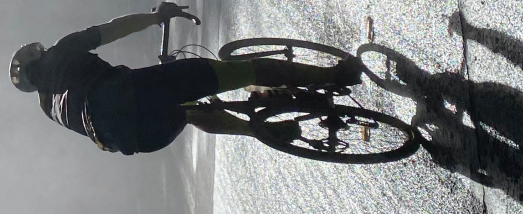


This is a newsletter prepared by lawyers to advise bicyclists about the joys of riding, bicycle safety, active transportation, and cyclists' rights. Bicycle Law is solely owned and operated by former-Olympian-turned-lawyer Bob Mionske through his firm, The Law Office of Bob Mionske. Bob is a regular contributor to VeloNews with his Legally Speaking column, is licensed to practice in Oregon, and is regularly consulted by attorneys and cyclists nationwide regarding crashes.



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BICYCLE LAW



ROLLING RESISTANCE

ISSUE #1 | FALL 2020 | VIRAL CYCLING

CYCLING MT. SHASTA, AVOIDING DOORINGS, INSURANCE, AND MORE ►





INSIDE THIS EDITION

Circumnavigating Mount Shasta in a day

Bike handling: Avoiding doorings

Why should bicyclists have auto insurance?

(Hint: it's all about the underinsured motorist coverage, folks!)

Plus other super-exciting insurance issues!

(Okay—perhaps not super exciting. But important.)

Have you or someone you know been involved in a bicycle crash? Curious about your rights? Are you a lawyer handling a bicycle crash who wants more information on how to get the best result for your client?

Contact Bicycle Law at 866-VELOLAW.

Bicycle Law's Bob Mionske is licensed to practice in Oregon, its affiliate Emison Cooper & Cooper, LLP has lawyers licensed in California, and either can affiliate with local counsel on bicycle cases across the country to make sure cyclists get the benefit of lawyers who focus on the issues specific to bicycle incidents.

WHAT IS BICYCLE LAW?

For those unfamiliar with us, we are lawyers working for cyclists. Founded by Olympic cyclist and national champion-turned-lawyer Bob Mionske in 2000, the organization has grown over the past two decades. We are commuters, advocates, adventurers, and enthusiasts. You can find us piloting cargo bikes with our kids—the easiest and most enjoyable way to travel with children. You can also find us in Washington, D.C. with the League of American Bicyclists, lobbying for better infrastructure. We commute, we adventure, we joy ride...

We've also found that the COVID-19 pandemic has created bicycle-specific opportunities, and issues, that need to be addressed. People have flocked to riding as a way to socially distance while commuting, and as a way to get exercise. Try getting in for a bike repair, or locating a new bike these days, and you'll see the impact. At the same time, road use is being re-examined. It is being reclaimed for use by people instead of cars. Restaurants and businesses are setting up outdoors for pandemic safety. Roads are being closed to through traffic. And don't get us started on Paris's two-wheeled conversion...

Electric bikes' rapid advancements continue to expand opportunities for those who want more freedom from cars with less sweat. And for those of you reading this who prefer to drive, recognize this: Every cyclist you see is someone who would otherwise be another car in your way. Give us a friendly wave instead of a crushing car horn, even if we aren't doing everything as perfectly as you'd like (and as we up our propaganda game in coming editions, we'll educate you about the benefits of the Idaho stop...).

We also know that despite our best efforts, the roads are not always friendly for cyclists. Whether it be a car, a poorly maintained road, or a defective product, cyclists can get injured. And when that happens, the lawyers Bicycle Law affiliates with are ready and willing to help.

*Hoping you keep the rubber side down,
Everyone at Bicycle Law*

BECAUSE IT'S THERE — CIRCLING MT. SHASTA IN A DAY

In August this year, Bicycle Law colleagues Miles and Maryanne Cooper took their kids to Mt. Shasta for some time in the wilderness before school started again. While there, Miles rode around the base of Mt. Shasta, taking advantage of the wide network of forest service roads. For anyone interested in following along on a map, or for the .gpx file as the foundation for doing the ride, it can be found at www.strava.com/activities/3904027082. The following is his ride story.



Mt. Shasta in August.

