

JUL 28 2010

5



Ronald J. Resmini Ltd.

155 South Main Street, Suite 400

Providence, Rhode Island 02903

Law Offices

July 20, 2010



401-751-8855

Toll Free: 1-800-215-8000

Fax: (401) 737-6464

○* *Ronald J. Resmini*

* *R. Jason Resmini*

○*+ *Adam J. Resmini*

○* *Ronald J. Creamer*

Nat'l. Highway Traffic Safety Admin.

Attn: Randy Reid, Chief

Correspondence Research Division

Office of Defects Investigation

1200 New Jersey Avenue SE

Washington, DC 20590

Re: **Our Client:**

Date of Loss:

Your Ref. #:

July 20, 2009

10287492

Dear Mr. Reid:

Thank you for your October 29, 2009 response to my September 18, 2009 letter.

Since that time, in my own investigation, I have found additional complaints in an online blog where many Victory Vision motorcycle riders discuss their bikes. Enclosed please find a compilation of those online statements and comments regarding the rear tip-over protectors (TOPs) on the Victory Vision Tour Premium motorcycle.

I have enclosed copies of my September 18, 2009 and your October 29, 2009 letters for your convenient reference.

Again, I strongly urge that you take a second look at the placement of these TOPs, which are in an unreasonably dangerous position, causing injury to numerous riders.

Should you have any questions or concerns, please do not hesitate to contact me, as I am more than willing to assist you in an investigation.

Very truly yours,

Adam J. Resmini, Esq.

AJR/awb
Enclosures

41 Mink Street, Seekonk, Massachusetts 02771 (508) 336-0500

*Member of ○ Rhode Island, * Massachusetts and + Florida Bar*

Board Examiner National Board of Trial Advocacy (1991)



** Ronald J. Resmini*

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Packet Building

155 South Main Street, Suite 400

Providence, Rhode Island 02903

Toll Free: 1-800-215-8000

September 18, 2009

NHTSA Headquarters
1200 New Jersey Ave. SE
West Building
Washington, DC 20590

RE: OUR CLIENT: [REDACTED]
D/INJURY : 7/20/2009

To Whom It May Concern:

Please accept this correspondence as notification of the dangerous position of the "tip-over" protectors that are located directly behind the motorcycle rider's feet on the Victory Vision Motorcycle.

As a result of the metal tip-over protectors placement on the motorcycle, the rider's feet can easily become pinned beneath the bike resulting in serious injury to the rider. No warning of such danger exists to date.

The Model Number of the motorcycle is Victory-08, VT, 49ST, SS Gray. It is a 2008 model Victory Vision Tour Bike. The manufacturer is Polaris Sales, Inc., 2100 Highway 55, Medina, MN 55340.

Please find attached a photographed copy of the motorcycle and the tip-over protector circled for your convenience.

41 Mink Street, Seekonk, Massachusetts 02771 (508) 336-0500

** Members of Rhode Island and Massachusetts Bar*

Board Examiner National Board of Trial Advocacy (1991)

Page 2
September 3, 2009

Kindly contact the undersigned if you have any further questions regarding our client's injury, or have information regarding other complaints as a result of said design flaw.

