Driving Freedoms

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.

Motorists vs. Cameras

Four Winning Defenses

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Driving Freedoms

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Cover
"Motorists vs. Cameras Four Winning Defenses"

What's the Reason?

by James J. Baxter, President, NMA

Recently, I had occasion to drive through Chicago on the toll roads. With the open road tolling system, the highway works almost as well as a freeway. The old tollbooth system was a nightmare (a classic example of a government study that was never done: *How Many Billions of Dollars Worth of Crashes, Wasted Man Hours, Injuries and Deaths Were Caused by Toll Road Collection Systems?*) But, this isn't about toll roads; rather, it's the city's enduring love affair with 55 mph speed limit signs.

The 55 mph speed limit signs have incredible staying power! For decade upon decade the signs have stood there, mute evidence of a speed limit that never existed, at least not here. Sure, theoretically, 55 is the legal speed limit. But there has never been a time that free flowing traffic ever moved at 55 miles per hour. The occasional snow storm and commuter congestion (and toll booth traffic jams) retard the normal 70 to 75 mph flow of traffic, but the speed limit signs could be put to better use as temperature forecasters; at least they would be occasionally correct, if not relevant.

On the plus side, along with not being obeyed, neither are they enforced, unless the police are looking for an excuse to pull someone over. That may be their real purpose? Almost all vehicles travel in a pack exceeding the speed limit by10, 15, or 20 mph above the speed limit. Those rare souls actually moving at 55 mph, or less, can validly be apprehended for obstructing traffic. Being charitable, it may be the sheer mayhem that would be unleashed that has deterred the city from attempting to enforce this absurd speed limit. A few dozen patrol cars doing speed enforcement would bring the whole system to a screeching halt. Panic braking, swerving to miss slowing cars, cars parked on both shoulders, flashing lights, rubber necking and crashes up and down the roadway would turn the entire urban toll road into a bloody parking lot.

Even the godfathers of Chicago can't be that merciless!

What's the reason? Why not post a more rational speed limit? Are they trying to save money on new signs? Does the law not allow a higher limit? Laws can be changed. No one cares as long as the limit isn't being enforced.

The signs do allow the police to pull over anyone, at anytime, for any reason, using the pretense of exceeding the speed limit. But the fact is, the police do this everywhere and just make up reasons as they go along.

Until recently, my money would have been on "No one cares as long as the limit isn't being enforced." But I can see a change on the horizon, and it isn't the speed limit.

Heaven on Earth for many local government officials, their pot of gold at the end of the rainbow, has long been automated speed enforcement. The red light camera

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NMA History: The First Ten Years, Part 1

by James J. Baxter

Editor's Note: In the Jan/Feb and Mar/Apr 1992 issues of the ***National Motorists Association News*** *(a forerunner of* ***Driving Freedoms****), Jim Baxter wrote his account of the first ten years of the organization that was founded in 1982 to combat the restrictive 55 mph National Maximum Speed Limit. This will be a trip down memory lane for those of you who were members back then, or what we hope will be an interesting story of perseverance and accomplishment if you are a more recent member. Over the next several issues of* ***Driving Freedoms****, we will be printing installments of the* ***NMA History: The First Ten Years*** *as written by founder Jim Baxter in 1992.*

The National Motorists Association, in its original incarnation, Citizens Coalition for Rational Traffic Laws, was officially founded in January, 1982. However, the forces creating the need for a national organization to represent motorists were put in motion in 1965-66. This was the end of the "car is king" era and the beginning of the "autos are evil" trend that remains so evident today.

Following WWII, there seemed to be no limit to the development, use, and accommodation of automobiles. The culmination of this "no holds barred" era was the authorization and construction of the Interstate highway system.

This king of all public works projects re-defined personal and commercial transportation. It tied the country together, created tremendous opportunity and wealth, and changed our concepts of time and distance. It gave a whole new meaning to the phrase "personal mobility."

This advance did not come without cost. Urban neighborhoods were destroyed, small villages and towns were rendered economically impotent, and unique cultures and natural treasures protected by distance and bad roads were laid bare for exploitation. Railroads became irrelevant to the movement of passengers and high-value, low-volume goods. Millions of acres of land were converted to highway uses and related purposes.

Every negative element had (has) its own constituency. When the day came to make the automobile pay its dues, there was no shortage of willing floggers.

The actual day the transformation from good car to bad car took place is up for debate. My preference is the day Congress authorized the formation of a National Highway Traffic Safety Administration (NHTSA). Others may prefer the day the Environmental Protection Agency (EPA) was created. Most of you call it the Nader era. Ultimately, it was epitomized during the Carter Administration when Joan Claybrook was appointed to head NHTSA.

If Nader and Claybrook hadn't existed, someone else would have cropped up to lead the charge against automobiles. The excesses were too obvious, the negative impacts too severe, and the constituency too large to ignore or disregard. For 20 years, the pendulum has proceeded to swing in the opposite direction.

