



TABLE OF CONTENTS
VOLUME 12 • ISSUE 3

Foundation Receives Major Grant Challenge .....2
Manipulations .....3
Calming, Not Confrontation, Is Needed.....3
Photo Radar Getting More Sophisticated ....4
MUTCD Changes .....5
NMA Leadership Profile .....6
Form Over Function (Again!) .....7
Canadian Citizen Fights The System.....7
News From Around The Country .....8
You Can Make A Difference .....9
Excerpts From "Camera Enforcement" .....10
The Experts Corner.....11
Members Write .....12
Convuluted Logic.....13
Defensive Driving Course .....14
NMA Items For Purchase .....15
State Chapter Coordinators and Activists.....16

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COVER

Photo Radar by Greg Mauz

Foundation Receives Major Grant Challenge

by James J. Baxter, President, NMA

A Life Member of the NMA, that prefers to remain anonymous, has offered to match up to \$50,000 in donations to the National Motorists Association Foundation's Litigation Fund. This comes at an ideal time. There are several issues that are ripe for exposure and legal action.

Ticket camera merchants and local units of government hungry for revenue are joining forces around the country to undo or circumvent legal obstacles to photo based enforcement schemes. Using red light cameras as a "wedge issue" to justify ticket cameras, this exploitive coalition of industry and government is trying to position itself to take financial advantage of a politicized traffic control system.

We know that if speed limits are properly set, intrusive technological gadgets like photo radar are not financially viable, nor are they needed. The same can be said for red light cameras, if intersection controls are properly located and managed. The laws that mandate the proper posting of speed limits and set the standards for intersection controls are violated on a wholesale basis by state and local governments. We can use the courts to

hold them accountable for these violations. (For a discussion of these laws and standards, see the related article on the Manual on Uniform Traffic Control Devices in this issue of the NMAF NEWS.)

The lack of funding has stymied our efforts to launch serious legal challenges to these and other abuses suffered by the motoring public. However, with this new Challenge Grant of \$50,000, that will change. That is, it will change if we receive sufficient donations by June 30, 2001 to match the challenge grant. That's right, we have until June 30th to match this offer to match every dollar the NMAF receives, up to \$50,000.

Your contributions to the NMAF are tax deductible to the full extent of the law. Not only do you double the impact of your contribution by matching the Challenge Grant, you also gain a substantial tax break. Keep that in mind. Your donation to the NMAF to promote reasonable speed limits is tax deductible; Your next speeding ticket is not.

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# Manipulations

By James Baxter, NMA President

If people were to rely solely on newspapers and television news to shape their view of the world, they would never leave the confines of their own homes. We are deluged with tales and images of a dysfunctional society drowning in crime, mayhem, and violence.

Our own governments and many commercial enterprises perpetuate these negative impressions and stereotypes because it suits their own purposes, be it accumulation of power or profits. Distraction, inattentiveness, and lapses of good manners become "aggressive driving" and "road rage." Every

spectacular traffic accident, no matter how rare or obscure, is used as an excuse to pass a new law, justify increased insurance rates, or demand impractical or costly remedies.

One of the more destructive tactics of these purveyors of doom and catastrophe is to pit one group of people against another and to portray a scenario where compromise and mutual accommodation are impossible. Then they do their best to make their claims become self-fulfilling prophecies.

Fortunately, there are advocates and activists on both sides of many

of these supposed intractable conflicts that recognize political and commercial manipulation when they see it. One such person is the author of a guest editorial in this issue of the *NMAF NEWS*. The author, Bill Hauda, was once a reporter who followed activities at the Wisconsin State Capitol. He left that position to run the state chapter of Common Cause and subsequently began his own business as an organizer of bicycle tours. Read Bill's article and see if his comments don't present a more accurate and positive perspective than those of the political shill on the six o'clock news. 📄

# Calming, Not Confrontation, Is Needed

By Bill Hauda (First appeared in *Silent Sports Magazine*)

Virtually everyone recognizes the importance of getting our nation more involved in lifelong fitness activities. At the same time, we seem to be going out of our way to scare ourselves into being out of shape.

"Road rage" is the current media cliché, fueled by advocacy groups pushing their own special interests and by bureaucrats seeking to expand their programs. Read a newspaper or tune into a newscast, and you will quickly get the impression that our streets and roads are filled with raging, out-of-control people just waiting to run you over if you venture out to run or ride a bike.

The National Highway Traffic Safety Administration blames up to two-thirds of the nation's highway fatalities on "road rage." Any time a bicyclist is killed or injured in an incident involving a motor vehicle, you can expect to hear charges that drivers of cars are out to get bicyclists—no matter what the circumstances were or

who was actually at fault.

When you tell something enough times, it eventually becomes an urban legend. Whether or not it's really true no longer matters; it becomes accepted without further question by virtually

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*"Road rage" is the current media cliché, fueled by advocacy groups pushing their own special interests and by bureaucrats seeking to expand their programs.*

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everyone. It becomes a sort of pseudo-fact that can influence and direct our behavior.