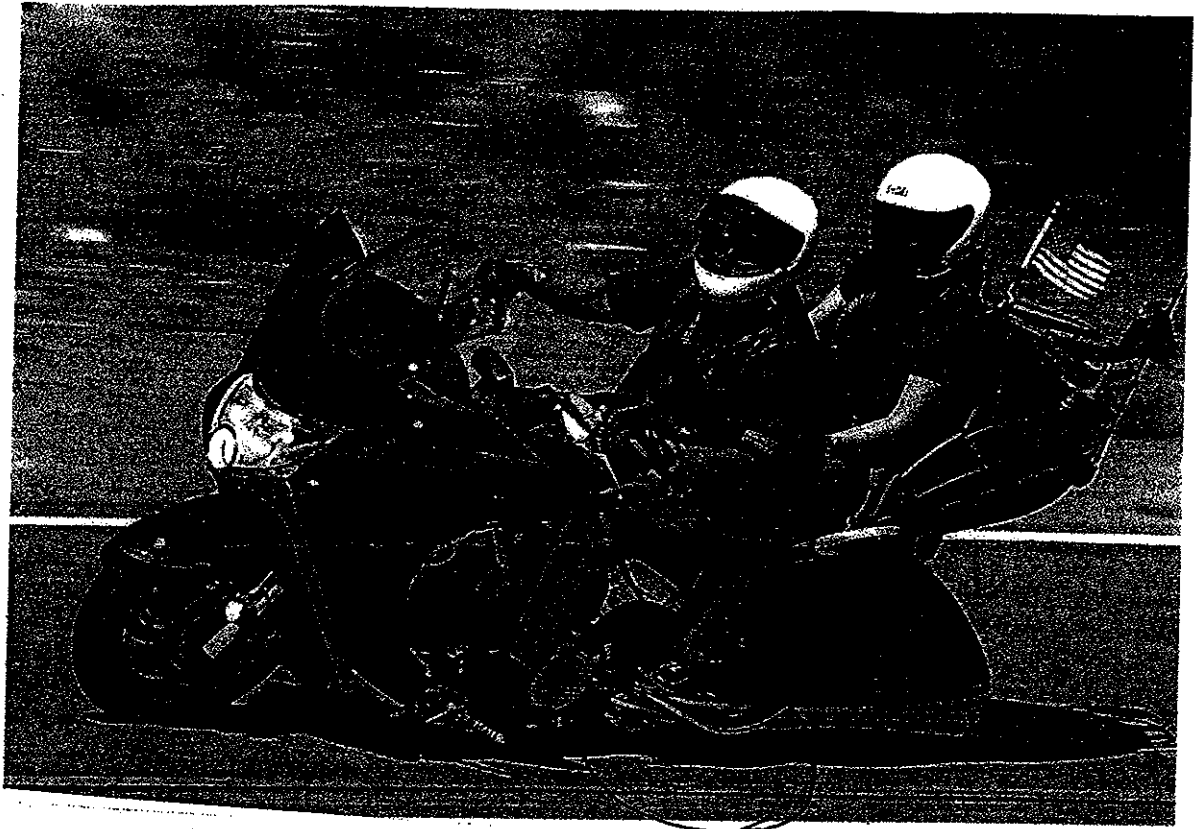
Very truly yours,

RONALD J. RESMINI

RJR:gm

Enc-Photographed copy of motorcycle

Reporting Safety Defects Manual Page 35



SAFE

Safety

ion & Cargo Decals
door

TIRE INFORMATION	
COLD TIRE PRESSURE: UP TO 200 lbs (90 kg) LOAD:	FRONT: XX psi (XX kPa) REAR: XX psi (XX kPa)
UP TO MAXIMUM LOAD CAPACITY:	FRONT: XX psi (XX kPa) REAR: XX psi (XX kPa)
MAXIMUM LOAD CAPACITY: XX psi (XX kPa)	
TIRE BRAND/TYPE: FRONT: XXXXX REAR: XXXXX	
TIRE SIZE: FRONT: XXXX XXXX REAR: XXXX XXXX	
NEVER EXCEED THE CENTER REAR WEIGHT LIMIT. ALWAYS USE PROPER TIE-DOWN TECHNIQUE.	

Tire Information decal

Reporting Safety Defects

If you believe that your vehicle has a defect that could result in a crash or cause injury or death, you should immediately inform the National Highway Traffic Safety Administration (NHTSA) in addition to notifying Polaris Industries in writing.

If NHTSA receives similar complaints, it may open an investigation, and if it finds that a safety defect exists in a group of vehicles, it may order a recall and remedy campaign. However, NHTSA cannot become involved in individual problems between you, your dealer or Polaris Industries.

To contact NHTSA, or obtain other information about motor vehicle safety, you may either call the Vehicle Safety Hotline toll-free at 1-888-327-4236 (TTY: 1-800-424-9153), visit the NHTSA website at www.safercar.gov, or write to:

NHTSA
U.S. Department of Transportation
400 7th Street Southwest
Washington, DC 20590

Hello All! My name is Dean and ive been on the site since (9/19/08) Im looking forward to interacting with everyone. I just got my bike, 5/7/09 from Our fearless leader himself Andy.



Jul 30 2009, 9:34 pm - Replied by: joeschmoe



STANDARD

Ok based on replies from the other forums I'm riding!! See you all on the road....

