



Driving Freedom

NMA Foundation

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Speed Trap Reform Takes Hold



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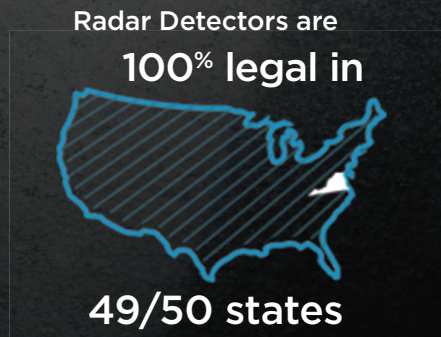
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The NMA Foundation is a non-profit organization dedicated to finding innovative ways to improve and protect the interests of North American motorists.

Renew your NMA membership now to avoid any lapse.

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DRIVING TRAFFIC

BY GARY BILLER, PRESIDENT, NMA

As I write this, we are two weeks out from going live with a completely restyled *Motorists.org* website. That means you can put down this issue of *Driving Freedoms*—well, after finishing this column anyway—and call up www.motorists.org on your desktop, laptop, tablet or smartphone to check out the new layout for yourself.

The site now has a responsive design that adjusts automatically to screen size. You can simulate the mobile-friendly effect on a larger monitor by reducing the size of your desktop browser window. Pretty cool, and pretty necessary for the 48 percent of visitors who use mobile devices to view the site.

Look for an in-depth review of the new features and function-

ality of *Motorists* in the next issue of *Driving Freedoms*.

We took advantage of the project to also create a new dynamic to the NMA's online presence, one that is designed to increase new and return traffic to the site.

The previous state chapter pages on *Motorists*, with fixed sets of regulation and enforcement facts, began collecting virtual cobwebs. The new pages have a dashboard interface that allows the viewer to easily access current driving news, key legislative activity and other information important to motorists. The online Forum is an excellent spot to share views and have lively discussions on these and related topics.

The facsimile of the New York state page shown below doesn't do the new site design justice. Go to www.motorists.org.

New York
Essential information for New York motorists

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- NMA Reboot: The Pot Accuses the Kettle
September 3, 2015 • Blog

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An NMA Forum for **New York Motorists** to discuss state and national events that affect driving public.

*Opinions expressed in these discussions do not necessarily represent the views of the NMA

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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.

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NMA WASHINGTON REPORT

BY ROBERT TALLEY, NMA LOBBYIST

Fall 2015 sees two issues on our radar screen: a continuing fiscal problem for our nation's roadways and a new regulation from the Environmental Protection Agency (EPA) that will have an impact on many NMA members.

October 29th is the next deadline in the ongoing fiscal impasse over funding our national roadway construction and safety programs. I've written about this issue numerous times: Congress has an obligation to fund transportation investment but doesn't have a way to pay for the current budget shortfall, absent the creation of new revenue streams. Because "new revenue streams" is a fancy term for taxes and user fees (politically unpopular options) we've seen continued delay on the difficult decisions related to how and when to fund our transportation infrastructure.

Most recently, Congress chose a short-term extension of transportation funding costing roughly \$8 billion. This is the 13th extension since 2009. The Senate has developed a six-year package that would provide long-term stability but has not come up with a mecha-

nism to fund the entire program. As a result of the impasse, highway funding will be again revisited this fall. It is not unreasonable to anticipate another short-term extension before Congress can find a long-term resolution.

The second issue facing motorists is the EPA's recent finalization of new national requirements to lower acceptable ground-level ozone levels. The EPA wanted to tighten standards in 2011, but President Obama temporarily blocked action over concern that the economy was not sufficiently strong to handle the change. In November 2014, under court order, the EPA proposed setting a new limit within the range of 65 to 70 parts-per-billion.

This all might seem a bit esoteric, but the anticipated steps to meet this new standard will impact motorists across the country in geographical areas that are not in compliance with the new ozone standards. Automobile emissions are a primary source of pollutants that form ground-level ozone. As a result, emissions-control testing and mandatory compliance with emissions standards are the norm for many regions. Compliance

usually requires regular testing of vehicle emissions, and in some areas mobile enforcement stations monitor cars on the road and send citations to owners of vehicles deemed to be in violation.

Owners of new cars generally will not have to worry about compliance costs. Newer vehicle emissions control systems that are functioning properly should assure that the only requirement will be to schedule and pay for periodic testing. However, owners of older cars or cars that have been modified may have to make upgrades or undertake costly repairs to bring their vehicles into compliance.

