



Driving Freedom

NMA Foundation

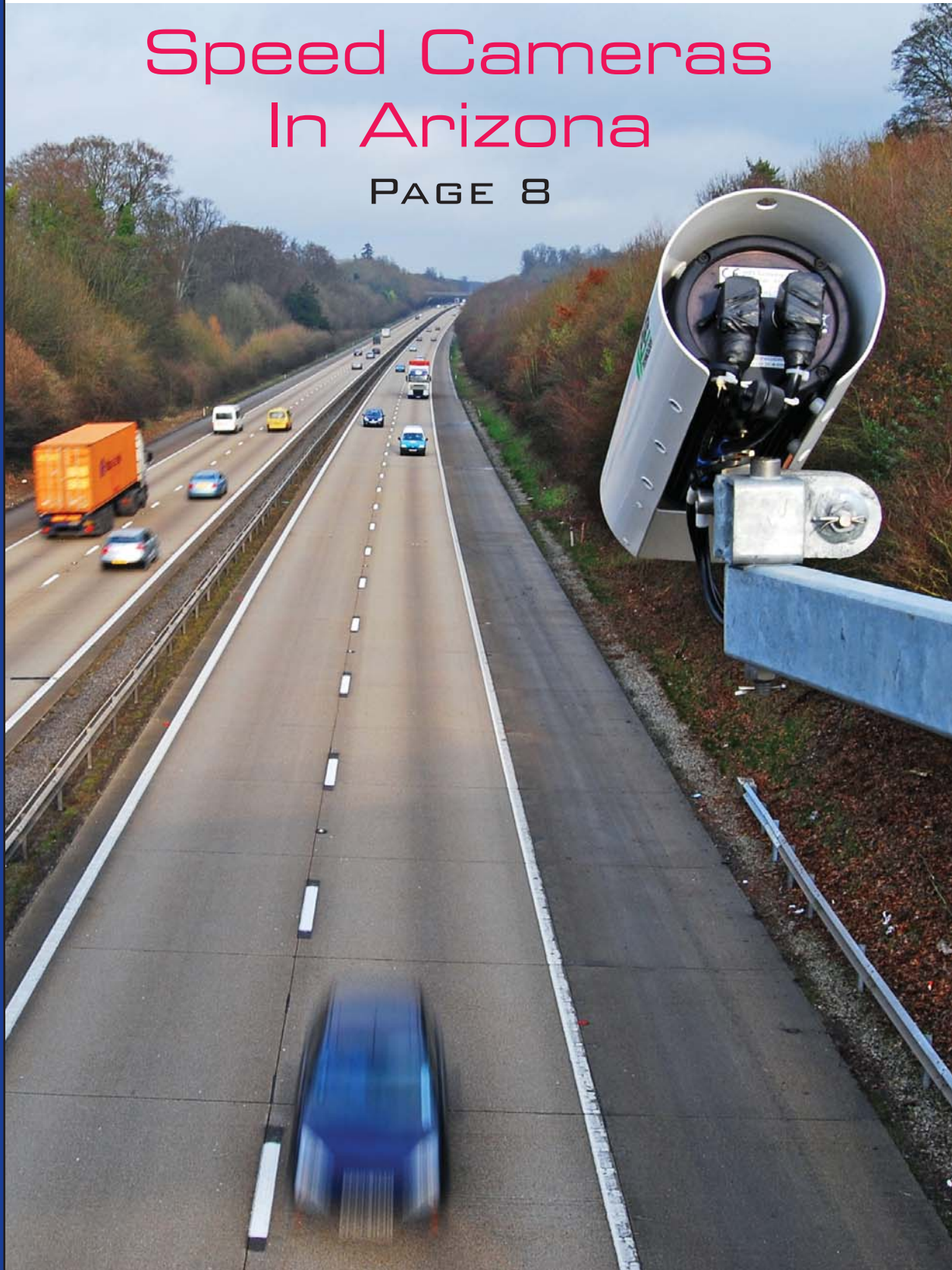
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The NMA Foundation is a non-profit group dedicated to finding innovative ways to improve and protect the interests of North American motorists.

Speed Cameras In Arizona

PAGE 8



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Cover
"Speed Cameras In Arizona"



Twenty-Five Years

by James J. Baxter, President, NMA

In the blink of an eye, it's 25 years later. In 1982, the Citizens Coalition For Rational Traffic Laws was launched, the singular purpose being the repeal of the 55-MPH National Maximum Speed Limit. As history shows, we were successful in accomplishing that goal. However, in the process we established another goal, to build and grow a permanent organization that would represent and promote the rights of motorists. The NMA is that organization.

"May you live in interesting times," a Chinese curse, certainly applies to our two and one half decades of fighting the good fight on behalf of motorists. While we were witness to the slow lurching death of the national speed limit, we also endured eroded motorist privacy rights, diminished due process rights, expanded photo-enforcement, more redundant and arbitrary traffic laws, collusion between industry and government to the disadvantage of drivers, and the unabashed use of traffic law enforcement for revenue generation. All these and other events proved one thing: There is a need for a strong and active NMA.