So it is with "road rage." Our streets and roads are being portrayed as too violent to venture out onto. Would any parent dare let their child bicycle to school when cars are waiting at every intersection to run them over? Would any adult be so foolish as to bike to work, knowing that a raging motorist is out there waiting for them

to come along? It's a wonder anyone exercises outdoors anymore.

Yes, there are occasional conflicts between motorists and people running or bicycling. Yes, there are fruitcakes behind some of those wheels (and some on bikes or wearing running shoes, too). Anyone who has spent any amount of time exercising outdoors has probably had an altercation. But, in the big picture, these are minority incidents. Our streets and roads are basically safe.

Runners and cyclists often bemoan the lack of young people entering their avocation. Perhaps they should look to the "road rage" cliché for part of the explanation. Could the impression that the streets and roads are not safe be discouraging parents from letting their kids out to run and bike? After all, fear is an effective disincentive.

There's another factor at work in the "road rage" phenomenon, too. Some

*continued on next page...*

# Photo Radar Getting More Sophisticated

By Aarne Frobom

If you want a chilling experience, spend a few minutes reading the magazines of foreign traffic engineers. Here are a couple of items we spotted in a recent issue of *ITS International—Advanced Technology for Traffic Management and Urban Mobility*, a magazine out of Britain.

Australia is an enthusiastic user of red light cameras. New cameras from Redflex Traffic Systems won't just record vehicles entering on the red phase of the signal, but will photograph speeders as well. The goal is to discourage drivers from speeding up in advance of the signal so as to avoid getting stopped. Redflex red light cameras are already in use in the United States, so it's likely that the combined signal/speed cameras will appear here soon. Redflex operates a central processing office in Scottsdale, Arizona, which is preparing to process data from cameras all across the country, and issue tickets for dozens of local governments. [www.redflex.com](http://www.redflex.com)

In Nottingham, England, a new variety of photo radar is in use, designed to combat the tendency of drivers to slow down at known camera locations, and then resume normal speed. In the Nottingham installation, cameras digitally record the license number of each car entering and leaving a length of road. If the elapsed time between the two points is too short, a third camera photographs the car and driver for issuance of a ticket. There doesn't appear to be a limit to the length of road that can be controlled in this fashion. Toll-road users have long feared that elapsed time between toll booths could be used to issue speeding tickets. Despite occasional rumors to the contrary, that has never been done in the United States. But, if this system is imported, the practice could be instituted on any road. [www.speedcheck.co.uk](http://www.speedcheck.co.uk)

Advances in image-processing systems will make more systems like this possible. U.S. laws are the only barrier to use of advanced photo radar

on this continent. But these laws are being weakened everywhere, and as motorists' rights shrink, even more intrusive technology becomes thinkable.

In Holland, a test of "compulsory intelligent speed adaptation" is being completed. In this scheme, GPS receivers in test cars and buses match the cars' locations with a map of speed limits, and limits the vehicles' speeds accordingly. Drivers wanting to travel faster than the limit can hit a red panic button, but use of the button is reported to the test administrators by radio. When the system is truly "compulsory," presumably the radio will call the cops if a motorist overrides the satellite-controlled governor. A similar project has been tried in England. In both cases, the results were the same: a car driving down the road with a big gap in front of it, and a lot of irritated Dutchmen or Englishmen behind it. [www.vialis.nl](http://www.vialis.nl) 📍

## Calming

*continued from previous page*

bicyclists have actually taken steps to make sure that motorists are mad at them. They've done that by staging so-called "critical mass" rides, in which a group of cyclists takes over a road and intentionally holds up or blocks traffic.

"Critical mass" is intended to make a point. The point is supposed to be that bicycles have a right on the road, too. Too often that point is lost, replaced by the anger that rises when a motorist is made late for work or an appointment by a group of cyclists who are violating the law.

I'm not alone in my feelings about "critical mass." Gary MacFadden, director of *Adventure Cycling*, recently opined on the subject, noting

that the goal of the riders was to "generate public awareness by visibility and familiarity with bicycles as vehicles."

"I've no doubt that 'public awareness' is 'being generated,'" MacFadden said. "But I don't think it's an awareness for the desired outcomes... Rather, I think it's an awareness that is highly detrimental to the goal of having the bicycle accepted as a vehicle."

Gary hit the nail right on the head. In fact, I'd go a step farther. Intentionally generating conflict through "critical mass" rides is dangerous. It can be hazardous to your health and perhaps life-threatening. Think of what might happen when a motorist, angered by a bicycle roadblock, but held in check by the presence of a large group, later sees a cyclist alone

on a rural road. If that isn't inviting "road rage," I don't know what is.

Instead of intentionally antagonizing other people so they want to run us down, we need to calm things and work for mutual respect and acceptance on the roads. Instead of talking up the few incidents of "road rage," we need to acknowledge that, while some conflicts are inevitably going to occur and need to be resolved on a case-by-case basis, our streets and roads are basically pretty safe.

