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363 South St.
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Hon. Richard Hanna
319 Cannon HOB
Washington, DC 20515

Sir,

I am writing you today in support of HR 904 introduced by Rep. Sensenbrenner. This resolution would prohibit Federal funds from being used to conduct motorcycle only road stops. First, a little history. The NYS Police in conjunction with the NYS Department of Motor Vehicles began conducting motorcycle only stops in NY two years ago. They called the program "Trooper 5060" in reference to the badge number of a State Police officer who was tragically killed in the line of duty pursuing a criminal who happened to be riding a motorcycle.

The program seemed innocent enough at the time. The stated purpose was to perform safety checks on motorcycles to insure that the riders were operating a vehicle that was in compliance with NYS DMV regulations. Unfortunately, this is not what actually occurred.

The supposed "safety stops" became a tool to generate money for NYS and to issue tickets for non-compliant helmets. The NYS Police set up roadblocks in areas where they knew a large volume of motorcycle traffic would be because of annual motorcycle rallies. They post a sign on the highway indicating that all motorcycles must turn into a State rest area. They place the motorcycles in an area that can best be described as a holding pen, complete with fences and armed troopers and sheriff's deputies. They then look at helmets or anything on the motorcycle that they feel may not be in compliance. The riders who are pulled over have been detained for as long as 45 minutes, many with no tickets issued. Many of the tickets issued are overturned in a court because of non-specificity of the charges or even non-compliance with the NYS Police policy statement on motorcycle only stops. In fact, there is so much vague language in the policy, as well as discretion for the officers that the policy is not being enforced in anything resembling a consistent manner. I'm not even sure if the Troopers themselves understand their own procedure.

Every motorcycle registered in NYS has to be inspected by a licensed motorcycle inspection station each year. These trained professionals are qualified to perform the inspections, as certified by NYS. They are the ones who should be making the determination if a motorcycle is safe to operate, not the New York State Police who have no special knowledge of the factors that affect the safety of the riders. Additionally, if the NYS Police are truly concerned for the safety of the riding public, they would be far better off checking the operators of other motor vehicles that seem to cause most of the non-alcohol related accidents involving motorcycles. It is well established that the best way to prevent motorcycle accidents is through education of all people who use the roads.

It is my understanding that a police officer is supposed to have reasonable suspicion or cause to detain anyone who is legally using our public roadways. This is guaranteed by the Constitution of the US. The "Trooper 5060" program denies this right for anyone riding a motorcycle in the area of these stops.

I have special knowledge of these facts because I am the legislative coordinator of the Southern Tier Chapter of ABATE of NY (American Bikers Aimed Towards Education) and have been riding motorcycles since 1971. I am also an Assistant Chief with the City of Binghamton Fire Department and have been to my share of accidents over the years. I am a registered Republican who voted for you in the last election (not that this should influence your decision) and am passionate about protecting the safety and rights of motorcycle riders.

I urge you or your staff to talk with Rep. Sensenbrenner about HR 904 and sign on as a co-sponsor of this resolution. I would also appreciate any feedback or comments that you may have in regards to this situation. Please feel free to contact me by mail or phone (607) 760-4594.

Thank you for your consideration and time.

Respectfully submitted,

Stephen Faughnan