Gas guzzler taxes, the 55 mph speed limit, the environmental impact statements, emission standards, five mph bumpers, ignition interlocks, and the 85 mph speedometer were all products of this period. Some were needed and others were merely self-serving gestures for the edification of those in power.

There was no organized force to resist or moderate these changes. The need had not previously existed. In a sense, there was no serious representation of millions of individuals interested in personal transportation, or those for whom automobiles were more than just an appliance.

Into that vacuum stepped the Citizens Coalition for Rational Traffic Laws. ■

Part 2 of ***NMA History: The First Ten Years*** *will be published in the Sept/Oct 2010 issue of* ***Driving Freedoms****.*

NMA Washington Report

by Robert Talley, NMA Lobbyist

Congress is now considering the mandated use of event data recorders (aka black boxes) in all vehicles and enhancing the data that is recorded. The bill in question, the *Motor Vehicle Safety Act of 2010*, has passed a House subcommittee and is waiting further consideration.

The legislation would require that all vehicles be equipped with event data recorders that record crash information. Further, NHTSA (the National Highway Traffic Safety Administration) is directed to issue a rule requiring such recorders be more robust, store data for 60 seconds instead of 15 seconds before an airbag deploys, store a record of all abrupt stopping events, store more data elements as appropriate,

and make the information easily accessible to investigators.

The legislation would establish a vehicle safety user fee paid by the vehicle manufacturer for each vehicle certified to meet the federal motor vehicle safety standards for sale in the United States. This fee, initially set at $3 per vehicle and growing to $9 per vehicle, would support the doubling of NHTSA's vehicle safety programs.

The bill does clarify that the data recorded is the property of the vehicle owner or lessee, but a court order or consent can allow others to access the data. Such an authorization could include a police request to search a vehicle after a crash or even an insurance company demand prior to payment on a claim.

A similar bill exists in the Senate though it remains unclear whether Congress will pass both of these bills this year. With limited time left on the Congressional calendar, there is a lot of competition from other proposals for the necessary floor time to become law. ■

What's the Reason?

(Continued from Page 2)

scam was more likely meant to be a trail blazer that would smooth the political way for automated speed enforcement. The public was duped into believing that red light ticket cameras were meant to improve intersection safety, and although the truth is starting to leak out, the technical and legal foundation for automated speed enforcement is being formed.

Picture this scenario: A horrendous crash on the toll way is blamed on "speeders." City officials seize the opportunity and vow to tackle the rampant problem of speeding on the city's highways. The infrastructure is already in place! The open road toll collection system can time vehicles between multiple locations, take photos of "speeding" vehicles, and mail citations to the vehicle owners. The proponents will make noble noises about not issuing tickets to vehicles unless they are going at least 10 mph over the speed limit, and there won't be any points, and certainly no photos of vehicle operators, all in the interest of privacy and being reasonable (and diluting political opposition).

Of course, a 10 mph cushion over a 55 mph speed limit leaves half the drivers, or more, in jeopardy of getting a ticket, actually multiple tickets, in the mail, on a regular basis. The financial take could be breathtaking, probably breaking into the billions.

Maybe that's "the reason." ■

The NMA staff has distilled several years of invaluable ticket-fighting experience into a comprehensive three-volume guide, ***Fight That Ticket!***

Look for ***Fight That Ticke***t! soon at *www.motorists.org*. **Vol. 1** provides advice from ticket receipt to court appearance and will be free for anyone interested in contesting a ticket.

Vols. 2 and 3 navigate the essential steps of establishing/presenting a robust defense, knowing the defendant's rights, and understanding the plea-bargaining process. These latter volumes will be free to NMA members, and available at a modest price to non-members. ■

Court Decisions That Can Affect Your Rights as a Driver

NY Judge Rules Texting While Driving Not a Basis for Search

In granting a motion to suppress evidence in *People v. Abdul-Akim, 5518/09*, Acting New York Supreme Court Justice Mark Dwyer ruled that because texting while driving was not illegal in the state in June 2009 – it was banned in New York in November 2009 – that act could not serve as the basis of a search and seizure of the vehicle. But he also held that even if texting while driving had been outlawed at the time, that act alone would not support arresting drivers who text or support searching their cars.

"When the Legislature enacted cell phone legislation and authorized a fine of not more than $150 for an infraction, it could not have thought it was giving police officers the right arbitrarily to arrest drivers for such a violation, to seize their vehicles, and to conduct intrusive searches," wrote Justice Dwyer.

Criminal Suspects Must Actively Invoke Their Miranda Protection Says U.S. Supreme Court

In a 5-4 opinion rendered June 1, 2010, the High Court ruled that suspects must speak up to invoke their right to remain silent. This is a significant departure from the landmark Warren Court decision in *Miranda v. Arizona*, where the right against self-incrimination was implicit.