We need to get that message aired on television and written up in the newspapers. That would go a long way to getting more people, especially the kids, into running shoes or out on bicycles, developing the healthy lifestyles that will benefit them throughout their lives. 📍

# MUTCD Changes

By John Carr, Massachusetts Activist

In December, 2000 the Federal Highway Administration (FHWA) announced changes to the *Manual On Uniform Traffic Control Devices* (MUTCD). Although most people have never heard of the MUTCD, they are affected by it every day. The MUTCD is the national standard for *every* sign, signal, pavement marking, or other traffic control device on any public road. Since 1966, federal law has required *every* traffic control device to comply with the MUTCD. Uniform standards ensure that signs *look* the same everywhere but just as important is the requirement that signs be *used* the same way everywhere. MUTCD section 1A.06 says:

*Uniformity means treating similar situations in a similar way. The use of uniform traffic control devices does not, in itself, constitute uniformity. A standard device used where it is not appropriate is as objectionable as a nonstandard device; in fact, this might be worse, because such misuse might result in disrespect at those locations where the device is needed and appropriate.*

Anyone who has ever seen a "SPEED LIMIT 55" sign on a wide open rural freeway can appreciate the last sentence.

## Speed Limits

Probably most interesting to NMA members is the section dealing with speed limits. The MUTCD has long required that posted speed limits be determined by engineers rather than politicians, but the new MUTCD goes even further and explicitly approves the 85th percentile rule advocated by the NMA:

*When a speed limit is to be posted, it should be the 85th-percentile speed of free-flowing traffic, rounded up to the nearest 10 km/h (5 mph) increment. (MUTCD 2B.11)*

Although speed limits may be

reduced below the 85th percentile based on factors such as accident rate and sight distance, consideration of such factors is now optional instead of recommended.

The initial draft, with weaker speed limit standards, was followed by a long public comment period. Several NMA members sent letters asking that 85th percentile speed be made the sole or most important factor in speed zoning. Although it explains most other decisions, the final rule published in the Federal Register (65 FR 78923)

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*The MUTCD is the national standard for every sign, signal, pavement marking, or other traffic control device on any public road.*

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does not give a reason for permitting the 85th percentile rule. However, it seems likely that NMA members' letters made the difference.

## You and the MUTCD

If a speed limit sign was posted without an engineering study, the sign is illegal. The MUTCD defines an engineering study:

*Engineering Study—the comprehensive analysis and evaluation of available pertinent information, and the application of appropriate principles, Standards, Guidance, and practices as contained in this Manual and other sources, for the purpose of deciding upon the applicability, design, operation, or installation of a traffic control device. An engineering study shall be performed by an engineer, or by an individual working under the supervision of an engineer, through the application of procedures and criteria established by the engineer. An engineering study shall be documented. (MUTCD 1A.13)*

This is what *must* be done (and documented!) before a speed limit can

be changed. If the city council votes to lower a speed limit due to resident complaints or adverse publicity, they have not met the standard. A professional engineer must put in writing the reasons for the change. Even if the speed limit is set by law, an engineering study is still required before it can be posted.

The requirement for an engineering study is one of the more widely disobeyed provisions of the MUTCD. NMA members have been winning in court when speed limits were not posted in compliance with the MUTCD. In one case, a Virginia judge ruled that the MUTCD preempted the state's maximum speed limits.

## Stop Signs

The rest of the MUTCD isn't so encouraging. Many people familiar with the politics of traffic control requested that FHWA prohibit speed control stop signs. FHWA refused, saying:

*Several commenters indicated disappointment that the GUIDANCE statement in Section 2B.05, paragraph 1, was not upgraded to a STANDARD since many local governments receive frequent requests for STOP signs to be installed for speed control. Traffic engineers would like to have the language in the MUTCD that would back up their decision when faced with political pressure to install STOP signs to control speed. The FHWA does not consider this sufficient justification to elevate this GUIDANCE to a STANDARD requirement, particularly when you consider the potential impacts on local governments.*

## Getting a copy

The MUTCD is online at the FHWA web site, <http://mutcd.fhwa.dot.gov>. Printed copies will be on sale in a few months. ☺

## NMA Leadership Profile

John Carr: Massachusetts

### *When and why did you become an Activist?*

In the summer of 1998. I wanted to make a difference, not just react. In particular, my goal was to influence legislation. The 1999 edition of "Mr. Carr goes to Boston" wasn't a great success, but I learned and I'll be back in the State House this spring.

### *What are your proudest accomplishments as an Activist?*

I was able to have my city (Newton, Massachusetts) make an effort to comply with state law regarding speed limits. The May/June 2000 issue of *NMAF NEWS* reported my success.

### *What projects are you currently working on?*

I am working on compliance with MUTCD (Manual on Uniform Traffic Control Devices) standards, primarily for speed limits. A small victory—a stronger speed limit standard in the MUTCD—is reported in this issue of *NMAF NEWS*.

