

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 owned and operated by Coopers LLP, which has lawyers licensed in California, Oregon, and Washington state. Coopers LLP is regularly consulted by attorneys and cyclists nationwide on strategy related to bicycle crashes.



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LAW**



ROLLING RESISTANCE

ISSUE #8 | SPRING 2024 | SEEKERS

NEW LAWS FOR 2024, BUDDHA BALDY, THE STREET PROJECT, AND MORE ►

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Bicycle Law's lawyers practice law through Coopers LLP, which has lawyers licensed in California, Oregon, and Washington State, and can affiliate with local counsel on bicycle cases across the country to make sure cyclists benefit from cycling-focused lawyers.

We're all on a journey. For some of us that's two-wheeled, for some it is spiritual, for some it is to effect change to make our roads safer, our people happier and healthier, our planet a little less warm. This issue takes a look at legislative victories for cyclists in California, Oregon, and Washington, including California's crosswalk daylighting—a change whose impact could be dramatic over the next couple years. We look inside ourselves, as a climb up the Angeles Forest's Mt. Baldy becomes an opportunity to examine settling one's mind and being present.

On the community front we take a look at The Street Project, screening a documentary on safe road access for all and using it as an opportunity to bring like-minded activists together. We also highlight the San Francisco Randonneurs, whose club efforts led to a record number of members participating in the most recent Paris-Brest-Paris and receiving an award from the event's organizing body.

Finally, we seek out safety. We examine conspicuity during daylight hours and how—even though no rider is obligated to do it—standing out assists drivers' perception and reduces the chances of getting hit by today's distracted drivers. We also draw attention to what to watch out for and how to stay apprised of safety issues in the world of e-bikes.

We hope you're getting the opportunity to use the longer days for some time in the saddle, seeking out what you love.

*Hoping you keep the rubber side down,
Miles B. Cooper, Maryanne B. Cooper, Bob Mionske,
and everyone at Bicycle Law*



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LEGISLATIVE VICTORIES FOR BICYCLISTS IN CALIFORNIA, OREGON AND WASHINGTON IN 2023

By Kent Klaudt

With a new year comes new laws taking effect, including many that affect cyclists and pedestrians. Read on to learn about California's bike lane enforcement cameras, riding under the influence in Oregon, and more.

California

Crosswalk Daylighting: A new California law (AB 413) amended the state's Vehicle Code to prohibit "the stopping, standing, or parking of a vehicle within 20 feet of the vehicle approach side of any unmarked or marked crosswalk or 15 feet of any crosswalk where a curb extension is present."

Why do cyclists care about this? The new law creates "daylighting" in the vicinity of intersections and should increase visibility for all road users, including cyclists and pedestrians, by keeping parked cars further away from crosswalks.

In San Francisco, for example, the SFMTA has supported these efforts and is currently determining how AB 413 will be implemented. Under this law, however, cities will have the option of authorizing vehicle parking within 20 feet of a crosswalk if it has either a painted curb or clear signage.

The bill's author, Assemblymember Alex Lee, stated that, "AB 413 will save lives and make our streets safer for everyone" and noted that "California's pedestrian fatality rate is nearly 25% higher than the national average. By increasing critical visibility of our streets, this bill will help prevent fatal accidents."

The Federal Highway Administration has found that more than 50% of all fatal and injury crashes occur at or near intersections, so AB 413 sounds like a step in the right direction for cyclist safety.

The bill was supported by two organizations: Streets for All and the California Bicycle Coalition.



*In San Francisco, 33 speed cameras will be placed at "High Injury Network" locations.
Photo courtesy of Walk SF.*

Speed Safety Camera Pilot Program: This new state law (AB 645) allows six of California's largest cities to implement a five-year pilot program in high injury areas using speed cameras. In San Francisco, 33 speed cameras will be placed at "High Injury Network" locations—the streets where severe traffic crashes are disproportionately likely to happen—and the camera rollout will begin in early 2025. According to the SFMTA, speeding is the primary factor in fatal traffic collisions in San Francisco. The other cities included in this program are Los Angeles, Oakland, San Jose, Long Beach and Glendale.