North Canton OH to Knoxville, TN on Saturday!! If you see someone on a Vision with bugs between their teeth travelling down I-75 and a \$h!tting GRIN :yho ...That's me on my NEW Vision!!!

I will do varying speeds and decompression roll up...(Had to Google it to make sure I knew what was)

Jul 30 2009, 9:43 pm - Replied by: BlueDemon



STANDARD

★★★

RIDE it..

Just vary your RPMs and let her rip...

Enjoy, take you time and Congrats!!!

Only a Biker knows why a Dog hangs it's head out a window!

Jul 30 2009, 10:00 pm - Replied by: Andy



STAFF

Congratulations!

Take it easy and take some time to get to know the bike. It will be tough to resist the urge to roll on the throttle. While you'll surely be using the cruise control, like others have stated, just don't keep the RPMs at the same level for too long. You can use the ACC and DEC buttons on the cruise or just slowly roll that throttle. You'll quickly find out how responsive this bike truly is.

Also, when starting, don't drag your feet and watch out for those rear tip overs as if you're not paying attention, they can grab your ankle. I think that most Vision owners have experienced this. The good news is that you'll only do it once, as you'll remember it the next time.

Ride Safely.

I'm currently Bike-Less, but that will surely change shortly. I have owned a Victory Vision Tour Premium with S1 L1s and a bunch of extras, Harley Road King, Yamaha Silverado, Harley Softtail

Special, Honda Goldwing, Yamaha Royal Star, Yamaha YZF 600, Honda Shadow, Honda Helix, Yamaha Elite Scooter, Honda CX-500, Honda 50 and a Moped!

Jul 30 2009, 10:32 pm - Replied by: sadie55044



STANDARD

★★

[/quote]

Also, when starting, don't drag your feet and watch out for those rear tip overs as if you're not paying attention, they can grab your ankle. I think that most Vision owners have experienced this. The good news is that you'll only do it once, as you'll remember it the next time.

Ride Safely.

[/quote]

Excellent point Andy!!!!!!

The first demo ride on one I almost broke my left ankle from dragging my foot! But like you said you only do it once.

Roger

Roger Henderson
Lakeville, MN.
2007 KingPin Tour
2" risers
Stage 3 cams w/ drag pipes
Big City Thunder Monster baffles
HID headlight
PIAA driving lights
Victory one piece tour seat