An ongoing project is working toward city and town compliance with state laws regarding speed limits.

I will also be working with Ivan Sever (Massachusetts State Chapter Coordinator) on state legislation this spring. If Massachusetts members wish to help in these efforts, they should contact either one of us (see contact information on the back of this newsletter).

### *What are some of your short-term and long-term goals?*

Reasonable speed limits are at the top of the list, but that has to be a long-term goal. Even when they want to be helpful—and that is rare—state agencies move very slowly. I have evidence that the law is being broken; now I need to turn that into change, even if the executive branch leadership puts political expedience above all else.

I'd like to start introducing the MUTCD as a defense in traffic cases, like Chad Dornsife, the Nevada Activist, has been doing.

In the short-term, the busiest part of the legislative session is from February through June. There is a bill reducing residential speed limits from 30 to 25. This one has a lot of supporters, including the Senator who blocked similar bills in the last session. Massachusetts citizens have the right to file legislation; I have taken advantage of this to offer bills supporting NMA positions.

### *What are the most important issues affecting members in your state?*

Calls and email from members are mostly split between speed limits and random acts of police or municipal hostility.

### *Summarize your ticket-fighting experience.*

In Massachusetts, I've been limited to advising people. Driving a stealth car has kept me out of court here. State Chapter Coordinator Ivan Sever is the Massachusetts traffic court expert. ☺

*No activists or state chapter coordinator in your state?*

*Interested in becoming one?*

*Contact us for more information.*

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## Form Over Function (Again!)

The NMA has a long history of objecting to universal *mandatory* vehicle inspection programs, regardless of the purpose; be it safety or emissions. No one, including the agencies that run these programs, has ever seriously refuted our claims that these inspection programs are wastefully expensive, ineffective, inconvenient, and largely the product of bureaucracies trying to justify their existence.

Our protestations to the contrary, the existing emissions inspection systems march on, wasting time and money, and not cleaning the air one wit. Their sole redeeming value has been that they only ensnare a small percentage of motorists in an endless circle of repairs and inspections. That's about to change, and not for the better.

The new rage among the "I love to regulate" community is the move toward "idiot light" emissions tests. What comes out of the tail pipe won't matter, the all-knowing idiot light will control the results.

In more formal terms, this means emissions inspections will be based on readings from the "on board diagnostic (OBD) system," rather than the actual emissions that come out of the tailpipe. Form over function.

Lest you think that this is a superficial problem, consider these findings:

- A study conducted in Colorado tested 116,945 1996 and later vehicles. Of the vehicles tested, 1223 failed the tail pipe test and 1478 failed the OBD test. You might think, "well there is a difference of 255 vehicles, but it isn't that big a deal." Here's the rest of the story. Only 45 of the vehicles that failed, failed both tests! In other words, almost all the vehicles that failed the tail pipe test passed the OBD test and almost all the vehicles that failed the OBD test passed the tailpipe test! Inspires you with real confidence, doesn't it?

- The same study, based on data from the EPA, found that only 31% of the idiot light indicated emission failures could be documented by measuring actual emissions. The EPA was happy with these results because the OBD idiot light system identified 95% of the failing emissions systems. That this same system erred by 200% in misidentifying functional systems as "failed systems," didn't seem to be a concern. It's perfectly acceptable to the regulator mentality to put 100 people through a financial wringer to find 30 people who actually need to repair their cars.

- OBD systems frequently issue false failures as the result of contaminated or lower quality fuels. The indicated failures, although intermittent and in no way related to component defect, could still result in a failed emissions test. Just consider the expense associated with fixing a system that isn't broken!

- Repairing OBD idiot light failures had a much lower effect on emissions reductions than did repairing failures indicated by actual tailpipe emissions testing.

Just to put a little frosting on the cake, the regulators decided that there should be no limit on the expenses endured by the vehicle owner, to fix an OBD idiot light problem—even if it doesn't have anything to do with emissions! The tailpipe system permitted a waiver if the repair expenses exceeded \$450.

If you would like to give your opinion to the people who are promoting and administering this collection of abuses, contact:

*Administrator Christine Whitman*  
*U.S. Environmental Protection Agency*  
*1200 Pennsylvania Avenue, NW*  
*Washington, DC 20460*  
<http://www.epa.gov/epahome/comment2.htm> 🐾

## Canadian Citizen Fights The System

If you have ever fought a ticket, you almost certainly have heard the phrase, "Just pay the ticket."

Doug Stead has been hearing that phrase quite a bit. In 1996, Stead was issued a photo radar speeding ticket in Vancouver, BC. Since then, he has refused to pay the \$117 ticket. Instead, he chose to fight the ticket and his four year battle has cost him \$120,000 in legal fees.

Stead admits that he was speeding, but is fighting over the principle of the photo radar system. "I got myself in a corner and had to keep defending my principle and my belief and if I let it go, I wouldn't feel good," said Stead.

