

# Let's (Not) Avoid The Real Issues

Posted At : January 10, 2014 5:19 PM | Posted By : Rick Bernardi

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By Editor on January 8, 2014 in News

Letter to the Editor, by Bob Mionske

RE: "[Santa Barbara cyclists have gone collectively insane.](#)"

That was the conclusion readers of the Santa Barbara View were invited to reach, based on anecdotes involving exactly two cyclists. Do you see the logic? If two cyclists were doing something wrong, that must mean that all cyclists—at least in Santa Barbara—are collectively insane.

And since all cyclists have gone collectively insane, we can just ignore all of the cyclists who were riding lawfully on the same day that these two riders were behaving badly. If two cyclists were not riding lawfully, all cyclists are collectively guilty, all are "collectively insane." Even the ones who were riding lawfully and courteously that day, and every day. Tar them all with the same brush, and let God sort them out.

By the same token, we can also ignore all of the drivers who were breaking the law that day. Speeding? Why that's a driver's sacred right, isn't it? Sure, it's the number one cause of traffic "accidents," and virtually every driver does it, but why quibble over that, when we have far, far bigger fish to fry, like one irresponsible guy who was speeding on a bike?

Why point out that virtually every driver rolls through stop signs—the world-famous "California stop"—with a little "pretend-to-stop" tap on the brakes if they can be bothered, when we can look down our noses at a cyclist who wasn't wearing a helmet? Sure, helmets are not required, and aren't even designed to provide protection for collisions with cars. But if we don't blame cyclists for not wearing a helmet, we might have to look at the real cause of cyclist injuries and fatalities, and we wouldn't want to open that Pandora's box. Just like we wouldn't want to require drivers to wear helmets, even though head injuries are much more common for drivers than they are for cyclists.

What about drivers violating a cyclist's right of way? No, we don't want to talk about that either, even though it's the most common cause of bicycle collisions, and has happened to every cyclist out there. Instead, let's complain about the "cycling hell" of somebody getting some exercise once a month. Let's complain that some cyclist was wearing—Shock!

Horrors!—cycling clothes while riding his bike.

And while we're studiously avoiding the real issues, why not make up some imaginary laws that victimize drivers while we're at it? In all my years of handling bicycle injury cases, I have never once seen a driver cited for hitting an at-fault cyclist. Nor has anybody else ever seen such a preposterous injustice. In fact, in the real world, it is all-too-common for an at-fault driver to face no charges after injuring, or even killing a cyclist. And when drivers are cited for carelessly causing serious injury or death, it is almost always on a minor traffic violation, like "failure to yield." If you were killed by a careless driver who got the kid glove treatment afterwards, would you feel like drivers are the victims here? Would your bereaved family feel that way?

But let's ignore that reality, for the convenient fiction of a make-believe world where drivers are all scrupulously law-abiding victims of insane cyclists run amok, rather than the often careless law-breakers of the real world, who injure some 50,000 cyclists and kill some 700 cyclists annually.

That way, we won't have to deal with the real issues.

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Bob Mionske is the author of *Bicycling & the Law*, and writes a monthly column on bicycle law for *Bicycling* magazine. A former U.S. Olympic and pro cyclist who was on the 1988 U.S. Olympic team with Dave Lettieri, owner of [FasTrack Bicycles](#) in Santa Barbara, Bob has since become a nationally-known cycling lawyer and advocate for the rights of cyclists at [bikelaw.com](http://bikelaw.com)