The current decision requires that a suspect specifically inform a police officer that they are invoking their rights under *Miranda* and do not wish to speak without an attorney present. Previously, a suspect was afforded those rights by simply remaining silent after receiving a *Miranda* warning from the police.

The Supreme Court's decision also included the critical point that once a suspect has received and understood the *Miranda* warning, he/she automatically waives that right by responding to any subsequent question by the police.

Visual Estimation of Vehicle Speed Given Judicial Notice in Ohio

The Ohio Supreme Court also made a key ruling in early June 2010 by deciding that visual estimation of vehicle speed by a trained police officer is adequate evidence to determine guilt in a speeding case. Instead of requiring a reading by a radar or lidar gun as evidence of excess speed, the acceptance of an officer's testimony that he used visual means *only* to determine a vehicle's speed turns the courtroom proceedings into a matter of the defendant's word agains the police officer's testimony.

Ohio is not the only state to give such standing to visual estimation, but the recent decision by that state's high court has stirred significant reaction. (For the NMA's opinion on the ruling, visit *http://blog.motorists.org/speeding-convictions-art-of-observation/*) As reported by TheNewspaper.com, within a matter of days of the ruling, state senators introduced legislation "that would forbid police from issuing speeding tickets based solely on the officer's best speed guess." Over one-third of Ohio's state senators immediately supported the overturning of the Supreme Court's decision.

Whether or not that effort succeeds in Ohio, it is clear that the question of whether human beings can stand roadside and, with consistent accuracy, estimate by observation how fast a car is traveling needs to be definitively determined.The NMA is investigating resources to commission an independently-run and scientifically-based study to do just that.

South Dakota Court Finds Red-Light Cameras Illegal

The city of Sioux Falls, SD initiated a photo enforcement program in 2002. The city and Redflex Traffic Systems, the camera operator selected to run the program, both got more than they bargained for when a circuit court judge recently determined that because the Sioux Falls program did not first have approval from the South Dakota Legislature, the red-light cameras were illegal.

The ruling was triggered by defendant I.L. Wiederman, who received a right-turn-on-red ticket for $86 over four years ago. Wiederman fought the ticket and lost. He appealed and lost. His subsequent class action suit triggered the ruling of program illegality by Second Judicial Circuit Presiding Judge Kathleen K. Caldwell.

Caldwell agreed with two points in the Wiederman suit against the red-light camera program: a) Sioux Falls imposed standards that were less than those imposed for traffic violations at the state level and, b) the city violated defendants' due process rights by presuming guilt, thereby forcing those defendants to prove their innocence. ■

"You Are Free to Go"

by Paul Bennett, NMA Colorado Member

"There is no better feeling in the world than to be shot at without result."
- Winston Churchill, 1898

Turning right, it was close, but I was sure I'd made it into the intersection under the yellow light. Annoyingly, the officer sitting in the parking lot across the street didn't see it that way. It was late at night, and there was no traffic at all, so I was actually surprised when he wrote me up for failure to stop at a red light.

The first step in one's criminal defense is to avoid saying anything to the officer during the traffic stop. Just hand over your paperwork without making any comment on the situation, and politely decline to answer any questions that go beyond the legal requirement to identify yourself. The most innocent remark may well be construed as an admission of guilt, and the officer will make a note of this.

The next step is to "discover" the City's case against you. After a few weeks, the City will have assembled a case file containing all the evidence against you. You are entitled to see everything in this file in order to present a competent defense.

Sure enough, when I went to the city attorney's office to request discovery, the only thing the City had on me were the notes the officer had written down on the back of the ticket: "…vehicle 'A' was 20 feet back from the intersection when the light turned red, and continued without stopping."

Well, that kinda looks bad, I'm thinking. Best case at this point will be the usual 2-point plea bargain. But, just in case…

I looked up the statute under which I was charged, and (paraphrasing) it said "…a driver facing a steady red signal must stop at the stop line, or in the absence of such line, at the crosswalk, or in the absence of such crosswalk, before entering the intersection." Furthermore, the term "intersection" is defined in the law as "…the extension of the curb lines."

The next day, I went out to the scene of the crime and measured the distance from the curb line to the stop line. Amazingly, it was twenty feet exactly! At that moment, I realized I could beat this ticket cold.

By the officer's own account, I had been "…twenty feet back from the intersection when the light turned red...," which would have put me exactly at the stop line. If his distance estimate was off by even one millimeter, I was clear. I had a case!

It was time to learn a little criminal procedure so I could present my case in court. After watching a few trials, and reading up a little, I decided to take my chances.