I can unequivocally say that there is no other organization in North America that even remotely compares to the NMA when it comes to speaking out on behalf of justice, fair treatment, rational laws, and due process for all motorists. We have taken unpopular and controversial positions, just as opposing the 55-MPH speed limit once was. It's too often forgotten that at one time 80 percent of the American public said that they supported the 55-MPH

limit. It was in that climate that we set out to repeal this law.

Many of our members do not agree with every position we have taken. However, no one can claim we are inconsistent or arbitrary. If drivers charged with speeding deserve a fair trial and the presumption of innocence until proven guilty, so should it be for drivers charged with DUI, or violating traffic signals. If personal safety and welfare are the domain of the individual, then the decision to wear a seatbelt or a motorcycle helmet belongs to that individual, not the government. We believe that government safety edicts must do no harm. That means schemes that kill one group of people under the theory that larger numbers of lives of another group of people will be saved are unethical and should be illegal.

We've taken our lumps, suffered setbacks, but soldiered on believing that our persistence, consistency, and commitment would win the support of the driving public and the respect of those who make public policy. In these regards our beliefs have been sorely tested. The driving public has not flocked to support our organization, and while public officials often cannot refute what we say, they often ignore our claims, primarily because there are no consequences for doing so. It is unfortunate that perhaps things must get so bad, exploitation so shameless, punitive measures so severe, enforcement so excessive, and rights so diminished before the public will seek a way to resist. I'd like to think that the NMA will always be there to lead the way. With your continued support, it will be. ■



NMA Washington Report

by Robert Talley, NMA Lobbyist



The National Motorists Association legislative agenda has already begun to take shape. Earlier this year, Congressman Capuano (D-MA) introduced HR 1015, a bill to give a vehicle owner control over the data collected through his/her car's event data recorder (EDR) or "black box." It also requires automobile manufacturers to provide consumers with the option of enabling and disabling EDRs in their automobiles.

The bill also clarifies that all data recorded on the event data recorder be the property of the vehicle's owner. The data collected may not be downloaded without the consent of the vehicle owner, unless a court order is in place.

"Black boxes" or "EDRs" are installed in cars to record how drivers react in the seconds leading up to accidents. Most consumers are not aware that their vehicles are recording data that has the potential of being used against them in a civil

or criminal proceeding, or by their insurer to increase rates. There are currently no federal laws clarifying a vehicle owner's rights with respect to ownership of the recorded data. In the absence of this, several states have created standards of ownership and rights for recorded data but the laws vary from state to state.

Protecting your rights to EDR data is not our only agenda item. We are also actively seeking support for legislation to stop the abusive use of automated enforcement technologies.

Across the country, local and state governments are using photo-enforcement technology to generate lucrative revenue streams for government coffers. Worse, in many cases, citizen's rights to challenge such fines are limited by a judicial system that favors accelerated convictions. In Sacramento, CA the only way to contest a red-light-camera ticket is to plead guilty first.

In some cases, ethical issues are

involved; A Missouri mayor recently went to jail last month for bribery involving Redflex, a photo-enforcement camera manufacturer. At the same time, ticket camera vendor Affiliated Computer Services (ACS) has admitted to ethical misconduct regarding the compensation given to top executives. ACS has also had sales personnel convicted of bribery. In Great Britain (one of the most aggressive countries to use photo-enforcement) a photo enforcement official admitted to the BBC that their speed cameras actually cause accidents, a direct contradiction to the "safety" requirements.

The perverse revenue incentive that most photo-enforcement contractors require is a recipe for misconduct. Congressional intervention should address safety improvement at intersections, standardize photo-enforcement application methodology, and fight revenue contracts that invite fraud. ■

Just in case you didn't notice, in celebration of our 25 years of service to the American motoring public, **Driving Freedoms** is going color!

We're hoping this improvement will make our publication more enticing to read and to share with others, even if they aren't members, yet. I hope you like it.


NMA President

Another "Benefit" of Ethanol

By John Holevoet, Director of Development

For decades, ethanol has been offered as an alternative to fossil fuels. After years of struggling for a market, ethanol is now booming. Demand for this homegrown fuel is so high that it has caused sharp price increases in the U.S. and international corn markets.

So, what changed for ethanol? How did it go from non-starter to high-flying superstar? It wasn't keen business sense on the part of its producers, nor was it a genuine desire on the part of most Americans to wean ourselves off of foreign oil. Rather, it was a federal mandate – the lifeblood of an industry accustomed to subsidies.

Reformulated gasoline is required in various areas of the

(Continued on Page 4)

States Fight the Reality of Real ID

Maine legislators became the first to demand the repeal of the Real ID Act, which was passed by Congress to create a national digital identification system by 2008. This measure called for states to significantly transform drivers' licenses into national ID cards featuring digital photos, anti-counterfeiting features, and machine-readable magnetic strips.