States and localities play a primary role in establishing an overall plan for bringing their areas or regions into compliance, and, as such, will determine how and when NMA members' vehicles will require testing. Additionally, states and localities may have set caps on fees and exemptions for certain vehicles such as antique cars. These caps and exemptions are established through a public process, and your input can influence how the program is run if you get engaged. 🗣️

Driving Traffic

(Continued from Page 1)

motorists.org, choose your state under the State-by-State option on the main menu bar and see for yourself. Help us grow our audience by encouraging others to do the same.

The regular updates to the state pages go beyond the work of the NMA staff. Currently members from

fourteen states—Arizona, California, Florida, Georgia, Illinois, Maryland, Massachusetts, Michigan, Montana, New Jersey, Pennsylvania, Texas, Virginia, and Wisconsin—have volunteered to help manage the page content for their home states. Their contributions are invaluable.

If you would like to try your hand at moderating a *Motorists* state page not listed above, drop me a line. Page updates can be accomplished in just a few minutes a day and you could help us make *Motorists.org* THE online destination for drivers and drivers' rights advocates alike. 🗣️

Florida Investigative Journalist Noah Pransky: A True Sentinel

Editor's Note: The National Motorists Association Sentinel Award recognizes those whose work significantly benefits the motoring public.

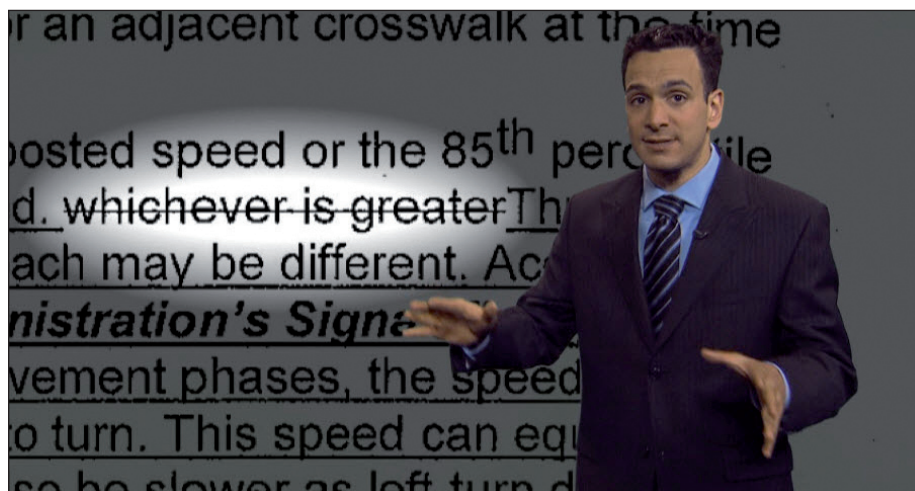
Good investigative journalists pursue the facts and report the truth of the story, wherever that might lead. The work of great investigative journalists goes even further and provides the impetus for needed reform.

Noah Pransky, a reporter for WTSP-10 News in Tampa Bay, Florida and NMA Sentinel Award recipient, is a great investigative journalist. He first started looking into red-light cameras (RLCs) in December 2012 which piqued his curiosity about short yellow lights at camera-enforced intersections. He followed with an explosive May 2013 report—see opposite page—that shook the photo enforcement industry in Florida, and indeed, across the country.

To say that Pransky's reporting in mid-2013 caused a stir would be a massive understatement. He noted that in 2011 the Florida Department of Transportation (FDOT) removed a key three-word phrase in the state requirements for RLCs, thereby allowing communities with automated enforcement to shave time off most minimum yellow light change intervals.

That resulted in an immediate increase in photo tickets statewide, adding an estimated \$50 million of camera revenue in 2012, shared by the state, local governments operating RLC programs, and the camera vendors.

Florida state legislators took notice and within days of the Pransky



Noah Pransky reporting on shortened yellow lights in Florida, May 2013.

report called for an investigation into the regulation and operation of state RLC programs. Outcry from lawmakers and the public caused FDOT, barely a month later, to mandate a 0.4 second increase to the driver perception/reaction time component of the yellow-light interval at RLC intersections.

Abuses of automated enforcement technology have continued, and so have Noah's investigations. He has filed more than 70 subsequent reports revealing among other things:

- ▶ After FDOT added 0.4 second to the yellow light duration, the issuance of \$158 photo tickets dropped 50 to 90 percent in many communities without a negative impact on safety. A sampling of camera intersections showed that one in Tampa went from 259 RLC citations a month to 52; one in Clearwater from 899 to 300; one in St. Petersburg from 250 to 112; and another in Brooksville from 150 to 56.
- ▶ The Florida Department of Highway Safety & Motor Vehicles chose not to include crash data in its late 2014

annual review of state RLC programs even though (or possibly because) available statistics indicated that side-swipe and rear-end accidents had increased at over half of the reporting RLC communities.