At trial, the officer estimated the distance from his patrol car to the point of my alleged infraction as "… oh, I dunno, maybe 100 feet or so." At that point, I entered into evidence Defendant's Exhibit 'A', a certified scale drawing of the intersection in question which I had obtained from the city engineer's office. I had the officer indicate on the drawing where he had been parked, and we measured the actual distance: it was just over 300 feet. So much for the officer's ability to estimate distance! "Your honor, the Defense rests."

The judge pondered his decision for what seemed like ages, then announced the verdict: "Mr. Bennett, despite having made a number of fairly serious errors in presenting your case, you did somehow manage to get into evidence facts sufficient to raise in my mind considerably more than a reasonable doubt about the City's case against you. This Court finds the defendant not guilty. Mr. Bennett, you are free to go."

"Not guilty," indeed! Winston Churchill was right. The City had taken their best shot at me, and lost. It *was* a great feeling. ■

Motorists vs. Cameras: Four Winning Defenses

By Gary Biller, NMA Executive Director

The odds in traffic courts are already stacked against defendants. "*The Coercive Tactics of the Traffic Justice System*" (Jan/Feb 2010 *Driving Freedoms*) makes that case. But when there is only an inanimate "witness" to the alleged violation, one that can't be questioned, the chances of getting the charges dismissed go down astronomically.

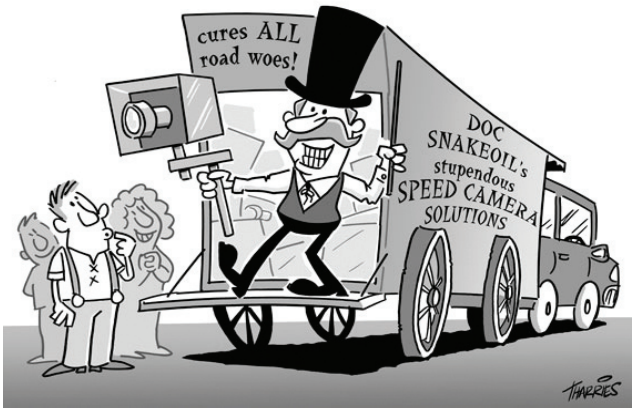
Or do they?

There have been several recent instances of motorists beating photo tickets outright, and to make you aware of some defense options should you be unfortunate enough to receive a red-light or speed camera ticket, many are presented here.

Those receiving a photo ticket will be well-served by reading the Dennis Eros Motion in Limine posted by the NMA at **http://www.motorists.org/red-light-cameras/eros-traffic-case.pdf**. In fighting a red-light camera ticket in Seattle (WA) Municipal Court, Mr. Eros laid out 55 distinct issues in challenging the constitutionality of photo tickets. (His case was dismissed on a technicality, allowing the judge to dodge the need to rule on his motion.).

Among the points made by Eros were a) the denial of the right to confront and cross-examine adversarial witnesses, b) the presumption that the registered owner of the vehicle is guilty, regardless of who was actually driving, thereby destroying the presumption of innocence, c) an unverified chain of control of the alleged (photographic) evidence, and d) the lack of scientific reliability of the cameras to warrant unquestioned acceptance into evidence.

That last point leads to the first example of beating a highway speed camera ticket. Peggy Lucero of Bethesda was cited in Gaithersburg, MD for exceeding the limit in a 30 mph zone. The fine was only $40, but she fought the charge on principle. Ms. Lucero did two things that are routinely suggested by the NMA to drivers who are contesting speeding tickets based on electronically gathered evidence: She examined the maintenance records of the device used in order to question its accuracy, and she asked for validation of the posted speed limit.



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Peggy hit paydirt on both counts. Maryland law requires police to test ticket cameras daily for functionality, but the camera that flashed her wasn't checked the day of the citation. Records also showed several days between testing for other cameras in the Gaithersburg program. A traffic engineering study had not been performed on the 30 mph road in five years. When the study was done at Lucero's request, highway officials determined that the limit should have been increased to 40 mph. Andrew Bossi, a Maryland state traffic engineer, suggested that keeping the zone at 30 mph posed a danger to drivers because of sudden braking and then accelerating around the speed cameras.

The judge looked at the camera maintenance logs and the recommendations of traffic engineers in the traffic study, and dismissed Peggy Lucero's ticket.

A defendant in a red-light camera case in Palm Beach, Florida found a loophole in a city ordinance that required the cited vehicle's model, year, and registration number to be shown on the photographic evidence. The city's enforcement program doesn't utilize a database that has that information. While Palm Beach officials scrambled to change the ordinance, several other motorists had their speeding tickets dismissed.

