

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.



1747 NE Multnomah Street
Portland, OR 97232

ADDRESS SERVICE REQUESTED

PSRST STD
US POSTAGE
PAID
PORTLAND, OR
PERMIT NO. 694

BICYCLE LAW



ROLLING RESISTANCE

ISSUE #2 | SPRING 2021 | A NEW DAWN

TRANSFORMING KIDS' LIVES, CARGO BIKES, SAFETY, AND MORE ►



Have you or someone you know been involved in a bicycle crash? Want to know 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.



INSIDE THIS EDITION

Community profile:
How the b.i.k.e. organization transforms lives

Should you consider a cargo bike or e-bike?

Ride report: Reflections on a cargo bike

Bike handling: Avoiding strikes from behind

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 cycling-focused lawyers.

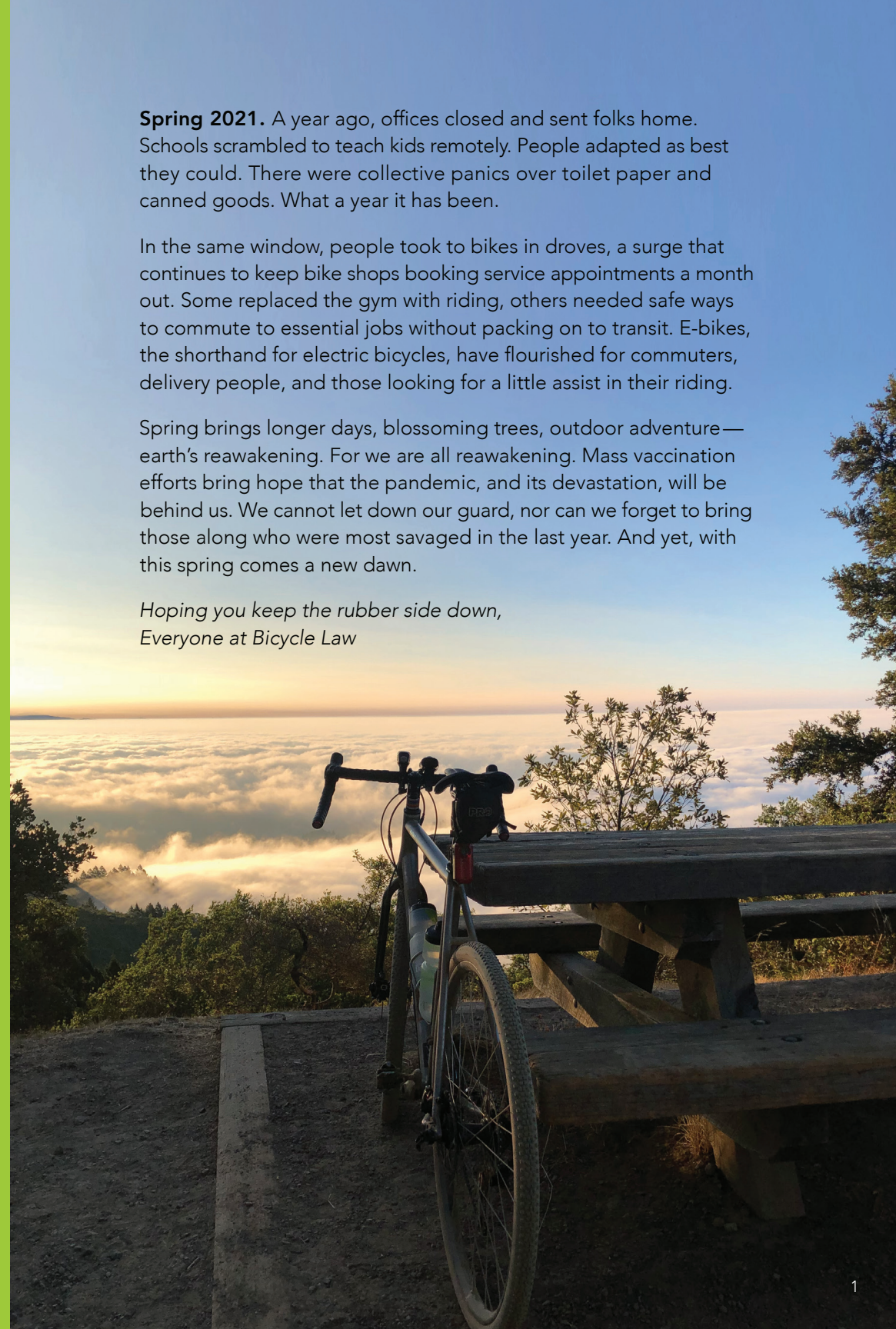
Cover image: Ian Bannister / www.ianbannister.darkroom.tech / @ianbannister

Spring 2021. A year ago, offices closed and sent folks home. Schools scrambled to teach kids remotely. People adapted as best they could. There were collective panics over toilet paper and canned goods. What a year it has been.