MT. SHASTA, A VOLCANIC MOUNTAIN IN NORTHERN CALIFORNIA, commands attention as a massive presence visible from hundreds of miles away. Within its sphere of naming influence is a California county, the state's largest reservoir, a river, a town, and countless businesses. Despite this, and despite all the attention paid to it by naturalists like Joaquin Miller and the Sierra Club, Mt. Shasta did not receive its national wilderness designation until 1984. What took so long? Mt. Shasta missed its opportunity to become a national park in 1916 when it was upstaged by the 1915 volcanic eruptions of its neighbor, Mt. Lassen. Because the National Park Service criteria for new parks required them to be unique, Mt. Lassen's inclusion resulted in Mt. Shasta's exclusion. As a result, Mt. Shasta and the surrounding areas were overseen by the Department of Agriculture's National Forest Service, also known as the United States Forest Service.

The Forest Service's mission is to "... sustain the health, diversity, and *productivity* of the nation's forests..." (emphasis added.) That word, productivity, is significant. Unlike national parks and wildernesses, national forests can be grazed and logged. What does this mean for cyclists? Extensive, unpaved road networks, mapped out in detail on publicly available USFS maps.

We are typically an Eastern Sierra family, so my knowledge of the Mt. Shasta area was non-existent. As a result of our family history in Red's Meadow (near Mammoth Lakes) and Yosemite, the east side's stark beauty, and a bit of my own myopia, we tend to focus on destinations along Highway 395 for mountain experiences. This year was unusual, however. Perhaps an understatement for the experiences 2020 has surprised folks with thus far... So this summer we found ourselves with a few days in the Mt. Shasta area. Our friends who lent us their house left a Mt. Shasta area USFS map in a prominent location, sitting not too far from a Mt. Shasta history book. I found myself immersed in both.



Prep work.

The map, printed on water-resistant plasticine material, is fantastic for inspiring exploration. An accomplished cyclist I know recently called this mapsterbating—and while her term might be a tad edgy, it hits the nail on the head. As I poured over the map, I could not help myself from starting to make some rough calculations. Using paved secondary roads on the north and west sides and

unpaved USFS roads on the south, one could circumnavigate the mountain. The route would be between 60 and 90 miles. These were rough calculations since the house we were at was in a communications dead zone. No WiFi, one bar, sometimes... Normally, I use a variety of tools prior to hitting unfamiliar terrain. Google Maps for loose mileage and elevation change estimates and Google Earth flyovers to inspect road conditions.

Alfred Korzybski coined the phrase, “The map is not the territory,” repeated by Robert De Niro in *Ronin*. Very true with USFS maps. What appears as a road on a USFS map can sometimes be overgrown, washed away, or simply nonexistent. The takeaway here should not be to distrust USFS maps—they are pretty damn amazing. But on any off-the-beaten path route, improvisation will be necessary. The technologic dead zone meant I would be heading out with less detail than usual.

I HAD COME PREPARED, HOWEVER. I had an inkling I might adventure on one of our days in Shasta. Maryanne recognizes that my mood is generally better if I thrash myself in the wild every so often. I had brought a Garmin inReach—a satellite-based device that provides mapping, texting, and an emergency beacon. With it, one has communication capacity in places cell towers don’t reach. The Garmin made it possible for Maryanne to spot my dot on a map as I made my way around the mountain. This was important. Usually I ride with someone during adventure travel. The planned route put me 20 miles

away from any help, on roads that saw no traffic. I wanted to be able to communicate should an untoward event occur. Another benefit—the Garmin was loaded with a digital version of the USFS maps.

After some discussion and a weather consult, I arrived upon a plan that took the weather into account. Our trip coincided with a heat wave, and I wanted to avoid the over-100-degree lower-elevation afternoon temperatures. That meant leaving a little before 5 a.m. and running the route counterclockwise. This had the dual benefits of knocking the paved portions out during low-traffic hours as well as getting through the lower elevations early. The southeast portion of the route climbed to 6,000' and then rolled between 5,000' and 6,000', where the daytime temperature was expected to be in the far more tolerable mid-80s. I expected to be back by 2 p.m. I was to text by 3 p.m. to provide a status report if I ran behind. If Maryanne had not heard from me by 5 p.m. nor been able to raise me, it would then be time to send someone out to see why that Garmin dot was not moving.

