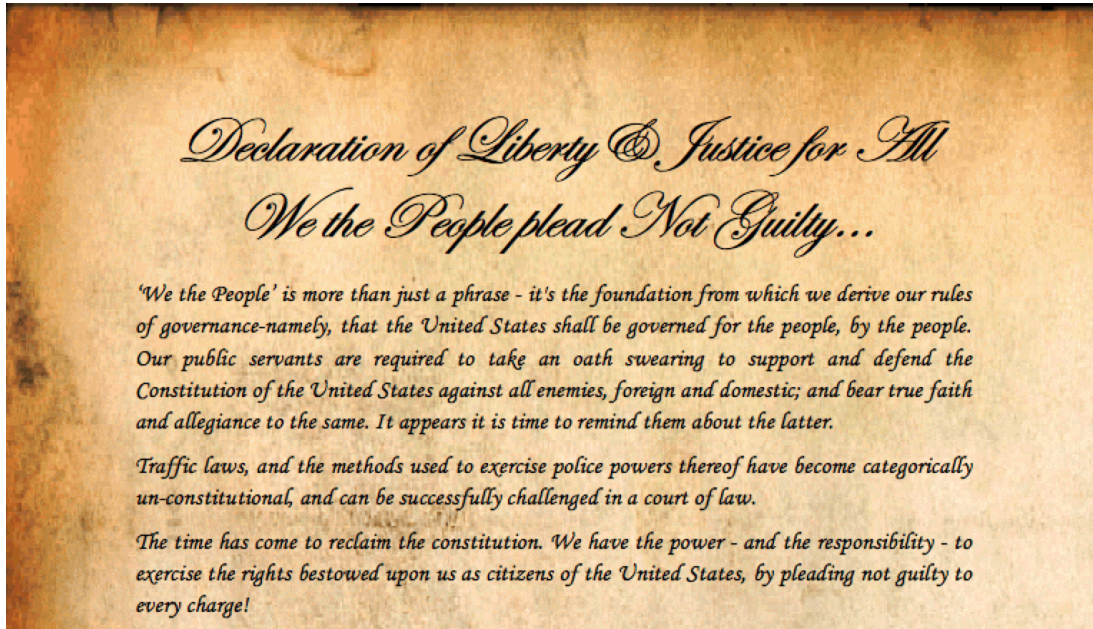


Motorists' Rights... Matter!

It's We the People, not We the Sheeple!

Declaration of Liberty & Justice for All 'We the People' plead Not Guilty...



Addendum:

We believe knowledge is power so we're going to go over some basic best practice and due process principles to empower you to know the difference. Here is the 30,000 foot view of our laws and in every instance hereon we have first hand knowledge the following is true. Under our system of law it's illegal for us to tell you the truth about our laws per se unless you are licensed to practice law which really becomes problematic because in this instance because nobody knows what it is, including the attorneys and courts.

Traffic law is in a complete state of anarchy of expectation and application based on non-conforming local whim, each entity believing they have been franchised to use their roads for revenue at will. The truth is something else altogether, there are governing laws they must follow and they are designed to protect you from this abuse, and we're here to explain how you can use them to protect yourself from this wholesale crime against the people, and return our government to the common good and safety, not revenueing.

Are all those involved in this crime against the people knowing participants?

NO! Being a student of human nature bring with it some interesting views. In the Nature vs. Nurture debate I have always believed that nature is without a doubt the controlling power, and part of our nature is to identify with tribes/groups and defend the group we have identified with.

In this instance we have politicians, bureaucrats, the press, law enforcement, the judiciary, engineering and the nature of power governing each of these tribes conduct over We the People.

Each is acting in accord with their beliefs while none have taken the time to understand how they must all contribute to the whole if we are to serve the common good.



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Our Constitution is the forward of each tribe's operating manual, not only do they need to be reminded of this, their collective actions must give proper deference and assure adherence to it. Notwithstanding, they're not being trained to understand that their actions must also be consistent with the other tribes' roles, or the Constitution in this field.

The lawmakers at every level believe they are the arbitrators of what laws they can pass and none recognize that all their acts are subordinate to the U.S. Constitution et al in this field; the engineers are not trained in due process or the role our Constitution plays in their decisions and what they must do to meet these needs; law enforcement is not trained in engineering, its tenets and how to apply them; the courts look to local practice and are largely unaware of the unique domain of traffic control, and that its federally regulated in it invokes the full protection of the U.S. Constitution et al; or are the courts trained in how engineering and enforcement must interact before a legal foundation to prosecute can be established.

It's also not natural for a member of a tribe to go against the tribe's collective beliefs or interest. In each case here there are many dedicated individuals that belong to each of these tribes, whose horizon is constrained within the interest of the tribe and its beliefs.

What we're lacking here is leadership, but regardless if we get leadership, we're not powerless.

The genius of our Founding fathers and our Constitution is in itself incredible, because they not only understood the nature of power and how it corrupts or how those in charge may stray from it's tenets, they placed 'We the People' and our inalienable rights at our government's helm.

