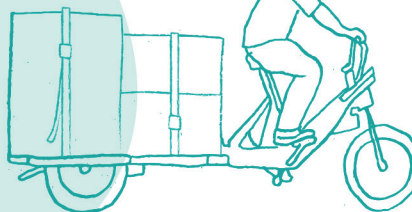
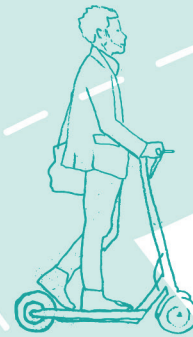
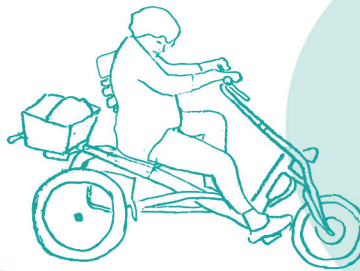


Urban Bikeway Design Guide

WORKING PAPER



Breaking the Cycle

Reevaluating the Laws that Prevent Safe & Inclusive Biking | June 2022

Acknowledgments

Writing this paper was made possible only because of the numerous and important contributions that many leaders have made to this field. These leaders have been engaged for decades in the challenging and exhausting work of investigating, reporting on, and speaking about how race and racism shows up in every aspect of transportation.

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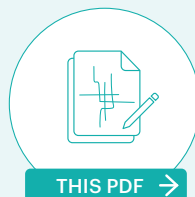
Updating the *Urban Bikeway Design Guide*

Breaking the Cycle: Reevaluating Bike Laws is one of seven working papers being released by NACTO in 2022 as part of the ongoing update to the NACTO *Urban Bikeway Design Guide*. The working papers will cover topics related to equitable planning, engagement, and implementation. The papers will help inform project delivery concerns and policy considerations that should accompany the design updates in the guide. NACTO will develop a complete update to the *Urban Bikeway Design Guide* in 2023 by synthesizing these working papers with state-of-the-practice design guidance.



Making Bikes Count:
Effective Data Collection,
Metrics, & Storytelling

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Breaking the Cycle:
Reevaluating the Laws
that Prevent Safe &
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WINTER 2022



Network Design: Planning
for Connected Intermodal
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Part I: Introduction

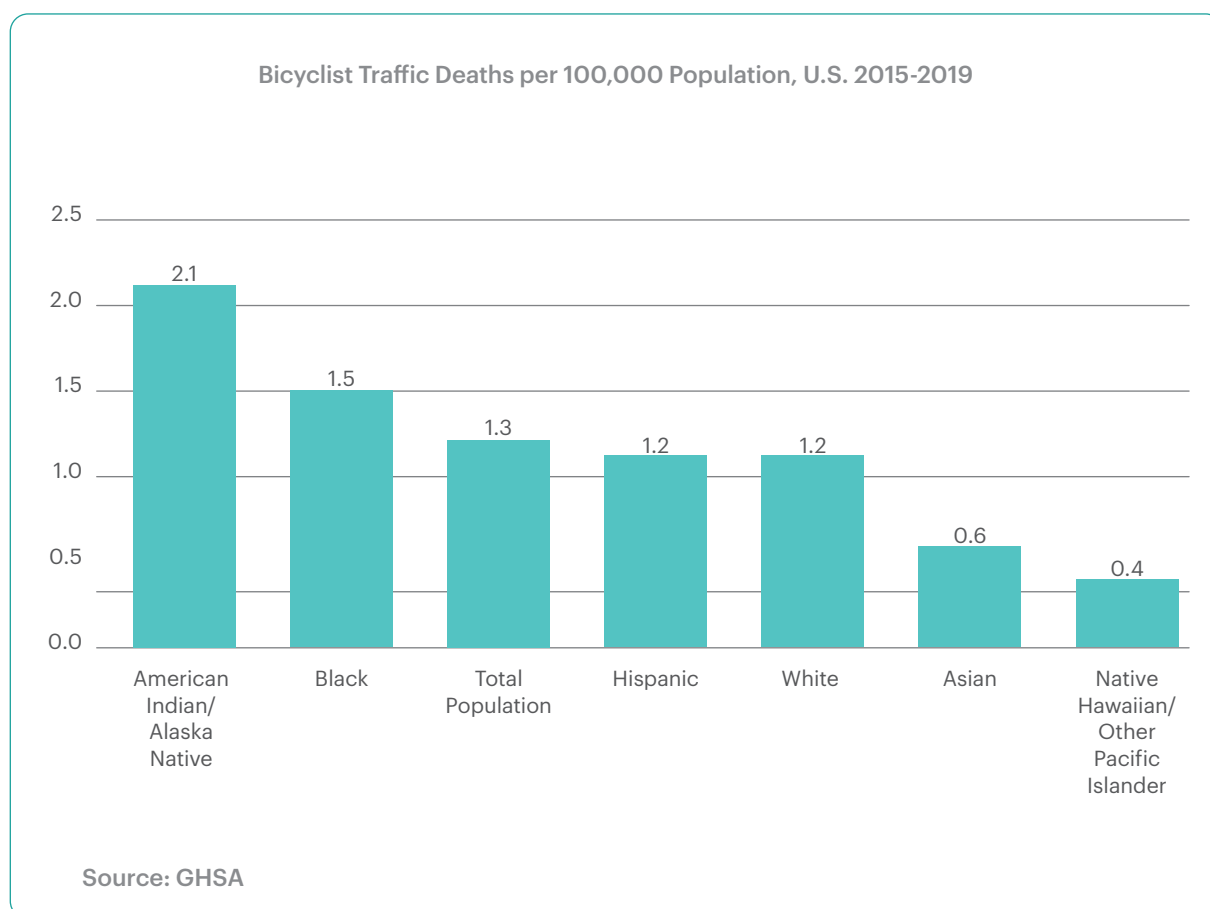
Many of the rules that regulate what people riding bikes can do, where they can be, and what equipment they need to have are justified as a tool to keep people safe. But rules that appear to be focused on safety are often attempts to plug holes in a transportation network that is insufficiently designed to keep all road users safe, especially those walking, biking, and rolling. In addition, these rules are too often enforced unevenly, with marginalized people, especially low-income, unhoused, Black, and Latine/x groups, paying with their liberties or their lives.