States are responsible for verifying all documents presented with license applications such as birth certificates, Social Security cards, and utility bills. They will also have to link their license databases so they can all be accessed as a single network. Congress provided no funds to help states become compliant in the required three years. It is estimated that the law will cost states more than \$11 billion for just the first five years and could take up to 12 years to complete.

Maine alone could face a cost \$185 million, while having little positive impact on national security and could prompt an increase in identity theft. These concerns were the driving force behind the Maine resolu-

tion. "We cannot be spending millions of state dollars on an initiative that does more harm to our state than good," said Maine's House Majority leader Hannah Pingree.

Within a week of the Maine Legislature's actions in late January, lawmakers in Georgia, Wyoming, Montana, New Mexico, Vermont, and Washington passed similar laws or resolutions in which they declined to participate in the federal identification network. Several other states have pending legislation in opposition to Real ID, including Arizona, Georgia, Hawaii, Massachusetts, Missouri, New Hampshire, Oklahoma, and Utah.

The states that have balked at Real ID are playing a high stakes game of chicken with Congress. After the law's 2008 deadline, drivers' licenses issued by states that are not compliant cannot be used to board airplanes, enter federal buildings, or open certain types of bank accounts according to current federal provisions. Of course, the goal of state lawmakers opposing Real ID is to get the law changed before the deadline. Time will tell if they succeed. ■

Ethanol

(Continued from page 3)

country because of air pollution concerns. Methyl Tert-Butyl Ether (MTBE), which had been a key additive of reformulated gas, has been replaced by ethanol. MTBE is a carcinogen that has seeped into various ground water sources. More polluted water for less polluted air isn't a great trade off.

This increased demand for ethanol, along with the potential for further growth in the wake of President Bush's calls for drastic increases in the use of "alternative fuels," has raised corn prices to more than double what they were a year ago.

So, how will higher corn prices impact you? Well, for starters, expect to pay a bit more for corn-based foods at the grocery store. Corn prices are also likely to drive

up the cost of beef and poultry because these animals largely live off of feed made from corn.

In Mexico, where the average family of four consumes over two pounds of corn tortillas a day, the effect of higher corn prices has been much more visible. Protests over record-high tortilla prices have driven Mexican President Calderon, a self-proclaimed free-market capitalist, to institute price caps.

How high will corn prices go? Several commodities analysts have suggested that the corn market will cool off by 2008 because the higher prices will encourage farmers to grow more corn, which in turn, will depress prices. There are indications that that may occur, but if farmers fail to meet the projected demand, corn prices will continue to climb.

Other laissez faire economists insist that if corn prices stay high,

ethanol producers will be forced out of business, which will drop demand for corn. Of course, this logic is misguided when you consider that the ethanol market has nothing to do with laissez faire economics. We are talking about an industry that is heavily subsidized and whose customers are often compelled to buy ethanol because of federal law.

The real solution would be to do away with reformulated gasoline, and thereby seriously reduce ethanol demand. Even for those who wish to keep reformulated gasoline, the free market offers a solution. Subsidies for domestic ethanol can be dropped along with tariffs that keep us from importing cheap and plentiful foreign ethanol. Ethanol and corn prices would both drop. Then, we could pay less at the pump *and* the grocery store. ■

T E S T - W I N N I N G P E R F O R M A N C E

"Ferocious performance"

- Speedzones.com

"The best ever made"

- Forbes.com

"The World's Best"

- Radartest.com

"The one to have"

- Sport Compact Car

"I want one"

- Vette Magazine

"A technical masterpiece"

- European Car

"Consistently ranked #1"

- Men's Journal

"The highest protection"

- Motor Trend

"The only way to go"

- Backroads

"State of the art"

- Popular Mechanics

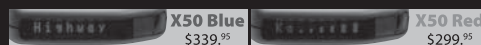


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FOLLOW NO ONE

Do Cameras Cost Lives?

By Greg Mauz, NMA Texas Activist

Ticket camera proponents all proclaim, “Cameras save lives.” According to the Insurance Institute for Highway Safety (IIHS), cameras not only “save lives,” they also “significantly reduce” angle crashes and all traffic signal intersection crashes/injuries.

Many localized studies, such as those performed in North Carolina, Virginia, and Washington, D.C. dispute this claim. My research suggests that ticket cameras actually increase crashes, injuries, and fatalities. There is now enough data to analyze the safety impact of ticket cameras on a national basis.

By the end of 2000, about 40 cities were operating red-light cameras. That number has grown to over 100 cities. Analysis of National Highway Traffic Safety Administration

(NHTSA) statistics suggests that ticket cameras cause an increase in both injuries and fatalities.

In Chart One, traffic signal related crashes are examined. By comparing the period from 1996 to 2000 (i.e. before cam-

eras became widespread) and 2000 to 2005 (i.e. when cameras were widespread), we find that there was almost no reduction in crashes (0.4 percent) and only a modest decrease in injury crashes (4.2 percent).

These improvements pale in comparison to the overall

trend seen in traffic crash injuries (see Chart Two), which have declined by 12.8 percent.