Thus, as opposed to the poster child UK, Australia et al which have devolved into nanny states that defines or denies the rights of its citizens, at will; we are the only nation in the world where the people have been endowed with the power to return our governance to the common good.

Why is the USDOT, the agency responsible of this injustice and mayhem, the best solution to right the wrong?

The largest misconception by public officials etc is roadways and their regulation are a state rights' issue under the Tenth Amendment. Whereas under our laws, all acts in this field are subordinate to the Constitution, Congress' intent and federal regulations that govern the USDOT's conduct. Including USDOT oversight responsibilities, and that all regulations and engineering practices be fact based, and the exercise of police powers thereof conform to the requirements of our laws. In addition, all state rights claims are signed away with receipt of federal highway funding, and if a state decided to withdraw from the program it would not negate federal supremacy in this field.

Therefore answer to how to right the wrong is simple, the USDOT being a federal agency based on engineering and best practices; their actions are subject to the US Constitution, Congress' intent, empirical findings and the rule of law. The laws needed to bring them and the states into conformance already exist.

Roadway safety and all traffic control is governed by Law of the Land; the U.S. Constitution, Congress' intent in this field, Title 23 and its MUTCD, UVC et al, Supremacy, Commerce and Equal Protection Clause(s), the 4th, 5th, 6th and 14th amendment protections thereof regarding the exercise of police powers enforcing federally regulated devices or practices. The exercise of police powers thereof SHALL also be fact based and uniformly applied regardless of state lines, entity type or classification on any public or private roadway, pedestrian facility or bikeway open to the public within the U.S. and its territories.

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What Congress could do is to hold hearings to cause the USDOT is to return to its charter, immediately, and cease its nefarious activities.

Why do we have a fact-based uniform national standard, application, expectation and exercise of police powers law?

Is it Safety or Due Process? It's BOTH! Without uniformity and based fact based laws people die and are injured unnecessarily every year en masse, while procedural and substantive due process required by our Constitution is denied. Travel within the US is ubiquitous and a right of free citizens. How can we have safety or justice be served if our actions are governed by local whim and custom, how could anybody of common intelligence discern which local rules apply from sign to sign? It's unsafe practice and unconstitutional per vague laws and equal protection for starters.

For illustrative purpose to grasp the scope of this problem from data gleaned from several government websites.

In the US, not counting its territories, there are 3143 counties, 44,829 incorporated cities, townships etc. and another 30,000 unincorporated self rule entities; and hundreds of military bases, 391 National Parks, 177 national Forest, 258 million acres of BLM land, 562 Indian reservations and tens of thousands of other entities open to public travel that employ traffic control devices (shopping centers, private housing developments, golf courses etc.). Add to this, most of these entities also claim home rule, sovereignty or believe they can pick and chose what they like in regards to traffic control or Constitutional rights, and that the MUTCD application/use mandates are nothing more than mere guidelines that don't apply to them.

The current status quo and lack of any meaningful USDOT oversight has left motorists in a state of anarchy in expectation and with unsafe practices as the standard for 18,898 local and state law enforcement agencies and 19,238 state and local courts [plus the Indian reservation police, military, federal and territorial authorities} being franchised to enforce their own local expectations, fines and fees, based on whim and void of due process, on our nation's 4 million plus miles of road.

What would constitute a lawfully enacted and enforced traffic law under the law of the land?

All laws and the exercise of police powers in this field are subordinate to the Federal Constitution, and they must be fact based and applied uniformly regardless of state lines. A belief of the Legislature, a political subdivision, public official, traffic engineer, or state or local practice, IS NOT THE STANDARD! All laws and the exercise of police powers in this field are subordinate and shall conform.

Each act in its promulgation shall:

1. Be in substantial conformance with a fact based uniform standard with one application, appearance and expectation regardless of entity type or jurisdiction in the United States.
2. Conform to a single federal equal protection standard and vague law prohibition.
3. Be fact based per nationally recognized engineering institutions et al; in which all subordinate act's foundation or justification can be cross-examined in a court of law.
4. Shall be in conformance with the domain of the Commerce, Equal Protection and Supremacy Clause(s), and Congress' intent in this field.

Uniformity and being fact based: Federal standards are the law that must be followed because there are as many as 80,000 entities within the U.S. and its territories that have posting authority over traffic control devices that exercise police powers over them, and travel between all of them is ubiquitous. If one of these 80,000 entities has a belief or safety hypothesis they must apply to the

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USDOT for permission to experiment; and if approved, the trial results must be quantified by scientific means and protocols.

If the trial is successful then it is up to the USDOT to promulgate the regulation, practice, standard or device; then all states that wish to adopt said practice shall be in substantial conformance with this federal standard. Apply this standard to all your state traffic laws, and it doesn't take long to realize not a single legislature etc. conforms to our governing laws in this field.

What is the object of an engineering study and why are they required?

All accidents aren't preventable, but those that are, are predictable. Preventable accidents also have common root causes that public policy can reduce.

Roadway Design and Engineering Practice: There is a direct correlation between accident rates and the roadway design and the application of traffic control devices to meet the needs of motorists, particularly at the flow conflict points and alignment changes.