- ▶ Crashes at RLC intersections stayed flat in St. Petersburg after the removal of the cameras.

As recently as July 2015, Pransky and the WTSP investigative team reported that the Tampa City Council ordered a study on the effectiveness and transparency of its RLC program after receiving no crash data in almost two years. They also revealed a \$10,000 campaign contribution to Tampa Mayor Bob Buckhorn by American Traffic Solutions, a prominent RLC company.

Noah Pransky's reporting on red-light cameras garnered him the prestigious George Polk and Columbia-duPont awards for outstanding journalism. The Sentinel Award provides further recognition of the value of his ongoing investigative work on behalf of the public interest. 🇺🇸

Noah Pransky's May 2013 Investigative Report for WTSP-10 News

Editor's Note: The following are the opening paragraphs of the Noah Pransky story that triggered significant reform to Florida's red-light camera program requirements. His full report can be viewed at <http://archive.wtsp.com/news/local/story.aspx?storyid=316418>.

A subtle, but significant tweak to Florida's rules regarding traffic signals has allowed local cities and counties to shorten yellow light intervals, resulting in millions of dollars in additional red light camera fines.

The 10 News Investigators discovered the Florida Department of Transportation (FDOT) quietly changed the state's policy on yellow intervals in 2011, reducing the minimum below federal recommendations. The rule change was followed by engineers, both from FDOT and local municipalities, collaborating to shorten the length of yellow lights at key intersections, specifically those with red light cameras (RLCs).

While yellow light times were reduced by mere fractions of a second, research indicates a half-second reduction in the interval can double the number of RLC citations -- and the revenue they create. The 10 News investigation stemmed from a December discovery of a dangerously short yellow light in Hernando County. After the story aired, the county promised to re-time all of its intersections, and the 10 News Investigators promised to dig into yellow light timing all across Tampa Bay.

Red light cameras generated more than \$100 million in revenue last year in approximately 70 Florida communities, with 52.5 percent of the revenue going to the state. The rest is divided by cities, counties, and the camera companies. In 2013, the cameras are on pace to generate \$120 million.

"Red light cameras are a for-profit business between cities and camera companies and the state," said James Walker, executive director of the nonprofit National Motorists Association [Foundation]. "The (FDOT rule-change) was done, I believe, deliberately in order that more tickets would be given with yellows set deliberately too short."



The National Motorists Association identifies itself as a grassroots group that's been advocating for drivers since 1982. It fought the national 55 mph speed limit and is now campaigning against red light camera technology, contending the technology primarily targets safe drivers who are victims of short yellow lights or safely roll through right turns.

Proponents of the technology hang their hats on a reduction of serious accidents at RLC intersections. They also point out that every electronically generated violation is reviewed by a local police officer or sheriff's deputy before a citation is

validated and sent to a driver. But questions about the fairness and constitutionality of RLCs linger, with questionable motivations of the state's yellow light reductions likely to add fuel to the fire.

Yellow light times are calculated by a complex formula that takes into account variables such as the size of an intersection, the incline/decline of the roadway, driver reaction time, and deceleration rate. But ultimately, the proper intervals come down to a driver's approach speed.

When the Florida legislature approved 2010's Mark Wandell Act, regulating red light cameras across the state, FDOT had a long-standing

rule that mandated yellow light calculations factor in either the posted speed limit or 85th percentile of drivers' actual speed --whichever was greater. The point of the law was to calculate safe stopping times for the majority of drivers on any given roadway.

But in 2011, FDOT struck the "whichever is greater" language from its Traffic Engineering Manual, reducing minimum yellow light lengths and allowing communities to re-time their signals at RLC intersections.

The 10 News Investigators found a number of communities shortened their already-safe intervals to the new minimums. In some cases, FDOT mandated longer yellow lights, but seemingly only at intersections that hadn't been in compliance for years. Around Greater Tampa Bay, the yellow interval reductions typically took place at RLC intersections and corridors filled with RLC cameras. 🚗

Speed Trap Reform Takes Hold Around the Country

New state laws may hold the key to change, with some help from the NMA Foundation

Last month the Insurance Institute for Highway Safety (IIHS) released its latest “study” claiming huge safety benefits for communities that employ speed cameras. One could easily become discouraged if that were the only speed-related story in the news these days. But it’s not. (And by the way, the IIHS study is the typical song and dance, which we and others have handily refuted. Check out our e-newsletter on the subject, reprinted on Page 7.)