The night before I prepared the bike. The Garmin got strapped to the handlebars. The USFS map went in the handlebar bag—because paper never runs low on batteries. I pumped the tubeless tires to 40 psi. The rig was set up with Schwalbe G-One Allrounds 700 x 35s, with hydraulic disk brakes and a 2 x 10 drivetrain. Everyone has opinions on builds. My opinion? Ride what makes you happy. This bike makes me happy. The tires were perfect for everything but a roughly one-mile soft sand/dust stretch on the east side. Yes, you could go wider on this ride. But tires required to surf the sand, for me anyways, would have been problematic. My late model rig pre-dates the wider tire era, precluding anything much bigger than 35s, even with 650b wheels.

On the water front, I erred on the side of caution. There was a good refill spot at City Park in the town of Mt. Shasta—the spring known as the Sacramento River’s headwaters—but it came up relatively early in the trip. I carried two bottles and used a seat pack where I stowed a full Platypus 2.5 liter collapsible canteen. Arkel’s Seatpacker with its quick release metal frame did a nice job of eliminating tail wag from the significant water weight. I also brought a Steripen for water purification as a backup, but given the late season was unsure what water I’d encounter. I’d learn by the end of the ride that two bottles and the Steripen would have been plenty with the creek crossings I came across, but carrying a few extra pounds beat the risk of dehydration.

THE NEXT MORNING, AFTER AN EARLY ALARM and a cup of tea, I rolled out into the dark. I flicked on a high-lumens rear flashing light and a small headlight—the sun would be up in another hour and a half—and connected to Highway 97. Known as one of the area’s volcanic legacy byways, the 97 was a two-lane highway connecting Weed to Klamath Falls. While less scenic than most of the roads on my cue sheet, the 97 served as a direct route to knock out some of the paved mileage quickly at an hour when one couldn’t see much anyway. At that hour, there was light traffic—a truck rumbling by every few minutes or so. And with the highway’s wide shoulder, it was bearable.

Weed came up quickly. I crossed under the I-5. As I paralleled the I-5 on two-laned South Weed Boulevard, I noticed the road surface. Remarkably robust, even if not perfectly maintained. It turns out this section was the old I-5 prior to the highway expansion. As first light bloomed, the fields came into view, with a specter of fog hovering above. Then onto a connector gravel road that appears as public on maps, despite residents posting “No trespassing” signs.

No trespassing signs on quiet gravel stretches are not uncommon, even when those roads appear on the map as publicly accessible. They pose a dilemma. The signs seem to go up when residents want to discourage through vehicle traffic. Each one requires its own consideration. Could the map be wrong? Do I hear aggressive dogs barking down the road? Is it a part of the country where the only warning you’ll receive is a blast

of birdshot to the backside? I tend to proceed with caution, and if confronted, apologize for being lost—unless that confrontation is an aggressive dog—that then provides a sprinting opportunity. Fortunately, though, as a cyclist, I rarely experience anything other than a friendly wave from a field on such roads.

A left turn at the end of the gravel connector put me onto Old Stage Road. The road climbed to reach its own version of Black Butte summit, then dropped. A few miles, and then a veer left onto Abrams Lake Road, across the I-5, and then a right on Spring Hill Road. It was now around 6:30, and I encountered two separate road cyclists, saying a quick hello to each. These would be the only cyclists I would see along the route.