Jul 30 2009, 10:32 pm - Replied by: Andy



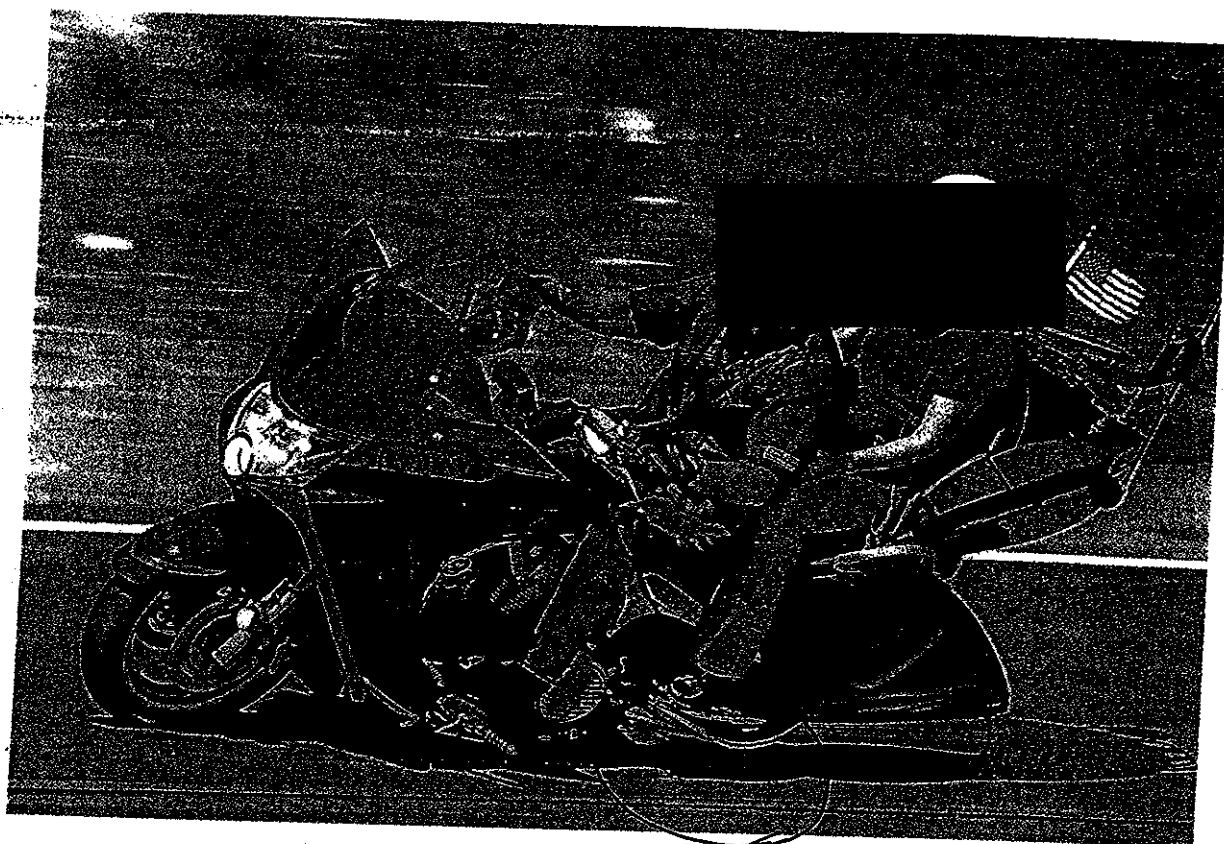
STAFF

P.S.

I hope that Rollin doesn't see this thread as 531 miles is just an after work ride for him!

I'm currently Bike-Less, but that will surely change shortly. I have owned a Victory Vision Tour Premium with S1 L1s and a bunch of extras, Harley Road King, Yamaha Silverado, Harley Softail Special, Honda Goldwing, Yamaha Royal Star, Yamaha YZF 600, Honda Shadow, Honda Helix, Yamaha Elite Scooter, Honda CX-500, Honda 50 and a Moped!

Jul 30 2009, 10:40 pm - Replied by: HOYT



Tim, where did you get the bags that you have mounted on your handlebars? I did something similar with my old '96 Venture Royale, but the those bags were simply the stockers that up to the handlebars.

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■ Posted 2008-09-23 12:29 AM (#589788 - in reply to #589700)
Subject: RE: West Coast Dragon

I bought the Harley Davidson 3 pouch windshield unit and cannibalized the 2 smaller pouches for my driving glasses (dark sun glasses and amber night/cloudy glasses). The small pouch is a little wider because they will not accommodate all sun glass frames and the large center pouch is too wide for the handle bars. I would like to find something in between for ideal.

The 2 smaller pouches do not have the HD logo on them. If they did, I probably would have placed a Victory patch over the HD logo =). Each pouch has 2 rivets that hold it to the metal removed both rivets, discarded the metal base and punched holes in the back and zip-stripped them to the handle bars. I need to replace the black zip strips with the silver/chrome zip

I can now change glasses easily without worrying about the IPOD door catching on the handle bars. Victory should have designed a little more clearance between the bars and the pane

HTH,

Tim

Tim VMC #04111

2008 Premium Midnight Cherry Victory Vision Tour

108.11 hp / 111.75 ft-lb torque (Independent DynoJet in Moorpark, CA) Stage2 CAMs ==> (+21.04 hp / + 7.02 ft-lbs torque)
101 hp / 106 ft-lb torque (2009 933lbs GL1800 at rear wheel; Vision now spans the GL1800 =)

87.07 hp / 104.73 ft-lb torque; Lloydz VFC III & Lloydz AirBox Mod, Ness Pipes, Covers & Pegs; some chrome, Xenon HID hi/low beams, CB/Intercom, Gerbing heated clothes controls
2820, triple horn, luggage rack, oil temp dipstick, gatlin exhaust tips, etc.

http://301.photobucket.com/albums/nn45/tha61/IMG_1274Large.jpg?i=1...

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■ Posted 2008-09-23 11:24 AM (#589924 - in reply to #587446)
Subject: RE: West Coast Dragon

As far as the handlebar bags, I had at one time done something similar on my TC. I used a 'tool bag' from Willie and Max; they come in various sizes and can be attached in the same (zip-tie). It worked great.

