

# EQUALITY FOR



*by Dan Gutierrez, LCI & Education Committee member & Amanda Eichstaedt, LCI & Board Chair*

The League of American Bicyclists holds an important role for bicycling in the United States. The purpose of the organization is as follows:

- promote and protect the rights of bicyclists
- advocate for the interests of bicyclists
- support bicycling skills education
- promote bicycling for fun, fitness and transportation.

The League is working to ensure that the core values of the purpose are being carried out through a wide variety of programs including the Bicycle Friendly Communities program, the BikeEd program, the hosting of the National Bike Summit in Washington, D.C. and an ever-emerging and strengthening bicyclists' rights initiative. The 6th E is intended to better articulate how equality is embodied in the work of the League and give the concept of cyclists rights' a place at the table with such initiatives as enforcement and engineering.

In order to ensure that the purpose of the organization as set out in the by-laws is being realized, the League must abide by a set of principles that guide the program work done by staff and volunteers. The League does not operate independently from other organizations. Based on the fact that cyclists use the roads, paths and ride onto private property in the course of their travels, we

are constantly scanning the environment and cultivating partners, be they state or local advocacy groups, law enforcement, planners and engineers or educators.

Our positions and partners feed well into what we have come to learn as the Five Es. When describing the differing aspects of national, state and local bicycling advocacy, we often use the Five Es method to describe the efforts:

- **Engineering** – transportation infrastructure
- **Enforcement** – police/courts
- **Education** – traffic skills training
- **Encouragement** – promotion campaigns
- **Evaluation** – effectiveness of the other Es

This looks comprehensive, but there is a subtle flaw. When a state legislature passes a law that discriminates against cyclists (compared to motorists), or enacts laws that force all cyclists into one behavior mode, it makes the other Five Es work in ways that are often unfair or inequitable to many cyclists.

For example, consider the case where a state legislature has decided that whenever a path exists near a road, ALL cyclists must use the path, and not the road. Now imagine that some well-meaning cyclists in this state advocate for a new path and it gets built. Now the cyclists who formerly used the road are then *by law* forced to use the path, even

# FOR CYCLISTS

## Why We Need a Sixth E

if they would prefer the road. So the actions of the legislature have created division within the cycling community by favoring the path-using cyclists at the expense of road-using cyclists.

Even worse is that this state law makes the Engineering and Enforcement similarly divisive, since any new path creation takes away road rights, and subjects cyclists who may not know about the path to citation by law enforcement. In the Encouragement realm, many individuals and even some programs within the League that are generally supportive of path development will be put at odds with an existing League policy against mandatory-use special facilities. We're certain we're not alone in wanting to see the Bicycle Friendly Community program and other League program efforts be consistent with overall League policies. Such are the deleterious effects of inequitable laws on bicyclist advocacy programs.

In contrast, there would be no such division in a state whose legislature didn't require cyclists to use paths instead of the roadway or follow other discriminatory laws, and simply left path use as an option for cyclists, thus supporting the road rights of cyclists (another League policy) and providing optional paths. Such treatment of cyclists is inclusive, since multiple different behaviors are supported by state law, engineering, enforcement and encouragement. Inequitable or discriminatory laws also make Education more complicated, since instructors have to tell cyclists in

states with such laws that cyclists have the "same" rights and duties as motorists, except when paths (or other mandatory facilities) are present.