The methods used to warn for hazards and/or facilitate traffic egress, ingress or convergence is one of the most critical factors in reducing accidents. Notwithstanding, if these friction points are too close to each other, rates increase exponentially. Once the stream clears a flow conflict point the accident rate drops precipitously, and they become rare events for all causes. Therefore, the accident rate of a particular section of highway is determined by its design and the traffic engineering solutions applied to guide and facilitate the traffic's needs.

Under federal law, engineering studies are required to be performed periodically on all roadways and bicycle paths open to public travel in the nation since 1988 with a posted limit or not. In engineering terms, an engineering study, engineering and traffic survey, and an engineering and traffic investigation are synonymous; a safety audit of a particular section of highway.

*24. **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.*

An engineering study is required to assure that all traffic control is fact based, and just as importantly to quantify for enforcement purpose that a speed limit was warranted, if so, the range of speeds or actions that are safe for conditions, by time of day or then existing conditions.

The core tenet of reasonable traffic laws, safety and due process is that the super majority of people act in a safe and responsible manner, and they do drive safely for the conditions present. The engineering study quantifies the "super majority's" reasonable and prudent consensus for that particular section of roadway, rather than relying on the judgment of one or a few.

For safety and due process to be achieved per our laws:

1. All traffic control in the Nation is to have one appearance and expectation on all roads open to public travel regardless of jurisdiction type or classification; and
2. these uniform standards and practices shall advance roadway safety, and the exercise of police powers thereof shall also be uniform from place to place; and



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3. all traffic control shall be based on vetted nationally recognized best practices that the engineer can articulate and defend under cross examination; and
4. device or remedy choice and application shall be supervised by licensed engineering professionals applying points 1 thru 3 without exception.
5. If the licensed practitioner or public entity has an idea for improving existing practice, there is procedure prescribed in the MUTCD to request permission from the FHWA HOTO to experiment and document the results because without approval and trial per the prescribed protocols, it's not authorized; and
6. periodic comprehensive reviews shall be conducted on all roadways to ascertain traffic volumes, speeds, accidents types and causations, roadway characteristics and the efficacy and condition of existing traffic controls; and this shall be documented.
7. This safety audit shall also include a physical site review supervised by the licensed engineer looking for common factors that may need mitigation, a complete inventory of all traffic control devices as to their condition with a geo location and service schedule; and
8. a review of all accident reports by location, with a site inspection to determine if there is prevailing problem where the traffic control devices and/or sight distances are inadequate and/or there are too many entry points causing confusion, while minimizing cross traffic movements; and
9. they shall document action items noting those areas or conditions that may need remedies to further improve flow, sight distances, volumes, guidance or hazard mitigation; and to the best of their abilities apply the prescribed remedies, tracks the results, and makes necessary adjustments as required.
10. Regardless of the posted limits, local political pressure, or if the local rules require a study, an engineer is professionally bound to assure the safety within the entire right of way and that the traffic control meets the needs of traffic by reviewing all roadways as to prevailing speeds, sight distances, hazard mitigation and accident causes by location.
11. Poor roadway design and engineering practices are the primary cause of those accidents that public policy can effect change on, and an all of the above is how you reduce accident rates.
12. If a speed limit is found to be warranted, per our laws prima facie limits (prevailing safe speed) are the only type of speed limit that meets all the engineering and due process requirements, and their enforcement should only target those operating outside of the range of safe speeds; determined by an engineering study, per the time of day and conditions then present when the citation is issued.
13. The safest speed is on the relative risk bell curve is the [85th to 90th percentile speed](#). Therefore, speeds on either side of this point are also safe and the survey graphs this risk, which can be overlaid onto a risk chart to establish prima facie evidence of a safety violation.
14. Enforcing any number over another number is not a factual foundation, there must be demonstrable risk that can be articulated by the officer, and without a comprehensive engineering study or the officer being trained in how to apply its findings they're incompetent to make such a judgment. Speed in and of itself is not an unsafe act. Spot speed surveys do not meet either the engineering or due process requirements of our laws.
15. All regulatory laws must be fact based as determined by empirical engineering findings and are vetted to be effective and warranted, without unintended consequence or unacceptable burdens to society and commerce. There are a myriad of popular laws that



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have been adopted illegally by every state et al. In addition to signal time intervals and speed limits, this includes double fine zones, construction zone practices, cell phone use or texting, move over laws, window tinting, right turns on red etc.

Nationally accepted practices are those practices that are articulated as standard or guidance within the national MUTCD or adopted by reference, therein. Adopted by reference are those that have been peer reviewed, accepted as guidance, recommended or referenced by AASHTO, FHWA and the ITE, etc.

But this must be done with due caution because the USDOT and the ITE since the early 90's has been substituting best practices with political agendas that are known to be unsafe practice. The special interests were directly involved in altering our policies away from best practices for the benefit of a few, to the clear detriment of safety and due process.