For example, riding on the sidewalk is illegal in many cities because it potentially creates an unsafe or stressful condition for another person on a sidewalk. Solving that problem—for the people on and off the bike—requires investment in a high quality and well-connected bike lane (i.e., ideally fully protected) and network that enables the rider to travel safely and stress-free in a space that’s separated from motor vehicles and from people walking. While local transportation agencies have built thousands of miles of bike lanes in the last decade, this infrastructure is still sorely lacking in the U.S.. As a result, people on bikes are often forced to use sidewalks and vehicle lanes in ways that perhaps were not intended, but feel safer than the alternative—especially in neighborhoods where investments and routine maintenance have been withheld or redirected due to systematic racism and classism.

Cities and neighborhoods that have been systematically disenfranchised tend to lack comfortable and protected bike lanes, sidewalks, and safe crossing points, especially on arterial streets that serve as multimodal connectors. Three-quarters of the country’s sixty most dangerous roads for pedestrians are in low-income neighborhoods, and more than half are in predominantly Black or Latine/x neighborhoods. Of the nine most dangerous corridors that are characterized as *urban primary arterials*¹, 100 percent are in majority Black and Latine/x neighborhoods. The vast majority of the nation’s most dangerous roads have five or more lanes, speed limits of 30 mph or higher, and limited pedestrian and bike infrastructure. Though there is no comparable study on the specific characteristics of the country’s most dangerous streets for people on bikes, 52 percent of all bicyclist fatalities in 2020 occurred on just four percent of roads: urban arterials.

¹Urban arterials are a functional class of roadway designed for high volumes and high speeds. Unlike highways, urban arterials are often spines of commercial and residential activity, and many have one or more bus routes. As a result, a mix of multimodal users—people walking, biking, rolling, and using motor vehicles—all use urban arterials. High speeds combined with multimodal activity creates dangerous conditions for all road users. In 2020, urban arterials accounted for 32% of traffic fatalities, despite constituting only 4% of the country’s road mileage.

The overabundance of unsafe infrastructure in disinvested communities has resulted in Black and Indigenous pedestrians and bicyclists constituting a disproportionate number of fatalities each year on U.S. roads. Between 2015 and 2019, the per capita fatality rate for Black pedestrians was more than double the rate for White pedestrians, and for Indigenous pedestrians was more than four times as high as for White pedestrians. In that same time, the fatality rate for Black and Indigenous people on bikes was 25 percent higher and 75 percent higher, respectively, than it was for their White counterparts (ibid).



Meanwhile, as described in the next section, investigations from across the U.S. show that the rules governing how people walk, bike, and roll use space are being enforced disproportionately against Black, Latine/x, and low-income people—a pattern that results in both direct and indirect social, political, economic, environmental, and health impacts. For example, a police stop that results in a person being late for work or losing their primary means of transportation (if a bike is confiscated) can result in that person losing their job, their healthcare or school access, and more. These stops—or the inability to pay tickets—can also lead to temporary or prolonged incarceration, affecting

job opportunities and access to safe living conditions. And at their worst, traffic stops can lead to severe injury or death when unarmed or armed enforcement officers mishandle interactions.

Equitable and inclusive public space design is not a panacea for eliminating prejudicial policing in the public realm, but it is critical for improving safety and mobility, and can mitigate discriminatory enforcement practices. For transportation practitioners who work on bike policy and infrastructure, the ultimate goal is to build a transportation network that accommodates people using all modes of travel through designs and policies signaling that everyone is welcome. To achieve that, the bike network needs to accommodate *all* riders, and transportation practitioners need to consider the health and safety of *all* riders in each decision about the network to ensure that no undue harm is generated. That means identifying and removing barriers beyond infrastructure itself.

What's in this paper?

This paper is intended as a resource to support policy-makers, planners, engineers, and advocates to understand the adverse social, political, economic, environmental, and health impacts resulting from the biased enforcement of bicycling laws, and provide guidance on decriminalizing biking in cities. The paper identifies some commonly enforced biking laws, policies, rules, and procedures, and provides a discussion of their observed and potential harm. It includes best or recommended practices for the reduction of harmful impacts and how to refocus these laws, policies, rules and procedures on the safety and wellbeing of all road users.

Terminology used in this paper

Capitalizing race: NACTO maintains an evolving style guide that helps us to use consistent and up-to-date terms across all of our written documents and releases. As of June 2022, NACTO's style guide specifies that NACTO capitalizes Black, Indigenous, and White, while we use lower-case for the terms 'people of color' and 'brown' to refer to groups of races and ethnicities.

