



# Tri-County Bicycle Association Press Tool Kit

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## INTRO

The following information was prepared for members of the media, law enforcement, elected officials, and community members to equip them with information on how to better communicate with the general public about driver/bicyclist crashes while avoiding underlying pro-driver social biasing.

## MAIN POINTS

- Crashes involving a bicyclist and a driver are tragic and are mostly avoidable.
- Under Michigan law, a non-motorized bicyclist has the same right to use the road as the driver of a motorized vehicle.
- Michigan law dictates that drivers of motorized vehicles should maintain a distance of **at least** three feet from bicyclists.
- In any encounter between the driver of a motorized vehicle and a bicyclist, a far heavier responsibility lies with the driver of the motorized vehicle. The motorized vehicle weighs hundreds of times more than the bicyclist and moves at much higher speeds. By way of comparison, in any body of water, drivers of motorized watercraft have a much heavier safety responsibility than canoeists, kayakers, rowers, and swimmers because of the watercraft's weight and high speed.
- The media, law enforcement, elected officials, and community members should keep Michigan law and these disparities in mind when evaluating the facts around crashes involving drivers and bicyclists.

## BACKGROUND ON TRI-COUNTY BICYCLE ASSOCIATION

Bicycling generates an estimated \$6 million in economic benefits to the state of Michigan, and the Tri-County Bicycle Association (TCBA) has served bicyclists in Ingham, Clinton, and Eaton Counties since 1972. The organization uses organized rides, ride incentives and opportunities to volunteer to build a community around bicycling. TCBA's volunteers make possible the Dick Allen Lansing to MACKinaw (DALMAC) tour, which is marking its 50th ride this year. DALMAC is held annually on Labor Day weekend with more than 1,500 participants who partake on a 3, 4, or 5-day ride from Lansing to Mackinaw City. Through the DALMAC Fund, Inc., TCBA provides funding to numerous bicycling projects across Michigan.

While the TCBA's primary focus is to make bicycling more approachable and fun for riders of all ages and skill levels, the reality is that bicycling can pose real danger to those who participate. Over the past few years, we have seen examples of fatal crashes in communities across the state and nation, and TCBA is troubled not only by these deaths but also by the media coverage of these crashes. TCBA is committed to changing the narrative around how these incidents are covered in the press and in the media. **Our goal is to elevate the principle that if a driver strikes a bicyclist, they were driving too close under Michigan law.**

## MICHIGAN'S 3-FOOT LAW

Public Acts 279 and 280 of 2018 require drivers to give at least three feet of space to bicyclists until safely passed. PA 279 requires drivers to allow three feet of space to bicyclists riding in the same direction to the right of the motor vehicle, or in the right lane. The motorist must give three feet of space to the left of the bicyclist until they safely pass. PA 280 requires drivers to allow three feet of space to bicyclists riding in the same direction to the left of the motor vehicle. The motorist must give three feet of space to the right of the bicyclist until they safely pass

## ROLE OF THE MEDIA'S REPORTING OF DRIVER/BICYCLIST CRASHES

News stories often play a key role in shaping public understanding of overall traffic safety. Two new studies on inaccuracy and subtle bias in mainstream-media reporting about driver-cyclist crashes highlight the extent of these issues.

A study from Florida's Center for Urban Transportation Research and another from a group of researchers from Rutgers, Texas A&M, and Arizona State, came up with broadly similar conclusions: journalists are prone to questionable phrasing, and even making flat-out mistakes, when reporting on these crashes.

The university group's research examined media reports on 200 crashes nation-wide where cyclists or pedestrians died or were seriously injured, and it found that in 80 percent of them, the main actor in the crash was described as a vehicle – not as a driver. **Sentence structure and word choice can reduce the emphasis that should be placed on driver responsibility rather than blaming the victim.**

## NOTES ON NEWS COVERAGE & THE LEGAL PROCESS

- Some bias in reporting can be attributed to lack of staffing in newsrooms, which are forced to rely on witness testimony or police reports.
- In cases of fatal crashes, language in police reports can sometimes include "survivor bias," which means that the victim was not able to provide statements on the incident. If only one party's view is represented, the initial investigation report, which reporters rely on, can be dramatically skewed.
- Research indicates that police almost never cite a driver in a crash based on a preliminary investigation (the broad exceptions are DUIs and hit-and-runs). If no citation is made, reporters may assume that the crash was the bicyclist's fault.
- The inherent tension between law enforcement's need for a careful investigation over time and the media's interest in reporting breaking news can create problems in reporting. Often there is no mention that the police investigation is ongoing and/or no follow up on the initial crash.
- Prosecutors can only pursue charges they believe can be proved beyond a reasonable doubt, and they also must balance caseload against finite resources: traffic crashes are weighed against cases of assault, robbery, murder, and other serious crimes. The fact that charges are not pursued should not be taken as evidence that the driver wasn't responsible.
- Even when cases are brought to trial, the need to secure convictions can sometimes mean pursuing a case with lesser charges than victims and advocates believe are warranted.