Nonetheless, Nationally accepted practices are not the personal opinion of an engineer, state or local practice. The engineer's duty is to apply reasoned application of accepted national practice, applied to a conforming engineering finding to the best of their ability, that they are able to articulate which practice was applied and why.

According to NHTSA latest data they let slip speed as the cause of accidents is about 5 percent, and that number is still very exaggerated. Speed as a cause when traffic is free flowing is a rare event, yet this is when the majority of citations are written.

Take any section of roadway of your choice, ask for the accident reports, READ them and then chart them. Accidents cluster, look for the contributing cause, fix it, and accidents cease at that location. Writing citations does not fix the defects in design or are they constructive in reducing accidents as practiced; only 1 in 15 traffic stops have a factual foundation.

Speed limit enforcement is the most common citation that is written without factual foundation, what are the legal requirements to establish a speed limit?

The following was written by the FHWA and we believe it is even worse today, more than 90 percent of the speed limits were set below the 50th percentile and the 10 percent that were higher were not set and enforced in compliance with our laws.

Herein lies the greatest challenge to professional practitioners, what standard do they apply when their knowledge base has been cooped by special interest. Do what the USDOT et al recommends when you know it's no longer fact based? How can you trust the contemporary papers published in this field? Do you disregard known unsafe practices?

Despite our controlling laws and Congress' mandate, what happens when the USDOT becomes the primary source or facilitator of the misinformation or refuses to reign in anarchy in application or practice? What happens when those that have a financial or power interest in the outcome of the decisions, occupy the key positions on the committees or are the source of the funding of studies? The following abhorrent statement and non-conforming practice under our law become the standard.

1995 Federal Register (NHTSA comment):

"The agencies have not adopted West Virginia's suggestion to include a statement that enforcement funding be preceded by engineering evaluations of existing speed limits. To do so would hinder enforcement efforts, based on a blanket presumption that existing speed limits are not reasonable. The agencies are neither willing to accept that presumption nor to place conditions on enforcement efforts, which we view as a vital tool for effective speed control."

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To assure this NHTSA quote is not taken out of context, here is our first hand recollection. In the years immediately preceding this statement, the FHWA's Turner-Fairbank Highway Research Center findings became untenable politically within the USDOT, because they were in direct conflict with NHTSA's public position (mantra) on safety and speed limits. Compare the above NHTSA statement to the emerging body of FHWA research findings in this field, examining the validity of speed limit posting practices, enforcement and its effects on safety.

1990 ITE PUB# PP-020 (sponsored by FHWA and AASHTO)

"It would be premature to draw any firm conclusions since the research is still underway. However the findings to date suggest that, on average, current speed limits are set too low to be accepted as reasonable by the vast majority of the drivers. Only about 1 in 10 speed zones has better than 50 percent compliance. The posted limits make technical violators out of motorists driving at reasonable and safe speeds.

For the traffic law system to minimize accident risk, then speed limits need to be properly set to define maximum safe speed. Our studies show that most speed zones are posted 8 to 12 mi/h below the prevailing travel speed and 15 mi/h or more below the maximum safe speed. Increasing speed limits to more realistic levels will not result in higher speeds but would increase voluntary compliance and target enforcement at the occasional violator and high risk driver.

One way for restoring the informational value of speed limits requires that we do a better job of engineering speed limits. Hopefully, the result of this research will provide engineers with the knowledge and tools needed to set maximum safe speed limits that are defensible and accepted by the public and the courts."

A Speed Limit Sign is a federal device, MUTCD 2B.13 (R2-1), which a posting authority is authorized to use providing they comply with the Law of the Land; the U.S. Constitution, Congress' intent in this field, Title 23 and its MUTCD et al, Supremacy, Commerce and Equal Protection Clause(s), the 4th, 5th, 6th and 14th amendment protections thereof regarding the exercise of police powers enforcing federally regulated devices.

Unique Application of Federal Supremacy: Speed Limit Sign (R2-1); Not only is the shape, size, color, placement, hardware, reflective backing quality and the breakaway post design set by federal regulations, the practices and procedures to determine the safety value of the number on the sign and the exercise of police powers thereof SHALL also be fact based and uniformly applied regardless of state lines, entity type or classification on any public or private roadway, pedestrian facility or bikeway open to the public within the U.S. and its territories.

Despite the fact the FHWA purportedly approved **statutory** and **absolute limits** in recent MUTCD changes, these uses are clearly in conflict with governing federal law, illegal, and such arguments are prevailing in court.

–Statutory Limits: By definition are not fact based, invented values per local whim/decree, which are also irreconcilable with the U.S. Constitution, Equal Protection Clause, and Congress' one nation, standard and expectation mandate; as well traffic control based on invented values is irrefutably known to be unsafe practice.

–Absolute Limits: Ipso facto, the authority for absolute limits was repealed for surface streets per the fact based uniformity mandate in the 1988 MUTCD, exception, NMSL postings, and Congress' repealed that authority in 1995.

