.*

### Traffic Attorneys

#### **CA Traffic/Criminal Law**

James Dirks  
jamesdjd@att.net

#### **CA Traffic Ticket Defense**

Sherman Ellison  
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818-994-8888  
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www.866speeding.com

#### **DWI/DUI, Traffic, License Suspension, CDL, Criminal**

Mark Virovatz  
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markvirovatz@aol.com

#### **DUI, Criminal, Suspended Licenses, & Traffic Law**

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26 Court St. Suite 1406  
Brooklyn, NY 11242  
718-834-0087

#### **FL DUI/Traffic/Criminal Law**

David Haenel  
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Sarasota, FL 34236  
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david@fightyourcase.com  
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#### **NY Traffic Law & Accident Law**

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www.speedlaw.net

### Traffic & Motor Vehicle Law; Commercial Drivers

Barry S. Jacobson  
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Brooklyn, NY 11242  
718-237-1251  
ticklaw@aol.com  
www.trafficticketdefense.com

### Misc. Law Experts

#### **Patent Attorney**

Bennet K. Langlotz  
Box 759, Genoa, NV 89411  
877-230-5950 (phone & fax)  
patent@langlotz.com

#### **Seabelt Laws by State**

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1576 Bella Cruz Drive  
The Villages FL 32159  
352-674-9399  
info@comfortableseatbeltclip.com

#### **Fair Traffic Laws/School Bus Stop Laws/Motorcycle Safety**

Justin Jih  
jus168jih@gmail.com  
<https://sites.google.com/site/jusjih/fairtrafficlaws>

### Speed Devices

#### **Radar and Laser Expert**

Henry Roberts, BEE, MEE, PE  
16-22 Mandon Place  
Fair Lawn, NJ 07410  
201-797-0733

#### **Radar & Speed Monitoring Devices**

Thomas Frank  
40 Swan Drive  
Middletown, RI 02842  
ri@motorists.org

### **Radar/Laser Detectors:**

**V1, BelEscort, Whistler**  
Mike Kuhn  
Grand Rapids, MI  
Cell: 616-826-1110  
jobman742004@yahoo.com

### **Speedometer Accuracy & Odometer Fraud**

Eric Sundberg  
Southern Electronics  
Richmond, VA  
Weekdays: 804-423-1100  
ecs@carradio.com  
www.speedotest.com

### Driver/Rider Skills

#### **Advanced Driver Education**

Bill Buff  
55 Marina Bay Drive  
Long Branch, NJ 07740  
732-870-3222

#### **Auto Racing (How to start)**

Wilbur L. Tallmadge  
125 Mountain Dr.  
Gilford, NH 03246-6763  
603-293-9161

#### **Performance Techniques for Cars and Motorcycles**

Michael Pettiford  
Louisville, CO  
303-666-4113  
100mph@go4itservices.com  
www.go4itservices.com

#### **Teen Driving**

Kenneth L. Zuber  
The Helios Institute  
Homewood, IL  
708-922-3762  
heliosinst@aol.com

### Emissions

#### **CFC's & the Ozone Layer ("Hole")**

Charles Terlizzi  
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301-801-8808  
NMAmd@earthlink.net

#### **Transportation Planning**

Steve Bacs  
6857 W. Irma Lane  
Glendale, AZ 85308  
623-572-0349  
sbacsfromarizona@aol.com

### Other Experts

#### **Accident Reconstruction & Product Liability Analysis**

Jerry F. Cuderman II, Ph.D., P.E.  
322 Sundance Trail  
Liberty Hill, TX 78642  
512-913-4840  
jc@cgfam.com

#### **Red-Light & Speed Camera Expert**

RedLightDoctor.com  
Barnet Fagel  
847-420-3511  
contact@redlightdoctor.com  
www.RedLightDoctor.com

#### **Surveyor**

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26025 Mulberry Rd.  
Albemarle, NC 28001  
704-982-1529 (Daytime)  
704-982-1351 (Evenings)

#### **Truck Safety, Owner-Operator Independent Drivers Assn., Inc.**

Todd Spencer  
P.O. Box 1000  
Grain Valley, MO 64029  
816-229-5791  
todd\_spencer@ooida.com

#### **Car Negotiating/ Buying Advice**

Mike Rabkin  
From Car To Finish  
Rockville, MD  
240-403-1069  
mrabkin@fromcartofinish.com  
www.fromcartofinish.com

Beginning with this issue, we will be altering between publishing the "Experts Corner" and the "State Activist Directory." This will free up pages for additional editorial content.

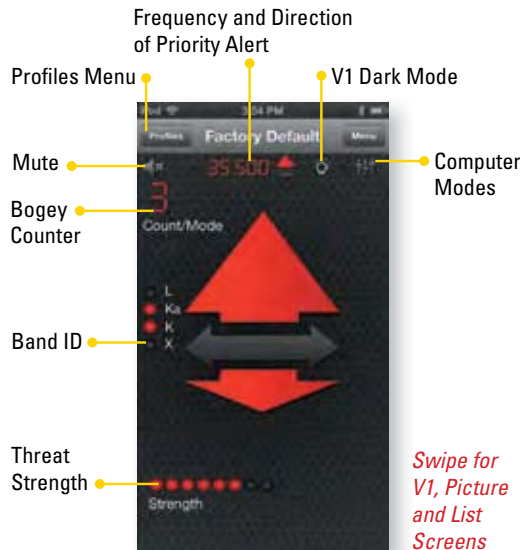
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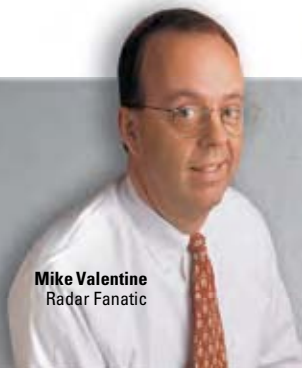
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