## MEDIA “DO’S AND DON’TS” ON REPORTING CAR/BICYCLE CRASHES

- Crashes should be called crashes, not “accidents,” which can shift the blame from the person responsible for the event. The use of “accident” infers that the crash was not preventable.
- Crashes involving bicyclists and drivers should be placed into a context of overall road safety and public health issues, not as a one-time event.
- Crashes should not be attributed to inanimate objects such as cars (ex. “struck by a car”). Rather, incidents should be phrased in a way that accurately portrays the fact that drivers, not cars, hit bicyclists.
- Details like a bicyclist “was not wearing a helmet” or “was wearing dark clothing” should be avoided because they subtly suggest the victim is to blame. This information is often provided; conversely, details about the road being straight and flat, or the cyclist was hit in broad daylight are rarely provided.
- Follow up on the initial crash report – check back with the police on their investigation or with the surviving bicyclist to get their side of the story.
- Take measures to avoid pro-driver bias and anti-bicyclist bias in reporting on crashes.
- Remind drivers that bicyclists have the right to use the road under Michigan law.
- Inform and educate the general public about Michigan’s 3-foot passing law and encourage drivers to give cyclists more than enough room when passing.
- The narrative can be improved by encouraging the media to use sources familiar with bicycling culture and safety.

## RECENT COVERAGE EXAMPLES

Lansing State Journal (8/23/2019): Bicyclist suffers ‘severe head trauma’ in crash

A bicyclist was **struck by a vehicle** Friday and taken to the hospital with “severe head trauma.”

The bicyclist was hit going south on Okemos Road, in Alaieton Township near Willoughby Road east of Holt, after **swerving in front of a southbound vehicle**, a witness told the Ingham County Sheriff’s Office. The bicyclist was taken to the hospital and police are still investigating the crash.

In this example, the reporter refers to the bicyclist being struck by a “vehicle” rather than struck by a driver. That introduces bias from readers as to who was at fault. It is also important to check the facts, including which witnesses were interviewed, and make an effort to contact surviving victims or bicycle advocacy groups for a balanced perspective.

Lansing State Journal (7/26/2019): Putnam: ‘I could have been killed’ says cyclist injured in near collision in East Lansing

But as Kobe pedaled through the green light behind the other cyclist the **SUV began to turn** left in front of him.

In this instance, the correct wording would be to say that the **driver** of the SUV began to turn left in front of the cyclist. It is also important to note that signs the cyclists posted to try and get more information from witnesses also asked about the “vehicle” that caused the “accident,” which shows that bicyclists would benefit from adopting language that doesn’t create a pro-driver bias as well.

## RECENT COVERAGE EXAMPLES (CONT.)

MLive (9/4/2019): 2,600 miles into cross-country bike ride for muscular dystrophy, Michigan native struck by car near Lansing

The initial investigation suggests the driver didn't see the two cyclists on the roadway, according to police... State police were still investigating the circumstances of the crash

This is a positive example of the proper use of "driver" and "crash" to describe the incident.

## REMINDERS ON RULES OF THE ROAD FOR AUTOMOBILE DRIVERS

- People on bicycles have the legal right to ride on the road and in the lane. Bicyclists are not required to ride on the shoulder of the road or on the right side of the white (fog) line.
- Yield to bicyclists as you would to drivers and do not underestimate their speed. This will help avoid turning in front of a bicyclist traveling on the road or sidewalk, often at an intersection or driveway.
- Give cyclists room. Do not pass too closely. Cyclists have hazards (potholes, grates, train tracks, road debris, and animals) to deal with that may cause them to veer unexpectedly. Give them more than enough room to move to avoid these hazards.
- Pass bicyclists as you would any other vehicle – when it's safe to move over into an adjacent lane.
- In parking lots, at stop signs, when backing up, or when parking, search your surroundings for other vehicles, including bicycles.
- Drivers turning right on red should look to the right and behind to avoid hitting a bicyclist approaching from the right rear. Stop completely and look left-right-left and behind before turning right on red.
- Obey the speed limit, reduce speed for road conditions and drive defensively to avoid a crash with a cyclist.
- Do not text while driving or do anything that distracts you by taking your eyes or your mind off the road and traffic. Distracted driving is a major cause of driver/bicyclist crashes.

## REMINDERS ON RULES OF THE ROAD FOR BICYCLISTS

- Ride with the flow, in the same direction as traffic.
- Obey street signs, signals, and road markings, just like drivers.
- Wear equipment to protect you and make you more visible to others; like a bike helmet, bright clothing (during the day), reflective gear, and a white front light and red rear light and reflectors on the bike (at night, or when visibility is poor).
- Be focused and alert to the road and traffic around you; assume the other person doesn't see you and anticipate what they might do before they do it.
- Look ahead for hazards or situations to avoid that may cause you to fall like potholes, grates, train tracks, road debris, and animals.
- Use signals when possible to indicate turns, slowing down, or stopping.
- Plan your route – choose routes with less traffic and slower speeds. Use bike paths and bike lanes where available.
- Do not text, listen to music, or do anything that distracts you by taking your eyes and ears or your mind off the road and traffic.

**MEDIA CONTACTS**

TCBA is committed to ensuring a productive and safe relationship between automobile drivers and bicyclists. If a crash takes place in your community, **please reach out to us for comment on the incident from a bicycle safety and Michigan law standpoint.**

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**RESOURCES**

- National Highway Transportation Safety Administration: [Bicycle Safety](#)
- Michigan Bicyclist Magazine, League of Michigan Bicyclists: “How We Talk About Drivers Hitting Cyclists” (Joe Lindsay, Summer 2019)
- CityLab: How Media Coverage of Car Crashes Downplay the Role of Drivers (Richard Florida, December 10, 2019)