In the same window, people took to bikes in droves, a surge that continues to keep bike shops booking service appointments a month out. Some replaced the gym with riding, others needed safe ways to commute to essential jobs without packing on to transit. E-bikes, the shorthand for electric bicycles, have flourished for commuters, delivery people, and those looking for a little assist in their riding.

Spring brings longer days, blossoming trees, outdoor adventure—earth's reawakening. For we are all reawakening. Mass vaccination efforts bring hope that the pandemic, and its devastation, will be behind us. We cannot let down our guard, nor can we forget to bring those along who were most savaged in the last year. And yet, with this spring comes a new dawn.

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



COMMUNITY PROFILE

TRANSFORMING LIVES, ONE PEDAL STROKE AT A TIME

By Rick Bernardi

It's been said more than once that cycling can save the world. In an era in which we are facing both a rapidly shrinking window for taking climate action and an exploding epidemic of inactivity-related diseases, that truth seems self-evident.

But what about the world of at-risk youth? John Benenate knew that cycling could save their world too, and 25 years ago, he started a non-profit that would make his dream a reality. That non-profit is b.i.k.e. — Bicycles and Ideas for Kids Empowerment — and its mission is succinctly summarized by its motto: "transforming lives, one pedal stroke at a time."

b.i.k.e. began as an outgrowth of Benenate's work as the director of the Portland State University cycling program, and later, the Cyclisme Racing Programs. When Benenate began running those programs, cycling had a reputation as an "elitist" sport. Benenate thought that could be changed by building a strong team of dedicated young cyclists who would be able to act as mentors in the larger Portland community, including finding and developing new racers from all walks of life, fitness levels, and ages.

From there, it was a natural next step to use cycling as a vehicle to help at-risk kids. Benenate could see that the kids of b.i.k.e. needed more than bicycle racing to help them, so he added tutoring to the program to help them with their academic progress. A new program, "Riding Bikes to Museums," was added to introduce b.i.k.e. to schools. Benenate also started "Rollers 101," a stationary bike program available in youth and community centers in Portland, as a part of the b.i.k.e. program. And

as Benenate had envisioned from the start, the Cyclisme racing team provided mentoring and logistical support to the kids of b.i.k.e. That close relationship between Cyclisme and b.i.k.e. is reflected in the Cyclisme team jerseys worn by both the Cyclisme team and the kids of b.i.k.e.

By bringing top cycling talent into the community to mentor at-risk youth, b.i.k.e. helps kids develop the resilience that supports them in avoiding the negative behaviors that lead to an at-risk youth becoming another negative statistic. And it's not just a pie-in-the-sky-hope-this-works effort either. Rather, the program is founded on decades of solid research about at-risk youth, and the factors that help at-risk youth develop the values and life skills they will need to become pro-social, productive adult

The b.i.k.e. brigade. Ken LeGros Photography.



citizens. The year after Benenate began b.i.k.e., the U.S. Olympic Training Center introduced Benenate to their “Kids on Bikes” program. Benenate immediately took charge of the Kids on Bikes program, and the model he developed became the national model endorsed by USA Cycling and the U.S. Olympic Training Center.

Twenty years ago, Bob Mionske became involved with b.i.k.e., and has been a sponsor and mentored kids in the program ever since. Mionske, an attorney and the founder of Bicycle Law, brings with him his years of pre-law experience as a racer on the amateur circuits, a National Road Race Champion, 8 years on the U.S. National Cycling Team, a two-time Olympian, and a pro racer on Team Saturn. When the kids learn about bike racing from Mionske, they’re learning from somebody who has been there and knows what he’s talking about.