As we discussed in the summer 2015 *Driving Freedoms* cover story, the Speed Kills argument advanced by the safety-industrial complex has lost steam; speed limits continue to rise and fatalities continue to fall. Now the Speed Pays (i.e., you speed, you pay) proposition may be facing pushback as well, thanks to new laws enacted in Florida, Missouri and Virginia limiting the amount of revenue municipalities can generate from traffic enforcement. These states join several others like Oklahoma and Georgia that have passed similar laws.

Virginia’s law came about over



concerns that notorious speed trap towns like Hopewell were generating too much of their municipal revenue from overzealous speed enforcement and abusing motorists in the process. Last year, Hopewell (population 22,163) generated \$1.8 million in traffic tickets, mostly from out-of-state drivers along a two-mile stretch



of I-295 dubbed “The Million Dollar Mile.” Now, Hopewell’s traffic ticket revenue is capped at 35 percent of total revenues with any excess going to a commonwealth literary fund.

Hopewell is not an isolated case. For years, the town of Waldo, Florida, routinely made the news as one of the most predatory speed traps in the country. In 2012, the NMA ranked Waldo as the Third Worst Speed Trap City in the country. The speed limit along Highway 301 dropped six times as it ran through town enabling police to collect half of its million-dollar annual budget in traffic fines. In 2014 the town’s police force disbanded amid allegations of ticket quotas and other irregularities.

All that upheaval caught the attention of state Senator Rob Bradley who introduced legislation to ban ticket quotas and to limit the amount of municipal revenue from traffic tickets to 33 percent. The bill took effect in July, and cities that exceed the limit are subject to investigation by Florida’s attorney general.

Speaking of upheaval, nowhere in the country has the traffic justice system been implicated in creating more public outcry and human misery than in Missouri. Reporters, looking at the root causes of the civil unrest in Ferguson, uncovered a link between last year’s riots and the onerous

traffic justice practices prevalent throughout the St. Louis metro area.

In particular, *Washington Post* columnist Radley Balko wrote about the pitfalls of driving around an area that comprises 90 separate municipalities, most with their own police forces and municipal courts—each hungry for traffic revenue. Balko told the story of Nicole Bolden, who was involved in a minor traffic accident in which the police were called:

The officer found that Bolden had four arrest warrants in three separate jurisdictions: the towns of Florissant and Hazelwood in St. Louis County and the town of Forstell in St. Charles County. All of the warrants were for failure to appear in court for traffic violations. Bolden hadn’t appeared in court because she didn’t have the money. A couple of those fines were for speeding, one was for failure to wear her seatbelt and most of the rest were for what defense attorneys in the St. Louis area have come to call “poverty violations”—driving with a suspended license, expired plates, expired registration and a failure to provide proof of insurance.

Bolden’s problems began with a speeding ticket in 2011. She missed her court date because she didn’t have the money to pay the fine and feared the judge would put her in jail. This triggered an arrest warrant which led to the problems Balko described. Four years later she is still trying to recover—and it all started with a speeding ticket.

Bolden is not alone. According to a report from ArchCity Defenders,

NMA E-Newsletter #347: IIHS Shills for Camera Industry

Originally published September 6th, 2015

In its 30-page report issued last week about the Montgomery County, Maryland, speed camera program, the Insurance Institute for Highway Safety (IIHS) does its best to revive a reeling camera industry. The use of red-light cameras has been declining for a couple of years now in no small part due to corrupt actions by one of the major camera vendors in the U.S., Redflex and to the unethical use of short yellow lights to drive up violation rates.

Cue speed cameras. In a press release about its study that is short on data but long on dubious conclusions, the IIHS proclaims:

If all U.S. communities had speed-camera programs like the one IIHS studied in Maryland's Montgomery County, more than 21,000 fatal or incapacitating injuries would have been prevented in 2013.

That is a remarkable statement, particularly in light of what our friends at TheNewspaper.com and Maryland Drivers Alliance both point out: The accident reduction rate on speed-camera-eligible roads in Montgomery County (21.1 percent) was not as good as that of similar streets in the camera-less Fairfax County, Virginia (26.9 percent). The IIHS selected Fairfax County as a control group for the pre- and post-camera time periods it used in its report, 2004 to 2006 vs. 2008 to 2013.

(It is also a remarkable endorsement because less than an hour's ride from Montgomery County is Baltimore, whose own speed camera program was blasted by the city's inspector general less than a year ago for mismanagement and corruption.)