Then there is Portland, OR attorney Mark Ginsberg, who used logic and math to pick apart the evidence against him. The first photo from the red-light camera showed Ginsberg's car just behind the intersection crosswalk with a red light time of 24.9 seconds indicated on the photo. The second photo, taken two seconds later and stamped "red," had the car mid-intersection with a red light time code of 00.0 seconds, which is the indication that the light is green. Ginsberg checked with the city signal engineer and found that the red light duration was 25.0 seconds. Based on the car speed of 15 mph noted on the second photo, the attorney was able to prove that his car wouldn't have even reached the crosswalk in the one-tenth of a second between 24.9 and 25.0 seconds. Case dismissed. Said Ginsberg, "If they're issuing tickets and they don't know how accurate their cameras are, that's frightening."

In one of my favorite cases, a St. Louis man beat the red-light camera charge against him by raising reasonable doubt as to who was driving his car when it was photographed running a red light.

(Continued top of next page)

Gant Bloom is not an attorney, but he put on a marvelously succinct and logical defense. The court transcript of the Bloom trial is 36 pages long, with 33 of those pages taken up with questions, testimony and summations by Bloom and the prosecutor. Bloom's defense was laid out in only nine pages, while the prosecutor labored through the other twenty-four. (For an entertaining read, you can find the full courtroom transcript at **www.tinyurl.com/camtranscript**)

Bloom's defense was startling in its simplicity. The photo evidence from the city provided an image of his car, but not of the driver. He testified that both he and his girlfriend drove his car at various times, and since the ticket came in the mail a month after the actual incident, Bloom could not remember which of the two was driving when the car went through the red light.

Gant called his girlfriend to the stand and elicited testimony that the two of them sat down after receiving the ticket and honestly tried to determine who was driving. They couldn't.

His opening statement included a summary of his strategy. "I decided it just wasn't fair for me to admit guilt to something that I didn't even know if I did or not," Bloom said. "The only physical evidence that the prosecution is going to show you is that it was my car running through a red light. That I don't deny."

He continued, "I don't believe the City can satisfy this court that it was me who was driving and who committed that crime. And furthermore, I intend to demonstrate reasonable doubt that it was me driving that day."

The prosecutor called a representative of American Traffic Solutions (ATS) to the stand and proceeded to ask detailed questions for several minutes about the operation of the red-light camera. Bloom's cross-examination consisted of a single question:

Q: *Sir, is there any way to tell who was driving the car at the time of the violation?*

A: *No, there isn't.*

The prosecutor then questioned a police officer about the evidence for another extended period. When Bloom was given the opportunity to question the officer, he asked if, during a physical traffic stop for running a light, the officer would attempt to identify the driver. The anwer was affirmative. Bloom then asked if the officer would issue a citation if he wasn't able to identify the driver. The officer said, "No, if I couldn't identify the driver, I wouldn't issue a citation."

Next question for the officer: "If you pulled a car over and found out it was a different driver than who was the registered owner of the car, would you issue a citation to the car, to the registered owner who is not driving, or would you issue the citation to whoever was driving the car." The answer, of course, was that the officer would issue the citation to the driver.

The judge ruled, "The Court finds both witnesses (Bloom and his girlfriend) credible based on the testimony as well as common sense. Finding for Defendant. Costs to City of Saint Louis."

Some of the lessons to be learned when fighting a photo ticket (other than having Gant Bloom represent you):

► Compare the local ordinances governing the photo enforcement program with actual operational details. Discrepancies are your ally.

► Understand the evidence. Does it depict what is being claimed by the prosecution?

► Most photo tickets violations have built-in reasonable doubt because the driver is rarely positively identified by the camera. Find a logical way to present this to the court. ■

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News From Around The Country

California

The Anaheim City Council recently voted 4-0 to place a measure on the November ballot that would amend the city's charter to permanently prohibit ticket camera systems. The effort was led by Anaheim Mayor Curt Pringle, whose term ends this year.

Florida

During a recent public meeting, Brooksville city council members voted 4-0 to *not* approve an agreement with red light camera vendor American Traffic Solutions, meaning the current contract with the vendor will expire after June 30. This will result in the city's red light camera enforcement program being suspended and, perhaps, permanently shut down.

Indiana

After unsuccessfully trying for months to convince the Indiana General Assembly to change state law to allow ticket cameras in the state, lobbyists for RedFlex – a leading ticket camera manufacturer – decided to pack up and leave.

New York

The Auburn Police Department union has lodged a labor grievance against Police Chief Gary Giannotta for what the union perceives as punishing four officers for not writing enough vehicle and traffic tickets. The union claims Giannotta initiated an illegal ticket quota system last December requiring police officers to write at least one ticket per shift or be punished for failing to do so.

Ohio

The city of Springfield added one extra second to all of the yellow lights at the red-light camera intersections. Police said they saw a drastic drop in the number of red light camera citations after adding the single second. In 2006, an average of about 1,700 red light camera tickets were issued per month. Now that monthly average has dropped to 667 tickets for drivers who allegedly ran red lights.