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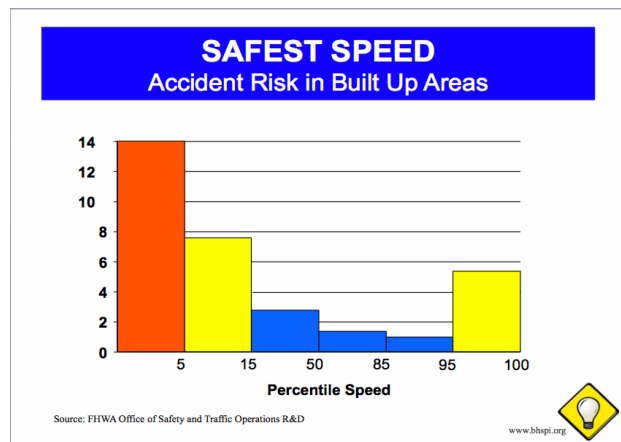
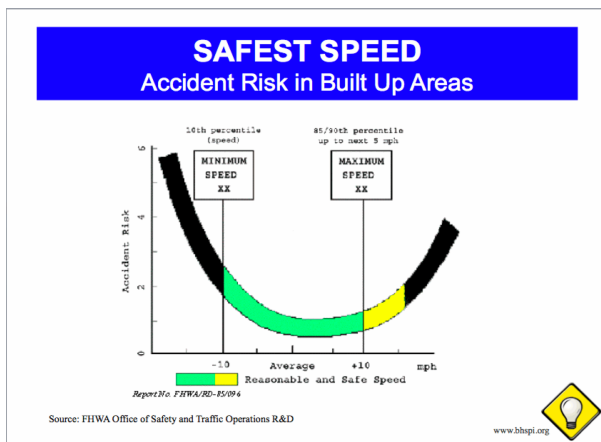
Sidebar: One DA said our state does not have a speed trap law that requires a factual foundation based on a complying study, and completely rejected any federal arguments. Exactly our point here, a city, county or state etc cannot pick and chose to suspend the Constitution or our inalienable rights in its promulgation of its laws or in exercising of police powers thereof.

To be compliant:

1. Per our based in fact one national standard and expectation - all speed limits must be prima facie unless there is a factual foundation that has been vetted and properly promulgated in the MUTCD and Uniform Vehicle Code (UVC). Current MUTCD and UVC promulgation was nonconforming with either the Constitution or Congress' intent.

Prima Facie Limit:

- **There can only be one meaning, application and expectation for a R2-1 device**
 - **Prima facie only type of speed limit that meets all safety and legal requirements of a speed limit's expectation**
 - No one speed value can represent the safe for all conditions speed
 - Foundation, basic speed law, regardless of number posted, speed in excess can be considered safe if conditions then present support it
 - Post for prevailing conditions
 - Check against traps
 - Speed in excess prima facie evidence of speeding, but enforcement officer must be familiar with engineering study for that particular section of roadway to know what the appropriate safe for conditions ranges are, by time of day etc.
2. Must be 24 hour free-flowing speeds by either 1 or 2 hour increments.
3. Spot speed surveys do not meet due process or safety requirements of an ETS
- Typical speed varies 4-8 miles per hour over 24hr day
- Speed variance can be even greater by day, and time of year
- Safe speed (85th) documented in some instances to vary more than 30 mph
4. Discrete by direction, vehicle classification and lane on interstates, combined data does not meet either the engineering safety or due process requirements
5. The engineering study must quantify/chart the range of safe speeds applying nationally accepted risk curves that have been vetted.



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6. Officer must be able to discern the safe for condition speed range as noted by the study during for the conditions then present. The safe range according to FHWA is on average the mean plus 16 mph. The engineering study must be comprehensive enough to be consistent with the following concept, which is based on adjudicated best practice; nonetheless even in California where this quote came from it is only applicable if radar is used, on a few select roadways, otherwise due process does not apply.

A FUNDAMENTAL REVIEW OF SPEED ZONING AND ENFORCEMENT:

"Enforcement officers should be able to correlate physical features such as visibility, surface conditions, and highway width with variable conditions like weather, traffic volumes and time of day to arrive at a reasonable and prudent speed for existing conditions at a particular time and location. An automatic tolerance as used by some police departments cannot be supported by fact or defended in court when radar is used; however, it has carried over to radar enforcement and is commonly accepted as the only "fair" thing to do by the police, the courts, and the public. This automatic tolerance is generally from 5 to 15 mph and is not based on the physical features or variable conditions set forth in the Vehicle Code, but rather, is based upon department policy or individual officer preference.

Speed not in excess of those posted is presumed to be lawful unless clearly proven to be in violation of the basic speed law (22351a CVC). The fact that a speed was less than the posted limit is, in itself, adequate to establish a fact or presumption that it was reasonable and prudent, unless, there is evidence presented to refute it.

Conversely, speed in excess of that which is posted or set forth in the Code as prima facie speed is, on its face, unlawful unless the defendant established by competent evidence that it did not constitute a violation of the basic speed law (22351b CVC). It is extremely important, however, that the enforcement officer possess the training and background to be able to establish a violation of the basic speed law in the first place.

