

(07/02/03 08:03AM)

Sgt Riggs:

My name is Richard Quigley. I am with the Helmet Law Defense League, And in that capacity am contacting you.

Please excuse the intrusion, but I got a copy of an e-mail you had apparently sent earlier this year and wanted to verify that it came from you, and to ask a few questions.

Did you, in fact, send the following e-mail?:

>Date: Thu, 22 May 2003 11:34:34 -0700
>From: "Mark Riggs" <mriggs@ci.fremont.ca.us>
>To: <rcastr@gainmicro-optics.com>
>Cc: "Krista Ayala" <KAyala@ci.fremont.ca.us>
>Subject: Helmet Citation
>
>Renee,
>
>I am Sgt. Mark Riggs of the Fremont Police Traffic Unit. I read your
>email and will try to answer your questions or concerns. Our traffic
>division is actively writing motorcycle helmet citations for a number of
>reasons. **First, the law requires Department of Transportation (DOT)**
>**approved helmets for safety equipment. Second, we have lost motorcycle**
>**riders too often for the past few years partially due to novelty style**
>**helmets that do not have DOT approval.** It is a safety issue for the
>department and a way we can remind riders to protect themselves.
>
>The officer that issued you the citation gave you the benefit of the
>doubt and did not want to inconvenience you by making you a pedestrian
>and removing your helmet. The main reason for the citation is for you
>to upgrade your safety equipment to the state and federal standards.
>
>If you have any further questions or concerns, please feel free to call
>me at my desk at 790-6761.
>
>Sgt. Mark Riggs
>Traffic Division
>Fremont PD

If so, could you please explain to me where you came by the understanding that "the law requires Department of Transportation (DOT) approved helmets"?

Exhibit "RR"

page 1 of 2

What proof would your Officers accept that a given helmet is "Department of Transportation (DOT) approved"?

I am not certain what you meant to convey when you wrote "making you a pedestrian" or "removing your helmet."

Did you mean to convey that, once cited for an allegation of wearing a helmet that is not "Department of Transportation (DOT) approved," that the rider is not allowed to leave on his or her motorcycle?

Did you mean to convey that you would or could recommend helmet confiscation?

Are you the person who trained/supervises the citing officer in this case?

Are you P.O.S.T. certified in this area?

Thank you in advance for your prompt response.

Sincerely,

Richard Quigley, Senior Deputy Director
Helmet Law Defense League

1st Response:

Date: Wed, 02 Jul 2003 09:02:24 -0700

From: "Mark Riggs" <mriggs@ci.fremont.ca.us>

To: <quig@usff.com>

Cc: "John Flynn" <JFlynn@ci.fremont.ca.us>,
"Richard Lucero" <RLucero@ci.fremont.ca.us>

Subject: Re: Fwd: Helmet Citation

Richard Quigley,

To answer your question, yes, I wrote the email. Our direction we have given our motorcycle officers in the Traffic Division is to actively enforce the helmet laws. We have had collisions resulting in death and major injuries that could have been avoided or dramatically reduced by the use of proper safety equipment (DOT Helmets). We had another collision yesterday involving a novelty helmet where the rider sustained head trauma that may have been avoided. This is clearly a safety issue for our department.

My desk number is (510) 790-6761. Please feel free to call if you have any further questions or concerns.

Sgt. Riggs

Traffic Division

Fremont PD

2nd Inquiry: (07/02/03 11:27AM)

Sgt. Riggs,

Thank you very much for your prompt response.

I cannot afford the long distance calls, and it's virtually impossible for me to receive calls since I am on the internet almost all the time, and only have one telephone line.

Therefore, if you could please answer the balance of the questions by e-mail, I'd really appreciate it:

Could you please explain where you came by the understanding that "the law requires Department of Transportation (DOT) approved helmets"?

What proof would your Officers accept that a given helmet is "Department of Transportation (DOT) approved"?

I am not certain what you meant to convey when you wrote "making you a pedestrian" or "removing your helmet."

Did you mean to convey that, once cited for an allegation of wearing a helmet that is not "Department of Transportation (DOT) approved," that the rider is not allowed to leave on his or her motorcycle?

Did you also mean to convey that you would or could recommend helmet confiscation under such circumstances?

Are you the person who trained/supervises the citing officer in this case?

Are you P.O.S.T. certified in this area? (I am not asking if you are a P.O.S.T. certified instructor, but simply a graduate.) In other words: Is your understanding of this statute the result of the training you received from P.O.S.T.?

And just one more: in this last e-mail, when you used the phrase "DOT helmets," are you using that interchangeably with the phrase "Department of Transportation (DOT) approved helmets"?

Exhibit "RR"

page 1 of 2

Your concern for the injuries sustained by people wearing "novelty helmets" is of concern to us as well. In fact, it is our intent to distribute the enforcement policy of the Fremont PD so that riders will know what is expected of them by your officers. Isn't the point of issuing the citations to upgrade motorcyclists' safety equipment to the state and federal standards? We have a LOT of visitors to our web site . . . I think we can help with that without taking your officers' time writing citations.

Thank you for your help.

Sincerely,

Richard Quigley, Senior Deputy Director
Helmet Law Defense League

2nd Response: Date: Wed, 02 Jul 2003 10:48:38 -0700

From: "Mark Riggs" <mriggs@ci.fremont.ca.us>

To: <quig@usff.com>

Cc: "John Flynn" <JFlynn@ci.fremont.ca.us>,

"Richard Lucero" <RLucero@ci.fremont.ca.us>

Subject: Re: Fwd: Helmet Citation

Mime-Version: 1.0

Richard Quigley,

1. California Vehicle Code 27803 requires that all drivers and passengers of motorcycles, motor-driven cycles, or motorized bicycles wear a safety helmet. For the purposes of this section, "Wear a safety helmet" means having a safety helmet meeting the requirements of 27802 on the person's head that fits securely without excessive lateral or vertical movement.

2. California Vehicle Code 27802 adopts the standards set forth in the Federal Motor Vehicle Safety Standards (FMVSS) 218.

3. "DOT" stands for United States Department of Transportation.

4. "DOT Certified" A motorcycle helmet that meets the requirements set forth in FMVSS 218. The helmet manufacturer is required to test (or have tested) each helmet model before affixing the DOT sticker on the rear of the helmet. This is the manufacturer's statement that it has met the standard.

5. DOT Compliance Testing: Helmet manufacturers are required to do their own testing but the DOT selects numerous models each year to be re-tested for compliance. Those found to be in non-compliance are required to re-call those helmets not meeting the standard.

Exhibit "RR"

page 1 of 2

7. Federal Motor Vehicle Safety Standards 218: (FMVSS 218) This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users. This standard applies to all helmets designed for use by motorcyclists and other motor vehicle users. The complete standard can be viewed at: www.nhtsa.gov/people/injury/pedbimot/fmvss218.htm

If you have any further questions, call me at (510) 790-6761.

Sgt. Riggs