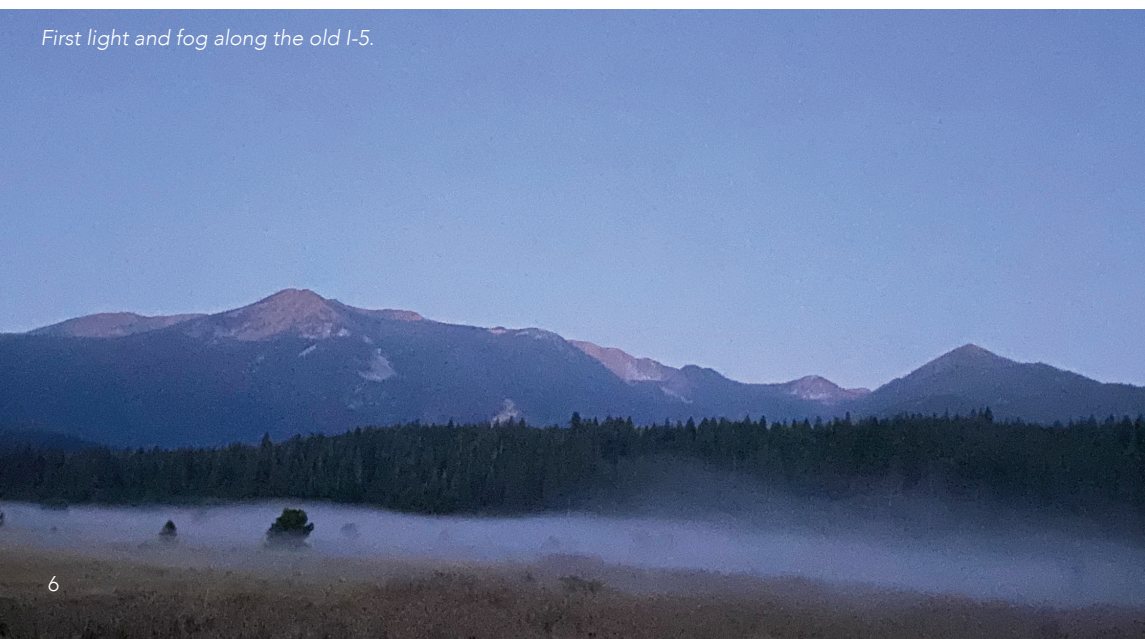
At the end of Spring Hill, I turned into City Park to refill my first near-empty bottle. Water coursed out of a spring, the Sacramento river’s headwaters, and a plaque described the vast Sacramento river watershed, extending down into the Central Valley. I rock-hopped into position, filled the bottle, and got back underway on Mt. Shasta Road, through town. The next stop wasn’t far. At the foot of Old McCloud Road, also marked as USFS 31, was a coffee shop that opened early. Masked up, I got a cup of coffee and a bagel.

While sipping coffee, I took advantage of the strong cell connection to download an offline version of the Mt. Shasta area in Google Maps to my phone. Garmin’s are great, but the user interface is lacking. I can usually figure out the next turn at a questionable five-way intersection far more quickly with Google’s offline maps.

AFTER THE SHORT BREAK, IT WAS TIME TO CLIMB. The next 11 miles climbed from 3,500’ to 5,500’. This section of 31, from the town of Mt. Shasta to the ski area turnoff, was paved. And empty. As I climbed up and east, the sun broke through every so often, shafts of light piercing the trees. I did not see another person from the time I finished my coffee until a couple miles before I rejoined Highway 97, several hours later. As I reached the turnoff for the ski area, 31 turned to gravel. The gravel road hugged the mountain, curving in and out of its folds, descending a little before resuming a slow, steady climb to the high point at 6,000’.

It was along the short descent that I ran into the only company I would meet for many miles. An old SUV was parked off the road. The doors were open, but no one was visible. Eight beautiful huskies were milling about, and as I got within 50 yards they got up and padded toward me.

First light and fog along the old I-5.



"Hello?" I called out as I came to a stop. Despite the open doors, no one responded. By this point, the dogs had formed a loose, curious circle around me. Seeing no one, I began a slow roll. Four of the dogs fell in right behind me. This continued as I returned to my prior pace. After about a half mile, two dogs dropped off. Two continued. They stayed with me for another mile before they lost interest. My best guess was they were part of a sled team. Why they were summering in Mt. Shasta's heat with their thick fur was anyone's guess.

After parting ways with the dogs, I encountered the first of two creek crossings. Mud Creek lived up to its name, my tires sinking deep into the muck before I managed to get across. Failing to clear the crossing on two wheels, I instead focused on the positive—the opportunity to cool down as I walked through the water. A few turns later, the road emerged from the mountain's folds, thick trees and gray volcanic rock giving way to sunlit red roadway.

A FEW MILES LATER, Ash Creek afforded an opportunity for creek crossing redemption. This water, clear and quick-moving, looked ideal for a bottle refill with a purifier. With the water in my seat pack, however, I had enough to finish the tour around the mountain despite the increasing temperatures. As I rolled through the creek, the front tire met a few submerged baby head rocks, stopping my progress. I put a foot down and walked the rest of the way across.