If the enforcement officer is to do a competent job of speed enforcement, he must be well trained in how to apply the variable conditions to a "norm" (the engineering and traffic survey) to arrive at a speed that is reasonable and prudent for the location, time, and conditions. The engineering and traffic survey must be competent and must document conditions that support a discrepancy of more than 4 mph difference between the 85th percentile and the posted limit."

" In every case, certain elements need to be proven by the prosecution:

- 1. Defendant was driving;*
- 2. Engineering and Traffic Survey completed within five years (for radar use);*
- 3. maximum safe speed for time and conditions;*
- 4. and, defendant's speed was in excess thereof.*

Under the above interpretation, it has been suggested that the fine assessed a speed violator be based upon the difference between the officer's opinion as to the maximum safe speed and the alleged speed, rather than the difference between the posted speed and the alleged speed."

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Factors that must also be given primary consideration in engineering study:

1. Speed of traffic best indicator of reasonable and safe speed
2. Spot speed surveys do not meet due process or safety requirements of a study
 - Typical speed varies 4-8 miles per hour over 24hr day
 - Speed variance can be even greater by day, and time of year
 - Safe speed (85th) documented in some instances to vary more than 30 mph
3. Must be 24 hour free-flowing speeds
4. Measuring all vehicles in queues results in a lower than actual speed distribution
5. Vehicles entering or leaving the stream shall be excluded
4. At least 500 feet from junctions, convergence zones and curves
5. No active enforcement prior to or during study
6. Measurement methods must not impede traffic or influence results
7. Radar devices have shown to result in 3 mph plus reduction in speed - "Detectible" measurements methods influence results
8. Measurement cosine angles greater than 15 degrees results not reliable
9. New roadway surface increases speed 4-5 mph
10. Trucks on average are 3 mph slower
11. Prevailing speed - 85th percentile speed rounded up to next 5 mph
12. Higher speeds are found where higher speeds are safe
13. Highest speed roadways safest
14. Every 5 years or when there is a substantive change in use
15. Surveyor must be trained in all aspects of both engineering and due process requirements.
16. Absent a physical site review of all factors and findings, the traffic engineer has no factual foundation to certify findings.

What is the safe for conditions speed range, and what would you post?

Site 1 – Roadside farmers market in day, rural county highway at night

Appendix 'A'

Time period	Tuesday 25th April 2006			Tuesday 11th July 2006			Tuesday 5th December 2006			Tuesday 16th January 2007			Tuesday 13th March 2007		
	No of Vehicles	Mean Speed	85th Percentile Speed	No of Vehicles	Mean Speed	85th Percentile Speed	No of Vehicles	Mean Speed	85th Percentile Speed	No of Vehicles	Mean Speed	85th Percentile Speed	No of Vehicles	Mean Speed	85th Percentile Speed
00:00 - 01:00	18	33.8	43.5	19	45.7	55.9	25	44.2	52.9	19	44.3	54.2	23	46.4	56.1
01:00 - 02:00	8	42.3	49.0	10	46.8	56.3	8	42.2	54.9	11	48.5	58.0	4	50.5	58.5
02:00 - 03:00	2	37.9	40.8	6	43.4	47.5	3	36.9	37.7	2	27.6	35.6	4	54.7	76.5
03:00 - 04:00	10	34.3	41.2	9	42.4	49.6	8	46.2	52.8	1	52.5	52.5	7	47.9	51.5
04:00 - 05:00	11	40.9	51.7	12	48.6	59.6	16	46.3	50.5	12	48.9	53.0	9	50.8	61.9
05:00 - 06:00	55	39.1	44.9	45	48.3	56.5	49	45.8	54.7	37	45.6	53.7	53	44.0	49.6
06:00 - 07:00	161	38.0	44.5	145	46.3	52.2	137	43.9	50.0	157	44.8	51.3	165	44.8	50.9
07:00 - 08:00	542	33.6	38.5	503	42.6	48.6	481	40.3	46.4	531	41.9	48.5	529	43.8	49.0
08:00 - 09:00	737	32.0	36.6	620	41.6	47.2	658	40.3	46.7	616	41.3	48.7	592	43.3	49.0
09:00 - 10:00	295	33.4	38.5	286	41.2	48.1	270	42.8	49.3	284	42.2	49.1	256	41.8	48.7
10:00 - 11:00	255	31.9	37.3	217	41.2	47.2	218	42.0	48.9	211	40.4	48.0	217	41.2	47.6
11:00 - 12:00	242	31.8	37.5	235	41.1	47.8	209	41.4	47.9	220	40.6	48.5	192	41.3	47.5
12:00 - 13:00	293	32.3	38.4	260	40.8	46.8	236	42.3	49.6	261	41.2	49.2	261	38.9	44.7
13:00 - 14:00	303	33.4	38.7	264	40.9	47.2	222	41.1	48.9	238	41.2	48.8	250	39.6	48.0
14:00 - 15:00	314	34.2	40.1	266	40.7	47.0	292	40.5	47.4	268	40.8	50.2	279	39.3	45.7
15:00 - 16:00	403	33.0	38.6	292	42.0	47.6	305	40.5	46.5	355	41.3	49.7	309	40.6	47.3
16:00 - 17:00	514	34.1	39.4	484	42.3	47.5	407	40.8	46.5	466	40.5	47.8	394	41.7	48.1
17:00 - 18:00	682	33.1	38.2	558	42.3	47.3	518	40.8	45.9	536	40.1	48.6	480	42.5	47.8
18:00 - 19:00	306	34.7	40.4	285	44.6	50.1	284	42.2	49.4	262	42.5	51.3	234	43.4	50.8
19:00 - 20:00	211	35.5	42.7	184	44.2	51.1	169	43.1	49.7	158	42.6	51.0	142	42.9	48.7
20:00 - 21:00	154	34.3	41.3	141	42.0	48.5	128	42.9	51.7	123	42.1	49.2	101	42.6	49.5
21:00 - 22:00	110	35.1	41.5	140	42.7	49.6	102	45.2	52.3	105	43.9	50.7	83	43.6	50.1
22:00 - 23:00	71	36.7	45.7	82	44.6	51.0	57	43.6	50.0	60	42.5	52.0	60	42.7	49.6
23:00 - 00:00	34	36.4	44.6	37	44.7	52.0	39	41.8	50.3	34	45.8	52.9	34	44.9	51.4
Total Vehicles	5,731			5,100			4,841			4,967			4,678		
Averages	239	35.1	41.4	213	43.4	50.1	202	42.4	49.2	207	42.6	50.1	195	43.9	51.2