The Lyndhurst City Council passed legislation allowing ticket cameras to be placed on the stop-sign arm that extends from school buses. The South Euclid City Council already passed such legislation in March, and the South Euclid-Lyndhurst Board of Education must next approve the move. If the board of education agrees, the district would be the first in the country to utilize the technology.

Oklahoma

Oklahoma is preparing an unprecedented statewide deployment of automated ticketing machines. Instead of using red light cameras and speed cameras, the Oklahoma Department of Public Safety is preparing to sign a contract with a for-profit company that will track all passing motorists with a network of at least twenty automated license plate recognition cameras. The devices would "generate significant additional revenues" by issuing $250 citations for expired insurance.

Oregon

The Oregon Court of Appeals recently threw out a commonly performed roadside sobriety test as unscientific. A divided three-judge panel found that the accuracy of vertical gaze nystagmus – a test of eye steadiness – in establishing drunkenness remained unproven.

South Carolina

Governor Mark Sanford recently signed a law banning the use of red-light cameras and speed cameras in the state. The measure swept unanimously through the House, 106 to 0, and in the Senate, 38 to 0, in early June.

Tennessee

The last legislative attempt to put new restrictions on the operation of traffic surveillance cameras was quietly killed in early June. Sen. Bill Ketron, R-Murfreesboro, sponsor of SB3586, pulled the measure off the Senate floor, where it had been scheduled for a vote. In an interview afterwards, Ketron said the move means the bill is dead for the year.

Motorist Brian McCrary found the perfect venue to gripe about a $90 speed camera ticket when he went to the Bluff City Police Department's website, saw that its domain name was about to expire, and bought it right out from under the city's nose. McCrary is now the proud owner of the site, *www.bluffcitypd.com*.

Texas

According to newly released state records, revenue from Texas red-light cameras soared in 2009, with cities collecting more than $62 million from motorists. In all, cities with cameras have collected about $100 million in fines of $75 to $100 since September 2007, when a law requiring them to share profits with the state went into effect. ■

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

N.J. Drivers' Advocate Works Many Roads

by Mike Frassinelli, The Star-Ledger

Editor's Note: Due to space limitations, this is a condensed version of Frassinelli's May 18, 2010 profile of long-time NMA member Steve Carrellas. The full version can be found at ***http://www.tinyurl.com/njsteve****.*

A motorist with a neatly coiffed professorial beard and spotless white polo shirt pulls up at the full service gas station, puts to memory the number of miles on his tripometer and walks quickly to the pump hoping to beat the attendant.

The gas jockey is already there, so Steve Carrellas does not get to pump his own petrol this time – it's against the law in New Jersey, anyway.

"I know the way my tank works – I want to do it," Carrellas says.

Say hello to the New Jersey representative of the National Motorists Association, the Garden State's big wheel when it comes to driving freedoms. The open road is a basic American experience, as he sees it, and this non-salaried volunteer executive has made it his job to protect Jersey drivers from petty bureaucracy, intrusive government, silly rules and anything else that robs us of our basic right to enjoy the road.

With the patience of Job and the brains of Steve Jobs, Carrellas, 54, a licensed professional engineer, has pushed for raising the speed limit above 55, getting rid of HOV carpool lanes and ending vehicle inspections.

One by one, he has checked his traffic wishes off his list.

He claimed the latest victory this month when state officials announced they would end vehicle inspections for mechanical defects beginning July 1. Carrellas has long maintained the time-consuming inspections weren't needed because motorists pick up on defects as part of their normal vehicle maintenance schedule.

Carrellas also was thrilled to hear Gov. Chris Christie defend motorists in March while explaining why mass transit riders would have to pay for their first fare increase in three years.

"Drivers have paid increased tolls two years in the last four years, and I didn't think it was their turn to feel the pain," Christie said at the time.

"He didn't even need me to make the quote – he beat me to the punchline," Carrellas said.

In 1986, Carrellas began calling for a repeal of the 55 mph maximum speed limit in New Jersey. It was raised to 65 mph in 1998.

Sharon Harrington, a former New Jersey Motor Vehicle Commission chief administrator, likens Carrellas to the determined, slow and steady tortoise in the popular Aesop Fable.

"He's a very articulate and outstanding representative for motorist issues, and he always has sound arguments," said Harrington, who often used Carrellas as a sounding board. "He's very thorough, and when he makes a statement, it is with the appropriate reference material and research. He's well-respected by the Legislature and he's well-respected by the policy makers."

Carrellas joined the National Motorists Association after reading an editorial in *Road & Track* magazine calling into question the national maximum speed limit of 55 mph. He believes that motorist policies should be based on scientific and engineering criteria and public consensus, not the political wishes of special interest groups.

He said that increasing the speed to 65 mph provided a smoother and safer traffic flow and better fuel mileage because people were maintaining a constant speed.