And they’re also learning from somebody who got his own racing start on hand-me-downs and no team support. Mionske knows what that’s like, too. “I was able to get into road cycling because of hand-me-downs and mix-and-match kits and wheels and frames to make something that would roll down the road,” Mionske notes, “and if it were not for that I might not have discovered this great activity that’s changed my life ever since, and I’d like to share my experience with other people.”

Now the rest of the world is beginning to catch on. Bicycling Magazine has been putting increased attention on running articles focused on diversity in cycling. And in Los Angeles, pro cyclist Justin Williams has formed a professional team called L39GION (pronounced “Legion”) with the express goal of making pro cycling more inclusive. With 14 riders on the team (10 of whom are pros), L39GION includes Black, Latino, Pacific Islander, and White racers. And while making cycling more diverse is the point, winning races is also the point. As Williams succinctly puts it, “We wanted to win races while making the sport inclusive.”

And the connections continue to grow. Bicycle Law attorney Bob Mionske has been working with Maurice, 10, one of the kids of b.i.k.e. And Maurice’s older brother and teammate Mateen, 17, is also in the program; their mentor is Denzel, 27. A short video of Maurice and Bob was made last spring, and more videos featuring Maurice, Mateen, and Denzel are in the works for the near future. Recently, Maurice and Mateen traveled to Los Angeles to meet and spend time with Justin Williams and his L39GION program.

“
CYCLING HAS CHANGED MY LIFE.
I AM MAURICE, AND I AM A BIKE RACER.
”



"It's a beautiful experience being around the first rides a cyclist takes, especially if it becomes a lifelong passion," Mionske says. "You feel like your intersection with them spawns something and you pass something on that you found from someone else. So it's like a legacy of the sport. But beyond that, these kids need help, and I've got a lot of extra bike parts around, and who needs six bikes? When your bike's a couple of years old, its value goes down quickly, and the value of seeing somebody's face light up upon receiving an old set of wheels, or a cool jersey, or a pair of shorts and arm warmers, or a bag of arm warmers and leg warmers and jerseys, watching them tear through to find things, reminds me of my first cycling shorts, which were a gift from a friend, hand-me-down wool shorts."

"So I understand that it's best that cycling equipment is out in the world being used, as opposed to in boxes and crates," Mionske continues, "and I would suggest that if most hardcore cyclists looked around in their basement and storage area that they could help a lot of people enjoy our sport. It's also nice to see some of these kids grow up to be exposed to all the different neighborhoods. If you're a low-income kid and you're in a small neighborhood you know that area and the bus routes. But if you get on a bike, all of a sudden you know the whole city, and the outlying areas. And generally, you're going to be out there looking around with a bunch of people that maybe don't look like you. So, there's this cultural mix that happens as well. I think the cycling community in general likes seeing as many people as possible on bikes."

The kids love it too. As Maurice says in his first video with Mionske "I wasn't good at sports, I thought, because I didn't find nothing that I really liked. b.i.k.e. taught me a whole bunch of things, like how to ride a bike better, how to read better, math. It helps you get stronger, it helps you get more exercise, we go to places I've never been to. I have confidence in myself every time I race, and if I don't win, let's keep going, we're not going to stop, even if we fall, we're going to get back up. That's what it's all about, training my body, my life, and everything, you know. Cycling is a part of my life now, and people on the team is family to me. It's something I want to live my whole life doing."

There's no better testament to the power of cycling to transform lives.

To learn more about b.i.k.e., visit www.kidsofbike.org.

SHOULD YOU CONSIDER A CARGO BIKE OR E-BIKE?

Why do we love cargo bikes and e-bikes? Because of their tremendous utility. Between traffic and parking, or transit's unpredictability, we'll get there faster than a car, bus, or subway if the distance is within two miles. And we'll get there with a smile.

YES, HERE'S WHY





Save money. With a cargo bike or e-bike, you'll use a car far less frequently. This means less money spent on gas, parking, maintenance. It also means reduced insurance premiums with the lowered mileage. As your car use drops, you may find it is time to lose 3,000 pounds, downsizing to a one-car or no-car household. With the rise of hourly car share services, this is a cost-effective way to access cars on your terms instead of having tens of thousands of dollars tied up in a mechanical device that just sits unused 95% of the time. And don't forget to save additional money—look for cargo bike and e-bike incentives. Some cities, regional air quality districts, and states have e-bike or car trade-in incentive programs that can make the initial bike purchase easier.