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TimS

Offline



Extreme Veteran

VMC Member,
Southwest Region
Location: Southern
California

GravelFinder

Offline

Elite Veteran

VMC Member, North
Central Region
Location: Omaha

Reply

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Posted 2009-10-05 11:19 AM (#45300 - in reply to #45293)
Subject: Re: Tip-over protection ???

dw1115 - 2009-10-05 10:45 AM

My only beef with the tip-over is that they have no strength if the bike is moving forward. When I had my crash, the front tip over broke off and there was significant damage to the bodywork and floor board. The back did it's job and not a scratch on the trunk, saddlebag, or exhaust. My other mishap was being stupid and went for a little off road side in the wet grass. Not a scratch on the bike, however the front tipover dug in and bent rearward about a half inch, misaligning the bodywork. They work very well in the parking lot as long as the impact is on the bottom.

I'm fairly sure that the tipover protection was never intended to be crash protection. If I remember Spock's crash video correctly, most of the sliding was done tires-first, so the tipovers helped him by luckily dragging in the direction of their designed strength. It also helped that he was in fairly loose dirt. If he had caught a rock lip or buried pipe, they would have snapped like my mother-in-law's temper.

I have intentionally demonstrated the tipover protection many times... always gently. I believe that a full drop would risk overrunning the tipover protection. This is especially true if the trunk is even moderately loaded, as angular momentum will add to the risk.

Are we asking too much of the tipovers? I've always treated them as protection for that "oh crap" moment when you lose footing while parking or if you forget to put the stand down. The rider tries to catch but is in an awkward angle or not quite strong enough. The tips are there to augment the protection of the rider guiding the bike down... not to take a full impact.

I'm starting to think the tipovers are to Visions what cruise control was to cars in the 70's and ABS in the 90's. A great idea, but marketed up to the point of false expectations. Stay within their intended use, and they will serve you well.

Edited by trailbaze 2009-10-05 11:21 AM

Top Bottom

Posted 2009-10-05 11:28 AM (#45301 - in reply to #45296)
Subject: Re: Tip-over protection ???

Good point. I'm just saying if the front had the same structural strength as the rear it would be nice. Nobody expects to be protected in a crash protection. Back in the day they were called "crash bars". Now the same device is an "engine guard".

dw1115

Tourer

Posts: 392

Location: Apollo Beach, FL

Top Bottom

Posted 2009-10-05 11:49 AM (#45302 - in reply to #45296)
Subject: Re: Tip-over protection ???

Another absurdity of life, like flying. Safe only by statistics, as you are 30,000 feet in the air only on hopes nothing goes wrong. I rode along side a smart car last night and "admired" it. However, as cool as it looks or as cool as it would be to own one, I would rather ride my bike in a pinch because of the maneuverability and being smaller target. In a crash in the smart car I think you'd be toast. But that is the risks we take as we can slip in our bathtub and be waking up facing our Maker.

The TOP are a great addition to a great bike and my only expectations of them is that I don't drop my bike, one, and two, if I do, it will be in such a way they'll get to do their job. I've done it once in a intersection when a lady ran a red light, expecting to be slammed and thrown around like a ragdoll, only to be missed and me laying it down on the TOP. Today, the only evidence of that near miss is in my mind.

Edited by varyder 2009-10-05 12:01 PM

Top Bottom

Prime Power

Posted 2009-10-05 11:54 AM (#45304 - in reply to #45296)

I was making a water stop and the bike went down but it was a good thing it was there. I was in a bad position to go down.

Bar Hopper

Posts: 29

*

Top Bottom

chesshiretuna

Posted 2009-10-05 11:54 AM (#45304 - in reply to #45296)

Subject: Re: Tip-over protection ???

I was making a water stop and the bike went down but it was a good thing it was there. I was in a bad position to go down.

New User

Posts: 3

Bar Hopper

Posts: 2717

Prime Power - 2009-10-05 2:32 PM I was making a walking turn in a tight area and my foot got tangled in the rear TOP. Bike went down but they did their job. They both caused and helped the fall. Second time my foot has entangled them but first time to go down.

TIP: A tip for the rear tip over protection (TOP). Keep the passenger floorboards in the down position and the touch of the floorboard to the back of your leg will warn you before you get your foot caught up.