You may be asking at this point what speed-camera-eligible roads are. The insurance and camera industries have long taken credit for a spillover or halo effect attributed to the automated ticketing devices. OK, so what effect is that? This from Car and Driver's Patrick Bedard back in September 2002, proving that old dogs don't learn new tricks:

Spillover effect is IIHS's trick for giving the cameras credit for reducing fatalities even where they aren't. It assumes that red-light cameras at a few intersections will cause drivers to stop promptly all over town, or all over the county, or maybe all over the state, so improvements outside the cameras' ZIP Codes are credited to them nonetheless. As statistical acrobatics go, this one is breathtaking.

We can think of no better way to wrap up our criticism of the IIHS report than to quote directly from the scathing conclusion of Ron Ely from the Maryland Drivers Alliance and past recipient of the NMA's Sentinel Award:

The real conclusion from this study should be that our roads are getting much safer without speed cameras, that better alternatives exist for controlling speeds where that is needed, and that the insurance industry does not care about and [sic] integrity of our justice system. The Insurance Industry believes that it is in their financial interest to diminish people's legal rights so people accused of traffic violations are presumed guilty and have no defense, even to the point where individuals can be accused and found guilty of offenses that happened when they were not even present. While the insurance industry advocates for the use of speed cameras, jurisdictions such as Maryland and DC which have adopted them in far greater proportions than the rest of the US, yet Maryland and DC are the 11th and 3rd most expensive locations for Auto insurance, respectively. A fair answer to the IIHS's conclusions would be that the insurance industry should put their money where their mouth is and lower Maryland's insurance rates.

(Continued from Page 6)

a St. Louis-area legal aid firm, more than half the courts in St. Louis County have engaged in the “illegal and harmful practices” of charging high fines and fees for nonviolent offenses like traffic violations—and then arresting people when they can’t pay. Prior to the recent law change in Missouri, some of the towns in St. Louis County generated 40 percent or more of their annual revenue from petty fines and fees, the majority coming from traffic offenses, according to Balko.

Under the new law, revenue from traffic fines is limited to 12.5 percent for communities in St. Louis County and 20 percent elsewhere. In addition, the law limits traffic fines and fees to \$300 per citation, bans failure to appear charges for missing a court date and bans jailing motorists for minor traffic offenses or for inability to pay.

The law also includes provisions to make the municipalities more accountable. For example, cities are now required to submit annual financial reports to the Missouri state auditor. Municipal judges must certify their courts are complying with required procedures. Police departments must be accredited and have written policies on use of force, and city ordinances must be made public. Failure to comply with the new requirements could trigger the transfer of all pending municipal court cases to circuit court as well as disincorporation of the municipality.

Sounds good on paper, but old habits die hard. Consider Stringtown, Oklahoma, a serial violator of that state’s speed trap law. Last year the Oklahoma Department of Public Safety shut down the Stringtown Police Department for generating three-quarters of its municipal revenue from speed trapping operations along



U.S. Highway 69, well beyond the state-mandated limit of 50 percent.

This isn’t the first time Stringtown has been punished for aggressive traffic enforcement. The town has been under investigation periodically since the 1980s, and the police department was disbanded temporarily a few years ago. But that’s the problem. The suspensions are only temporary, lasting a few months at a time. As a result, Stringtown has little incentive to comply with the law and will likely be up to its old tricks in no time.

In the case of Missouri, it took the tragic death of Michael Brown to finally shine a light on a predatory, inhumane system. But what about the thousands of small, isolated burgs across the country that quietly conduct their confiscatory speed-trapping operations with little or no oversight? How do we hold them accountable?

First, the NMA has a website for that. For the last 15 years The National Speed Trap Exchange (www.speedtrap.org) has provided specific information on more than 80,000 speed traps nationwide. It’s very good at what it does: telling drivers where the speed traps are and spurring public discourse of revenue-driven traffic enforcement.

It doesn’t, however, identify municipi-

palities that generate a disproportionate percentage of their revenue from traffic fines/fees or that violate their state’s speed trap laws. That’s where the NMA Foundation (NMAF) comes in. The NMAF has identified these related issues as its next priority and plans to gear its 2015 fundraising campaign toward funding research in this area.

Using speedtrap.org to identify the most prolific speed trap towns in each state, the project will gather detailed information about each municipality’s finances and the role traffic enforcement plays in them. We anticipate issuing many public records requests along with considerable follow-up to gather the necessary information. A rigorous analysis will follow, and we will report the results far and wide.