Save time and stress. Imagine taking the guesswork out of commute times and school drop-offs. Bad traffic? It doesn't matter when you're rolling down the bike lane, passing those stressed-out drivers. The bus is unpredictable? A bike commute isn't. Nor does a bike have to wait in the school drop-off line of cars. In addition, every minute on a bike is time deducted from the "when will I find time to work out," worry.



Safe routes. Over the last few years, more and more infrastructure has been developed to protect cyclists. Governmental agencies have recognized that every person on a bike is one less car. Fewer cars mean less congestion. How do you get people out of cars? Help people feel safe. The pandemic, in a strange way, has accelerated this process. People took to bikes in a way no-one could predict. Have any doubts about this? Try buying a bike or getting an appointment for a tune-up at the local bike shop. There's safety in numbers. As more riders are on the streets, drivers are forced to give them space and be more aware. Additionally, street spaces that drivers felt were theirs alone have been retaken. Cities have implemented networked Safe Streets programs, giving priority to bikes, walkers, joggers, and play during the pandemic. Given their success, they are likely to be staying. Likewise, outdoor dining has transformed parking spaces and streetscapes, both reducing and slowing down traffic. You better believe merchants will fight to keep the outdoor space they've won for themselves. While bike infrastructure still has a long way to go, it has never felt as safe to get around town on a bike as it does now.



Save the environment. As climate change impacts all of us, there's a certain pleasure to knowing that turning over the pedals, instead of turning over the ignition, is one's chosen mode.



Stay fit. One of the great aspects of e-bikes is that they are still bikes. The electric assist can be dialed down when you're feeling fit and dialed up when you want to arrive without a drop of sweat on you. And for those of you who like a challenge, there's always the old-fashioned way: a cargo bike without a motor.



If you have questions about cargo bikes, set-ups, best practices, or whether to go electric, and to get other tips we've learned along the way, visit our cargo bikes tips page at www.bicyclelaw.com/cargo-bikes.

ON THE ROAD: AGENT OF CHANGE

Miles Cooper's reflections on a cargo bike, childhood cancer, and the road ahead

The bike rolled strong, holding its line in the bike lane as it bombed down the hill. The aluminum frame and quick, if quirky, handling belied the obvious—it was a cargo bike. Despite its 65-pound build, the Bullitt bike felt sporty, making even errands fun. The frame, built by the seriously silly Danish company Larry versus Harry, was what is known as a box bike. Ours included a wooden box containing a bench seat and side-by-side harnesses for our two kids.

No kids were with me today, however. It was pandemic Groundhog Day Number Umpteen-and-then-some, with this being the weekly Thursday outing day. Errands and check-signing at the empty office, our army long ago decamped to myriad home workspaces. I rode in the current style,

mask on, sunglasses gone, having yet to figure out how to wear glasses without the latter fogging over. Instead of kids, the wooden box held three garbage bags stuffed with the results of decluttering projects. A Goodwill drop-off was a planned detour on the way to the office.

Riding afforded me the luxury of escaping into my head. Being on the cargo bike, the escapes that morning were reflections upon past outings. The crisp weather made me long for outdoor adventure, bringing back a memory of doing just that with our son.

Escape from San Francisco

Immediately north of San Francisco sits a vast open space called the Headlands. This former military base once housed anti-ship artillery and nuclear-tipped Nike missiles. As we humans innovated, developing better ways to slaughter each other, the base became obsolete and was transferred to the National Park Service. Aries' discards became a playland across the bridge for San Francisco's outdoorsy set. Nestled within the Headlands are a few hike-in/bike-in campsites. When our son was still little, in pre-school, I asked him if he was interested in taking the cargo bike to one of the campsites. Surprising no-one, he loved the idea.

We secured a weekday space at Hawk Camp, a quiet spot high in the hills with a bridge tower view. Weekend spots are hard to get. That's one of the amazing attributes the Headlands afford—the ability to leave the City, sleep outdoors, and be back for school and work the next day.

I picked Bennett up from pre-school, the bike already loaded. San Francisco's evening 20-mile-per-hour winds and fog were kicking in, so I tucked a blanket around him and handed him a snack. Our dinner-in-foil burritos had already been packed up for us to eat later. We made our way through the Panhandle and the Presidio, Bennett peppering me with questions about tent set up. As we crossed the bridge, the west winds pummeled us and the conversation died down. Despite the cold wind, Bennett did not complain.

