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NEWS & NOTES

American Motorcyclist Association

October 2006

The American Motorcyclist Association (AMA) is hosting a Washington, DC Ride Into Political Action seminar for motorcyclists who want to learn how to influence governmental decisions, whether in Congress or in their local communities.

The seminar, to be held February 24-27, 2007 at the Phoenix Park Hotel in Washington, DC, allows participants to meet and learn from the AMA's Washington staff as well as other political experts. Besides learning about state and federal issues facing motorcyclists today, participants will get tips on building relationships with government agency officials and on lobbying elected officials. The instructors will also prepare participants to meet face-to-face with members of their own congressional delegations.

A registration form is available in the American Motorcyclist magazine or by contacting Sharon Smolinka at the address below. Mail the completed form to AMA, 13515 Yarmouth Drive, Pickerington, OH 43147. For more information, contact Sharon Smolinka at (614) 856-1900, ext. 1252 or by e-mail at ssmolinka@ama-cycle.org.

New York has enacted a law supporting the goals of the AMA's Justice for All campaign. AB-4914, which was signed into law by Governor George E. Pataki on August 16, authorizes mandatory revocation and suspension of licenses and registrations when a motorist convicted of violating another motorist's right-of-way causes serious physical injury or death of another person. The new law also requires offenders to participate in an accident-prevention course.

Individual leadership by Larry Schwartz, AMA District 3 President, AMA-PAC Chairman, and AMA Community Council leader, and Bob "Prospector" Boellner, Vice President of ABATE of New York, along with the activism of their state-level organizations, was instrumental in the New York victory.

New York joins several other states in passing legislation that supports the goals of Justice for All. A California bill requiring additional penalties for right-of-way offenders, SB 1021, recently passed the state legislature with overwhelming support and awaits the governor's signature. For more information about the AMA's Justice for All campaign, visit www.AMADirectlink.com/justice.

The American Motorcyclist Association (AMA), in light of recent statistics showing an increase in motorcycle-related fatalities, has again expressed its support for comprehensive nationwide research into the causes of motorcycle crashes.

Motorcycle fatalities increased by 13 percent in 2005 over 2004, according to statistics released yesterday by the National Highway Traffic Safety Administration (NHTSA). It was the eighth consecutive annual increase in fatalities, after years of decline during the 1990s.

The transportation bill passed last year by Congress included funding for the first comprehensive study of the causes of motorcycle crashes since the well-known Hurt report done in the late 1970s. The crash study will be conducted by the Oklahoma Transportation Center, part of Oklahoma State University, and is expected to begin in 2007.

Clear Creek Management Area (CCMA) off-highway vehicle (OHV) recreation continues, without the cloud of litigation over the popular area, for the first time in over eighteen months following the recent dismissal of a lawsuit brought by the Center for Biological Diversity (CBD) and California Native Plant Society. Managed by the Bureau of Land Management (BLM), the CCMA has been under attack for several years by anti-access groups seeking to close the popular off-road riding area, home of the AMA-sanctioned Quicksilver Enduro.

The effort by motorized recreation interests representing the Salinas Ramblers Motorcycle Club, the American Motorcyclist Association District 36, the California Association of 4 Wheel Drive Clubs, the California Off Road Vehicle Association, the Off Road Business Association and the BlueRibbon Coalition to intervene in this case were instrumental in order to help to protect public access to the CCMA. The suit, filed in Federal District Court in San Jose in November 2004, threatened to eliminate most motorized use of the entire area. The Plaintiffs filed numerous motions seeking immediate judicial imposition of travel restrictions, none of which were granted.

Before and during the lawsuit the Bureau of Land Management has been working on a travel management plan for the area. On January 13, 2006, the Bureau of Land Management (BLM) released its Record of Decision restricting vehicle travel in the CCMA to designated routes and areas. Based largely on the issuance of this plan, the Plaintiffs stipulated to dismissal of their suit, which the Court approved on August 3, 2006.

Crockett County, Texas, near the town of Ozona, has acquired a 3,329 acre parcel of land that the Texas Motorized Trails Coalition (TMTC) is planning to develop into a public recreational park open to both motorized and non-motorized users.

The TMTC already owns an 1800 acre park near Longview, which is currently almost fully developed. The Barnwell Mountain Recreational Area (BMRA) has over 120 miles of trail system, which is marked and mapped, and rated as for degree of difficulty. The BMRA also has restroom and shower facilities, RV and primitive camping, a pavilion, an air station, food service and park managers that live on site.

The TMTC works closely with the Texas Parks and Wildlife Department (TPWD), the US Fish and Wildlife Service and the Texas Historical Commission to ensure that all environmental, biological and cultural resources located on the property are identified and protected.

The TMTC is a non-profit, all volunteer, membership based organization that was recognized in March of 2006 as the "State Association of the Year" by the National Off Highway Vehicle Conservation Council. The TMTC also works closely with the American Motorcyclist Association, United Four Wheel Drive, SW Four Wheel Drive, Tread Lightly! and the ATV Safety Institute.

Both of the TMTC's property acquisitions were funded, in large part, by the Recreational Trails Fund (RTF), a federal, pass through, gas tax rebate program administrated by the TPWD. TPWD has also recently instituted an Off Highway Vehicle (OHV) Sticker Program required for use by OHV's who utilize public lands or land purchased with grant programs, both federal or state. Both of these programs are a substantial step forward in the creation of public lands dedicated to OHV use in the State of Texas and the TPWD/ TMTC land acquisitions are prime examples of how the programs can be utilized.