This takes resources, and given the scope of the project, we will have to contract for outside assistance through a research firm or university. But we know the results will drive further reform of a broken and unjust system. So, when you receive your fundraising letter from the NMA Foundation this fall, please take a moment to think about all of the Fergusons, Hopewells and Stringtowns that are still out there and still preying on those who can least afford it. 🚗

An Expert's View: Transportation Financing is "Terribly Mixed Up"

By Thomas A. Rubin

Editor's Note: Thomas A. Rubin, CPA, CMA, CMC, CFM has been the chief financial officer of two of the largest transit agencies in the United States and has served as an auditor and consultant to well over 100 transit operators, the U.S. Department of Transportation, state departments of transportation and other public and private sector transportation entities. He is the author of Do Highway Users Pay the Full Costs of Roads? for the American Dream Coalition and the Donors Capital Program, http://americandreamcoalition.org/?page_id=3538.

I've spent four decades in governmental surface transportation, mainly public transit, mainly financial planning and management. While I believe strongly in public transit, and the absolute requirement in the United States for governmental financial involvement, I do not like to see road-user charges used for financing non-road transportation.

When government can do something that pays its own way, I like to see it organized so that charges can be properly accessed and utilized to do so. By my calculations, in the United States, road users pretty much pay in enough money to cover the operating and capital costs of roads, but the finances are terribly mixed up. Property and other local taxes have for decades paid for much of the costs of building and maintaining residential and rural roads, which generally have such low traffic volumes that it would be impossible for user charges to cover their costs.

On the other hand, the most expensive roads to build, freeways, have high traffic volumes that could more than cover their costs, with the "excess" revenues used to fund other roads—and, to a large extent, for non-road purposes, such as transit and general governmental expenditures.

So we have the strange situation

of an activity that could support itself through user fees if those users weren't paying for non-road purposes. At the same time, we have roads receiving subsidies through general taxes that are not related to road use.

This means that roads must be supported by other revenue sources while, at the same time, those who are looking for funding for their non-self-funding other uses have this "huge" pot of money that they can use for their own purposes.

Once the decision is made that the rake-off to non-road use is going to be there, it becomes "free money"—which means that there will never be enough.

So, at the federal level, we wind up with the Highway Trust Fund (HTF) now having constant shortfalls, requiring subsidies from other sources, while at the same time, significant HTF monies are going to non-road purposes.

For many years, this wasn't all that bad, because there were sufficient funds coming in to cover the rake-off—particularly, back in the early 1980's, when Drew Lewis, then secretary of transportation, convinced Ronald Reagan that the thing to do was to increase the cents/gallon excise charge by a nickel—with a penny dedicated to transit.

That worked for a while, but since then, the transit penny has been increased, now to \$.0286/gallon dedicated to transit, but the total charge has only gone up to \$.184/gallon for gasoline. So, about 15 percent of the motor fuel money goes for transit, plus a significant share of HTF "flexible" funds, where the spending decisions are made locally. So, overall, something over 20 percent of HTF funds now go for transit, not to mention what has gone for other non-road uses, ranging from recreational bike paths to trolley museums.

With the extreme reluctance of Congress and the administration to increase the flat rate cents/gallon

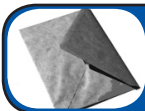


gas tax, there is no adjustment for inflation, even as fuel mileage has been increasing significantly, and is mandated to increase far more, and more vehicles are being converted to partial or full "plug" electric power.

This has produced the usual situation in DC: Everyone knows that this can't possibly continue for the long run, but no one is willing to make the necessary changes until it becomes impossible to kick the can down the road any more, which will make the final solution more difficult and, inevitably, sub-optimal.

If our elected officials decide that parks should be "free" to the residents, OK, fine, use my taxes to pay for them—however, if there is a public golf course that can be self-supporting, then have the correct user-fee structure to make it self-supporting. Same thing with ports and airports and other transportation facilities that can be self-supporting.

And for those services that cannot be self-supporting, like most transit, then, fine, use general tax revenues—but, have this clearly identified and acted on, not an automatic pot that can be drawn down every year, with the result that demand always exceeds funds available. This inevitably leads to increasing the size of the pot to fund ever more expensive, and less valuable, transportation projects. 🚗



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

I just got off the phone with the DA's office. My ticket for driving too fast for conditions was dismissed today! Here's the story:

I arrived for my day in court here in Guymon and went upstairs to the courtrooms. I spoke with the judge. The trooper was not there to defend the state. I did bring up the lack of evidence in that regard, but the judge denied my motion to dismiss, explaining that most people here usually consult with the district attorney regarding their tickets well beforehand, although the citation itself didn't state any such thing!

The judge and I conversed about many things, and he called the DA's office downstairs. I visited with an assistant DA who was also very pleasant to talk with. Most of my interactions with court personnel were really about getting to know the people, especially important if you happen to reside in the same county. The DA, a former Marine, and I visited for a good 45 minutes since there was no one else on the agenda that morning.