Latine/x: NACTO uses the non-gendered term Latine/x to refer to people of Latin American cultural and ethnic identity, with the acknowledgment that this term is evolving and may resonate with some but not all people who hold that identity.

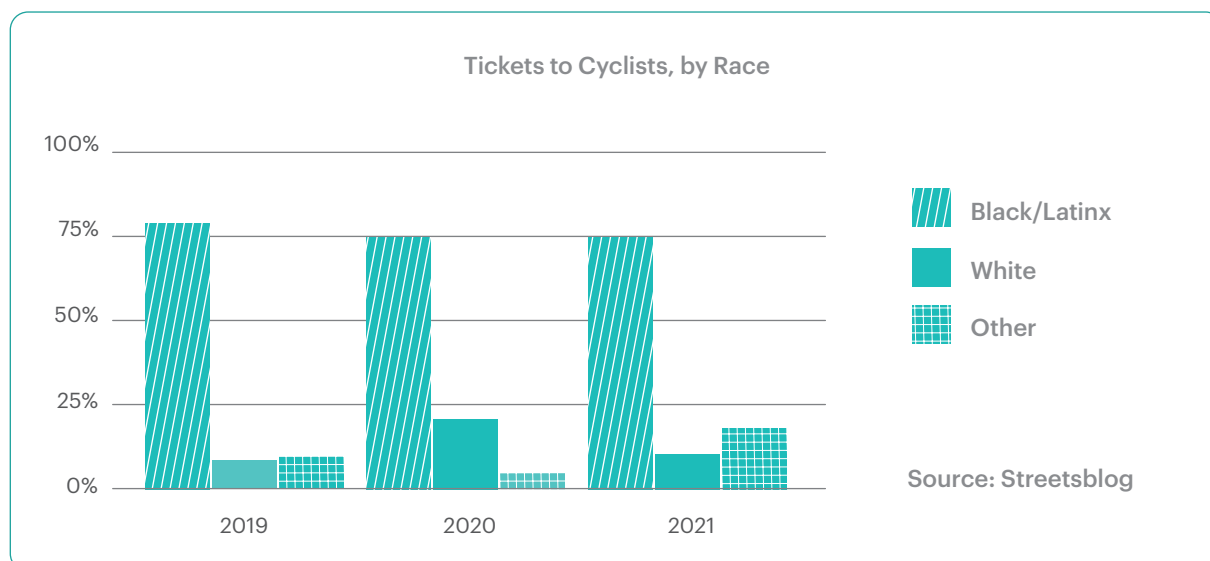
Rules, laws, regulations, codes, etc.: The enforceable rules that govern walking, biking, and rolling can live in several places. Sometimes, they are state laws passed by state legislatures. Other times, they are regulations authorized by agencies. Some rules live only within city or county codes, but are unregulated statewide. Though there is a difference between rules, laws, regulations, and codes, this paper uses the terms interchangeably to describe any formalized rule—regardless of where it lives or who authorized it—that can be enforced by a law enforcement agency.

Part II: Understanding Disparities in Bike Enforcement

To date, research on the enforcement of people walking and biking has been limited, largely due to a lack of consistent and comprehensive stop data, or bureaucratic barriers limiting access to that data. With no federal mandate for data collection on policing, many police departments across the U.S. do not collect adequate data about cyclist or pedestrian stops including the race, age and gender of the person stopped, or the circumstances of the stop, including where it occurred and why.

However, where data does exist, researchers have consistently documented clear patterns of disproportionate enforcement among Black people on bikes, Latine/x people on bikes, and people in low-income neighborhoods with insufficient space and infrastructure for safe biking. Additionally, in individual and class action lawsuits around the country, lawyers have proven that police departments often have implemented and sanctioned a policy, practice, and/or custom of unconstitutional stops on the basis of race and/or national origin, in violation of Section 1983 of title forty-two of the United States Code, the Fourth and Fourteenth Amendments to the United States Constitution, and Title VI of the Civil Rights Act of 1964.

In New York City, researchers have consistently found that an overwhelming majority of tickets for bike-related infractions are issued to Black and Latine/x people on bikes. Despite constituting just under half of all people on bikes in New York City, in 2019, Black and Latine/x bikers received 82% of all bike-related tickets for actions such as ‘reckless operation’, ‘biking in a park’, and ‘biking on the sidewalk’. In 2020, these riders received 76% of tickets, and in 2021, they received 75% of tickets. Over those same years, White people on bikes in New York City received somewhere between 9% and 20% of tickets, despite constituting 40% of cyclists.