"If you don't put in something (a speed) that people believe in, they are going to do the faster speed, anyway," Carrellas said.

A native of Rhode Island, Carrellas moved to New Jersey in 1978. He married his wife, Martha, the next year.

He had been New Jersey coordinator of the NMA since 1988, but this year started shedding some of his old duties.

How long will he stay on as the voice for New Jersey's motorists?

"Probably until I leave the state for other pastures – or until somebody gets self-serve gas." ■

Members Write

I've been using Trapster for over a month now and would like to update my initial thoughts (***Fast Driver? There's an App for That!**, May/June 2010*). But first, a correction to my statement that Trapster offers a GPS navigation application; the company does not.

Now for further impressions:

► A windshield or dash-mount for your smartphone while using Trapster should be considered a requirement! Likewise for plug-in power. Don't even think about driving around with smartphone in hand and trying to run Trapster; it would be too distracting.

► Be advised that some states may have specific laws regulating where you can attach a smartphone to your windshield. Reportedly, California already has such a law that is extremely restrictive – although you can circumvent it by making the attachment to your dashboard instead.

► Properly set up, actual use of Trapster becomes much easier and less distracting with experience, although reporting/confirming/denying speed-traps or other items of interest remains more challenging that it should be. Hopefully, program revisions with larger buttons and simpler procedures for basic reports will be made in the near future.

All-in-all, my enthusiasm for the future of Trapster remains high, particularly with the suggested improvements.

Spike Roberson
Ann Arbor, MI

I commend Barnett Fagel for his article on boundaries and jurisdiction (***Don't Get Buffaloed in Buffalo Grove, Part 1**, March/April 2010*). He is very correct about the county boundary, and that Lake-Cook Road does not fully follow the county line in Illinois. Some portions of the road are fully in Cook County and others are in Lake County. In towns such as Barrington and Deerfield, the westbound lanes are in Lake County and the eastbound lanes are in Cook County.

But don't think these anamolies are only limited to county lines. Rather, they occur every time you are at or near the boundary of a municipality.

Always note the specific location where cited, and check that location on a copy of the village or city zoning map. The map will show official boundaries between counties or municipalities, and you will be able to determine if the ticketing jurisdiction really had the authority to issue you a citation in the first place.

Scott Buening
St. Charles, IL

Since when did it become a privilege to drive?

As I recall, the law said you cannot drive until a certain age. In my state, it is 18 in NYC and 17 with a drivers Ed course.

You passed the driving test and you were given a drivers license with the right to drive. Just follow some common sense rules which vary from state to state. It wasn't a privilege; it was and is a right.

Somewhere along the lines, someone changed a right to a privilege. Who did this? And why was it accepted so lackadaisically?

In America, we have rights. The right to vote, the right to travel, the right to marry, the right to drive. Please stop calling my rights a privilege.

Larry Edwards
New York, NY

The NMA email alert to Michigan members on May 27, 2010 (***http://www.tinyurl.com/michalert***) is exactly the type of information that makes it worthwhile to be an NMA member. While overall topics that affect us all are useful, having this type of state/local focus with pertinent info for members is invaluable. With so many variations of state and local laws, this is empowering information for me regarding my state law. Keep up this type of work!

In my opinion, the NMA has the potential to become the de facto standard for the best advice short of professional legal representation. Maybe it is already. The NMA seems to have the clout and merit that sets it apart from the rest.

It may serve the NMA's ability to grow by considering the publication of state-specific books, CDs, DVDs or even subscription-based online streamed content for ticket fighting. The primary focus could be speeding tickets to begin with and possibly grow from there if demand is favorable.

I really do believe and appreciate the efforts of the NMA, and plan to be a member as long as you guys keep up the good work.

Scott Shafer
Lowell, MI

■

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 **402 W 2nd St., Waunakee, WI 53597**

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Shop Online - http://store.motorists.org/

Beat Your Ticket

State and local governments are increasingly relying on traffic ticket revenue for daily operations. This book gives responsible motorists the means to protect their rights by addressing many types of tickets: speeding, reckless driving, defective equipment, and more.

Non-Member Price: $19.95 — **Member Price: $11.95**

Driver's Guide To Police Radar

Ever wondered just how close that police officer has to be to get you on his radar? Have you heard that lasers can't be aimed through car glass? Are you getting your money's worth from your detector? These are just some of the questions answered in *Driver's Guide To Police Radar*.

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

Represent Yourself In Court

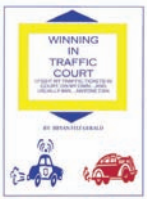
Represent Yourself In Court is written for the non-lawyer. This book offers a step-by-step guide to representing yourself in a civil trial, from start to finish. It does double duty in that you can use this information for any civil matter, not just traffic tickets.