The DA suggested because of the circumstances that he would see about having my ticket dismissed. If there were no other parties remaining with any disputes in regard to the accident that triggered the ticket, it would likely be dismissed if his boss agreed. He did. The judge noted on the case folder that I had appeared and continued the bond, and

it appeared a dismissal would be the case. It indeed was.

To conclude, it's always wise to contest your traffic ticket whenever possible, and even request a continuance with the clerk if you cannot make it or are unprepared. I was prepared, yet I discovered here that few traffic cases actually go before the court. There are many options given, but I was willing to go the distance to ensure the charge would not appear on my record or result in a substantial fine.

Stand up and be counted, yet be courteous and open-minded. Court staff are human, and as I discovered, really good people to know. It was nearly an hour well-invested. Thanks again for your encouragement and especially for what the NMA does for drivers.

An Oklahoma Member

I recently fought a speeding ticket and was reminded of an important document that all ticket recipients must review as part of their ticket defense. It's the actual complaint filed with the court. Sometimes it's simply the ticket as written by the officer, but sometimes it's a separate charging document used to initiate court action against the driver.

It states the charge, date, location, statute, officer's name and any other information required by state law. The officer must sign the complaint in front of a notary, and then the

notary must stamp and sign the document as well. It then becomes part of the trial folder. You should request a copy of this document about a month before trial from the court clerk. It cost me \$2.00 to have a copy mailed to me. Many times the officer will fill out the complaint just before trial, which is legal.

In my last speeding ticket case the offense happened in May, and the officer didn't sign the complaint until December. That turned out to be good for me because the notary didn't sign the complaint until June, just before trial. The notary in my case was a court clerk. Under every state law a notary MUST witness the signature of the testator (the officer in this case) before signing and sealing the document. This clearly didn't happen in my case.

I didn't say anything until I went to trial to prevent the officer or the DA from rewriting the complaint. Now the complaint was invalid and the case was dismissed. The state could not argue the issue because it would have put both the officer and the notary in a situation of possible perjury.

You should also verify all information in the complaint to determine if it matches what actually happened. Here in Texas the complaint must specify the location with enough detail so the court and defendant can readily determine the location, as in "eastbound 2100 block of Main Street" or "northbound Wilson Ave. between 1st and 2nd streets." The case law states, "With a starting and ending point." Just saying northbound Wilson Ave. is not sufficient. With my case the complaint only said "eastbound I-20 from Beltline" which didn't meet the requirement.

Ted Levitt, Alba, TX





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

A new report from the Department of Transportation’s Office of Inspector General alleges that the National Highway Traffic Safety Administration (NHTSA) missed or ignored evidence about General Motors’ ignition switch problem for years. The investigation lays out a host of problems within NHTSA, especially at the Office of Defect Investigation, which researches recalls. “ODI’s processes for collecting vehicle safety data are insufficient to ensure complete and accurate data,” according to a portion of the summary.

NHTSA revealed progress on its Driver Alcohol Detection System (DADSS), a passive in-vehicle BAC detection system. The agency showed off two prototype devices. One approach uses a touch sensor to measure BAC through the skin and another uses an in-cabin sensor to measure ambient alcohol in the air. Both are being pitched as potential options on new vehicles but may become mandatory at some point. Both have gained the tacit support of groups like MADD.

In a ruling issued April, the U.S. Supreme Court placed new limits on the power law enforcement officers have to detain motorists beyond the time it takes to complete routine duties like writing citations and conducting background checks.

Unless there is reasonable suspicion, the court said further delays constitute Fourth Amendment violations.

Arkansas

The tiny Cleburne County town of Concord—population 192—is facing a federal civil-rights lawsuit that seeks class-action status on behalf of more than 500 motorists caught in a speed trap in 2012 and 2013. The suit alleges that “over a period of several years, literally hundreds of persons were stopped ostensibly for having an ‘improper display of tags’ or ‘no license plate lamp’ or some other pretextual reason solely for the underlying purpose of issuing citations and collecting fines on what were nothing but ‘money making violations.’”

California

A San Bernardino grand jury found that San Bernardino County Sheriff’s Department employees purchased vehicles at lien sales and resold them after the vehicles had been seized during investigations. The grand jury included the scheme in its report for fiscal year 2014-15. The allegations were made in a lawsuit filed by two current sheriff’s deputies and a retired sheriff’s sergeant last year alleging whistleblower retaliation.

San Francisco transportation officials have drafted a proposal to allow the agency to install speed cameras near schools and other areas.

The plan would call for a flat fee of \$100 per violation, while officer-issued speeding tickets can cost up to four times that amount. State law currently prohibits the use of speed cameras in California, so a strong lobbying push coupled with lavish camera company campaign donations is expected to try to change that.