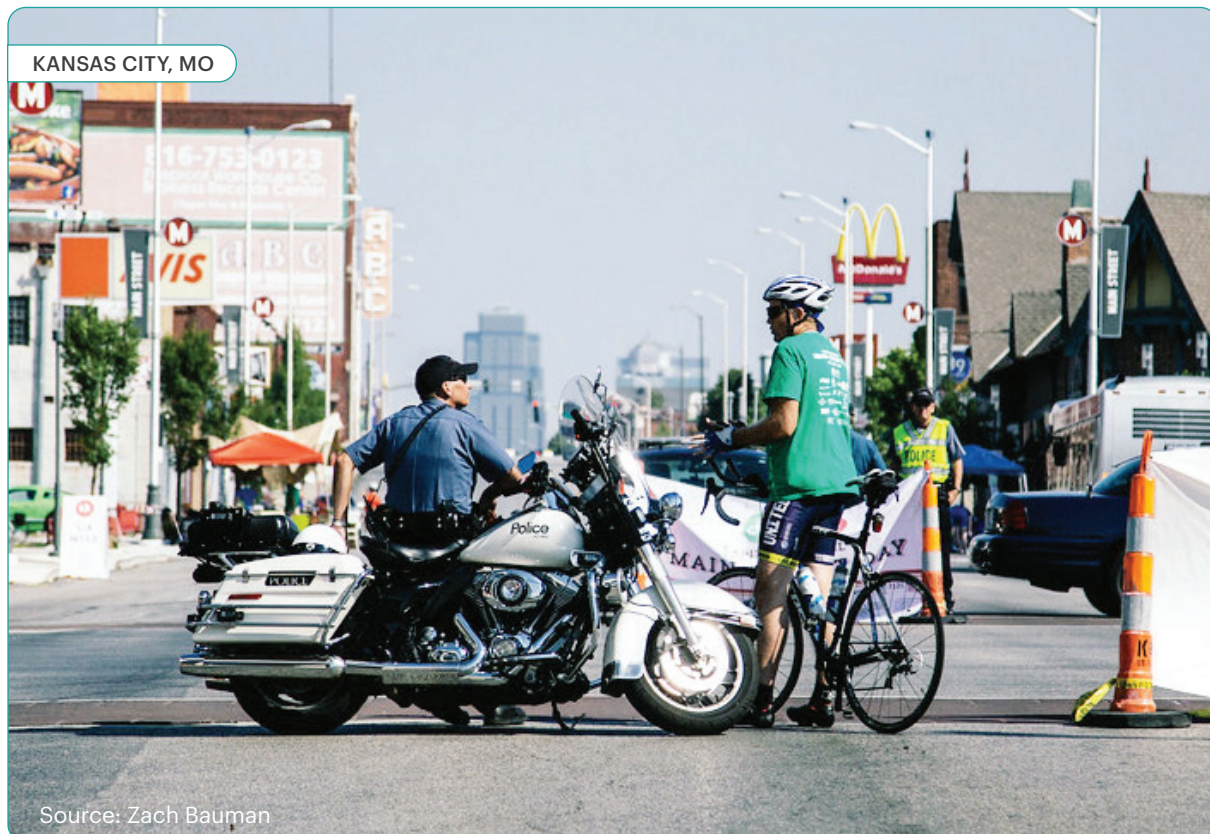
An LA Times analysis of more than 44,000 bike stops made between 2017-2021 across Los Angeles County revealed that 70% of stops involved Latine/x bicyclists. Researchers also found that bicyclists in lower income communities with large populations of people of color were stopped and searched far more often than those in higher income, whiter neighborhoods. Notably, this is the backdrop behind the September 2020 police murder of 29-year-old Dijon Kizzee, who officers initially stopped in South LA for riding his bike on the wrong side of the road “in violation of vehicle codes”. But in neighborhoods with insufficient infrastructure for biking, riding “in violation of vehicle codes” is often the safest choice, even with the risk of being stopped by a police officer. Across the county, 8% of bike stops were for sidewalk violations, a percentage that rises steeply in cities like Lynwood, where sidewalk riding accounted for 16% of stops even though there are no bike lanes at all. Meanwhile, in nearby wealthier and whiter West Hollywood, which has many miles of bike lanes and a local code allowing bikers to ride on the sidewalk where a bike lane doesn’t exist, fewer than 1% of stops were made for sidewalk riding.



Source: Probal Rashid

In 2015, the *Tampa Bay Times* reported that 80% of the 2,504 tickets issued to Tampa Bay bicyclists between 2012-2015 were issued to Black people on bikes. Many of these were for minor violations like riding without a light, carrying someone on the handlebars, or rolling through a STOP sign. In response to these findings, Tampa's Chief of Police enlisted the U.S. Department of Justice's (DOJ) Community Oriented Policing Services (COPS) Office to provide technical assistance to the Police Department, including an analysis of racial disparities in enforcing bike laws across Tampa. The DOJ's analysis confirmed the trends identified in the *Tampa Bay Times* report, finding that 73% of bike stops from 2014-2015 involved a Black bicyclist in a city where Black residents make up 26% of the population and Black people on bikes are involved in 40% of documented bike crashes. Moreover, the analysis revealed that Black people on bikes were more likely than their White counterparts to receive a formal citation during a stop.

The *Chicago Tribune* found that people riding a bike in Black neighborhoods receive twice as many tickets as those on a bike in White or Latine/x communities. As in other cities, the Chicago neighborhoods that are most ticketed are also those with the least sufficient bike infrastructure. In a follow-up investigation of Chicago's bike stops, Dr. Jesus Barajas confirmed that bike tickets were issued in Black neighborhoods at a rate three times as high as in Latine/x neighborhoods and eight times as high as in White neighborhoods.



Source: Zach Bauman

Data's Role in Understanding Enforcement Trends

Despite the federal government's role in disbursing funds to law enforcement agencies, there is no federal mandate for data collection on policing. Over the past 20 years, a number of cities and states have established requirements for demographic data reporting, in response to lawsuits and other policy changes. However, much of the focus has been on motor vehicle stops. As a result, officers in many police departments across the United States are not required to collect demographic information—including race, age, or gender—of a person involved in a bike crash or stop, and they regularly fail to accurately denote where the crash or stop occurred.

