

## Big Brother is Watching

RECENTLY, A PANEL of experts convened in Michigan to discuss the emerging controversy involving vehicle data recorders (VDRs). Chaired by *Car and Driver* editor Csaba Csere, the panel's focus was on yet another "little black box" being installed on most new vehicles made by Ford and General Motors. It's a fairly innocuous thing, about the size of a cigarette pack, that only records about five seconds of data when the vehicle's air bag is activated. Information recorded involves speed changes, throttle position, braking application and seat belt use.

Sounds fairly sensible, and quite probably it's even a very useful device for determining the cause of an accident. But stop and think for a moment. Who owns that information? And what about our constitutional protection against self-incrimination? Does the state, or your insurance company, have the right to use that information against you to raise your insurance rates, or to prosecute you and perhaps send you to jail? The consensus among the panel was that legally, the information belongs to the owner of the vehicle and can't be used without his permission, but...read on.

First of all, if you're wondering what this has to do with motorcycling, I couldn't find a single expert in the industry who doesn't believe that VDRs will soon be mandatory on every motor vehicle sold in the US, which of course, will include our motorcycles. Secondly, it is also worth noting that these devices are capable of recording tons more information than what they currently capture. And, I am told that it would be a simple matter for the NHTSA to require the collection of any data from these devices that they might deem useful to them. The Michigan panel also noted that under some new laws passed recently, the Department of Homeland Security and the Attorney General's office can also access that data.

So, what about your right to privacy or freedom from self-incrimination? According to the National Motorists Association, even if Homeland Security or the AG isn't interested in your "private" information, you have probably already waived your right to privacy by way of a clause in your insurance policy, promising that you will "cooperate" with your insurance company by granting access to any information that could conceivably help settle a claim. You might be able to secure a court order to stop them, but don't bother, because we're also told that virtually any state agency could still access your data, under the "implied consent" clause that is standard in most states for being issued a driver's license.



You might be thinking at this point that at least you're safe from this invasion unless and until you break the law, or get involved in an accident. Wrong again. Already, certain models of cars with onboard GPS systems can transmit your data to anyone with a receiver and an access code—hopefully, a representative of a law enforcement agency. But who knows? You won't even know when it's being done. And even if your vehicle isn't equipped with GPS, don't worry, they've got that covered, too. Soon, all the VDRs will be equipped with wireless internet capability, so that State Trooper following you can simply tap your license plate number into his keyboard, and download your every move for the past several weeks. Not to mention he won't need radar anymore to clock your speed—your car or bike will do it for him, and even tell him if you were speeding last Tuesday.

If all this sounds futuristic to you—hang onto your helmets. In Europe, they're working on a similar system, with GPS, to be used for charging road tolls. The tolls vary by the road used and the time of day, and are calculated by a computer that attaches a per-mile fee. Toll meters at gas stops then automatically charge your credit card or bank account for your road-use tolls when you stop for gas. The computer also knows the speed limit on each road you took, and whether or not you exceeded it, and will automatically add your speeding fines onto your tolls. Isn't technology wonderful?

"It'll never happen!" you say? The toll-meter boxes are already a reality in Swiss and German commercial trucks, and Deutsche-Telekom and Daimler-Chrysler have a government contract in hand to install them in all trucks in Germany very soon. How much longer before they make their way into private vehicles?

In answer to my own question, Australia seems to think it can't come soon enough. In New South Wales, the Road and Traffic Authority has looked at our VDRs, and Germany's GPS-enabled toll meters, and decided that not only are they a good idea, they should be taken one step further. The plan being considered there would include another wrinkle—mandatory engine governors that would make sure that your vehicle could never exceed the posted speed limit of wherever you're driving at the time. The RTA General Manager is promoting this plan, and has the backing of a powerful organization called "Staysafe," which claims the system could reduce traffic accidents by as much as 50%.

Now, I don't believe that Americans will ever stand still for the speed governors, but then again, I don't believe anyone in the US is even considering that option. What they're pushing for here, instead, is the automated fine system, so you can basically speed all you want, so long as you're prepared to pay for it. After all, that *is* the American Way, isn't it? But don't think you might get away without paying, because our governments, though not interested in making the system capable of physically slowing us down, *are* in favor of adding a "start inhibitor," that would simply immobilize your vehicle if you have unpaid traffic fines. A neat solution that clearly points out that though the proponents of these systems will beat their collective breasts and cry "safety" when extolling the plan, they are not quite so interested in public safety as they are in revenue generation. The Federal, State and local governments, and especially the insurance companies, will win big. And we, the motoring public, will lose. They will console us with their mantra that it makes the world a safer place.

Maybe I sound like a wild-eyed conspiracy theorist, but when in our history has our government ever opted for *less* regulation on our motoring? And the systems I describe aren't science-fiction, they're already here, and in use in several places. And quite frankly, I doubt that there is a damn thing we can do about it.

I leave you with a quote from Benjamin Franklin: "They who willingly give up essential liberty to obtain a little temporary security, deserve neither liberty nor safety."

—Fred Rau  
Senior Editor