Colorado

A Denver man was ticketed for a broken windshield just as he was pulling into the windshield repair center parking lot. An Adams County Sheriff’s deputy wrote the driver a ticket for “unsafe vehicle” while literally sitting in the repair center’s parking lot. The sheriff’s department would not comment on the story, but the ACLU said the citation is a sign that police see themselves as ticket writers rather than as protectors of public safety.

Florida

The latest example of overzealousness in the parking-enforcement realm comes from Jacksonville where city council members are mulling an ordinance that would make it illegal for residents to back into their driveways and park facing the street, unless their license-plate information is visible. The stated purpose of the proposal is to help city inspectors enforce rules that prohibit residents from storing non-running cars on their property. We also suspect it will make the tedious business of using plate readers to photograph license plates in bulk that much easier.

Roughly five years after they were activated, Tallahassee’s 19 red-light cameras were powered down in August. The city opted to discontinue the program for a number of reasons,

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including a steep decline in violations and a corresponding drop in revenue.

Louisiana

It has cost Jefferson Parish taxpayers at least \$364,428 so far to fight three related lawsuits that concern the parish's former red-light camera program. That is the price that the parish has allocated so far to pay the law firm to defend the parish in three linked lawsuits that concern Redflex Traffic Systems. The parish holds about \$21 million in fines that it collected through the red-light program, which will first be spent to pay off the parish's legal fees in the suits then divvied up to refund drivers who paid tickets, according to a 2013 vote by the parish council.

Montana

Montana drivers can now drive 80 mph on interstate highways after Gov. Bullock signed into law a bill increasing the limit from 75 mph. The law maintains the 65 mph limit through urban areas of more than 50,000 people, such as Missoula and Billings. The limit also remains 70 mph on two-lane highways. Montana joins Idaho, Wyoming, South Dakota, Nevada and Utah as states that have adopted an 80 mph on interstate highways.

New Mexico

The authority to change speed limits within the city of Santa Fe has shifted from the city manager to the city council after the council unanimously approved the change. City Councilor Ron Trujillo, who introduced the amendment to the city's uniform traffic ordinance, said the intent was not to take powers away from the city manager but to increase transparency.

New York

The New York Daily News reported that the New York Police Department and city attorneys have been accused of colluding with each other to cover up evidence that cops have been writing thousands of bogus tickets after being pressured by their superiors to hit quotas. While documents by police officials appear to have been cleaned up, the filing includes evidence of quotas being discussed at the street level, with one memo criticizing cops for racking up overtime with few arrests to show for it.

Mayor Bill de Blasio announced the closure of large parts of New York City's two most celebrated parks to car traffic on weekdays. The closings in Central Park and Prospect Park, which pedestrian advocates have been seeking for decades, will banish cars from sections that wind along the edges of both parks. The mayor, speaking at a news conference in Prospect Park, called the restrictions a step toward "returning our parks to the people."

North Carolina

An audit has revealed that Asheville police wrote 482 citations using improperly calibrated radar guns from 2011 to 2014 and that 54 tickets were written by officers not certified to use radar. Auditors say bad records kept them from determining the status of 800 more tickets. That accounts for about one in every six tickets issued by police during that time. Lack of calibration led prosecutors to dismiss hundreds of tickets.

Ohio

The former head of Redflex Traffic Systems, Karen Finley—already embroiled in an alleged \$2 million bribery scheme that ended the

company's red-light camera contract in Chicago—pleaded guilty in a federal bribery probe in Ohio. Finley admitted that she participated in a scheme in which the company made campaign contributions to elected public officials in Columbus and Cincinnati in return for keeping red-light camera contracts.

Pennsylvania

State lawmakers have proposed a five-year pilot program to let speed cameras operate in active interstate work zones, saying it will improve safety as a \$2.3 billion transportation funding law puts more construction crews on the highway. NMA members have been actively opposing the cameras, arguing they generate false readings and emphasize ticket volumes.

Texas

The Crawford City Council fired its longtime city secretary after an investigation of her mishandling of traffic citations written in the city for at least a decade. Last year Police Chief Clay Bruton discovered that the city secretary had been improperly disposing of traffic tickets and not reporting them to the Texas Department of Public Safety and the Office of Court Administration as required by law.

Washington

The Washington Supreme Court boosted the base cost of traffic tickets in the state by \$12 to help pay for a new computer system for district courts—a decision that four justices blasted as unfair to low-income residents who can least afford the fines. Some boating, camping and public park violations also saw an increase. The money will go partly to the new computer system and partly to provide legal services for poor people. 🚗