At the local level, cities can require that police departments collect demographic data during stops, and can support consistent collection by adopting improved systems. The City of San Jose adopted a simple data collection system for motor vehicle traffic stops in June 1999 that required officers to note the driver's race/ethnicity, gender, age (adult or minor), and reason for the stop. With an improved data collection process, analysts were able to evaluate stop trends and uncovered that Black and Latine/x drivers were stopped at disproportionate rates. Though the system was not utilized for bike or pedestrian stops, doing so would be a logical improvement to the system.

To improve crash data collection, some cities have decided to shift crash investigations to the transportation agency instead of the police department, an important step in collecting accurate information after a crash has occurred. In New York City, for example, the City Council established a crash investigation unit within the Department of Transportation that is responsible for leading crash investigations, issuing public information about the crash, and recommending design changes to the street, when relevant.

The federal government also has an important role to play in mandating better data collection practices. Every year, the National Highway Traffic Safety Administration (NHTSA) allocates more than \$500 million in Highway Safety Grants to enforcement agencies across the U.S.. In doing so, NHTSA should update their funding eligibility thresholds by requiring state and local law enforcement agencies to collect and report on data for all stops, including demographic data. NHTSA should also encourage improved crash data collection by updating the Model Minimum Uniform Crash Criteria (MMUCC), guidelines for the minimum crash data elements that should be collected in state crash data systems. In particular, the MMUCC should recommend that crash reports include more detail on the mechanics of motor vehicle-pedestrian collisions and motor vehicle-bike collisions, including exact location and motor vehicle movements.

Part III: Recommended Practices

To keep people safe on their streets, city agencies—including both transportation departments and police departments—must place safety as the top priority and align all decisions about the transportation system with that goal. And in defining safety as a goal, city agencies must clarify that safety also means safety from the undue physical, emotional, social, and financial harm and intergenerational trauma that can result from policing transportation system users.

With this definition and the acknowledgement that there is little evidence that laws regulating bicyclist equipment, behaviors, or locations, such as wrong-side or sidewalk riding, bicycle registration, helmet wearing, etc, have substantial traffic safety benefits, NACTO strongly urges cities and states to eliminate any and all laws that can be used to criminalize people on bikes. Recognizing that such elimination can be time consuming and politically difficult, there are also interim tools that cities can use to improve safety for bicyclists while reducing policing.

The existing literature tells a clear story about how bike laws can be disproportionately enforced against Black, Latine/x, and low-income people on bikes, especially where infrastructure is lacking. Moreover, while the research on how all bike laws are enforced (or even a clear picture of the full landscape of bike laws) is still relatively sparse, there is little reason to believe that further investigations—in more cities, of more laws, of other over-policed groups—won't tell a similar story. Notably, increased housing costs across the country have catalyzed a rise in homelessness in most U.S. cities. People experiencing homelessness often rely on bikes to move around, but a recent initiative in Seattle demonstrated that police officers were using the city's helmet law as a pretext to disproportionately stop unhoused bike riders. The Los Angeles City Council passed an ordinance in June 2022 that prohibits people from assembling or disassembling bikes on sidewalks, a law that opponents say will be used as a pretext to target unhoused people across the city. When reevaluating bike laws, it is important for cities to understand their local policing context, including which communities regularly experience over-policing.

Commonly Enforced Laws

While cities and states have a wide variety of codes, bike laws generally fall into 3 broad categories:

- Those that regulate **equipment**, such as helmet laws, light or bell laws, bike registration requirements, or laws related to a bike's physical condition
- Those that regulate **behaviors**, such as running red lights or stop signs, or failing to yield to pedestrians
- Those that regulate **location** on the street, such as biking on the sidewalk or biking the wrong way in a bike lane or other travel lane

Regulating equipment

The first category of bike regulations govern what kind of equipment bicyclists need to have, or the condition their bikes need to be in. These laws are typically buried deep in state, county, and municipal codes, and have minimum bearing on safety, even in name. In Kansas City, for example, a comprehensive review of the city code unveiled a statute requiring bike wheels and tires to be clean. Many cities also have bike licensing or bike registration requirements, laws ostensibly in place to help police recover stolen bikes—a stated concern for some Black and Latine/x bicyclists. But police departments rarely find or even search for stolen bikes, and investigations have found that people on bikes are routinely issued tickets for not having a license or being registered. These kinds of equipment laws are good candidates to modify or eliminate since they are not improving safety, are often not heavily enforced to begin with, and when enforced are done so prejudicially.

In some cases, equipment laws are theoretically in place to improve rider safety. Helmet laws are a good example. But repeated research from around the world shows that mandatory universal helmet laws actually increase risk for cyclists overall. Not only did a mandatory helmet law in Australia produce no notable safety gains, but it also actively discouraged people from riding a bike. This finding—that bike laws can discourage riding overall—is relevant given the data from numerous cities demonstrating that risk to an individual cyclist drops as overall bike ridership grows.



Advocating for change without data collection

Analyzing data to understand local bike enforcement patterns can help make a compelling case for why a law or set of laws should not exist, and can also highlight critical gaps in the bike (and pedestrian) network. A high concentration of police stops or tickets for sidewalk riding on a particular street, for example, is an indicator that bicyclists either don't feel safe riding in the bike lane that exists, or do not have a bike lane to use at all. But collecting and evaluating data is resource-intensive, challenging (or impossible), and not always necessary to move forward. The studies from Tampa, New York City, Los Angeles, Chicago, and a growing list of other cities already tell a persuasive story about how bike laws are enforced, and should be used as evidence in every advocacy push to eliminate ineffective, prejudicial bike laws.