We reached the Headlands, rode through the tunnel, and then turned onto a fire road to access the campsite. The road up to Hawk Camp skirted the southern edge of a protected valley, the valley's ridgeline diminishing the wind. We chatted as stones crunched under the tires. There's a short steep section where I was unable to turn over the pedals.



Sunset at the turnoff to Hawk Camp.



Setting up camp.

Dropping off

My past ride reverie was interrupted as I re-focused on my errand. Waxing poetic about living in the moment, and yet I reflected on the past instead of my surroundings. Zen as I say, not as I do.

I made a left and rolled up to the Goodwill drop-off. As with so many other pandemic patterns, we were not the only people taking advantage of the opportunity to Marie Kondo our house. Six cars idled in front of me, waiting for room to park and drop off materials. The bike did not need a parking space however, and I got waved in. Within two minutes I had dropped my bags in the appropriate bins and was back on the road. Yet another shortcut made possible by the cargo bike. I turned right on 16th Street, crossed the train tracks, and rode past the relatively new UCSF medical complex. The hospital, where we now take our daughter for regular (fingers crossed no) cancer screenings, brought forward memories of different cargo bike rides.

Cancer by bike

While it had been a few years, riding by a hospital could not help but stir cancer memories, when the cargo bike's main function was to ferry our then three-year-old daughter back and forth for treatment. Clinic visits. 72-hour admissions for monthly chemotherapy. And two weeks later, fever readmissions of unpredictable length, ranging from two to four days. Her white blood cells plummeted to zero, decimated by the same chemicals sent to kill the cancer. She'd then spike a fever and they'd infuse her with broad-spectrum antibiotics to fight off potential infections.

The fever picked its time, invariably late at night. Once it hit 102 degrees, it was time to go. The December fever spiked at its typical late hour, Maryanne noting its arrival and giving me a nudge. I got out of bed and packed the panniers. We waited until the last minute before disturbing Dylan's sleep. Cradling her frail frame, I made sure to collect her pump and the liquid nutrition that got pushed through the hose snaking through her nose and throat directly to her stomach. She eventually learned to insert the tube herself, since every chemo-induced vomiting episode sent it up from the stomach and out her mouth. She decided it was better to cough and gag on her own terms rather than have a parent and two nurses force it down her throat. Tough as nails, that girl. But I digress.

Bennett hopped out and we walked the section together, Bennett offering the best assistive pushing a boy his size could muster. When we reached a point where I could again pedal, I rewarded him with one of the sweeter snacks I had squirreled away.

Once we reached camp, Bennett sprung into action and set up the tent. After we ate and bedded down, he immediately fell asleep, exhausted. Nestled against me, I held him, wondering at his calm. Within a few minutes, the sound of his quiet breathing was joined by howls from a coyote pack down in the valley below.

We woke with the sun the next morning. Bennett broke down camp while I made cocoa, coffee, and oatmeal. We loaded the bike and reversed course. As we crossed the bridge, the occasional bike commuters who passed us offered kind words. We pulled up at the pre-school a few minutes late. I gave Bennett a hug and sent him in, our overnight adventure complete. I took pleasure in our ride, and yet also did not fully appreciate how lucky we were to be able to have that experience. I did not recognize the importance of living in the moment. And I certainly could not contemplate what lay ahead.

Despite our best efforts, the crisp December night air woke Dylan up. Nestling her in the cargo bike's box, I clipped her in and then tucked a rough woolen blanket around her. We said our goodbyes—would this admission be two days, four? Who knew? We set off. Why does that particular night stand out? Perhaps it was the unscheduled holiday lights tour. As we rode through the quiet streets, we passed various houses and their light displays. Dylan commented on ones she particularly liked. Had this been a normal year there was little chance she would have been up late enough to experience the joy those lights brought her. Even with a fever, Dylan made good conversation. The time with adults and her old-soul nature led to a robust vocabulary. And a preternatural inquisitiveness.

For that was the other memory that stuck out about our ride. We never told her the statistics, that only 37% of the children with her very rare cancer survived. We also never lied when she asked questions. As we headed up a short climb, looking at lights and talking about various things, she asked for the first time if she was going to die. I took advantage of being out of breath to cover the emotion in my voice.