For more information on these riding areas or TMTC go to www.texasmotorizedtrails.com.

The California Air Resources Board (CARB) recently became aware of the fact that some off-highway motorcycles may have been inappropriately converted to street legal registration by the Department of Motor Vehicles since new policies banning that practice were adopted in 2004. In mid 2003, new policies were issued by the Department of Motor Vehicles that blocked owner or dealer conversions of off-highway motorcycles. This was in response to CARB requirements that all street legal motorcycles must be certified by CARB that they meet street legal motorcycle emission standards. DMV policies had historically allowed conversions after appropriate lighting and safety equipment was installed, but those policies had not been updated to reflect newer CARB regulations adopted subsequent to the DMV policy development.

After discussions among the Off-Road Business Association (ORBA), the American Motorcyclist Association (AMA), DMV and CARB, a delayed implementation of the new policy until 1-31-04 was adopted, allowing owners who had already purchased or ordered motorcycles in good faith with the intent to utilize the existing DMV policy to complete the conversion to street legal status. After 1-31-04, no off-highway motorcycles were supposed to be converted and registered by DMV.

Currently, DMV and CARB are auditing DMV records to determine if off-highway motorcycles have been converted to street legal status inappropriately since the 1-31-04 cut-off date. Preliminary indications are that some motorcycles may have been inappropriately converted, and a more detailed audit is underway to determine if that is the case and if so, how many of them were done, and to whom they belong. Owners of any off-highway motorcycles that are determined to be inappropriately converted will be contacted by DMV by mail, informed their street legal license plates are no longer valid,

and offered the opportunity to register the bikes as off-highway motorcycles.

The only motorcycles that are allowed to be street registered are models that are certified by CARB as meeting highway emission standards, those converted previous to the 1-31-04 deadline and motorcycles of model year 1977 and older. Anyone who converted their off-highway motorcycles to street legal status prior to the 1-31-04 date will not be affected, and their current status will not change.

For those California residents interested in owning a street legal motorcycle that performs well off-road, there are several good options. Until now, there have been few options for those buyers, and even those were not as desirable to some buyers as converting a lighter, higher performance off-highway motorcycle. Fortunately, a few manufacturers have responded by producing dual sport bikes that perform well off-highway and are lighter than traditional dual sport models. It is expected that other companies may follow this trend.

DMV registration procedures pertaining to off-highway motorcycle conversions can be viewed at: <http://www.arb.ca.gov/enf/advs/advs319.pdf>.

AMA Community Council – Walker County, AL founder Jamie Freeman is now serving as 4-H's new ATV Coordinator for the State of Alabama. She began work August 15. Jamie is an experienced ATV Safety Institute Rider Course instructor, 4-H ATV Club Leader, and graduate of the AMA's Ride Into Political Action courses for both state and federal levels. She will present school programs about ATV Safety and to help set up county and regional 4-H ATV clubs. Jamie will also meet people who are members of local ATV clubs and the Alabama Off-Highway Vehicle Association of which she is also a founding member.

A Santa Cruz County, California Superior Court judge ruled in August that at least a dozen citations leveled against self-taught helmet law activist Richard Quigley for not wearing a motorcycle helmet are unconstitutional because the California Highway Patrol has failed to properly define what constitutes a safe motorcycle helmet.

In his seven-page ruling, Judge Michael Barton sided with Quigley, 61, of Aptos, whose argument in numerous court appearances over the years is that his soft leather baseball cap is just as much a helmet as the so-called standard hard-shelled helmets worn by most motorcycle riders.

The California Highway Patrol must define what a helmet is or any citations written by officers are unconstitutional, Barton ruled. The interpretation of what constitutes a helmet, the judge wrote, is unfairly left up to the CHP officer's "subjective opinion," and the set of guidelines and safety standards are "vague." Quigley, who's been fighting the helmet law for years, since it first went into effect, was elated at the judge's detailed clarification of a ruling last month.

In July, Barton sided with Quigley and dismissed nine helmet citations against him on the premise the law was too vague. Recently, he dismissed the final two citations against Quigley, ruling that "The CHP is the only state agency authorized by the statutes to adopt reasonable regulations establishing specifications and standards for motorcycle safety helmets. The CHP's failure to adopt such regulations, and make them available to the public, has rendered the helmet law statutes void for vagueness as applied."

The judge's order and its implications caught the California Highway Patrol off guard, and the agency's general counsel was seeking legal advice. Since the motorcycle helmet law went into effect, Quigley said he has never paid any fines as a result of a citation. Instead, he said, he has served hours of community work at the Santa Cruz Law Library where he researched the case he has finally won.

Codorus Township, York County, Pennsylvania riders and residents, nearly one hundred strong, jammed the Township office to standing room only at the July Supervisor's meeting because of the OHV ordinance that was on the agenda. PaOHV, AMA, and the ATVA notified as many people as possible prior to the meeting.

Dozens of residents were given the opportunity to speak during public comment periods, and the resounding message was that they did not want this ordinance in their township since it would severely limit OHV operation on private property.

Township Supervisors countered that they have seen an unacceptable level of complaints by farmers in this rural township of people trespassing into planted fields on ATV's and destroying crops, that many of the dirt roads in the

township have been damaged by irresponsible riding practices. The ordinance was an attempt to curb that problem activity, but in the opinion of the residents in attendance, the ordinance would not help control the problem activity. Instead, it only open the door to harassment of the law abiding citizens and curb the healthy family activity enjoyed by so many.

If you become aware of a proposed ordinance in your township, municipality, county, or areas please contact the AMA through our website www.AMADirectlink.com.