This is the case despite IIHS’s claim that the cameras would “significantly reduce” all

(Continued on Page 10)

CHART ONE - Traffic Signal Related Crashes			
	1996 - 2000	2001 - 2005	Change
All Crashes	6,685,000	6,659,000	-0.4%
Injury Crashes	2,432,000	2,329,000	-4.2%

CHART TWO - All US Traffic Crash Injuries		
1996 - 2000	2001 - 2005	Change
16,448,000	14,336,000	-12.8%

The Next 25 Years

by John Holevoet, Director of Development

Some of you reading this have been with the NMA from the very beginning, even before we were called the NMA. We’re humbled by your continued confidence in us. Of course, we’re glad to have support from those of you who’ve joined more recently too. We definitely need your help as we prepare for the next 25 years. The future can hold many victories for motorists, but not without people like you! Here is what we have in store for the coming year.

Representative Michael Capuano has again introduced legislation that would regulate the use of black boxes. We’ll be calling on you to write your legislators and key committee members to ensure that this important bill moves forward and that it gets the consideration it deserves.

We will continue to promote

and support any state legislation that prohibits the use of ticket cameras. As a backup, we will support federal legislation that places strict standards on its use with a focus on removing the financial incentives currently in place. As we have seen in the past, once the money dries up, these “important safety devices” seem to lose their supporters on city councils and in state legislatures.

During the NMA’s first 25 years, it spurred the nation to repeal the ridiculous 55-mph Maximum Speed Limit. We had other successes as well, but new challenges have arisen that have the potential to be far worse affronts to drivers’ rights. Both black boxes and photo enforcement are examples of how new technologies can be used to control and monitor our driving.

Black boxes can spawn technol-

ogy that will monitor your speed continuously, and remotely relay this information to the police or private contractors who will then issue tickets. Red-light cameras allow municipalities to cash in on dangerous intersections, while ignoring simple fixes that could make the roads safer for everyone. Finally, speed cameras give governments the ability to enforce speed limits 24/7, including those speed limits that are set unfairly low without regard for proper engineering standards. (The vast majority!)

These are just a few of the challenges we’re prepared to face in the coming years. To help us protect you and other motorists from this invasive technology, please contribute to our legislative efforts. Without your support, we cannot make much-needed progress on these issues. ■

Donate To The NMA Legislative Fund For Your Chance to Win a One-of-a-Kind Vacation!



Newtown Park, Mr. Burnett's magnificent English estate.

Longtime NMA supporter, Charles Burnett III has generously donated a weeklong vacation for one lucky NMA supporter and a guest. The trip includes accommodations at Newtown Park, Mr. Burnett's magnificent English estate. Set on over 400 acres near Lymington, England, the home is located in New Forest, a unique nature preserve dating back centuries and one of England's most stunning areas. Newtown Park can serve as your perfect base to explore Southern England. It is just a short ferry ride to the historic resort destinations of the Isle of Wight and an easy drive to beautiful South Hampton and mysterious Stonehenge. Plus, all the excitement of London is just an hour and half away by train.

Of course, there is plenty to do on the estate as well. Enjoy the comforts of the manor house and explore the majestic grounds. Also, you won't want to miss the opportunity to check out Mr. Burnett's eclectic collection of vehicles, which includes everything from tanks and amphibious vehicles to sports cars like a Bugatti and a Jaguar 220, even a new steam turbine powered car that will set a world record this August.



Your vacation includes roundtrip airfare, transportation to and from Lymington, a week's accommodations at Newtown Park, as well as breakfast and lunch each day of your stay. For more information on this vacation and complete contest rules, visit:

www.motorists.org/toursweepstakes.html.

You'll receive one entry to win this fantastic getaway for each \$30 that you contribute. This means that the more you're able to give, the better your chances of winning. Be sure to respond before July 1st, 2007 to qualify.

Yes! I want to ensure the next 25 years will be filled with success for the NMA. To build on our strength, I would like to make the following donation:

- \$5000
- \$2500
- \$1000
- \$500
- \$250
- \$100
- \$50
- \$30*

or

I'd like to make a special 25th anniversary pledge.
\$25 per month for the next year

* You will be entered to win the trip to Newton Park for each \$30 you donate.

Your Information

I prefer to write a check (Payable to NMA)

Name Member No.

Address

City State Zip

Credit Card Information

Card Type: Visa Mastercard

Card Number Exp. Date

Name On Card

Signature of Card Holder

Speed Cameras In Arizona

The speed cameras on Arizona's Loop 101 freeway have officially been turned back on and they're clearly trying to make up for lost time.

During the first twelve hours of operation, over 260 drivers were cited for driving over the speed limit by the cameras and will find tickets for \$162 waiting for them in the mail.

Back in February 2006, the city of Scottsdale paid \$650,000 to Redflex Traffic Systems to install and operate twelve cameras for a nine-month trial period.

The results of the pilot program were examined by a panel lead by an Arizona State University professor named Simon Washington.