Prime Power

Posted 2009-10-06 2:42 PM (#45370 - in reply to #45288)
Subject: Re: Tip-over protection ???
Nice, will do that immediately. Thanks

Bar Hopper

Posts: 29
*

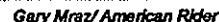
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Honda VTX 1800 Parts
Low Priced Cruiser Accessories & Parts for Honda
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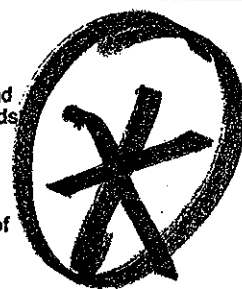
Motorcycle Association
We have motorcycle association! See our bike website
today.
ClassicAmericanBikeShop.com

From Cabot's Pueblo Museum, backtrack to Dillon road and turn left. This fantastic strip of asphalt is one hell of a roller-coaster ride, laden with dips and crests; you'll find yourself airborne regularly. It's a 45-mile fun zone that connects to Highway 111 south. At this point you're already skirting the Salton Sea, a man-made sea that exists as the result of an irrigation plan to divert water from the Colorado River gone terribly wrong. A levee breach in the early 1900s created California's largest body of water, a surreal mirage against a dry desert backdrop. The ride from Highway 111 to Niland is another 36 miles. A once promising recreational paradise, the scenery along this route now resembles a post-apocalyptic Mad Max movie set. From North Shore to Bombay Beach, add another hour



Our trip to Niland is in celebration of Leonard Knight, a man who after years of defeat proclaiming his faith, decided to make a "small statement." With half of a bag of cement, he fashioned a small monument near the Chocolate Mountains of Slab City. One thing turned into another—days turned into weeks and weeks turned into years. Each day, Leonard would put a little more cement and a little more paint on the side of a forgotten riverbank. "I was just going to stay one week. It's been a very good week," says Knight about the creation that has become his life. Salvation Mountain, as the mound is called, has become an American Mecca with visitors sometimes traveling thousands of miles to see it. Leonard's message to the faithful is simple: God is love, make good bigger.

A note of caution: when navigating in desert conditions like soft sand and dirt, those tip-over pads that extend below the rear passenger floorboards may bite if you pull a rookie move. Keeping my left foot grounded as I made a left turn on sand, my foot got caught under the rear pad. Fortunately I was wearing serious riding boots; I lost a chunk out of the heel and the soft sand allowed my foot to sink under 900 pounds of weight. This could have been a very unpleasant situation in the middle of nowhere. Other new riders traveling solo noted bumping the rear pad also. If you're just learning the Vision's physics I suggest dropping the passenger floorboards. Your legs will tap against those harmlessly until mastered. As always, when riding any large motorcycle, get your feet off the ground as soon as possible.



Gary Mraz/ American Rider



Gary Mraz/ American Rider

From Salvation Mountain, backtrack 22 miles on Highway 111 and you're rewarded with another spectacular view of the Salton Sea. Catch 68th Avenue north; it turns into Box Canyon Road, then Pinto Basin and finally Quail Springs Road. This is one of the most enjoyable rides through the desert yet; you're cruising through the heart of Joshua Tree National Park. The rocks take on a strange liquid-like form as if floating gravity free and armies of Joshua trees loom before you defending their arid empire. It's an absolutely beautiful drive with some serious twisties tossed in. Keys View is at 5,575 feet and the vista is staggering. You can see Mexico 300 miles away. Again, you will travel another 50 miles and may stop several times to appreciate the unique terrain. Quail Springs Road will deposit you onto Highway 62 in the city of Joshua Tree. Today's travels only total 230 miles but it's taken us about 10 hours. I recommend turning in for the night at the Joshua Tree Inn.

10/6/2009



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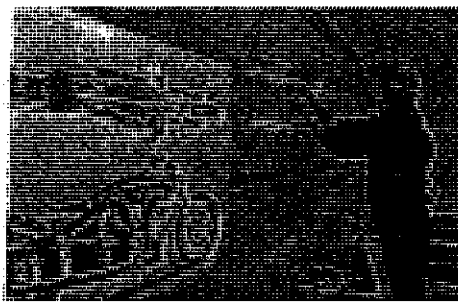
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The Vision: What They Left on the Drawing Board



The New York International Motorcycle Show drew thousands of people from surrounding states. I was lucky enough to attend, driving down from Boston in the early morning. I intended to follow my tradition of using the Victory Motorcycle booth as "home base" and venturing from there. As it ended up, I spent most of my time at the Victory booth talking with interested attendees as well as Victory Engineers on hand.