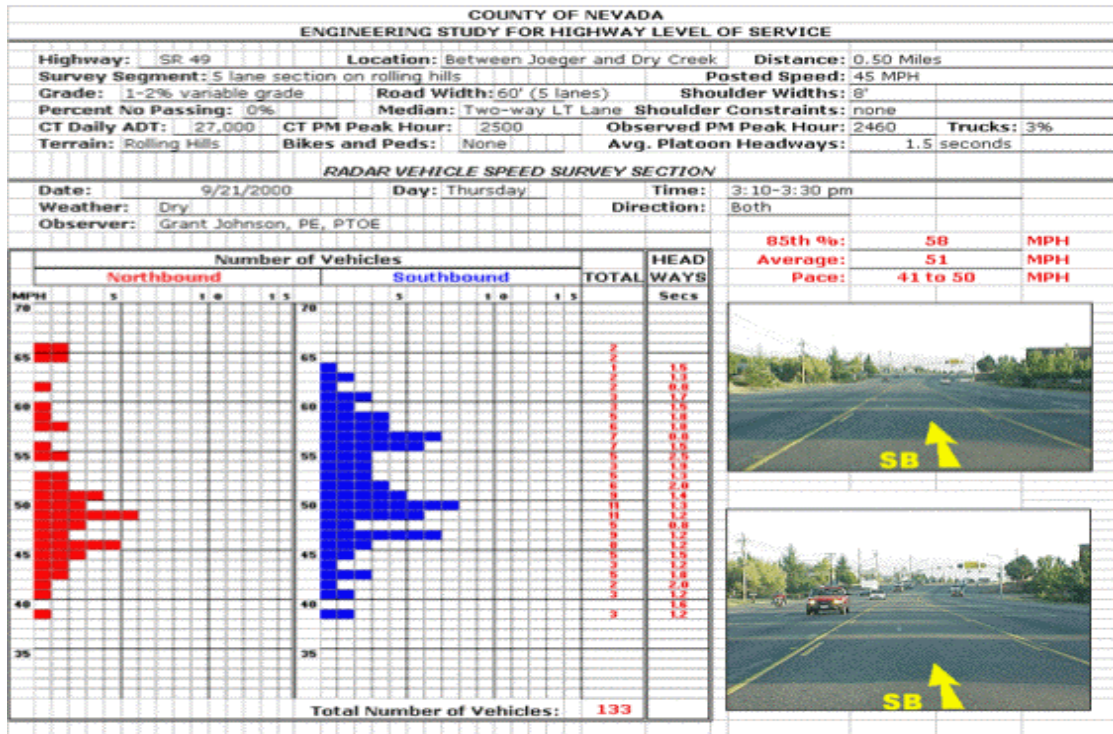


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Site 1 answer: 50 mph prima facie limit would reflect the prevailing safe speed, but in this instance it must be supplemented with advanced hazard warning signs adequate to describe and warn of the conditions ahead when applicable.

Site 2 – Large range despite the limited survey period, posted 45 mph, traffic speeds consistent up to 65 mph. Is measurement too close to intersection therefore influenced by signal? What are the safe car speeds; survey does not say how many were trucks?



Site 2 answer: Survey meets specification required by California's law but it fails to meet either the safety requirements of the public or does it provide due process protection from unwarranted prosecution. Let's look at both components;

Safety;

1. The object of the study and duty of the engineers is to assure safety within the roadway right of way, and that all traffic control therein meets the safety needs of the traffic. This document must also set the factual parameters for the exercise of police powers thereon.
2. Free flowing is unencumbered speeds. The study is void because it was conducted too close to the traffic signal; therefore the traffic speeds were under its influence, which in part explains the 30 mph speed range.
3. Measurement method non compliant. The measurement method cannot affect the outcome; radar has been shown to result in up to 3 mph lower speeds and all measurements here were taken from single roadside point.