Washington's report showed that while the cameras were turned on, average speeds on the freeway dropped by nearly 10 mph. The report also showed a decrease in certain types of accidents. Less publicized was the fact that the

cameras caused a 54 percent increase in the number of rear-end accidents.

After Washington's report was made public, Scottsdale was given permission by Governor Janet Napolitano to run the program on the state highway through the end of June when the city's contract with Redflex expires.

In the meantime, the governor said that the state will work to develop a broader freeway program within a year. To that end, the Arizona Department of Public Safety has already launched a study to determine the best places to install cameras along urban freeways and possibly rural roads.

If you would like to help stop the spread of this technology, please contact Governor Napolitano and as many other Arizona legislators as you can. Let them know how you feel about the return of the cameras. You can find a listing of Arizona's legislators at this address: www.azleg.gov/MemberRoster.asp. ■



Timeline

April 2002

Complaints about excessive speed on Loop 101.

September 2004

Scottsdale hires Phoenix-based Traffic Research and Analysis to measure traffic speeds.

Results show that over half the drivers measured are traveling above 75 mph. The City Council votes 5-2 in favor of the speed cameras.

February 2006

Scottsdale installs twelve cameras for a nine-month pilot program starting in February and ending in October.

Simon Washington, an ASU civil-engineering professor, is hired to oversee the committee evaluating the program.

January 2007

Washington's panel recommends turning the cameras back on. In a 5-1 vote, the city council concurs.

Governor Janet Napolitano says she wants the program expanded to the entire state.

February 2007

The speed cameras are officially turned back on.

Desperate Times...

Frustration with the speed cameras in Arizona has caused some drivers to come up with creative solutions to the situation.

Sean Tierney, an Arizona entrepreneur, ordered a personalized plate for his gray Chevy Tahoe that reads, "0D000D0." This combination of D's, O's, and 0's blend together in a way that often confuses automated optical character recognition software.

Tierney calculates that 2,187 combinations of the hard-to-read characters are possible on the \$25 custom plates available in Arizona, providing a perfectly legal way for drivers to register their dissatisfaction with the presence of the speed cameras.

Another speed camera workaround, which has been mentioned in the Phoenix New Times newspaper, is to form a limited-liability company (LLC) and register your vehicle in the company's name. State law requires personal service of an individual before any citation is valid, which makes pursuing a ticket against a company vehicle impractical to pursue. ■



Those Wacky Cameras!

Row, row, row your boat gently down the street? That's what Russell Falkena, a citizen of New York City, was accused of doing.

According to a ticket camera at the intersection of 10th Avenue and West Street in Manhattan, Mr. Falkena ran a red light in his rowboat on December 10th. They even sent him a \$50 souvenir, in the form of a ticket, to mark the occasion.

However, the photos accompanying the ticket showed a black SUV, with the license plate 3702PH, running



the light. Mr. Falkena was understandably confused because he didn't own a black SUV. He did have a fishing boat registered with that license plate, but that couldn't have been the reason for the ticket. Or could it?

It turns out it was. And it's certainly not the first time a ticket camera has made this kind of an embarrassing mistake. For example, in England, a cab driver was recently ticketed for going 420 mph in a 30 mph zone. No word yet on whether he was in a submarine or a catamaran. ■

Automatic License Plate Recognition

Is this what's next?

A new method of traffic enforcement has been getting a lot of publicity lately. It's called the Automatic License Plate Recognition System (ALPR).

The system recognizes the license plates of cars on the road, automatically cross-referencing each and every one against a database of plates associated with stolen and uninsured vehicles, as well as unlicensed drivers.

The system is comprised of three cameras, which are mounted on the outside of the police squad car. When a violation is detected, an audible signal is given to the officer. ■

To see it in use, visit www.motorists.org/alpr.html

MISSISSIPPI

Tupelo's Yellow Lights Could Be Dangerous

The camera enforcement program intended to curb red-light violations may actually be contributing to the problem according to traffic engineers because it is keeping yellow light times in Tupelo dangerously short.

The yellow light duration at each of Tupelo's intersections is set at three seconds.

Li Zhang, a civil engineer specializing in transportation, said signal timing should be set on a case-by-case basis and called Tupelo's method potentially dangerous. ■

VIRGINIA

Red Light Cameras On The Way Back

The Virginia General Assembly will allow local governments to set up red-light cameras.

The Senate voted 30-10 to approve a bill that would let towns, cities and counties with populations of 10,000 or more install photo-monitoring systems at intersections with traffic signals.

The House has already approved the measure, and Gov. Timothy M. Kaine has said he will sign it. ■

IOWA

Judge Rules Red-Light Cameras Illegal

A judge in Davenport, Iowa ruled in favor of two people who filed suit against the city alleging that speed and red-light cameras violate state law.

Judge Gary McKenrick agreed with the plaintiffs' argument that the city doesn't have the authority to adopt an ordinance that conflicts with the state motor vehicle code.