He argues that the photo radar ticket arrives too late, after the event for a motorist to remember details of the alleged offence so they can fight it in court. The ticket also assumes a person's guilt thus eliminating the presumption of innocence.

"What happens is that somebody takes the picture; somebody else develops it; somebody else interprets it; somebody else gets the license plate and registration; and it's all signed off in a rubber-stamp situation... And none of us knows anything about the actual circumstances of the allegation," said Stead.

Arthur Grant, Stead's attorney, said to the appeal court, "[Motorists] pay their fines because they want to keep their licenses. This must be the antithesis of the presumption of innocence."

The \$120,000 spent on the dispute has gone towards two lawyers, their research assistants, and other costs in this battle. Members of the public who support Stead's crusade have contributed \$6,000 towards his legal costs. 🐾

## News From Around The Country

### Arizona

A one-second increase in the yellow-arrow time at Mesa intersections appears to have led to a 56 percent drop in left-turn citations issued by the city's photo red-light cameras between November and December.

Starting February 2, Arizona Department of Transportation began raising the speed limit in the urban area of Phoenix to 65 mph.

Glendale has decided against installing red light cameras. Instead, the city is willing to pay to hire six traffic-enforcement officers, rebuild intersections, and pay for a marketing and safety education campaign.

### Colorado

The Senate transportation committee killed Senate Bill 01-018 by Senator John Evans, R-Parker, which would have created a criminal offense for aggressive driving. It would have applied to drivers who commit two or more offenses at the same time, such as speeding ten miles over the limit, following too closely, running a stop signal, or making an unsafe lane change. The bill originally called for first-time violators to face up to 12 months in jail and a \$1,000 fine and a rise to \$5,000 for a second violation.

### Florida

When police officers throughout Florida fill out accident reports, they'll be able to check a box noting whether drivers were distracted at the time of the crash. Elsewhere in their report, officers will describe the distraction: a cellular phone, eating behind the wheel, changing the radio station, etc.

### Indiana

Indiana may soon have red light cameras. The Senate is debating a measure that would allow cities to install traffic cameras that snap photos of license plates. The photos could

then be used to mail tickets to vehicle owners. A Senate committee postponed a vote on the measure to clarify several details, including whether it would permit trucking companies to force their drivers, rather than the corporation, to pay fines.

### Massachusetts

Massachusetts has been chosen as a test state for the Sniffer, a high-intensity flashlight with miniature alcohol detectors. The eight Massachusetts police departments that have received Sniffers are Hopkinton, Hudson, Littleton, Marlboro, Natick, Watertown, Wellesley and Weston.

### Missouri

Missouri's Graduated Driver License Law went into effect January 1, 2001. The intermediate license, which is granted in the second phase, requires parental verification of 20 hours of behind-the-wheel instruction. The intermediate license restricts 16- to 18-year-olds from driving alone from 1 a.m. to 5 a.m., unless they are traveling to or from a school activity or job, or are in a situation defined as an emergency by the director of revenue. At the age of 18, drivers can graduate to the third phase of the law to receive an "under-21" full license.

### Nebraska

New legislation is pushing for a .08 BAC limit. LB166 would reduce the blood alcohol limit for operating both motor vehicles and motorboats. A different bill, LB167, would reduce the limit only for drivers of motor vehicles.

### New Mexico

Senator Kent L. Cravens, R-Albuquerque, has proposed a measure—the New Mexico Interlock Program—that would require a first-time offender to have an interlock device on his or her vehicle for one year. An interlock device is a

mechanism that requires the driver to blow into it before the vehicle can be started. If the device registers any amount of alcohol, the vehicle won't start. The bill also calls for a \$300 fine if anyone damaged the interlock device. An additional \$1,000 would be charged to repair or replace the device.

### New York

In Nassau County, a judge (after stumbling across a decades-old law) has decreed that speeders can no longer mail in their fines. Judge Ira Raab came across a 1953 state law that he said mandates alleged speeders to appear in court. Section 2408 of the Uniform District Court Act says fines may be paid "without appearing in person, except in cases of speeding ... " The provision applies only to Nassau County.

### Oregon

Beaverton now has red light cameras. The cameras (positioned next to signs reading "Red Means Stop In Beaverton") were turned on January 23. Citations are \$175.

### Texas

Representative Jaime Capelo, D-Corpus Christi is proposing a bill that would reduce access to defensive driving courses. Currently, drivers ticketed for speeding less than 25 mph over the speed limit are entitled to attend a defensive driving course, the completion of which usually results in the citation being erased. Capelo is attempting to drop that to 20 mph. ↵

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# You Can Make A Difference

By Jim Thomas, California Activist

**Y**ou can make a difference. You can get involved. You can fight city hall (or at least you can infiltrate and work from within).

Last year, our community installed two speed humps on a moderately busy residential street. These humps were placed in response to a neighborhood petition for traffic calming. The argument was a familiar one; "cars are going too fast on our street." So, with little more than the request to go on, our town council ordered the installation of two speed humps.