Non-Member Price: $29.95 — **Member Price: $21.95**

Legal Research

Many laws and statutes that you need to prepare your case are state specific, which means that you will have to do the research. This book gives you the basic understanding of how to conduct legal research. The book explains everything in easy-to-understand terms.

Non-Member Price: $29.95 — **Member Price: $22.95**



Winning In Traffic Court

This book is a helpful, enjoyable read on how to fight a traffic ticket. The author not only explains how to fight a traffic ticket, but also offers amusing anecdotes along with his justification for fighting every ticket you receive.

Non-Member Price: $19.95 — **Member Price: $9.95**

NMA Foundation Legal Defense Kit

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, and 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.

Call 800-882-2785 to order the Kit and tailor it specifically to your ticket!

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Trust...V1 earns it one ambush at a time

Dear Mr. Valentine:

Every fighter pilot knows – cover your six. After one day with my new Valentine One, I see why everybody at the base keeps talking about their Vee-Ones.

I picked up a beep on the Interstate, slow at first but quickening, just like I was coming up on something. But the Radar Locator pointed behind – something was coming up on me!

He was hard to spot, a slick-top sneaking up through traffic. He went on by and got small. Then I saw blue flashes in the distance.

When I caught up he had a Mustang, its ordinary detector still winking red in the windshield. Of course, ordinary detectors don't look behind. Vee-One is like driving with a buddy for back-up.

Yours truly,

L.C. "Slam" Lewis
Tucson, AZ

Bogey Counter
Tells how many:
Radar hiding within a false alarm? Two radars working the same road?
Reads instantly.

Control Knob
Turns On/Off, adjust volume, press to mute.

Radar Antenna
Scans behind for radar.

Radar Locator
Tracks one or more radars at the same time; points to each.

Ahead
Beside
Behind

Muted-Volume Lever
Sets volume you hear after muting.

Radar Strength
More LEDs glow as radar strengthens.

Dear Mr. Valentine:

Hey, I think I owe you one.

My commute goes past two miles of malls, which my old detector said was one long X-band false. Nope. Now I see it's two miles of little alerts that blur together. The Radar Locator tracks each one as I drive by – pointing Ahead first, then Beside and finally Behind.

Yesterday, it pointed out the usual places. And one more. Hmmmmm. The Ahead arrow flashed insistently. Guess what? Radar shooting commuters from the shoe-store parking lot.

My old unit would have beeped, same as always. But yours saw the trap. That could be an ad, right? Valentine One is the one to have when there's more than one alert.

Go ahead, use it, because I definitely owe you.

Sincerely amazed,

Sal Molinari
Hartford, CT

Memo To: Mike Valentine

Kansas, 54 west to Liberal, so flat I can see next week. No traffic, really, except for the Durango I've been closing on through four or five iPod tunes (George Jones was made for Kansas).

Off the shoulder ahead, maybe a half mile, what, a furniture van? Tailgate up, brown-shirted guy inside; looks like he's rearranging the load. V1 lets loose an EEEeeeEEEeee sound. Laser! I hammer the brakes. EEEeeeEEEeee.

Can't be laser. There's nothing around. Just me and the Durango, now passing the van. Wait…inside with the furniture, dang, another brown shirt, crouched behind a sofa, steadying his laser gun over the backrest. Double dang! The first shirt is talking into a cop radio as I go by.

And now I see what the deal is; three cruisers backed up in a tight line against the nose of the van. The lead car is rolling, in pursuit of the Dodge I was fixing to pass. The others stay. Whew! V1 must have caught a laser glint as it ricocheted off the SUV.

Clay Phillips
Tulsa, OK

Dear Mr. Valentine:

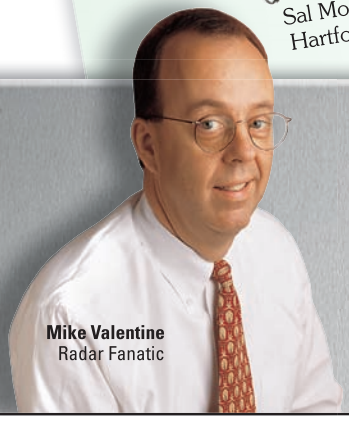
Just east of Texarkana on I-30, my Valentine One picked up X-band. The Radar Locator pointed "Ahead." Over the rise, sure enough, flashing lights. Smokey had a semi on the shoulder.

As I eased past, I watched the Radar Locator; it's kinda fun seeing it tracking radar from "Ahead" to "Beside" to "Behind" as you go by. It stayed "Ahead." What the #@?! Man, I saw Smokey. And I put him behind me. But the Locator still pointed ahead. Could it be?

Yep. Over the next hill, another Smokey, harvesting the ignorant. Without the Radar Locator, I would have been one of them. Valentine One is like having my own AWACS.

Thanks, Big Guy

Ted Reynolds
Dallas, TX



Mike Valentine
Radar Fanatic

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