The 31 then joined Military Pass Road. Military Pass Road has been around a relatively long time for a road in the west. Knowing I was traversing the same territory that John C. Frémont and his party had used nearly a hundred fifty years ago made me feel connected to a different era. Despite Military Pass Road's history, I attempted a less-traveled western road to stay closer to the mountain. I found the fire road shrink down to double track, then single track, then no track before the meager game trail made its way back to Military Pass Road, however. I believe a local could have connected the Brewer Creek trailhead road to the Andesite logging road to the Bolam logging road to avoid what came next on Military Pass...but I am not a local.

As I rejoined Military Pass Road, I encountered the route's most challenging road conditions. Here, the road rolled across a section of pumicite. That's volcanic ash, or fine sand, resulting from broken down pumice. And yes, I had to look that up. Sections were compressed by vehicle tires and rideable, but those stretches were short-lived. After



The sunlit red roadway along the 31.

several dismounts and remounts, I decided it was more efficient to simply walk. Up until this point I was well ahead of schedule. I wondered how much sand remained. With the temperature rising and another eight miles to Highway 97, I hoped it was not much.

It turned out to be about a mile. Not a bad hike-a-bike ratio for such a spectacular ride. After that, the road dropped, turning into a rougher, rocky descent. Over the next eight miles to Highway 97, the road lost 1,700' in elevation. It was in this section I saw the only person I met in the backcountry, a man driving a pickup loaded with firewood. He waved a friendly hello as he went by. Then under a railroad trestle—Amtrak's Coast Starlight goes through here on its way to Klamath Falls—and out onto the highway.

Between the elevation drop, the arid volcanic land northeast of Shasta, and the afternoon hour, the temperature had rocketed up. I pulled onto Highway 97, continuing the descent, and made good time. A few miles later another gravel opportunity opened to the right, and I got away from traffic on Juniper Terrace and then Quarry Road before heading into the small township where we were staying. Home by 1 p.m., as the temperature reached over 100 degrees. Plenty of time to play Jenga with the kids before dinner... As I sat with the kids, portions of the ride kept replaying in my head. This was an adventure I would treasure for quite some time.

BIKE HANDLING: AVOIDING DOORINGS

Whether you are a seasoned rider or new to the street, it never hurts to review a few riding safety pointers. Today we explore doorings, one of the top injury-causing events caused by inattentive car drivers and passengers. This occurs when a driver or passenger opens a car door directly in front of a cyclist, causing the cyclist to crash. It happens so frequently that the word “dooring” evolved to describe the event.

Most states require that cyclists ride as close to the right side of the road as practicable. This traffic rule, designed to make sure bicyclists stay out of the way of the motor vehicles that traffic engineers somehow believe have more right to public space than others, typically puts riders right next to parallel parking spaces. That means drivers who open their doors open them directly into a likely bicycle rider zone.

While the dooring itself can cause significant injury, many cyclists suffer secondary catastrophic injuries when they get bounced into traffic and run over by a passing vehicle. Make no mistake—when a driver or passenger opens a door into moving traffic, they are typically violating a state vehicle code. For example, California’s vehicle code on this issue, Cal. Veh. Code section 22517, states:

No person shall open the door of a vehicle on the side available to moving traffic unless it is reasonably safe to do so and can be done without interfering with the movement of such traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

That’s great for placing blame or establishing liability. But avoiding injury is far better than being in the right. The same rules requiring cyclists to ride as close to the right as practicable usually also allow a cyclist to take as much of a lane as necessary when riding close to the right is unsafe. This means a cyclist can “take the lane,” or move into the middle of a lane instead of staying to the right. This has its own potential hazards—either annoying drivers in the lane behind who start behaving aggressively, or getting hit from behind by an inattentive driver.

Kind of a pickle, right? So how does a cyclist avoid getting doored? The simplest way? The driver should follow the law and common sense—check for traffic before opening the door. An even better way is for cities to properly build infrastructure, like protected bike lanes, that

keep cyclists away from the door zone. What we’ve learned is that relying on drivers to behave perfectly every time simply does not work, so changing the built environment is therefore essential to avoid catastrophic injuries to cyclists.