At first, it looked to the residents like the ideal solution had been reached. The cars did have to slow down before crossing the speed humps (at least they slowed down in the beginning) but that was soon to change.

The council members were so pleased with their action that they decided to expand the program. They appointed a committee to be made up of one council member, the public works director, the traffic engineer, and four "concerned citizens." It was to be called the Speed Hump Committee. (With a name like that, it could have been X-rated.)

I heard about the formation of the speed hump committee, contacted the town clerk, and filled out an application for membership. I listed my affiliation with the National Motorists Association, and suggested that this should permit me to speak with some experience in traffic-related matters. The council agreed, and I was appointed.

At the first meeting, it was clear that the plan was to add as many speed humps as possible and as quickly as possible. Our job as a committee was to evaluate the many requests from all over town, and to determine the best locations for new speed hump installations. I personally visited each area and address in town which had

requested a speed hump.

I was unable to find any justification for new installations. There were hills, blind curves, commuter traffic, and added to that was the fact that speed humps are generally abominable. Although our committee had received requests from many residents and many different sections of town, none of the other committee members could be bothered to check them out. I think they would have been happy to rubber-stamp the installation requests.

But then, a funny thing happened. We began to get feedback from some of the original petitioners where the speed humps had been placed. It seems

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*So, with little more than the request to go on, our town council ordered the installation of two speed humps.*

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that maybe this wasn't such a great idea after all. The residents whose homes were nearest the humps complained that their houses shook and windows rattled when trucks drove over the speed humps. One house was hit by a car whose driver had lost control at the speed hump. Others complained that, while most drivers slowed at the speed hump, they also accelerated after crossing it to make up for lost time. Residents of adjacent neighborhoods began to complain that, in order to avoid the speed humps, motorists were diverting to their formerly quiet streets, and were going faster to compensate for the greater driving distances to and from their destinations.

I was able to provide documentation from the NMA to the committee, which showed that our local scenario was not unlike that of other communities around the country. When presented with this information and the complaints of our citizens, the traffic

engineer became an ally in my mission to educate the committee members, and, in turn, the town council. We combined our efforts to explain that perhaps speed humps weren't the solution to this perceived problem. And, when I spoke to the police chief and the fire chief, both of them agreed that there were serious concerns about response times and vehicle and equipment damage issues.

The results? One of the original die-hard committee members resigned when he saw where we were going. The committee recommended to the town council that no more speed humps be installed, and that one of the original two humps be removed. A traffic study before and after installation of the speed humps had shown that the average speed before the hump was 29.7mph, and after the hump was installed it dropped to 29.3mph. So much for reducing speed. Now, the speed hump has been removed, no new installations are planned, and everyone may have learned something (until the next election produces a new council and the whole process may have to be repeated). By the way, we got the name changed from the Speed Hump Committee to the Traffic Safety Advisory Committee. 📧

**Keep "NMAF NEWS" coming...**

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# Excerpts From "Camera Enforcement"

By Greg Mauz

**S**mile. The government wants a nice snapshot of you or, more accurately, your license plate. Camera enforcement in the form of red light cameras and photo radar may be coming to a neighborhood near you. Proponents, including some Government Officials, Police Agencies, equipment vendors, and Insurance interests claim it's for our "safety." "Cameras prevent accidents and save lives."

### There is no honest need.

Proponents insist there's a growing epidemic of red light running and speeding caused crashes and deaths. They say, "Red light runners cause 22 percent of all crashes" (Insurance Institute for Highway Safety). This is nonsense. Federal Highway Administration statistics show 92,000 red light violation (RLV) crashes in 1999 versus 98,000 in 1996—a 6 percent improvement. These numbers comprise less than 2 percent of all U.S. crashes. Furthermore, during this same time frame, despite serious growth in drivers and miles driven, fatalities fell 12 percent (from 1066 to 947), or 2.26 percent of all fatal crashes.

**The camera or pictures can be wrong.** Over 800 people were improperly cited with photo radar tickets in Beaverton, OR in 1995. Over 20,000 motorists unfairly received RLV tickets in Washington DC before police stopped the camera in May, 2000.

**There are reasons to disobey a red light.** It has been documented that there are at least seven valid reasons to violate a traffic signal, including emergencies and officer commandment. Police retain discretion during these instances, cameras don't.

**Public acceptance is overstated.** Biased polls (Insurance Institute for Highway Safety and the National Highway Traffic Safety Administration) claim that two-thirds of U.S. residents support cameras. However, a

NHTSA survey (1998) admitted that 35 percent of those polled had never even heard of photo enforcement. Naïve and misinformed people "accept" cameras based upon the false notion that "cameras save lives." Over 22 U.S. locations and Ontario have rejected photo radar.

### Money! Money! Money!

Proponents of cameras all profit from their operation. Money from fines enhances the coffers of State, County, and City Police; local governments; camera vendors; and insurance companies. Campaign money (from insurance and camera corporations) helps encourage pro-camera politicians. Conflict of interest abounds.