Regulating behavior

A second category of biking regulations address how riders should behave in relation to the existing motor vehicle code. This includes direction of traffic and adherence to signals, signs, and markings. On their face, behavior-focused laws appear more closely aligned with safety outcomes, mostly because—by treating bikes like motor vehicles—the laws try to ensure that bicyclist behavior is predictable. On closer inspection, though, these laws are unlikely to provide meaningful safety gains because they ignore the ways in which bikes are different from cars. These differences include maximum attainable speed, average weight, visibility from the driver/operator's seat and opportunities for awareness of surrounding conditions, and the protection that the vehicle itself offers to riders/occupants.

Two commonly enforced—and related—biking laws are the requirement to stop fully at a STOP sign, as a car would, and to stop fully and wait at a red light. But whether or not it is legal to do so, people on bikes often roll cautiously through STOP signs (treating them more like YIELDs), and pause and proceed at red lights (treating them more like STOP signs) when it is safe to do so. People on bikes do this for many reasons, including that they can hear and see oncoming traffic and crossing pedestrians more easily than drivers inside a motor vehicle can; and advancing through an intersection ahead of motor vehicles can make a person on a bike more visible to the cars behind them. In some places, traffic lights are actuated only when a motor vehicle is present, leaving someone on a bike at the mercy of a car or truck to trigger a green light.

Recognizing the safety benefits of these behaviors, in 1982 Idaho became the first state to pass legislation that specifically allows people on bikes to yield at STOP signs and stop and proceed at red lights when safe. Though researchers found that bike crashes decreased in Idaho after the law passed, no other state succeeded at enacting a so-called ‘Idaho Stop’ law until 2017, when Delaware became the second state to legalize the common practice of yielding at a STOP sign. Since then, seven additional states have passed laws that authorize people on bikes to yield at STOP signs, and three states have passed laws that authorize people on bikes to treat red lights like STOP signs.

Example in practice

In April 2022, Colorado became the latest state to legalize the ‘Idaho Stop’ by passing the ‘Safety Stop Bill’, which authorizes bicyclists to treat STOP signs as YIELD signs and red lights as STOP signs. The law is expected to improve safety by allowing bicyclists to navigate through an intersection before other traffic arrives in a state where nearly three-quarters of crashes between bikes and cars occur at or near an intersection. The law’s supporters—including bicyclists of color who have been targeted by the police for rolling stops in the past—believe that in addition to the clear safety benefits, legalizing ‘Idaho Stops’ statewide will lead to less police harassment and unjustified traffic stops for riders of color. Before the Safety Stop Bill passed, a number of jurisdictions within the state had already enacted stop-as-yield laws to improve safety as early as 2011. The patchwork of local laws, however, created confusion and inconsistent enforcement. Between 2019 and 2021, over 350 riders were sentenced and convicted for failing to fully brake at STOP signs or red lights. With the Safety Stop Bill, few—if any—of these convictions would be possible, and all bicyclists across the state can expect a safer ride.



The Colorado Safety Stop Bill creates a safer environment for bicyclists by allowing them to proceed through STOP signs and red lights and get out ahead of motor vehicles without fear of being ticketed or arrested.

Regulating location

The third category of bike laws regulates where people are allowed to ride, for example on the sidewalk, in parks or plazas, on trails, paths, bridges, or greenways. This category of regulation is most frequently enforced in the name of pedestrian safety. However, frequency of location-based violations is almost always an indication that existing bike, and pedestrian, infrastructure is insufficient, inadequate, or non-existent, and that infrastructure improvements, not enforcement, will be a more effective solution. A long history of underinvestment in infrastructure in lower-income neighborhoods as well as Black and Indigenous neighborhoods make location-based enforcement particularly inequitable: people on bikes are punished for making rational safety decisions in light of systemic government underfunding and deprioritization.

Data from cities across North America shows that when appropriate bike infrastructure is available, most bicyclists prefer to use it. For example, in New York City, prior to the installation of the Prospect Park West 2-way protected bike lane, nearly half of all cyclists on Prospect Park West rode on the sidewalk. With the installation of the lane in 2010, sidewalk riding fell to 3%. Findings from Dr. Jesus Barajas's Chicago study also indicate that when safe and comfortable bike infrastructure exists, people on bikes prefer to use it. He found that the presence of a bike lane on a major street cut the number of tickets in half, compared to similar streets without bike lanes. On major streets with separated bike lanes, the findings were even more stark: bicyclists on arterials with a separated bike lane received 75% fewer tickets than those on arterials with no bike infrastructure. One reasonable interpretation of this finding is that fewer people overall were in violation of laws like riding on the sidewalk or biking the wrong way, so fewer people were ticketed. In sum, very few people wake up each morning wanting to break bike laws; they do so because it is safer.



Before NYCDOT built the Propsect Park West bike lane (left) in 2010, nearly half of all bicyclists rode on the sidewalk. With the new bike lane (right), sidewalk riding fell to less than three percent.

Categorizing emerging mobility devices

Where should people on electric scooters be allowed to ride? How about those using pedal-assist electric bikes? Throttled electric bikes? Electrified micromobility devices present a unique challenge for city transportation agencies: on the one hand, someone riding an electric scooter or bike is equally as vulnerable in a crash as a person who is walking or biking; but on the other hand, a person on an electric device may move more quickly than someone walking or biking, creating a potentially unsafe speed differential on a narrow shared path or a sidewalk.