Cities are making fits and starts toward improved infrastructure, but these changes move glacially. So what are some door avoidance practices?

1. When possible, ride outside the door zone. This distance can vary, as some of the bigger vehicles have large doors that swing far out into traffic. Car drivers, unaware of the hazards doors pose, will sometimes honk, rev engines, or otherwise make cyclists uncomfortable when cyclists take as much space as necessary.

2. Focus on danger signs. There may also be times where it simply is not possible to avoid the door zone. In those situations, watch for danger signs. These include:

- A car that has just pulled into a parking spot.
- Car light patterns. Brake lights that turn off just in front of you may mean an imminent door opening, for example.
- A silhouette of a person in the car or the car’s side-view mirror.
- Weight shifts in the car, seen as the car’s frame bobbling on its suspension.
- A car that has not fully pulled into a parking space—it may be unloading a passenger.
- Any taxi or vehicle with a Lyft or Uber sticker on it.
- Commercial vans, trucks, and delivery vehicles. These drivers are typically more focused on their overbooked delivery schedules than the safety of others, and are in and out of their vehicles regularly.

Do your best to stay safe. If you are unfortunate enough to get doored, contact the police and demand a police report. This is true even when the driver is really apologetic and says it is all their fault. Without a police report documenting this, the driver’s attitude tends to change once the driver realizes that a claim on their insurance may be coming.

If your injuries allow, take a moment to use your phone to search for your state’s dooring vehicle code and provide it to the investigating officer. Police officers are generalists and as a result are sometimes unfamiliar with the specific law that the driver violated by dooring you.

COVER YOURSELF!

LIABILITY INSURANCE FOR THE CYCLIST

In the course of our work, we've spoken with cyclists facing many different situations. Sometimes it is a cyclist who has been injured. Other times we've been asked what happens when a cyclist hurts someone else. A common underlying issue? Cyclists specifically, and people in general, frequently don't understand the types of insurance they need to compensate themselves if they are injured, or to protect themselves if they injure someone else.

In this section, we provide a simple overview of the liability insurance we think is important if you're going to be on the road. This article does not cover health insurance or disability insurance. Those, too, are strongly recommended for everyone.

And if you're too busy to read the reasoning for all the insurance and what it does, you can always skip to the end. There's a bullet point summary that tells you what you should get.

AUTO INSURANCE: When we sit down with an injured cyclist, one of the initial questions we ask is whether the cyclist has an automobile insurance policy. Why? Because unfortunately, many drivers carry low-limit auto insurance policies, or no insurance at all. In California, one in three drivers drives without insurance (even though that is illegal) or with the legal minimum of \$15,000 per person, per incident. That minimum barely covers the cost of an ambulance ride and emergency room visit, let alone more serious injuries.

Auto insurance policies have what is known as Underinsured (alternatively known as Uninsured) Motorist coverage. This usually goes by the abbreviation UIM. You can check your level of coverage by looking at your auto insurance declarations page, and we can tell you without looking, it is probably too low. Why is underinsured motorist coverage important? Because in most situations, so long as there's contact with another vehicle, underinsured motorist coverage will cover you. That means if you are struck riding a bicycle, walking across the street, or riding in someone else's car, your own underinsured motorist policy is there for you.

Don't tune out if you live car-free. You don't have to own a car to have auto insurance. Most auto insurance companies will offer what they call non-owner operator policies for car-free households. They tend to be very inexpensive. An illustration? Our colleagues the Coopers of Emison Cooper & Cooper in San Francisco, live car-free. They renewed with USAA for \$1,000,000 of auto coverage and UIM coverage for \$400 for 2020. An additional benefit beyond underinsured motorist coverage? The policy will typically cover you when you rent a car, so that you won't have to pay the expensive rental-car insurance.

We consider UIM coverage absolutely essential, and the cheapest disability insurance a cyclist can purchase.

How UIM coverage works varies from state to state. In most states, your UIM coverage will be the same as your per-person, per-incident limit. That means if you carry a \$250,000/\$500,000 policy, where any one person in an incident will get up to \$250,000 and the total paid for any incident is up to \$500,000, your UIM coverage will usually be \$250,000.