What we need to recognize is that the Five Es can't function advantageously for cyclists when state (and federal) laws treat cyclists inequitably. So cyclists need legislative "Equality" as transportation users. We proposing the addition of a sixth E: Equality. This would really be the primary E to describe the way cyclists are treated by lawmakers. With all Six Es in place, our lives as advocates would be easier, since we can use the set of Es to tell lawmakers, and everyone else what cyclists expect from the government:

- **Equality** - state laws that treat cyclists as well as other road users
- **Engineering** - sound transport agency road and special facility development



**Share the Road:** This cyclist is allowed access to prime lanes.

- **Enforcement** - consistent and fair police and court treatment of bicyclists
- **Education** - widespread traffic skills training such as the Bike Ed program
- **Encouragement** - public campaigns aimed at promoting cycling
- **Evaluation** - ways for govt. to measure the effectiveness of the other Es

Just as importantly, the Six Es can also be used to rate states in terms of how well they treat cyclists. By using the Six Es as a rating tool, the League can give the states perceptive, constructive feedback about both the good and the



**Reverse Discrimination:** In this photo, cars are relegated to the far right lane while bikes are given the rest of the road.

bad things they are doing for cycling, and where they can improve. This approach could serve to galvanize League and state advocacy efforts to initiate the long process of either enacting equitable laws or repealing those that discriminate, so that cyclists have real equality

in all 50 states. This will have the added benefit of creating a legal climate in which we can advocate for a variety of facilities that support the full spectrum of cycling behavior (travel lanes/bike lanes/paths), instead of the present situation in which special facilities in states with inequitable laws force one specific type of behavior at the expense of all the others. We can and must do better than this in the future.

These laws that prohibit cyclists from using the roadway to move about like other vehicles cause sociological problems as well. When both cyclists

and motorists view cyclists as a road user that should be “out of the way,” “in the bike lane” or “on the path” this creates a dilemma for all cyclists and relegates bicyclists to a place in society that we feel will prohibit the mainstreaming of cycling in this country. By adding the sixth E – Equality we will be moving the bicycling movement forward. We believe it is time to start working on changing those state laws so that we can truly be a Bicycle Friendly America. •

## Discriminatory State Laws

**Mandatory Side Path (MSP) law** – Forces cyclists to use a path instead of a nearby road. Takes away cyclists’ right to use the road, and in many states they lose their vehicle driver status. 13 states have MSP laws.

**Mandatory Shoulder Use (MSU) law** – Forces cyclists to use a highway shoulder instead of the roadway (travel lanes). This is similar to the MSP law in that cyclists lose their roadway rights and the use of travel lanes. 5 states have MSU laws.

**Mandatory Bike Lane (MBL) law** – Forces cyclists to use bike lanes, thus restricting their right to use travel lanes as drivers. 5 states have MBL laws.

**Far To Right (FTR) law** – Forces cyclists, and no other drivers except cyclists, to ride as far right as practicable in a marked travel lane (even when other same directed lanes are available for passing), thus reducing cyclists’ roadway use rights compared to other drivers. A whopping 41 states have FTR laws.

**Note:** Only nine states and the District of Columbia have none of these discriminatory movement laws: Arkansas, Iowa, Indiana, Kentucky, Massachusetts, Mississippi, New Hampshire, North Carolina, Pennsylvania

**Access Restrictions** – some states restrict bicycling access to higher speed (non-freeway) highways, or otherwise pre-

vent cyclists from using arterial roadways, which are often the main transportation routes. Some states prevent access to interstates, freeways, or expressways, even though they are the only connecting routes in a region. Also problematic are bridge or tunnel restrictions that destroy connectivity of through routes for cyclists.

**Bicycle Equipment Requirements** – Some states require antiquated equipment, such as pedal reflectors, which are redundant to the much brighter and required rear reflectors and/or modern lighting systems.

**Local regulation of bicycling (AKA Uniformity):** Some states, including at least one with no statewide discriminatory movement laws, allow cities and counties to create custom local laws, such as the mandatory use laws above, road access restrictions, sidewalk riding laws, or even bicycle registration. This creates a crazy, feudal quilt-work of special cycling laws and restrictions across a state. Just as with motor vehicles, uniform statewide regulation is fair to all cyclists.

You can learn more about the laws in your state by visiting the League’s website at [www.bikeleague.org/action/bikelaws/](http://www.bikeleague.org/action/bikelaws/)