**The trouble with traffic control devices.** The alleged red light running problems result, primarily, from improperly engineered traffic controls, not "aggressive driver behavior." There occur 15 documented problematic scenarios which can cause RLVs and accidents, including: unwarranted traffic light installations, signals lacking synchronization, and change interval formula limitations. Over 70 percent of RLVs arise from signal timing deficiencies (usually not enough yellow) and honest human error.

### The solution to the problem.

Engineering, not enforcement, has the greatest effect on compliance and safety. In Detroit, Michigan, AAA funded the re-engineering of four dangerous intersections, including adding more yellow interval time. The cost: \$35,000 per intersection, or less than one ineffective camera. After 27 months, crashes declined by 47 percent, injuries by 50 percent, and RLVs by 50 percent. Programs in Omaha and San Francisco accomplished equivalent positive results.

**Conclusion.** Camera enforcement is about power, authority, and money. Safety isn't even in the picture.

*This has been a selection of excerpts from Greg Mauz's Report, "Camera Enforcement—Developing the Factual Picture." To order a copy, contact the Greg Mauz at 561/243-0920. ☎*

## NMAF Survey

Thank you to all our members who completed and returned the NMA questionnaire from the last issue of *NMAF NEWS*. This survey will be instrumental in determining the direction the NMA will take in the future. For those of you who haven't completed the survey, we have it posted on our web site at [www.motorists.org/survey.asp](http://www.motorists.org/survey.asp). You can also call 800/882-2785 to have the questionnaire mailed or faxed to you.

This questionnaire is your chance to give real direction to NMA efforts. We want to know what issues are important to you. We also want to know which issues you take a special interest in, to the extent you would like to receive Special Alerts and personal notices. If you haven't taken advantage of this opportunity, now is the time to do so.

*Visit one of the NMA web sites for more motorist information.*

[www.motorists.org](http://www.motorists.org)

[www.speedtrap.org](http://www.speedtrap.org)

[www.roadblock.org](http://www.roadblock.org)

## The Experts' Corner

**D**o you have a question that only an expert can answer? If so, look no further. We have many NMA members with special fields of expertise. This feature was created to assist members with answers to both practical and technical questions.

This sharing of knowledge is another benefit of belonging to the NMA. Please indicate that you are an NMA member when calling a listed "expert."

Can you help? Please contact us with your field of expertise and provide us with a contact address.

A telephone number would be very helpful, but is not required. Feel free to list preferred contact times if you do provide a telephone number.

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

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**As an NMA member, the Experts' Corner is available to you online at**

**<http://www.motorists.org/join/membersonly/experts.html>**



## MEMBERS WRITE

*Your letters are welcomed and appreciated. This is a forum for diverse opinions, different perspectives, and personal experiences. Letters may be edited for length or clarity. Letters should not exceed 300 words in length. Full-length articles will also be considered for publication in the NMAF NEWS. Articles should not exceed 600 words in length. Positions and opinions expressed in letters and member-authored articles are those of the author and do not necessarily reflect NMA policies or objectives. To submit, you can email us at [nma@motorists.org](mailto:nma@motorists.org) or mail to our NMAF Office.*

I'm a little behind in my correspondence, but note a point made in the September/October 2000 issue of *NMAF NEWS*. Your article on "Enforcement Possibly Linked to Crash" (page 7) surely understates the issue. Not only have there been specific incidents of "police activity enforcing speed" been responsible for causing other damage, such as the crash covered in the article, but I would posture that the mere threat of speed enforcement causes accidents. How many times has one concentrated on the possible presence of speed traps or checked a rearview mirror for the same when your efforts would have been more reasonably spent on concentrating on the traffic to ensure as safe a trip as possible?

**Brian Graifman**  
New Rochelle, NY

In your November/December 2000 issue of *NMAF NEWS*, someone commented about daytime running lights. I can't agree with much of anything he said. In fact, I would like to point out to him that it is still illegal in all 50 states for him to drive a vehicle with his hi-beam headlights on all of the time. Not only is it rude and inconsiderate to operate ones headlights in this fashion, but it is also rather stupid! This is also one of the major reasons I originally was, and still am against "hi-beam type daytime running lights." The current revised vehicle lighting law sends a misleading

message to the average motorists; that it is somehow acceptable to drive around, anytime of day with one's hi-beams on...when in fact it is not acceptable, and not legal!

This issue of daytime running lights is exactly why I am a member of the NMA. The issues of bright and glaring daytime running lights is *Number One* on my list of things to combat, and to work toward a change. Both GM and NHTSA lack basic common sense for allowing hi-beam daytime running lights into production, and I will fight for a change in this injustice.

**S. Coates**  
Indianapolis, IN

Welcome to Connecticut, The Speedtrap State! As the first state to ever enact a speed limit, the state of Connecticut seems to know which side its bread is buttered on. That side would be on the backsides of motorists. I don't know the exact figure but I would imagine that the revenue generated by the state for moving violations is in the tens of millions.

