

PUT BIKES BEFORE CARS

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[Note: I composed this in late 1998, hoping to place it in Newsweek magazine's "My Turn" column. It wasn't accepted. Almost two decades later, I still feel it captures my feelings about cycling, culture and jurisprudence as well as anything I've written. — C.K., April 19, 2016]

It was a bracing Saturday afternoon in early fall, and I was riding my bicycle on back roads through the leafy suburbs north of New York City. As I rounded a curve just outside the tranquil village of Croton Falls, a giant 18-wheeler overtook me and started to pass. For 10, maybe 15 seconds, I gamely maintained my position at the right-hand edge of the road until the truck filled the entire lane and forced me onto the narrow shoulder. Inches apart, we wheeled through the turn, me wobbling through the ruts and holes, the truck thundering alongside until it finally pulled away.

This didn't actually scare me as much as it might have — or perhaps as much as it should have. If you cycle regularly, as I do, you soon get used to yielding your place on the road whenever a driver decides that your lawful right of way is an inconvenience to him. I'm a skilled and determined rider, and so far I've managed to survive 25 years of daily cycling in and around New York City, with barely a scrape. But not every cyclist is so fortunate. Some 800 bicycle-riders lost their lives on American roads last year. While some of them precipitated their own deaths by violating traffic laws, many of them had the right of way when a motor vehicle struck and killed them.

Bicycling occupies an ambiguous place in the American psyche as well as on the road. A bicycle may be a symbol of childhood, or eco-friendliness, or fitness. But seldom is it regarded as a useful means of transportation. Although bicycling for sport is on the rise, cycling for routine trips like commuting to work — riding that takes the place of car trips and reduces pollution and highway congestion — has been growing slowly if at all.

This is in sharp contrast to Europe, where cycling to work and to school and for errands is a dozen or more times as common as in the U.S. Widespread bicycle use contributes importantly to the quality of life in prosperous countries like Germany,

Denmark and Holland. Because mom or dad (or both) cycle to work, and the kids ride to school and soccer practice, families get along fine with fewer cars. This frees up a big chunk of the household budget for other purposes, and allows valuable urban land to be used for gardens or playgrounds instead of parking spaces. Cycling also builds exercise into everyday life, contributing to better health. And a lesser emphasis on cars means that Europeans are half as likely as Americans to die in car crashes.

It's true that Europe's compact cities keep destinations close by and conducive to cycling. And many European cities and towns have special bike paths separate from regular roads. But the biggest reason that Europeans cycle for transportation is that both custom and law compel drivers and cyclists to observe each others' right of way on roads and streets.

The bicycle-rider's right of way is fundamental to safety, far more so than, say, wearing a helmet. Most serious cycling accidents involve crashes with motor vehicles, and few fatalities would be averted if all cyclists wore helmets, since fatal accidents usually involve extensive body trauma. Sad to say, the same simplicity and economy that make the bicycle a marvelous instrument of urban mobility and planetary health also leave the rider completely exposed in traffic.

But if the vulnerability of cyclists is rooted in physics, it is consummated in jurisprudence. The law nominally grants cyclists full right to the road but fails to specify the consideration required from drivers. This is a serious omission, given the profound differences in weight and speed between bikes and cars.

New York State's vehicle and traffic law is a case in point. A section of the law dating to the early part of the century instructs drivers to "exercise due care to avoid colliding with any bicyclist or pedestrian." This "due care" provision should have made the truck driver stay behind me on that curve outside Croton Falls until it was safe to pass. But in the very next sentence, the statute authorizes drivers to "give warning by sounding the horn when necessary." If the driver had knocked me down and crushed me under his wheels, he could almost certainly have escaped prosecution for my death by arguing that I had ignored his warning.

The situation is similar in the other 49 states and in Canada. Statutes requiring motorists to exercise due care to avoid endangering cyclists and pedestrians are either undermined by competing language or buried under decades of judicial rulings that grant motor vehicles, in practice, pre-eminent rights. Although from time to time a

standard of due care is applied in civil judgments, police have abandoned it as a criterion for citations, and no jury will use it as the basis for a criminal conviction. So it should come as no surprise that throughout America a driver can run a cyclist off the road, and sometimes right into the emergency room or the morgue, with little risk of prosecution — often without even getting a traffic ticket.

Which is why a recent proposal by a Canadian medical official to give bicycles legal precedence before cars and trucks is so intriguing.

After two cyclists were killed within a week in Toronto two years ago, the regional coroner undertook a study of thousands of cycling accidents, including three dozen deaths, to determine how to reduce cycling casualties. His key recommendation was to establish, as law, “the principle of motorized vehicles yielding to non-motorized vehicles.”

Just as motorboats yield to sailboats on the water, motor vehicles would yield to bicycles (and bicycles to pedestrians) where the two are vying for the same space on the road, and where clear-cut criteria like traffic signals don’t apply. Putting into law this “common sense rule,” said coroner W.J. Lucas, “would likely significantly reduce risk of injury and death” to cyclists.

Dr. Lucas’s simple and intelligent recommendation offers an opportunity to begin reforming traffic enforcement and, indeed, re-fashioning our road culture so that cyclists are not left defenseless against superior force. No longer could a motorist feel entitled to take over a traffic lane from a bicyclist. And with bikes finally getting a stake in the road system, more cyclists would adhere to traffic laws and observe others’ right of way.

America needs more cycling. More than other forms of travel, bicycling allows mobility and community to co-exist. But common courtesy alone isn’t providing the guarantee of safety needed to induce large numbers of people to ride. A law giving bicycles precedence before cars is overdue. The inconvenience, if any, to drivers is a small price to pay for the civilizing of our roads and the consequent gains in society’s health and well-being.

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