

From: [Seth Miller](#)
To: [Farag, Susan](#)
Subject: Traffic Safety
Date: Sunday, January 8, 2023 8:54:00 PM

[EXTERNAL EMAIL]

Ms. Farag:

Below is my written testimony. Please acknowledge receipt and put it into the record.

Mr. Chairman and members of the commission thank you for your service. It is my practice to begin communication with government workers and especially volunteers by thanking you whether I agree with you or not. Not is usually the case. The exception to my practice on thanking you is when you mess up very badly. To my knowledge, you personally have not.

Second; that which follows is pursuant to my First Amendment right to petition my government for a redress of my grievances. Furthermore: "Public men [and women] are public property." New York Times and Co. v. Sullivan (Citations are omitted due to not having access to WestLaw Next).

Third; traffic enforcement is an issue near and dear to my heart. I am an activist against speed cameras who is himself recovering four years later from a horrible auto accident. I am told up until a few years prior to my accident, my accident would have killed almost anybody. I am told of the few who at the time lived none are in as good shape mentally as I appeared to be. I've had coworkers who might joke tat I was not in good shape mentally to begin with.

Fourth; I was a paralegal at the time of my accident. In your list of topics you discuss public confidence. There is substantive law and procedural law. Procedural law is how you carry out substantive law. Who initially said it is unclear but professors sometimes say: "You write the substance. I'll write the procedure. I'll win every time." Except in Maryland where we ignore procedure in many but not all areas of law.

Previously a contactor could not be paid per citation to operate speed cameras or process citations. That is exactly what Montgomery County and municipalities therein were doing. They did it for years. It could not be handled in a class action as in Baker v. Montgomery County but individually in district court. Baker says that the court was dubious of a contract that simply states the county or city was the operator, but citations must be contested individually individually in district court. I brought a copy the statute; the contract, which I obtained through the Maryland Public Information Act; and a copy of the case of Baker v. Montgomery and won before Judge Schweitzer. A packed court room laughed when after finding me not guilty the judge said: "Mr. Miller, may I keep these documents?"

Manu of my speed camera cases are no longer on Case Search they were entered as civil when they should have been entered as criminal.

After years of local governments being out of compliance with that one element of procedure, and the statute lists many; the General Assembly passed emergency legislation giving jurisdictions time to correct. My understanding is emergency legislation goes into effect on signing without a waiting period unlike regular legislation. Emergency legislation requires a supermajority in each house of the General Assembly. If counties and municipalities had the supermajority to get a temporary change to a statute they had been violating for years, so they could finally correct, they could have gotten the plethora of other procedural requirements in the statute changed. It looks to citizens like me that the police do not comply because they can get away with it and that is an awful thing.

This is an educated and affluent community. Citizens know.

In another case I used video in a de novo appeal to show that a required sign alerting motorists of a camera was not visible through the exit I left the parking lot through. In the District Court Judge Cho said: "Mr. Miller the statute just says there has to be a sign the statute does not say the sign has to be visible." What's the point then? I cannot

cite without West Law and if somebody wants to add citations and only citations herein they may as long as I am Cc'd. Actually the sign qualifies as a traffic control device per definition of the transportation article and therefore has to be visible by statute. I should have asked the circuit court to reconsider its guilty finding. Judge Greenberg who I learned more from arguing before in one day than I learned from some professors in an entire semester in my paralegal program, found me guilty but set the fine at \$0, likely so I would not be an aggrieved party with appeal rights.

Usually Judge Hrewnberg handles bigger cases, but I subpoenaed the mayor because Rockville was out of compliance with another element of the statute requiring a Mayor and Council hearing for each camera. Dave Stevenson of Montgomery County would stipulate that the Montgomery County Council did not hold a hearing for each camera. Jodi Schultz of Rockville would not.

There are a host of other requirements in the statute such as that speed cameras outside of school zones need to be on roads in which the limits were set using generally accepted principles of traffic engineering. Rockville could not show that in one case and I doubt Montgomery County could on others. At the time we were the only county the state permitted to use cameras outside school zones. One of the conditions was that the speed limit be set using generally accepted principals of traffic engineering. There are so many procedural elements to comply with. In court the county makes no attempt to show they complied with more than a few.

Your meeting notice asked about the effects of speed cameras on diverse communities. That means ALL communities.

I was born Jewish. This county has a large Jewish population. Yom Kippur is the holiest day of the Jewish year. I can not remember what year it was, but the speed camera docket was on Yom Kippur. I called Dave Stevenson then in the County Attorney's Office who said he would not oppose an extension. To ask for an extension was too much of a headache. Whether or not that was the natural date that docket fell on acting administrative judge John C. Moffet should have changed it. Moffet who has a reputation as a comedian and a show boater said some things to me from the bench I did not appreciate. When a judge says what Moffet said to me from the bench any reasonable layman would believe the judge because he was not joking he is a jerk. First Amendment!

There are civil cases I should have brought but did not because of a lack of confidence in our courts. They are probably thrilled because it makes less work for them. While police officers should not socialize with judges, police and courts work closely. The police should not have allowed the speed camera docket to be set on Yom Kippur. Dave Stevenson should have moved that the entire docket be postponed. This is important for public confidence which the police need to do their job. Even Though he is my adversary, I actually like Dave. Good man. Fair man.

If people from disadvantaged communities see that this can be done to me. How do you think they feel about what you will do to them?

While what I am about to say is strictly my own opinion, while working toward my paralegal certificate; I worked as a traffic producer at Clear Channel now I-Heart radio. It is on Rockville Pike. I used to get pulled over all the time coming home. One officer said: "If you're on Rockville Pike at this time of night you're going to get pulled over." They could not see what I look like. Black or White. It I do not care for it think how a Black person must feel.