In response to the ruling, the city of Davenport is holding its citations in a database until the issue is resolved. ■

Do Cameras Cost Lives?

(Continued from page 6)

crashes. The trend illustrated by these charts is no surprise. Red-light-camera studies in North Carolina, Arizona, and Australia have all shown increases in crashes and injuries at camera sites while non-camera sites experienced decreases. This suggests that positive historical safety trends are actually being stymied by the presence and proliferation of ticket cameras.

Chart Three reveals that during the five years of camera use, there were 412 more fatal crashes than during the five years prior to camera installation. Cameras were supposed to “significantly reduce” all traffic-signal-related injuries and fatalities, but these show otherwise.

Charts Four and Five deal specifically with red-light-violation (RLV) crash fatalities. National figures are presented up to 2002. After that date, figures could not be confirmed. Florida figures (Chart 4) are presented as control. The Sunshine State ranks third in the USA for number of licensed drivers, vehicle miles traveled (VMT) and traffic fatalities. Florida comprises over ten percent of the nation’s red-light-violation fatalities and had no red-light cameras until 2006.

Before the proliferation of red-light cameras (1996-1999), national red-light-violation fatalities dropped 11.2 percent. After red-light cameras, fatalities dropped another 2.7 percent to 921. By 2002, about 75 cities employed ticket cameras. Comparing the 1996-1999 period with 2002 results in a 9.2 percent decrease in red-light-violation fatalities. However, Florida, which didn’t have ticket cameras, experienced a drop of 18.3 percent, nearly twice the national reduction in RLV fatalities. In fact, if Florida was excluded from the national RLV fatal-

ity statistics, there would have been an increase in fatalities, instead of a decrease.

Begrudgingly admitted, but downplayed, is the fact that ticket cameras consistently cause an increase in rear-end collisions. Maurice Hannigan, Vice President of ticket camera manufacturer Affiliated Computer Services (ACS), flippantly described these accidents as a little “bump” in the rear.

Contrary to the picture typically presented in the media, ticket cameras increase rear-end collisions significantly.

Research at camera sites has shown increases from 70 to even 180 percent. This occurred at a time during which many non-RLC sites recorded declines in rear-end collisions.

Data from Chart Six paints a dire picture. Rear-end fatalities increased to 980 (12 percent) in the five-year period after ticket cameras. Perhaps even more disturbing is that angle crashes have also increased since ticket cameras were installed in cities across the country (see Chart Seven). These are the more serious crashes that camera proponents say that the devices prevent. Keeping in mind that the vast majority of angle crashes are not RLV crashes, the statistics in Chart Seven still show a ten percent increase in fatal angle crashes in the period after red-light cameras were installed versus the period before they were used.

The statistics speak for themselves. In addition to violating American rights (due

process and the ability to face your accuser) and extorting people’s money, ticket cameras *do not* save lives. During a period of national ticket camera proliferation, more than 500 people died from the exact type of accidents these devices were supposed to prevent. These people died because of government and corporate greed. It’s time to kill the cameras and save human lives. ■

For more detailed charts, visit www.motorists.org/mauz.html.

CHART THREE - Traffic Signal Related Fatal Crashes

1996 - 2000 (Pre-RLCs)	2001 - 2005 (Post-RLCs)	Change
14,149	14,561	+2.9%

CHART FOUR - Florida Red-Light Violation Crashes

No RLCs	1996	1999	Change
Fatalities	121	119	-0.2%
No RLCs	1999	2002	Change
Fatalities	119	99	-16.8%
No RLCs	1996 - 1999	2000 - 2002	Change
Avg. Fatalities	125.5	102.6	-18.3%

CHART FIVE - US Red-Light Violation Crashes

No RLCs	1996	1999	Change
Fatalities	1066	947	-11.2%
RLCs In Use	1999	2002	Change
Fatalities	947	921	-2.7%
Mixed	1996 - 1999	2000 - 2002	Change
Avg. Fatalities	1014.5	921	-9.2%

CHART SIX - Vehicle Occupant Rear-End Fatalities

1996 - 2000 (Pre-RLCs)	2001 - 2005 (Post-RLCs)	Change
8,179	9,159	+12%

CHART SEVEN - Angle Crash Fatalities

1996 - 2000 (Pre-RLCs)	2001 - 2005 (Post-RLCs)	Change
22,555	25,001	+10.9%

It's Just A Decimal Point

In 1990, the New Jersey courts declared that the science was settled, the debate was over: breath analysis is a reliable and accurate means by which to determine blood alcohol content (BAC). This proclamation is known as the "Downie decision."

The lead witness, who held the most sway in the court's opinion, was Dr. Dubowski, a forensic scientist with a history of research experience dealing with Breathalyzers and alcohol breath analysis. A study he published in 1985 was considered the pre-eminent work in this field.

The Downie case revolved around the accuracy of breath analysis in terms of serving as a surrogate for actual BAC. One aspect would be of particular importance from the defendant's perspective; how often does the alcohol breath analysis regimen overstate actual BAC? Dr. Dubowski testified that his research determined that in only 2.3 percent of the tests did the breath reading overstate the actual BAC. This was the first time this number was made publicly available; it had not been presented in his 1985 report.