The bill was authored by Assemblymember Laura Friedman and supported by Walk SF, San Francisco Bay Area Families for Safe Streets, Streets for All, Streets are for Everyone, and the Vision Zero Coalition.

Bikes and Pedestrian Walk Signals: Another bill introduced by Assemblymember Laura Friedman, AB 1909, will allow cyclists to begin crossing a street on a pedestrian walk signal. While most of this bill went into effect in 2023, this particular provision just took effect on January 1, 2024. The new law will give cyclists a three-to-seven-second head start into an intersection, which is meant to increase the visibility of cyclists on city streets. Bike riders may now begin crossing with pedestrians unless a bicycle-specific control signal is also present at the intersection.

The official comments to AB 1909 explain that: “A leading pedestrian interval (LPI) is an official traffic control signal that advances the ‘WALK’ signal for three to seven seconds while the red signal halting traffic continues to be displayed on parallel and through or turning traffic.” And one prior study of LPIs found that they decreased injuries to cyclists by more than 26%.

Several studies in the past few years on the impact of LPIs have been conducted by the Federal Highway Administration and New York City and have found significant evidence for increased safety for pedestrians and cyclists from the use of LPIs.

The Omnibus Bicycle Bill, of which this provision is one part, was supported by the Los Angeles County Bicycle Coalition, Move LA, A Project for Community Partners, the Sierra Club, and Streets for All.

Bike Lane Enforcement Cameras: This new state law allows cameras to be installed on city-owned “parking enforcement vehicles for the purpose of video imaging of parking violations occurring in bicycle lanes.” The law will be in effect until at least 2030.

In San Francisco, the SFMTA notes that this law “gives the agency another tool to support the safety of bicyclists by expanding our capacity to enforce regulations against cars blocking bike lanes” and has announced that it will be conducting a technology review prior to any decision by the city to actually install such cameras.

The new law (AB 361) was introduced by Assemblymember Christopher Ward (D-San Diego).

Oregon

New No Passing Zone Law: On January 1, 2024, SB 895 became law in Oregon. The bill was introduced by Sen. Floyd Prozanski and Rep. Tom



Cyclists in California can begin crossing the street on a pedestrian walk signal.

Andersen and passed without any opposition. The new law amends Oregon’s no-passing zone statute to allow vehicles to pass “obstructions” in the roadway, including “a person who is riding a bicycle or operating another type of vehicle and who is traveling at a speed of less than one-half of the speed limit.” While passing such a person, the passing vehicle must drive “at a speed that is at least five miles per hour under the speed limit.”

DUIs and Cyclists: Another new Oregon law, HB 2316, expands the offense of driving while under the influence of intoxicants to include any substance that, when taken into the human body, can impair the ability of a person to operate a vehicle safely. Both cannabis and psilocybin are specifically mentioned in the statute, but the law is not limited to any particular type of intoxicant. The new law, however, reduces to some extent the penalties for cyclists convicted of riding while under the influence, including decreasing the maximum number of community service hours in sentencing. Electric-assisted bikes are not defined as “bicycles” under the new law.



Washington state passed a new law for e-bike rebates.

Washington

While the State of Washington did not see as much legislative action in 2023 directly impacting cyclists' rights, the advocacy group Washington Bikes recently announced its 2024 legislative priorities, which include: *Traffic Safety*: Urging the legislature to find solutions to rising traffic injuries and fatalities; *Safe Places to Bike and Walk*: Working to make sure the legislature uses funds from 2022's Move Ahead Washington transportation law to build more safe walking and cycling places; *Climate Future*: Opposing an effort to kill the state's 2021 Climate Commitment Act, which included millions of dollars for clean transportation.

E-Bike Rebates: The legislature passed a law in 2023 that will spend up to \$7 million for e-bike rebates and create e-bike lending libraries. Rebates ranging from \$300 to \$1,200 (depending on income) will be available at the point of sale. Washington Bikes reports that these incentives were one of their big policy priorities last year. Studies in both Europe and the United States have already demonstrated the carbon-cutting potential of e-bikes, which are gradually reducing the number of fossil fuel-powered automobile trips each year.