Years later my accident was on Rockville Pike. All I remember from the accident was going out to eat. When I woke up, my brother told me I was at INOVA Fairfax Hospital and in an accident. I remember the trauma surgeon leaving my ICU room in tears of joy because nobody until me ever summoned her to their ICU room to thank her.

Almost four years have gone by. There were a number of problems with the police report. I am a creature of habit with my routes. I would have been going to the Silver Diner to get something to eat as places were starting to open from Christmas.

It would have been a left U-turn at Rollins, not a left turn from Rollins. That turn would be dangerous. And illegal. There are no restaurants that would have been open. An interviewer found that the teenager who hit my Honda Civic was driving his father's Mercedes full of girls from one hookah bar to another. What were they smoking out of those hookahs? Were they drinking? The other driver was not tested. My tests came back negative. Christmas would be a good time a kid would pick to try to get served illegally.

Key was whether or not the lights were on a red, green, yellow or flashing red and yellow pattern. A security camera at what was then Cardinal Bank would have been able to capture an image of the other driver's car to pin point the time. There were not too many cars on the street. That security camera had a live feed to the county's traffic web page. It would take a lot of convincing for me to believe that if a Cardinal Bank ATM customer was robbed you would not be able to get the video. The year was 2018. There should have been plenty of other locations with video in that area of Rockville Pike.

The following two brief anecdotes are relevant.

Before the Verizon Superbowl commercial thanking first responders, I called the paramedics who saved my life from my room in skilled nursing to thank them. I introduced or better yet re-introduced myself to one of the team members. He said: "Holy s**t Mr. Miller. You lived!" I said: "They don't tell you?" Apparently they are only told if the patient dies and the paramedics are still at the hospital.

I was to be discharged from the ICU to skilled nursing. I was not ready to be discharged. Before coming in to take out some stitches a nurse asked the doctor in the hall where my discharge order was. With me in earshot he said; "Don't worry about it. Mr. Miller is going to die." This man's role in my treatment was minimal. I did not pay him. The hospital was savvy enough not to pursue it after that performance. The doctor's primary responsible for my treatment who I love did not know the man.

If the paramedics did not know I would live. If a renowned surgeon, all be it a jerk who's actual role in my treatment was minimal said right in front of me that I was going to die; why wasn't this investigated as a potentially fatal accident?

There was a bus shelter on Rockville Pike that had signs in it that made turning onto Rockville Pike difficult and dangerous because drivers could not see. There were plenty of other places to put the sign. I called and asked that the sign be taken down. The answer was no. This was well before my accident. I'm just a paralegal and Ed what I am

About to say is protected by the First Amendment, I would say keeping people alive and walking is a fairly compelling government interest to justify a time place or manner restriction.

At my former Woodington Terrace address there were neighbors in a neighboring subdivision that had paint all over the bodies and all over every window of their car. Every window. This was permanent not "congrats grads" that people scrub off in a few weeks. There was no way they could see as effectively with all that paint. Somebody could easily get hit. I saw them while walking for therapy all the time. Your police would not do anything neither would the kids' father.

Your police officers told me that they could not do anything. Disclaimer: the writing was extremely political. I do not care. Put it on the bodies not the windows. Given the car color it would have been easier to see on the body.

I am close friends with the family across the street and they are the only people in the world kind enough to put up with that in a Potomac neighborhood.

The speed camera statute empowers the Chief Judge of the District Court of Maryland to make rules for speed camera trials. Someone told me that he does not get to do that unilaterally. The statute says or used to say he does. How about giving citizens the option to contest in writing? I have been asking for that forever. Why don't you? Maybe it will get done.

This item is very important. I did not care for your notice of the meeting. You told me what the commission was interested in comment on within the broader issue of traffic enforcement. I saw the county taking comment on something, I can't remember what and they asked whether it fell into Mr. Elrich's priorities or within reimagining government. What about my priorities? Who works for whom? Don't tell me you are keeping the discussion focused. When I worked as a small town television reporter more years ago then I care to admit the last question was always the same: "Is there anything else you would like to tell me?" You can end with that question, stay focused, and people will not feel shut out.

ACCORDINGLY I ASK THAT YOU:

1. Rectify visibility problems consistent with free speech. Safety is a pretty compelling interest.
2. Make sure that speed camera use is consistent with procedural law. All of both. I bet you cannot show that the speed limits in most roads outside of school zones were set in a manner consistent with generally accepted principles of traffic engineering.

Multiple violations of procedural law are not a technicality, but greed. The public has to be confident that speed cameras are for safety not revenue.

3. Get drug and alcohol tests from all parties to an accident especially between midnight and 6am.

Why was I when completely sober pulled over so many times on Rockville Pike when a kid who hit me going from one hookah bar to another in his father's Mercedes full of girls was not even tested for drugs and alcohol?

4. Consensus build with other police departments and ask Chief Judge Morrissey to decree that speed camera tickets may be contested by mail, email, and online.

Lastly if you do your research on me and many people do, you will find the case of Seth Miller v. The Maryland Health Insurance Plan. I lost not only, but primarily because the judge cited the statutory criteria for the wrong program and said not that it was advisory, but the actual criteria for my program. Reconsideration denied. Cert denied. If I had lived at the Y instead of at home with my parents. I would have qualified under the income eligibility criteria the board did not follow the statutorily mandated procedures to enact.

The judge thought it better to use the statutory criteria for the wrong program. Reconsideration denied. Cert. denied. I don't think there are too many Jews living at the Y.

If I as a middle aged white male holding a BA and a paralegal certificate who has the work record I have am losing cin

Sent from my iPhone