

Driver finds loophole in speed camera ticket

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A Bethesda woman escaped her speed camera ticket after she uncovered maintenance problems with Gaithersburg's cameras.

Peggy Lucero was nabbed by a speed camera in a 30-mile-per-hour zone on Route 355 in Gaithersburg. Instead of paying the \$40 fee like most Maryland motorists, Lucero dug up records on camera maintenance and asked the State Highway Administration to validate the area's speed limit.

"I devoted five months of my life to unearthing the contradictory and circuitous path of trying to find justice in this mess," Lucero said.

Maryland law requires police to test speed cameras for proper functioning daily. But Lucero discovered the camera that ticketed her wasn't tested the day it photographed her license plate.

Officials failed to perform daily tests on a second camera down the road, as well, records revealed. A police officer tested the second camera on Dec. 18, 2009, and did not return for the next checkup until Dec. 28. Records also showed two-day and four-day gaps between tests in December 2009 and January 2010.

State highway officials responding to Lucero's request for a speed study discovered the Gaithersburg stretch of the road had not been assessed for an appropriate speed in five years. Highway officials concluded the limit lagged by 10 miles per hour.

State highway traffic engineer Andrew Bossi recommended Gaithersburg increase the speed limit and warned that the 30-mile-per-hour zone posed a danger to drivers.

"Motorists would brake significantly at each camera location, followed by accelerating immediately afterwards," Bossi wrote to city officials in a March 3 e-mail. "The current conditions may pose a more significant risk for rear-end and sideswipe conditions."

But Gaithersburg pushed back.

"At the [March 22, 2010] meeting our Mayor and City Council were unanimous in the desire to not raise the 30-mile-per-hour speed limit in this area," city Public Works' Engineering Services Director Ollie K. Mumpower wrote. In fact, the city wants to extend the speed limit a half mile down the road, where it increases to 35 miles per hour.

Either way, Lucero's off the hook. She brought the camera logs and speed study to court, and the judge promptly tossed her ticket.

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