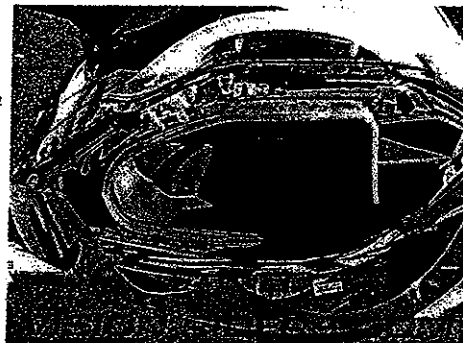
I also had the opportunity to talk with Mike Song, Victory's lead designer for the Vision and Cross-Country/Cross Roads motorcycles. We got into a discussion on the metamorphosis the Vision took from his concept drawings to the finished product. In the process, there are many design elements that never make it to the showroom models. Some are changed or deleted for reasons of price. Victory wanted to hit a particular price point and while they would have liked to include a certain feature; the numbers dictated a different approach. Another reason for a design change may likely come from actual manufacturing limitations. Mike mentioned several changes from concept to production due in part to the reasons above.



As Mike's eyes surveyed the Vision on display, you could see he was happy with the bike but occasionally his gaze would be riveted to a part of the bike and you could tell he'd had something different in mind. It was one of those telltale annoyances that I asked him to explain. He had envisioned the rear tip-over protectors to extend back another 10 inches or so which he said would have looked more streamlined. This then led to a large discussion on "what could have been."

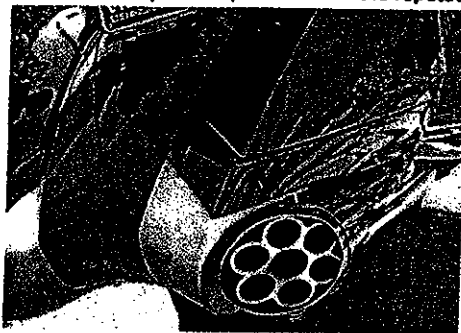
Passenger Handrails. The passenger handrails were originally spec'd in steel instead of the structural plastic they are now. I was surprised to find out they were plastic. Albeit, very sturdy plastic.

The hard bags. In Mike's mind, the bags were a compromise between what he'd envisioned (with more storage) and what was possible to manufacture. In fact Mike laments that manufacturing techniques have improved in the 2 short years since the Vision's debut, hence the Cross bike's cavernous bags. The hardbags Mike had designed looked the same but did not have the small internal opening and none of the cross members that cut up the area into smaller cubbies. "It was a limitation of the manufacturer contracted to make the bags. Also, the hinges don't need to be that big," he said as he fiddled with the metal hinge. I asked if he thought in the future the Vision will adopt similar hardbags as the Cross bikes. He didn't expect a redesign of anything Vision bodywork for the foreseeable future.

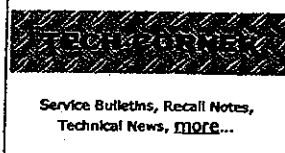


All that plastic. Mike loves old school bobbers. In fact he's built one for his personal bike. And like old school thinking, he had wanted to cloth the Vision in a metal skin but understood the advantages of plastic: cost to produce, weight (and maneuverability), mold-ability, and the replacement cost for end-users.

Lighting. Victory Motorcycles has had the reputation of building on new technology (i.e., fuel injection, CAD development, etc.) from its very first bike. The Vision design team knew they wanted to sport LEDs for their lighting on such a futuristic bike. But, LED technology and its associated pricing at the time of design was too high to meet the price point they were targeting for the bike. Mike Song said they really wanted the taillight especially, to be lit by LEDs but incandescent bulbs ultimately won out in order to keep the price tag reasonable. Mike admits that since the mid-2000s, LED technology has greatly improved and now is used on all Victory's product line, except the Vision. He hopes that the Vision will eventually have LED's, at least in the taillight.