Another witness in the Downie case, Dr. Gerald Simpson, a physical chemist also testified, and attempted to describe the variables that could render a Breathalyzer reading inaccurate. The court largely disregarded his testimony in favor of the assured endorsement of breath analysis offered by Dr. Dubowski.

The court determined that the use of breath alcohol was scientifically valid for the purpose of

determining BAC. Was that the end of the story? Not quite.

After the Downie trial, Dr. Simpson obtained the actual data from Dr. Dubowski's 1985 report. In applying the same analysis to the data that Dr. Dubowski used, Dr. Simpson discovered a major error. The incidences when breath analysis overstated actual BAC were *not* 2.3 percent of the tests, as Dr. Dubowski had testified to in the Downie case, but rather **23 percent** of the tests – a wandering decimal point!

Dr. Simpson then published his findings in a respected scientific journal. They were never rebutted and Dr. Dubowski remained silent on the subject.

Recent research proves that measuring breath to determine actual BAC is a horrendously flawed concept. Errors can approach 50 percent! Still, even 15 years ago it was known and could be proven that in almost one quarter of Breathalyzer tests the readings were higher than the actual BAC. How many thousands of people had their lives turned upside down, suffered major financial losses, lost jobs, and had their reputations destroyed by a system that used junk science to push its agenda?

The New Jersey Courts are again confronted with a Breathalyzer dispute that has segued into uncharted waters, where the damning evidence will not be so easy to ignore. We'll just have to wait to see if the New Jersey Supreme Court takes the high road, or looks for an expedient way to duck the issue. ■

UK Daytime Running Lights Petition A Success

On February 9, 2007 the United Kingdom responded to a petition asking the Prime Minister to fight European Union proposals to introduce daytime running lights on motorcars. Excerpts from the government's response are quoted below:

The UK Government is opposed both to mandatory daytime dipped headlamp use and to mandatory dedicated daytime running light (DRL) use (except where required by poor visibility, e.g. fog) for a number of reasons. These include questions over the safety of vulnerable road users such as motorcyclists, pedal cyclists and pedestrians. Other concerns are the accuracy of overall cost: benefit analysis figures, increased motoring expenses, and increased carbon dioxide emissions.

Mandatory daytime headlamp use or dedicated DRLs could have an adverse impact on the relative daytime conspicuity of vulnerable road users, such as pedestrians and cyclists, who are not illuminated. In addition, motorcyclists currently make themselves more conspicuous in daytime (on a voluntary basis) by using dipped beam headlamps. If all vehicles were illuminated, this advantage might reduce or disappear altogether.

The costs of additional fuel expenses and pollution effects also need to be taken into account. The European Commission (EC) estimates, for instance, that the compulsory use of DRLs across the Union would lead to a 1.5 percent rise in fuel consumption and CO₂ emissions.

Analysis of the results of a study by the EC supports the view that the benefits have been over-estimated while the additional costs to motorists have been underestimated.

For more information, visit our website:

<http://www.motorists.org/issues/drl/index.html>. ■



News From Around The Country

California

A red light camera system the city of Millbrae hoped would both generate revenue and deter unsafe driving, at one of the city's busiest intersections, is not yielding expected returns. In response, city officials have repositioned the cameras and lights in hopes that the system will at least pay for itself.

Georgia

State Representative Barry Loudermilk, a third-year legislator and businessman, has introduced a bill, HB77, to ban ticket cameras in the state of Georgia.

Idaho

A bill that would have slowed car drivers by 5 mph on Idaho freeways was killed in a Senate committee. Senator Tim Corder had hoped to slow cars to 70 mph, from the current 75 mph, while speeding up heavy trucks, which currently face a 65 mph speed limit.

Iowa

In response to a judge's ruling that red-light cameras are illegal in the state of Iowa, the city of Davenport is attempting to revise an ordinance to restore their power to issue tickets through the cameras.

Kentucky

The Senate Transportation Committee approved a plan that would increase the interstate speed limit to 70 miles per hour. The maximum speed permitted on interstates is currently 65 miles per hour. The bill, SB83, is sponsored by Senator Brett Guthrie.

Maryland

Montgomery County will get the first radar-activated speed cameras in the state later this month. The first devices will be installed in Rockville, the county seat. Fifteen of the high-tech cameras were planned for a six-month pilot period, which started at the end of January 2007.

Michigan

Hundreds (possibly thousands) of signs still say 65 on I-94, I-75, I-96 and even I-696, the state's busiest expressway. But despite what they say, the 65 mph speed limit on freeways is pretty much dead. Last fall, lawmakers expanded the number of freeways where you can drive 70 mph. The exceptions are areas where Michigan State Police and the Michigan Department of Transportation agree that a lower speed is necessary for safety reasons.