SAN FRANCISCO RANDONNEURS WIN PARIS-BREST-PARIS AWARD

By Zachary Morvant

Perhaps you've heard of Paris-Brest-Paris, the Super Bowl (or, since it's quadrennial, "Olympics" may be more appropriate) of long-distance cycling. To finish successfully, one must ride the grueling 750-mile course in less than 90 hours. While time is tracked, it's technically not a race—so I was surprised when the president of my local club, Rob Hawks of the San Francisco Randonneurs, emailed our distro saying we'd won an award. And would anyone be in France in February to accept it?

Some background: Each of the approximately 7,000 riders who participated in the 2023 edition of Paris-Brest-Paris (or PBP as it's commonly called) had to claim membership in a sanctioned randonneuring club, of which there are hundreds around the globe. As it turns out, of all the clubs present, the San Francisco Randonneurs (SFR for short—this community is big on shorthand) had the most riders to finish the event, with 73 riders out of 95 starters. So the Audax Club Parisien (ACP), which organizes PBP, invited SFR to attend a general meeting and award ceremony in Paris.

Attendees of the post-Paris-Brest-Paris general meeting and award ceremony.





There are a couple of big reasons for SFR's success at this fabled event. One is our local training ground: The terrain we cover, as well as the climate, has a lot in common with the Paris-Brest-Paris route. Long farm roads with rolling hills. Big temperature swings, mist, rain. The other is our Regional Brevet Administrator (aka RBA or "president" if you can't stomach another acronym), Rob Hawks, whose tireless work behind the scenes ensures our PBP-qualifying events happen, and that our riders are prepared for them.

Tragically, mere days before PBP, Rob fell ill and was unable to do the ride he'd not only trained for, but was instrumental in helping us line up for. He wanted someone who had finished to accept the award with him, and when I was able to make the work and family logistics line up, I was more than happy to oblige.

What followed was a whirlwind weekend in Paris with my wife, where we barely managed to stave off jet lag with copious amounts of coffee and the occasional nap. The day of the award ceremony included a lunch with the heads of a dozen or so other randonneur clubs from around Europe, lots of talk about bikes and infrastructure, and then the main event: a three-hour meeting with a few hundred folks (all in French, naturally).

My meager French Duolingo training enabled me to get the gist of the slides. There was lots of talk about stats from 2023, and plans for 2027. The mayor of Rambouillet, the town the event started and finished in, gave a well-received speech (from what I could tell). Then there were the awards: including awards for the youngest and oldest finishers, the most PBP completions (someone had notched 13! Do the math on the number

of years that took), and of course the club prize we came to collect. I accompanied Rob to the stage to accept the award while the master of ceremonies made a comment that elicited some laughter from the crowd. My weak French-listening comprehension, amplified by the aforementioned chronological confusion, meant I could do little more than smile like an American idiot. (Later, a compatriot in the crowd explained it was a bit of friendly trash talk: The MC had said their club would be back to take the award in a few years.)

The meeting finally concluded, champagne and snacks were served, and my wife and I stumbled off into the rain to catch a train back to our hotel for a much-needed power nap. As we rolled along the tracks, I reflected. My thinking about my own PBP experience had, I realized, been incredibly selfish; I had merely been a tourist in this experience. Seeing the passion of the global village responsible for this legendary event, and the dedication of its inspiring participants has, for me, imbued it with new meaning—and gotten me already thinking about 2027.

Zachary Morvant (PBP finisher) and Rob Hawks (SFR president) accept their club award from the ACP.



BUDDHA BALDY

By Miles Cooper

Backside Baldy's tough. Rising to 10,068' above sea level, Mount Baldy is one of the peaks framing the Los Angeles basin. The vast Angeles National Forest's San Gabriel Mountains, jutting up north and east of LA, contain a savage playground for all adventuring types. Ambitious road cyclists tackle the challenging finish to the Baldy ski lifts. Yet few riders make the eastern approach to Baldy via the unpaved forest road. There's a reason. No matter one's tire width, the rubber won't be sufficient for all the extensive baby head rocks and skittering slate. The entry point, up the Lytle Creek drainage, from the map looks to be the easy part, before it gets steep. A few dilapidated broken-down cars along the side of the road tell a different story.