"We're doing everything in our power to make sure that doesn't happen," I huffed, "as are you." For she was. A force to be reckoned with—heaven help anyone who gets in her way. We crested the rise and picked up speed on the downhill section. Her attention shifted to something else. The headwind blew tears back toward my ears. We arrived at the hospital, locked up the bike, and trundled into the hospital where everyone knew our names.

Check, please

My attention snapped back from cancer memories to the errand at hand—check-signing at the office. As I approached the bay, I turned left. The City was slowly connecting the various waterfront bike paths, making this a nice way to head north. Passing by the empty basketball stadium, the empty ballpark and innumerable boarded-up businesses, I wondered about the future. With hard work and good fortune, our daughter survived and thrives. With hard work and good fortune, we were able to pivot the firm during the pandemic, continuing to help our clients with an at-home workforce.



The good days frequently included a pastry stop.

Cancer formed a crucible that tested our family's mettle, and we came out the other side stronger than before. We were tremendously fortunate—our daughter lived. I would never wish the experience on anyone, and yet I am grateful for its lessons.

Now, the pandemic is testing everyone. With it, everyone faces unique challenges. Some hardships are far, far worse than others. Some people won't survive. For those who remain, the world will be different. The societal, economic, and political impacts cannot be underestimated. We can approach this change with dread or treat it as a new day, a new dawn. We can pull together and lift others up or we can tear ourselves down. We must believe that we will absolutely, positively, get through this. And yet we must acknowledge the tremendous challenges in the moment.

That dawn will arrive. Look for hints of it in small victories along the way. Know that sun will be cresting soon.

BIKE HANDLING: AVOIDING STRIKES FROM BEHIND

"I just didn't see the cyclist (that was directly in front of my car...)" We hear this all too frequently from drivers in depositions after they've hurt or killed cyclists. Even if they didn't mean to, their momentary inattentiveness causes devastating impacts.

Over time, we've learned from experts on human behavior that people see what they expect to see, and often overlook what they don't. Drivers with years of experience looking out for other cars as hazards frequently miss cyclists (and motorcyclists, and pedestrians, and...) That's true even when the cyclist is right there, in broad daylight, directly in front of the car. That's sobering for those of us on the road. How do we improve our odds?

Conspicuity. Wait, what? The art of being conspicuous, or being seen. Consider it the opposite of camouflage. If you've ever wondered why some cyclists are lit up with lights, reflectors, and flags, there's a strong chance that's a rider who has been hit before by someone who said, "I didn't see you." Do you need day-glow everything? No. But one of the best ways to make yourself conspicuous is high-powered strobing rear lights. What does high-powered mean? Look for lights in the 100+ lumens range. These will be more expensive but are typically rechargeable. Unfortunately, the inexpensive front and rear lights used by most commuters don't even come close. We do not have any affiliation with these brands, but have found through personal experience that Light & Motion, Night Rider, Bontrager (and others) make quality, USB-rechargeable, long-lasting lighting solutions.

An even better investment for dealing with strikes from behind? A rear-facing camera with high-lumen lights like those offered by Cycliq. These can record license plate numbers and vehicle information to help find a driver after a hit-and-run, or clarify what actually happened in a crash. For anyone put off by the cost, consider it as another form of insurance should anything bad happen.

Recent studies indicate that lights attached to the body, such as helmets, a bag, or on the ankles, conduct organic body movement that is more conspicuous to a driver than a light attached directly to the bicycle.

Mirrors. We'll be direct here. There's a stigma among cyclists regarding mirrors, a stigma we don't quite understand. If you get the opportunity to ride with Mionske himself, you'll find his fleet equipped with a variety of concave mirrors adapted to various locations to be able to see what is approaching from behind. Maintaining vehicle awareness, including what's going on behind you, is simplified with a mirror.

Use the force. We're deadly serious, not just Star Wars fans. Most of you have been around, and having been around, honed damned good instincts for vehicle behavior. Trust those instincts. The engine heard over-revving from around the bend, the car that keeps hitting the rumble strips, those are signs of aggression and inattentiveness, respectively. And just a couple examples of what you as seasoned cyclists listen for. Where we can lose the advantage is when we try to default to safe ("It'll be fine, there's nothing to worry about,") or tamp down the worry when our gut instinct is telling us otherwise. There's no shame to getting off the road as quickly as possible when your Spidey-senses warn of imminent harm.