Jeff Martin



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Lloydz Blog

Lloyd Greer: Lloyd shares his technical expertise and views with Vision-Riders.



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2009-12-29 8:00 AM
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I knew what you meant when you first post, been there, done that but don't have a broke ankle, just a scared boot. Also, the dealer's son rode a vision and sprained his ankle on the tip over.

When I read to keep the rear boards I've done it ever since, and it works. Not that I would dare allow my feet to get there again, my calf's will touch occasionally making me realize that it could happen again before I know it.

varyder

Offline



Posted 2009-07-24 9:35 PM (#39758 - in reply to #39755)
Subject: Re: Vision Coast to Coast

[Quote](#) [Reply](#) [Alert](#)

Rd, thanks for sharing your trip, I really enjoyed your write and would have loved to been on that ride with you. I'm hoping to have the opportunity to ride to Barstow in the next year or so for business, I want to make it somewhat a song ride. Like going through Lukensbach, Winslow, Wolf Creek Pass, Telluride, Jackson, etc.

It's a bummer you broke your ankle and wish that Victory would put a warning out about the rear tip overs. I've got my foot caught under there as well, and so as others. I read a tip that I have incorporated and that is to keep the rear floorboards in the down position. The calf will make contact with them first, warning you that your foot could go under the tip over.

I would recommend all Vision riders keep the passenger floor boards down.

Edited by varyder 2009-07-24 9:38 PM

48K - 20mo

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mqobblue

Offline

Posted 2009-07-26 5:09 AM (#39855 - in reply to #39755)
Subject: Re: Vision Coast to Coast

[Quote](#) [Reply](#) [Alert](#)

I have no choice but to keep them down. My wife is short so we installed 2 sets of risers, one stacked on top of the other. Sounded

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radioteacher

Online

Ion Butt

Posts: 865

Location: San Antonio, TX



Posted 2009-07-26 1:04 PM (#39928 - in reply to #39755)
Subject: Re: Vision Coast to Coast

[Quote](#) [Reply](#) [Alert](#)

rdrunner,

What a trip. I almost did that once to my ankle but thank God for my short feet. Heal fast and get back out there!

Floor Boards down is a great tip. You do not want to jump when a rear floor board hits the back of you leg while the wife is on the back.....then drop the Vision on the tips. BTDT

Radioteacher

2008 Vision Black Tour Premium "Sparks"
Stage 1 Level 2

m5

Online

Tourer

Posts: 560

Location: So Cal



Posted 2008-01-28 10:33 PM (#4700 - in reply to #4690)
Subject: RE: Tip Over Protection

[Quote](#) [Reply](#) [Alert](#)

The rear tip over protection could be further back to make it more difficult to get you foot stuck under it. It is a bit far forward.

2008 Premium Midnight Cherry Victory Vision Tour

108.11 hp / 111.75 ft-lb torque (independent DynoJet in Moorpark, CA) Lloydz Stage2 CAMs => (+21.04 hp / + 7.02 ft-lbs torque)
101 hp / 106 ft-lb torque (2009 933lbs GL1800 at rear wheel; Vision now spans the GL1800 =>)
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follofille

Online

Ion Butt

Posts: 1097

Location: Brighton, TN



Posted 2008-01-29 7:31 AM (#4702 - in reply to #4690)
Subject: Re: Tip Over Protection

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Glad to hear all came out well. I agree the rear tip over a little far forward. Got my own foot stuck under it one time and I thought I had broke my foot. OOOOWWWW! Had to keep going didn't want to look like I had done a BuckNakD.

2008 Victory Vision Black Street Premium (BSP) Tour Pak Added.
I got some butt ache from that ride! My famous words taken out of context!
Bike name "Memory Maker 1"
YeEhAw (I love this line!)
22000 miles 5/1/2009!
Serial 699

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sandman

Online

Cruiser

Posts: 279

Location: Rhode Island



Posted 2008-01-29 11:17 AM (#4707 - in reply to #4690)
Subject: Re: Tip Over Protection

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I think the rear tip overs could possibly be modified to accomodate long legged passengers as foot rest. my son rides as a passenger sometimes, at five eleven legs are a little cramped, this would also allow floorboards to be longer, a complaint my wife had made about the stock boards.

Ronald J. Resmini, Ltd.

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