A typical speeding violation here costs \$250.00 or more. The state police are not known for handing out warnings and there is an incredibly high density of LIDAR guns in use.

Along the I-95 corridor from the state line up into New Haven, a traffic monitoring radar system is in use at almost every half mile point thus cutting the usefulness of your radar detector down to half or less.

Entering Connecticut from Highway 84 in New York finds one typically being greeted by officers at or near exits 1, 3 and 5. Entering from Massachusetts finds one typically being greeted at the state line and down an exit or two by the Tolland Barracks patrollers.

Oddly enough, the links between the central cities are less heavily enforced. For example, travelling from Waterbury to Hartford or from Hartford down to New Haven, one rarely finds any significant enforcement. The same can be said for the Waterbury to Danbury route; although the Southbury Barracks does make their presence visible.

Take a ticket to court in Connecticut and your best hope is that the officer does not show.

Innocent until proven guilty? Not in this state. At pretrial, one can expect the prosecuting attorneys to do their best to make you feel small and unworthy. At the trial, the word of the officer is gold.

There are a few things we have going for the motorists here in Connecticut. One is that a retrial is free. Moving violations are rarely reported to out-of-state agencies. I know this from personal observation. And, the patrollers love to use the same lurking points all the time. Once you know where they are, it is hard to get caught off guard.

We have what is perhaps the most well patrolled, hundred-mile-wide state in the Union. Keep that in

*continued on next page*

## Members Write

*continued from previous page*

mind when visiting us (and keep your CB and radar detector **on**).

*Name withheld by request*

Due to heavy auto traffic, we've acquired speed "humps" in Hawaii. One hundred-seventy six area installations so far, but they can't keep up with the additional 700 neighborhood requests. So, like George Harrison fencing off the path past his place to the beach, they welcome your money but not you. To save them a lot of trouble, best just send your check to their Tourist Association and stay home.

*Name withheld by request*

I am returning the **Legal Defense Kit™**. I was fully prepared for a jury trial this morning in court in Houston, Texas. It was a radar speeding ticket. As expected, the case was "dismissed" when the court knew I was serious and ready for a jury trial.

**Luke Rifkin**  
*Houston, Texas*

*Editor's Correction: In the last issue of NMAF NEWS, we indicated an incorrect web site address for Michael Pelletier's traffic ticket documentation. The correct web site address is <http://www.aidoann.com>.* 🐾

### Helpful Hints

It may help you to know that if you plan on ordering a new General Motors car or truck, but DON'T want DRLs, you don't have to have them. Simply insist that the car be ordered with RPO T62. RPO means "Regular Production Option", and T62 is "Lamps, Daytime Running, DELETE".

## Convoluted Logic

By Eric Skrum, Executive Editor

**R**ecently, an article was sent to me on highway deaths in Montana. You may recall that in 1999, Montana dropped their "reasonable and prudent" speed limits in favor of a numerical speed limit of 75 mph. The stated reason for this was that there were too many highway deaths. Proponents insisted that instituting a new speed limit was the only way to bring the death count down.

The numbers are finally in on Montana's first full year of the new limit. The year 2000 was the state's third-highest number of fatalities in sixteen years; despite dry weather, improved roads, and the new speed limit. Two hundred thirty-five people were killed in car crashes which is an increase of 15 fatalities.

And, speed limit supporters are "mystified." Their face-saving spin on the issue is flimsy at best. Chief of the Montana Highway Patrol, Colonel Bert Obert claims that it's too early to tell if the speed limit is effective in reducing highway deaths.

"It's not enough to identify a trend or to raise a concern," Obert said. "We've tried to caution people that this year is the first. It takes a couple of years to get a statistical picture of whether the speed limit reduces fatalities."

Funny, when the proponents of the "reasonable and prudent" speed limit said the same thing, the Montana Highway Patrol was happy to point at "one year" and declare a crisis of highway carnage.

Despite all their best efforts, Obert said that fatalities would probably continue to climb because traffic is increasing. He didn't say why that same logic didn't apply to previous years.

Now the Montana Highway Patrol is pushing the legislature to pass a law that would allow a Primary Seatbelt Law. Currently, officers cannot pull

you over for the sole reason that you weren't wearing your seatbelt. This law would change that and allow greater opportunities for harassment. The Montana Highway Patrol claims that this will take the number of highway fatalities down... the same argument that they used for instituting a speed limit. Currently, this seatbelt bill has been tabled in committee.

Senator John Bohlinger, the sponsor of the seatbelt law, offered this piece of wisdom in justifying the fixed speed limit. He stated, "I think the law's success can be measured in the fact that the numbers might have been even higher. It might have saved our lives."

How do you argue with logic like that? 🐾

### Correction

In the article, "Insurance From Space" it was implied that Progressive Insurance doesn't raise rates because of speeding tickets. Progressive does, in fact, increase auto insurance premiums when motorists receive speeding ticket convictions. They increase premiums when policies are next due and the increases remain for three years.

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