Like sidewalk riding, these concerns highlight the need to invest in better and more protected infrastructure for biking and rolling, rather than signaling the need for more stringent laws or rigorous enforcement. Scooter and e-bike riders generally choose to ride where they feel safest and most comfortable—with traffic, in a bike lane, on a shared path, or on the sidewalk. Local laws should authorize all of these uses, *and* cities should take note of where conflict points are emerging to help prioritize street improvements that better accommodate all users.

Many cities have taken action to repeal laws that prohibit biking of any kind on the sidewalk, as well as enact laws that allow more micromobility in the bike lanes and specifically permit electric scooters on sidewalks and shared use paths. In 2000, Greensboro, NC repealed its sidewalk biking law, and in 2022, Edwardsville, IL did the same. In 2019, Kansas City, MO passed an ordinance that explicitly allows vehicles like scooters, skateboards, and wheelchairs in the city's bike lanes. That same year, St. George, UT overturned riding restrictions for trails and sidewalks to encourage riders to use their new shared e-scooter program, which now sees nearly 20,000 rides each month. Similarly, Baltimore, MD recently updated their city code to allow scooter-riding on the sidewalk when the adjacent roadway has speed limits of 35 mph or greater.



Source: Dorret Oosterhoff

How to Start Breaking the Cycle

Some cities may experience a tension between the rules that are likely easiest to eliminate (e.g., a bike registration law with no safety backing that's not enforced anyway) and those that will have the biggest impact (e.g., a sidewalk-riding law that's being heavily enforced in Latine/x neighborhoods). Because each city has its own unique political context, either kind of rule—or something in between—is a great place to start.

Another tension could be questioning (internal or external) whether there is really enough quantitative or qualitative data to justify taking the plunge into advocating for the elimination of one specific law or another. But evaluating the entire landscape of bike laws in a given city, in addition to enforcement patterns associated with those laws is an overwhelming task. Unless that review already exists, cities should start with the laws and procedures they know about rather than waiting for a detailed analysis.

Cities can also take action to mitigate harmful enforcement even while rules regulating equipment, behavior, and location remain in place. One strategy to manage equipment laws, for example, is to facilitate people on bikes complying with the rules. In Baltimore, for example, Baltimore City DOT staff have worked with local bike ride leaders and bike shops to be sure people know about equipment requirements. And many cities do helmet, light, and bell giveaways at local events.



In Baltimore, where bike lights are required for all riders and helmets are required for people under the age of 16, city staff offer free bike lights and helmets for young people at local events.

To manage behavior and location rules, cities can take immediate action to mitigate biased biking enforcement by training police officers on transportation system user choices. In Baltimore, for example, the city introduced an annual training for the Baltimore Police Department to describe why people walking, biking, or rolling might choose to ride on the sidewalk, proceed through a red light, or cross at the midblock.

Whatever strategies a city chooses, it is important to keep in mind that the enforcement patterns uncovered in the New York City, Tampa, Los Angeles, and Chicago studies are pervasive. When it comes to advocating for change, that means that practitioners already have all the information they need.

Questions that can help prioritize laws to eliminate

In Kansas City, Missouri, [BikeWalkKC](#) prioritized a shortlist of laws to focus on for elimination by first identifying a longer list of potentially inequitable laws and then asking two questions for each one to narrow the list down:

- ① First, is there any way to enforce the given statute in an equitable manner?
- ② Second, is there a reason to doubt that the statute is effective at making streets safer for people walking and biking?

Another local advocacy organization, the [LivableStreets Alliance](#) in Boston recommended some additional questions that could also help prioritize laws to focus on:

- ① Could the safety outcomes of the violation be achieved through design or infrastructure changes? Policy changes? Increased education or outreach?
- ② Does data / research indicate the purpose or outcomes of the violation, including the racial or economic disparate impact?
- ③ Could enforcement of this violation be conducted without a police officer?
- ④ What would the impact on safety be if the violation were removed entirely?

Though this prioritization process can be valuable, it isn't always necessary. BikeWalkKC began their process with a detailed review of municipal code, which yielded laws that merited further investigation. But if cities already know that a given law exists and is, or could be, used to enforce marginalized people on bikes disproportionately, that can be reason enough to prioritize that law immediately. Eliminating bike laws is a process that will happen over time, and there is no wrong place to begin.

Case Studies

Taking on Traffic Laws in Kansas City

A recent report, [“Taking on Traffic Laws - a How-to Guide for Decriminalizing Mobility,”](#) provides a valuable account of how BikeWalkKC leveraged their advocacy work and a June 2020 City Council resolution to eliminate two local laws in Kansas City, MO, and modify a third. This case study is drawn from that report, with fact checking and additional contributions from BikeWalkKC staff. It includes a high-level overview of the critical and complex work done in Kansas City, so those who are interested in understanding the BikeWalkKC process in more detail are encouraged to read the full report.

In the wake of George Floyd’s murder, the City Council of Kansas City, Missouri adopted a resolution that directed City staff to identify elements of racist language in the municipal code and statutes that could disproportionately harm Black and brown residents. BikeWalkKC staff undertook a comprehensive review of the code to identify laws that could be used to over-police Black and brown people while walking or biking. After identifying 26 statutes that merited further investigation, staff developed two criteria to further narrow down the list:

- ① It is clear that it would be impossible to enforce a given statute in an equitable manner; and
- ② There was a reason to doubt that the laws were effective at making streets safer for vulnerable road users.