Radar is subject to cosine angle factor error, a straight on measurement (0 degrees) is 100 percent of the value, at 90 degrees it is 0 percentile, and angles greater than 15 degrees always result in significant lower than actual speed readings. 15 degrees, when taken from a roadside location, encompasses no more than 2 traffic lanes, this section is 5 plus lanes therefore one direction is under reported, void.



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Northbound was lower than southbound; was it because of trucks, cosine angle error, grade, the measurement's point proximity to the signal, vehicles entering at the intersection, or all? How does it correlate with the fact that according to Google street cam it shows the segment north of the signal in the photo, is posted 65 mph, and this is a non-compliant 20 mph reduction speed zone change had no advance warning?

4. The study did not discern passenger and truck traffic mix by percentage, behavior or speeds or by direction. This is unsafe practice because trucks have unique safety needs and when there is constructive knowledge that there is truck traffic on a roadway, their safety needs to be addressed independently, particularly in a hilly environment as with this site. Trucks have special needs for curves, grades or reoccurring grades and stops and the related stopping distances to name a few.
5. Study (spot survey) only encompassed 20 minutes of traffic, 133 vehicles under the influence of a signal out of a population of 27,000 vehicles daily, or 00.49 percent of the vehicles; of which 3 percent were trucks for 24 hours. What was the percentage during the study?
6. Safety become a serious concern in the area of the signal, California law permits signal timing to be set to the posted limit, not the approach speeds which we know are up to 65 mph. Therefore cross traffic would routinely be given a green with inadequate time for through traffic to come to a stop or clear the intersection. This is during the daytime, what are the off peak approach speeds at night and when traffic is light? No one knows but we can safely say they would be higher.
7. When traffic control, passing exclusion zones, curve warnings, hazard mitigation and sight distance needs are based on speeds that are not representative of the actual prevailing speeds as determined by the roadways users, safety is always compromised.

Due process;

1. Absent a finding of what range of speed is within the safe for conditions speed per FHWA risk charts, by condition then present, and time of day there is no foundation for prosecution from speed in and of itself under the basic speed law, because the posted limit is not fact based. This section of roadway this range of safe speeds were not determined, therefore there is no foundation.
2. Unless the officer can prove they have been properly trained in applying the findings of a study, and they have examined the study for this particular road applying those principles in advance of an enforcement action; an officer is incompetent to testify to an unsafe speed or assert probable cause.
3. Under our basic speed law ethos that our speed laws are founded on, speed in and of itself is not a per se unsafe act, it must be accompanied by a demonstrable unsafe act; absent such an act or factual foundation (study) an officer is incompetent to testify to an unsafe act or assert probable cause.
4. Even if the fact that the survey was inadequate in scope, didn't show the range of safe speeds during a 24 hour period, the 85th was averaged rather than discrete by direction, the safest speed were up to 15 mph and more above the posted limit etc. In California it constitutes a speed trap, in the rest of the country the limit isn't supported by the findings, fails fact based and equal protection.

This exercise was on roadways with studies. Whereas, the overwhelming majority of roadways in the US and its territories have never had a study, and the few that have are non-conforming.



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Speed limits in the US are largely invented values, with invented not to exceed absolute thresholds, that have secondary more serious invented penalties for invented speeds XX mph in excess of the invented values, being enforced by officers that have no training whatsoever in applying engineering practices to know what range of speeds are safe for conditions; nor has anyone ever determined that under our laws a speed limit is warranted, and if so, what the safe speeds are in the first place. On 4 millions miles of highways, where a motorist could traverse hundreds of authorities in a single day, with each applying their own whim of a practice as well as other unposted local regulations they invented, for their enforcement franchise area.

This total lack of due process and disregard for best safety practices is foundation that more than 50 million Americans are prosecuted, and convicted for violating. Arizona wrote more than 700,000 driving safe for conditions citations in 5 months, and the city of Washington D.C. has now exceeded 70,000 a month, and these are model programs? They're surely not models of the common good of We the People.

This is why we can say with absolute certainty that there are no complying jurisdictions within the US, and it's by design of the USDOT, contrary to its Constitutional oversight mandates and the rule of law. Now you understand, in part, why we are so concerned about this proposed wholesale expansion of police state powers they want. That would otherwise appear to be a rational distracted driving effort, it's a gateway to a pretext stop police state.

We can fight them with the laws we now have and we can also have safe roads without new laws, too. All we need to do is exercise our rights as an individual, a citizen of the United States, and compel our courts to acknowledge and respect the rule of law.

Starting in September, make it the first 'We the People' plead Not Guilty Month, and every month thereafter do the same. In doing so we can affect change and take back our country. There are judges who respect the rule of law, and one at a time they will turn this tide of tyranny.