While we had done our research, we underestimated the difficulty. As we made our way up the Lytle Creek drainage, terrain conditions had us alternating between riding and walking. The journey began a few days earlier in Big Bear. But the adventure, this narrative, could begin anywhere. This recounts a window into one journey, yet neither place nor time matters. That day we happened to push our personal limits up Baldy. And it was simply a moment, emblematic of adventures past, present, and those to come.

Violent beginnings

My riding partner and I met while running over 30 years ago. I started the friendship by punching him. Or he punched me. I can't remember. I do know it was a Southern California high school cross country meet where shoulder jostling during a turn into the final straightaway escalated into feeble blows. Two scrawny runners simultaneously attempting to sprint and punch. After the race, we de-escalated, chatted, apologized, and said our goodbyes, not expecting to see each other again.

A little less than a year later I showed up for college rowing tryouts in Berkeley. Also there? My cross country course combatant. For the next four years we pushed each other, on the water and off. On that athletic and adventurer asymptomatic curve toward crazy, we were on the spectrum. Our practice supplements included a mid-season marathon, leading us to get thrown out of the boat for a race. After that we kept quiet, particularly about the full moon runs through the Berkeley hills to practice that got us up at 3 am...

Both of us had bike backgrounds, mine as a hack, his racy. That led to a four-day ride down the California coast from San Francisco to Los Angeles along with two other rowers at the end of our first year. The next season saw a ride to Yosemite and back. There's something about an adventure partner. Cycling is solitary, a journey into the pain cave, an opportunity to reach one's limits and transcend them. And still cycling, at its best, is quite social. Riding with someone helps keep one's efforts honest, and helps one work through the inevitable low point that comes with every journey. Riding also provides insight into who a person is and how that person interacts with the world. One can fall in with someone on a ride and immediately mesh. Or equally quickly learn to keep one's distance.



Mid-morning caffeine, pointing in the Baldy Notch direction.

Synchromesh

Rich and I meshed. As we traveled up Lytle Creek, we transitioned from riding to walking, walking to riding, legs going across the top tube, then back off. Slow going. Talking speed. Both of us are fathers and husbands now, with their attendant challenges and joys. Talking through them helped me. My inner imposter syndrome typically had me questioning myself, "How could I do better?" Objectively, knowing our family survived our daughter's childhood cancer intact should tell me I was doing just fine, yet there was always better. Our daughter's thriving now, thanks for asking.

As an introvert, I find it takes a hell of a person to be better than none at all. Does that make me misanthropic, picky, or both? Regardless, I'm cautious about who I surround myself with. With Rich, there's a wonderful balance between dialogue and driving each other. Talk, and silence. Spinning wheels unlocks the inner self. Albert Einstein said of the Theory of Relativity, "I thought of that while riding my bicycle." Shake a snow globe and set it down, and the precipitate slowly settles, leaving the liquid clear. As an imperfect vessel, my day-to-day brain at points feels like that shaken snow globe. Digging deep during long climbs lets everything settle.

Digging deep on the Baldy climb meant breaktime. We pulled off the road into a vacant campground to boil water for mid-morning snacks and caffeine. Not many people made it back this far. Picturesque and ragged. I half expected to run into Walter White, cooking high-grade meth in a bucket RV. Or feel the shades of those killed by gunfire along the forest service road, it being a failed escape route following a botched 1980 bank robbery. Peter Houlahan's 2019 *Norco '80* tells the story of the outgunned officers, and the subsequent militarization of our nation's police and sheriffs' departments.

Voices

Caffeine taking effect, we resumed the climb. Baby heads gave way to unrideable shale littered with massive pine cones. The air thinned. So did the conversation. Slower thinking. In my quest for stillness I encountered someone's analogy, Oliver Burkeman's, I believe, that fit a little too well. The thinking mind is like having a crazy man barge through the front door, then follow you around, narrating and commenting on everything. Riding hard, particularly climbing, seemed to exhaust that inner crazy. When



Going up!