The process yielded three high-priority statutes that have contributed to or created the opportunity for the over-policing of people walking and biking:

- ① Sec. 70-268 - Wheels and tires to be clean
- ② Sec. 70-706 - Inspection of bicycles
- ③ Sec. 70-783 - Crossing at points other than crosswalks

With only three statutes to focus on, BikeWalkKC began the challenging process of quantitative and qualitative data collection on how the laws were being enforced in Kansas City. Unlike most cities, Kansas City’s Police Department is not under local control. A City Councilmember had to request relevant ticketing data in committee, a process which took several weeks. When the data was returned, it was only available for jaywalking (70-783), not for bike inspections (70-706), or dirty wheels (70-268). Qualitative data—stories from residents who had been stopped or ticketed while walking and biking—added a valuable human perspective to the quantitative data, but was still challenging to collect.

BikeWalkKC regards all of this work—culling through city code, identifying potentially harmful laws, prioritizing particularly prejudicial laws, and collecting data on the enforcement patterns for these laws—as just the first phase in a 5-phase process that includes building a coalition (phase 2), speaking up and seeking change (phase 3), mobilizing support (phase 4), and celebrating their success and looking to the future (phase 5). The report provides a much more detailed account. And a follow-on paper in the *Urban Bikeway Design Guide* series focuses exclusively on the critical process of engaging with residents about the transportation system.

Ultimately, this months-long effort resulted in the City Council of Kansas City, Missouri voting to fully eliminate jaywalking and bike inspections violations, and to significantly modify penalties for dirty wheels. BikeWalkKC’s decision-making tool and overall process for identifying laws that open the door for racially disparate enforcement are a valuable starting point for evaluating laws in other cities. Though as noted previously, this level of in-depth analysis isn’t a prerequisite for advocating to remove harmful laws.



BikeWalkKC engaged in a 5-phase process to identify three prejudicial laws and advocate for changes to the city code in Kansas City.

Seattle Helmet Law

The King County Board of Health repealed its all-ages helmet law in early 2022. The decision followed an extensive analysis of court records, which revealed that helmet citations in Seattle were disproportionately issued to bicyclists of color and people experiencing homelessness, despite the city's majority White and higher-income bicycling population.

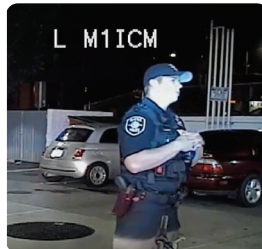
The helmet law in King County dated back to 1993, a time when policy-makers believed that increased police enforcement would encourage bike riders to wear helmets and therefore help to save lives. In the following decades, however, little evidence emerged to support that claim, while some studies suggested that the laws might actually deter bike ridership. As a result, many U.S. cities—including Dallas and Tacoma, WA—began to repeal their laws in an effort to encourage more people to ride bikes.

By 2020, Seattle remained the last large city in the U.S. to require that all riders wear helmets. As in many U.S. cities, George Floyd's murder sparked a racial reckoning in Seattle, with King County leadership declaring racism as a public health crisis. Determined to hold local leaders accountable, community advocates began investigating racial inequities in police interactions with people walking and biking. In summer 2020, transportation and homeless advocates from Central Seattle Greenways, Cascade Bicycle Club, and Real Change formed the Helmet Law Working Group.

An example of a pretextual bicycle stop



SPD Officer #1, around 4 AM at Queen Anne Ave and Denny Way in Seattle: **"I want you to stop your bike so I can talk to you about your helmet violation."**



Bicyclist, a homeless Black man: **"There are people all the time riding their bikes without helmets...why are you picking on me? It's racial profiling."**



Officer #1, to Officer #2: **"So... his yellow jacket matched the description of a burglary suspect in Belltown, and when I saw him, he was riding his bike without a helmet."**

Source: Seattle PD in-car video (recorded September 19, 2016) - YouTube

The Helmet Law Working Group did their organizing virtually, using slides and videos to advocate for change. This slide demonstrates how Seattle Police Officers used the Helmet Law as a pretext to stop a Black bicyclist at 4AM.

In their efforts to uncover biased policing in Seattle, the Helmet Law Working Group requested and analyzed thousands of public court records, gathered first-hand accounts from community members, and studied literature on helmet safety and bias in police pretextual stops to investigate disparities in bicycle infractions across Seattle. The analysis confirmed both racial and economic bias. Black, and Indigenous people on bikes were two-to-four times more likely to receive citations than their White counterparts, and nearly half of all helmet citations since 2017 had been issued to people experiencing homelessness.

Despite the evidence of biased enforcement, some medical professionals on the Board of Health were concerned about the public perception of repealing a law meant to protect riders. Research and support from national advocacy groups like NACTO, the Better Bike Share Partnership, and the League of American Bicyclists provided valuable backing to bolster the Working Group's findings. The King County Council also allocated over \$200,000 in their budget to distribute helmets and educate the public on bicycling safety. After months of public mobilization, the Board repealed the law, explicitly citing racial disparities in police citations.

As in Kansas City, this case study underscores the significant impact of community-led advocacy on repealing harmful and racist laws. While extensive analysis of court records is not always possible for local advocates, collecting even a few personal anecdotes from people unfairly targeted by police can strengthen the case for repeal. Researchers from the Helmet Law Working Group plan to expand upon their work to investigate walking violations and eliminate jaywalking laws, another area of the law explicitly used to target people of color and those experiencing homelessness.

Part IV: Recommended Reading and Listening

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