Some caveats:

Hit and runs: If the incident is a hit and run, most policies require the injured person to make a police report or report the incident to the insurance company within 24 hours of the incident; otherwise, the incident will not be covered. Carriers do this with the belief that it reduces the chances of someone who crashed from later making up a hit and run after learning that underinsured motorist coverage might pay for some of the injury expenses.

Motorcycle UIM: Motorcycle policies don't have the same type of UIM, and their UIM coverage is typically expensive. If you have a motorcycle but no car, it is probably more cost-effective to add a non-car owner policy than increase your underinsured motorist coverage on your motorcycle policy.

Exhausting the primary policy: If you decide to represent yourself, or are helping someone with a claim, know that you have to exhaust the driver's policy before underinsured motorist coverage kicks in. What does that mean? If the driver has insurance, the driver's insurance must pay the full policy limits, and not a penny less. Your own insurance will typically want a copy of the driver's declaration page, the settlement agreement, and the check. Ask for a copy of the declaration page as part of the settlement.

Stacking: In some states, the underinsured motorist coverage “stacks” on top of the driver’s policy, and in others it does not. What does this mean? If it stacks, you can obtain a maximum of the driver’s policy plus your underinsured motorist coverage. To illustrate this, imagine the scenario where the driver has \$15,000 in coverage and you have \$250,000 in underinsured motorist coverage. You would receive a maximum of \$265,000 if you were seriously injured. In a non-stacking state like California, you would receive \$15,000 from the driver and up to \$235,000 from your underinsured motorist coverage, for a maximum of \$250,000.

Consider the loss, not the cost: When evaluating how much insurance to obtain, most people worry about how much it costs. They rarely consider what a serious injury might cost. Imagine a situation where you may not be able to work again. Unfortunately, whether one is in a car or on a bike, these types of injuries can occur. How much would it cost to take care of you? Your family? Typically that number is very high. Take that number into account, not the annual insurance premium.

RENTER’S OR HOMEOWNER’S INSURANCE: Come on, why are we talking about this type of insurance when we’re talking about the proper coverage for cyclists? Because sometimes cyclists inadvertently hurt someone. That can be a pedestrian you fail to notice or it can be another cyclist that you inadvertently clip. When that injured person makes a claim against you, and you then try to get your auto policy to pay the claim or defend you, you’ll immediately realize why we’re covering this here. Auto policies provide liability coverage, i.e., make payments to someone you’ve hurt and pay for a lawyer to defend you in a lawsuit against you, when you are driving your car or someone else’s. They don’t cover you when riding a bicycle.

What does? A renter’s or homeowner’s policy. These policies are also sometimes known as personal liability policies. Most people get them to cover the threat of loss or damage to possessions or one’s home. They also provide liability insurance should you inadvertently hurt someone. This can be someone tripping over the skateboard in your hallway or you mistakenly taking out a wheel on the Friday commute (or the spirited Saturday morning ride). The liability coverage limit will determine the maximum your renter’s or homeowner’s insurance will pay for a claim. We recommend finding out the minimum required limit for an umbrella policy, setting that as your liability limit, and obtaining an umbrella insurance policy. What’s that? Funny you should ask...

UMBRELLA OR EXCESS INSURANCE: Finally. Thanks for staying with us. We know this is not the latest Lee Child novel, but it is important. Umbrella insurance, sometimes known as excess insurance, is a policy that, like an umbrella, is a secondary layer of insurance over your auto and renter’s/homeowner’s policies. Umbrella insurance only comes into play when an injury exceeds the underlying policy. For example, if you carry \$250,000 in auto insurance and someone has a minor injury that settles for \$10,000, umbrella insurance does not come into play. It is only there for the really big injuries. Because it is rarely called on, it is surprisingly affordable.

Why is it important? Because mistakenly hurting someone can cost a lot of money. The force differential between a whiplash injury versus a ventilator-dependent quadriplegic can be negligible. But no matter how sorry you are, the cost to take care of the second is exponentially higher.

Most umbrella policies require \$250,000 as the minimum liability limits for your auto and renter’s/homeowner’s. Making sure the policies dovetail together is essential, because if you have an improper minimum in your coverage, the umbrella will not kick in. It requires you to work with your agent or broker. Umbrella policies are usually \$1 million in coverage and go up to \$5 million. Consider how much you want to *protect*, not how much you want to pay.