Deep blue skies, deep sand, deep thoughts.

that second voice becomes oxygen depleted, my mind clears. There is simply the journey. Tires crunched over rocks, a dangerously crisp downdraft knifed through clothes, the hunter hawk circled above. I'm no Dalai Lama, nor Thich Nhat Hanh. When I do dishes, my ever-questing mind does more than just dishes. The closest I currently come to quieting the mind comes through exhausting the body.

That's why time and place don't matter. The impact does. So does the friendship. Yesterday may have been deep sand, tomorrow may be granite, decades ago roads; decades ahead, who knows? Breathing hard on shale, there is only now. Centered, we topped out at the Baldy Notch. A summer ski lift operated, dropping hikers and mountain lunchers at the peak. Shush—don't tell anyone—we snuck in through the back. My ego had me waiting overlong at the fire road's mouth, thinking those milling about must be eyeing us dusty travelers, marveling at our achievement. Not so much, it seems, when I overheard one comment he was surprised the lift brought bikes up.

Hanging balanced, mind and body empty, we stopped for real food at the cafe. Our dehydrated meals along the way had provided necessary

calories, but little flavor. Next, the descent. Navigating mixed terrain takes total focus. I am a cautious descender, the majority of my titanium endoskeleton earned through rare descending overconfidence. Finding clean lines translated to action through inaction, and sometimes inaction through action, letting a slack front wheel and engaged limbic system lead the way. We passed Mt. Baldy Zen Center, where a successful Leonard Cohen stepped out of the limelight to serve and reflect with what he described as the Zen set's Marines. I reflected on the mindfulness through line presented by Buddhism and Stoicism. The reflection itself demonstrated I am not in the moment. I have work to do, which is joyful in itself. If I achieve equanimity, enlightenment, what remains? The cognitive dissonance this creates for a Type A achiever tells me I have a long way to go. "And when Alexander saw the breadth of his domain, he wept, for there were no more worlds to conquer," or so Die Hard's antihero Hans Gruber tells us. Add Alexander to the list of people I am not.

On the road again.



Memento mori

The rollicking descent ended, ramping up rollers and more climbs along Glendora Mountain Road. A memento mori moment. The Stoic principle: Remember death. Embrace this moment, because it is the only one of its kind, and we could be dead in the next. There is only this. For all the adventures past, the now, and adventures to come, I am thankful to have found a kindred spirit in my questing. Thirty years is a long time, and it has flashed past. We may be riding together thirty years from now. Or, if one embraces the memento mori concept, I could be dead by the time you're reading this. The mortality focus isn't morbid. It helps me remember there are no ordinary moments. Brushing teeth, doing dishes, a hug from my child, climbing Baldy—each moment will never repeat itself, never be the same. And it could be the last time it ever happens. Treating each moment that way forms the practice. And for now, climbing's crucible helps me in the practice. I am not yet ready for lotus position under the bodhi tree.

INTERESTED IN THE RIDE?

While this route covers amazing territory and a once-in-a-lifetime climb, for me it is once-in-a-lifetime because I would not do it again, nor recommend it. The route we took was based primarily on Cass Gilbert's Baldy Bruiser, with detailed route information here: bikepacking.com/routes/baldy-bruiser.

- ! If I haven't already dissuaded you, here are **three major warnings**:
- 1 We found it more challenging than its 7.5 difficulty rating.
- 2 It had far more walking sections for us than its 98% riding time score.
- 3 The 2023 storms, hurricane, and February 2024 storm damaged Angeles Forest trails. I'd recommend a Strava Heatmap review for recent bicycle traverses to make sure folks are actually getting through on all the trails before setting out.

THE STREET PROJECT AT THE LITTLE ROXIE

By Zachary Morvant

On March 21, 2024, we hosted a screening of The Street Project at the Little Roxie Theater in San Francisco. The Street Project is an inspiring story about the global, citizen-led fight to make our streets safer. When we initially planned the event, we had no idea it would follow a couple of highly charged weeks for San Francisco safe streets advocates.