Mississippi

In Tupelo, a divided City Council forged ahead with plans to install cameras to catch red-light runners despite concerns raised about their effectiveness. The vote was 7-2 to pass an ordinance to allow the cameras to be installed.

Missouri

State Senator Jason Crowell is making another attempt to restrict the use of cameras to record traffic violations at red lights. This year's version of the bill, Crowell, R-Cape Girardeau, would prevent vendors from basing their fees on the number of tickets issued.

Nebraska

The Legislature gave first-round approval to a bill (LB350) from Sen. Ray Janssen of Nickerson that would increase the 60 mph speed limits on two four-lane highways to 65 mph: U.S. 275 from Fremont to Omaha and a stretch of U.S. 75 from Bellevue to its interchange with Interstate 480 in Omaha.

New Jersey

A New Jersey state lawmaker has offered a bill that could lead to red-light cameras popping up in communities around the state. Sponsored by Assemblyman Joseph Coniglio, the bill would allow counties and cities to use photo enforcement at certain traffic signals. Tickets would be mailed to the vehicles' owners, regardless of who was driving at the time.

North Carolina

Charlotte officials have decided to kill their contract with a company that runs the city's traffic light cameras rather than wait for a court ruling that could cripple the program financially.

Virginia

The House of Delegates approved legislation to allow localities state-wide the use of photo systems to catch people who run traffic lights. The bill passed 63-35, one day after an amendment was added to give drivers an extra fraction of a second to get through the light. Another change would make the images that the systems record off-limits as evidence in lawsuits arising from traffic accidents. ■

As of this printing, this information is current. For more information on this and other motorist news, visit www.motorists.org



Members Write

I read the article (*Speed vs. Gas Mileage vs. Value*) with great interest but believe the author missed a salient point. When one drives fast, he may spend more money for fuel but may well save substantially more money on other travel costs. I moved to Germany in 1975 and bought a new Porsche in 1977 (which I still own) which cruised at a speed of 120 miles per hour. I could be at any German destination in six hours or less, complete my business and return home before my normal bedtime. Doing so saved on a night's hotel, parking costs, and meals eaten on the road.

Last April I drove from my home in Virginia to Pensacola, FL for a flight school class reunion in my wife's Jaguar XJ-6 sedan. The distance is just over 1,000 miles and required three days of highway travel with an average speed of 50 to 55 mph due to construction, low speed limits, and areas that weren't rated as Interstates. Had I been in Germany, the trip would have taken a little over eight hours. Had I been able to drive at German highway speeds, I could have made the trip easily in one day each way and saved \$670.00 in hotel, meals on the road, and house/pet sitting costs while away. My mileage extra costs driving at 120 mph (16 mpg) versus 45 to 70 mph (25 mpg) would have been \$67.50 thus my cost for driving slowly was \$602.50. Hardly an argument for being slow.

*James R. Campbell
Major, USMC (Ret.)*

Being a former resident of south Florida I read with interest the various articles about elderly drivers in the last issue of *Driving Freedoms*.

When I lived there "pedal confusion" incidents, some of which were

deadly, were so common that our supermarket had huge concrete barriers in front. As a result, I've developed the tennis ball test. Anyone over 70 would have to report to the DMV yearly. While seated in the waiting room, someone would lob a tennis ball to them. If they catch the ball, they can drive for another year. Simple. No need for the complicated simulators and other tedious evaluation methods mentioned in your articles.

*Warren Woodward
Kula, Hawaii*


With reference to your discussion of the mobility of elderly drivers, you are overlooking possible solutions or ameliorations of the problems.

Most elderly people live in areas where personal transportation is absolutely required, and cutting off such transportation is, to them, a fate worse than death. So they still go out in their 5,000 pound vehicles, get mixed up on the pedals, and plow through crowded farmers' markets. We don't allow ordinary drivers to drive 18-wheelers, so why not issue a special license, after appropriate testing, to drivers who can no longer be trusted with their two-ton weapons?

You can now buy street-licensed golf carts, and in Europe you see plenty of miniature vehicles which are quite adequate for 90 percent of our localized driving. Given the option of reduced driving instead of none at all would greatly diffuse what you correctly call a difficult decision.


*Robert O. Cox
Fort Lauderdale, FL*

Your letters are welcomed and should not exceed 300 words. They may be edited for length or clarity. Full-length articles will also be considered for publication and should not exceed 600 words. Submissions may be emailed to nma@motorists.org or mailed to us.




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Motorist Marketplace

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Represent yourself in traffic court and win! In addition to covering court procedures and strategy, this ten-pound kit includes technical information on speed enforcement devices. It also contains state-specific information on Discovery and Public Records Laws (this is how you get information from the police on your case!). Remember, this resource is being constantly updated and improved.

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Every Woman's Car Care

Many motorists don't have useful knowledge about the vehicles they drive. This book can help. While it was written by and for women, this book is an asset for anyone. Its 262 pages cover everything from how to read gauges to "jump starting" and trouble shooting.

Non-Member Price: \$19.95 **Member Price: \$14.95**



Beat Your Ticket

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