Because someone with an umbrella policy has gone to the trouble of obtaining enough insurance to make sure a victim is properly compensated, most lawyers will discourage their clients from seeking personal contribution beyond the policy, absent extenuating circumstances. What does this mean? With an umbrella policy, your hard-earned savings will likely not be in the gun sights unless your



behavior was egregious. Egregious here, for example, could mean doing 60 mph in a school zone or driving under the influence.

An additional question to ask your agent or broker: Can you get a rider for your underinsured motorist coverage as part of your umbrella policy? This is not standard, so don't assume that you have \$1 million in underinsured coverage just because you obtained an umbrella policy. It usually has to be added through what is known as a rider, a separately bargained-for provision that "rides" on your umbrella policy. If it is available, it will be frighteningly cheap. When we last priced it, it was \$40 per year, per \$1 million of additional underinsured motorist coverage with the rider. The UIM riders are not as common. If it gets too frustrating trying to locate a carrier who will provide one, it can sometimes just be easier to up your auto policy to \$1 million. Make sure your umbrella carrier is aware of this, though, because this will likely reduce your umbrella premium.

CALL TO ACTION AND SUMMARY:

Now that you've finished this article, we have one final request. Grab your smartphone. Open the calendar application. Or if you're old-school, grab your DayMinder. Pick a day, it could be a week from now, but not more than a month away. Find a time with a two-hour window. Commit to yourself that you'll honor that window. It may take less time, but better to reserve too much time than too little. Put in, "Review insurance with agent/broker." Here's the bullet point summary of what to talk about:

- **Auto insurance:** Underinsured (UIM) limits that will be enough to compensate you if you get hit. Recommend \$500,000–\$1 million. Even if you do not own a car, purchase a non-owner operator policy for the UIM coverage it provides when you are riding a bike.
- **Renter's or homeowner's insurance:** Also known as a personal liability policy, protects you if you hurt someone while riding (since an auto policy won't cover this). Recommend the minimum amount required to qualify for an umbrella policy, typically \$250,000–\$300,000.
- **Umbrella insurance:** An additional amount of protection for your assets if you have the misfortune of hurting someone really badly. It acts as an additional layer on a renter's or homeowner's policy. Typical policies are \$1 million to \$5 million and very affordable.

Whether you stay with your insurance company, work with a broker, or shop around, taking the time to do this will make a difference for you or someone you love at some point in your life.

OUR COMMUNITY INVOLVEMENT

Bicycle Law's members participate in advocacy, keep their active transportation knowledge honed, and support the community. Here are a few different ways we've participated recently:



Continued mentoring, coaching, and sponsoring b.i.k.e. (Bikes and Ideas for Kids Empowerment—www.kidsofbike.org). Bob Mionske has been involved with b.i.k.e. for over two decades. A recipient of Oprah.com's *Use Your Life Award*, the b.i.k.e. organization, using bicycles as a medium, supports at-risk children by providing opportunities for personal, athletic, and academic success.

Sponsored The Street Trust (www.thestreettrust.org). A national non-profit organization, The Street Trust is committed to creating communities where people can meet their daily transportation needs through active transportation.

Attended CalBike's multi-day summit in Los Angeles to learn about ways to improve cycling safety and transit equity.

Spoke at San Francisco City Hall on the need for immediate road improvements for cyclist and active transportation safety. Unfortunately, up until this year, almost every significant protected bike lane in San Francisco has been built immediately after a fatality. This is true even though San Francisco knows where these fatalities are likely to happen through bicycle and pedestrian-incident tracking.

Attended Silicon Valley Bike Coalition's annual summit.

Participated in People Protected Bike Lanes actions to highlight the need for protected bike lanes.

Volunteered as safe streets ambassadors to help turn street space into outdoor restaurant and retail space so businesses can safely re-open and re-hire amidst the pandemic.



Celebrated our fourth year sponsoring the Mission Crit. The Mission Crit is a highly competitive fixed-gear race in San Francisco that draws international talent.

Engaged in small acts of tactical urbanism (which we won't go into here, for legal reasons of course...).

Top: Bicyclelaw.com founder Bob Mionske working with b.i.k.e. participants.
Bottom: The calm before the storm at a Mission Crit. Photo credit: James Grady @missioncrit