First there was the news about the Ethan Boyes criminal case. A world champion cyclist and pillar in the community, Ethan had been killed while riding in the Presidio last April by a drunk driver, Arnold Kinman Low. Low's criminal case ended with a plea deal reducing his charges to two misdemeanors and less than a year in jail.

As those headlines outraged the cycling community, next came the shocking story of an entire family killed by the driver of an out-of-control SUV in West Portal. The father and one child died on scene; the mother and other child, an infant, died in the hospital shortly after. It is being called one of the worst pedestrian tragedies to occur on San Francisco's streets.



The Roxie and Little Roxie theater entrances.



Guy Joaquin and Josie Dominguez-Chand of Walk SF.

After these two pieces of horrific news, we needed two things: community and hope.

The movie was preceded by words from Miles Cooper (Bicycle Law / Coopers LLP), Chris White (San Francisco Bicycle Coalition), and Josie Dominguez-Chand and Guy Joaquin (Walk SF). A moment of silence was observed for our city's latest victims of traffic violence.

Thank you to all who came to watch this relevant film and donate to the important work of local safe streets advocates. All proceeds from the event were donated equally to the San Francisco Bicycle Coalition and Walk SF.

If you'd like to host a screening of The Street Project in your community, head over to thestreetproject.com for more information. Executive Producer, Director, and Writer Jennifer Boyd was incredibly helpful in our efforts.

SEE SOMETHING: CONSPICUITY DURING DAYLIGHT

By Miles Cooper

Conspicuity: being clear, bright, conspicuous. Wise cyclists (or those simply concerned about legal compliance with lighting and reflector standards) worry about this at night, and take steps to make themselves visible. But what about daytime? As we find ourselves in Daylight Saving Time, there are far more daylight hours. Time to park those lights, right? Perhaps not. Before we get into this, let's be clear: Cyclists have a fundamental right to use the roads, without strapping on protective armor, day-glo neon, or flashing lights. Yet we find that drivers are now more distracted than ever. Whether it is texting, social media scrolling, mind-bogglingly challenging vehicle control systems, or too-busy lives, drivers direct much of their attention toward matters other than driving.

Add to this the fact that humans perceive far less than what they see. Unless our minds are trained for it, when driving we pay attention to threats: other cars and trucks. This is why drivers frequently say, "I didn't see the bicyclist/motorcyclist/pedestrian/child." Their brain was not looking for it. How does one combat this? By creating visual stimulation that differs from the norm. High lumens (very bright) flashing lights—white for the front, red for the rear—are frequently already in a rider's arsenal. Human factors—broadly the study of people's perceptions and how people react—indicates that using your bright lights during the day is a very good way to draw drivers' attention. Get noticed, don't get hit. And that's your conspicuous dose of conspicuity for today.

E-bikes: get what you pay for

E-bikes are a fantastic way to get around. Unfortunately, for every well-made e-bike there are multitudes of cheap, dangerous pieces of crap. Crass language for a newsletter? Yes, and designed to get your attention. If you've got an e-bike and it did something odd—brakes felt weird, accelerated strangely, made odd noises, smelled funny while charging—it is time to dig a little to help make sure it is safe. It won't take long.

1. Look up the make and model at the Consumer Product Safety Commission to see if any recalls have been issued: [cpsc.gov/Recalls](https://www.cpsc.gov/Recalls)
2. Before the CPSC takes action, there are usually already bad things happening. A Google search for the make and model will frequently turn up chatter on message boards and places like Reddit. Failure trends frequently get identified here first. If there's a lot of talk about your bike, take it into your local bike shop and check in with them about it.
3. You're always free to check in with us at Bicycle Law to raise an issue and see if we've had any experience with it. We're huge supporters of e-bikes, and huge supporters of safe e-bikes. If there's a trend, we want to make sure the community knows about it before anyone gets hurt.

If you think you (or if you're a lawyer, one of your clients) may have been hurt by a defective e-bike, reach out. We want to help.



As cyclists, we shouldn't have to be bright and conspicuous, but it helps.