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The Biking Bar: Lawyers Jump on the Bike-Commuting Trend

*I want to ride my bicycle
I want to ride my bike
I want to ride my bicycle
I want to ride it where I like.*

—Queen

MINNEAPOLIS BECOMES A BIKING SUPERPOWER

We knew something was up in 2010, when Minneapolis knocked Portland off the top line of *Bicycling* magazine's list of bike-friendly U.S. cities. Portland returned the favor the following year, but Minneapolis still holds the number two spot on that list. Another list, maintained by Bike Score, rates Minneapolis as the No. 1 bike-friendly city among large U.S. and Canadian cities. And the League of American Bicyclists has bestowed upon Minneapolis its Gold-level "Bicycle Friendly Community" designation since 2008.

OUR BIKING INFRASTRUCTURE

These honors resulted from decades of urban planning culminating in 92 miles of on-street bikeways and 85 miles of off-street bikeways, in a city of only 58 square miles. In 2010, with Mayor R.T. Rybak's enthusiastic support, Minneapolis launched the Nice Ride bike-sharing program, which

allows riders to rent bikes at about 170 automated stations and use them for short hops around the Twin Cities. Overseeing the city's numerous bike-related programs is the multi-agency Minneapolis Bicycle Program, whose responsibilities include the Bike Walk Ambassador Program (an educational outreach program to encourage city residents to bike or walk more and drive less), the Minneapolis bicycle map, data collection for the annual bicycle count, safety issues, bike locker rentals, bikeway maintenance, bike rack installation, and so forth.

THE RISE OF BIKE COMMUTING

Aided by its solid biking infrastructure and near-universal access to bikes, Minneapolis has developed a bike-centric culture. Biking is no longer just the preferred mode of transportation of small children in short pants. It's the preferred mode of transportation for almost *everybody* in short pants. Over the period 2007 to 2012, according to the Minneapolis Public Works Department's annual report, the number of daily bike rides in Minneapolis has increased by over 50 percent. Among these riders are more than a few who are on their way to or from work. From 2000-2010 the number of regular bicycle commuters in Minneapolis increased from 1.6 percent to 3.4 percent of total commuters, which translates to about 7,000 people who commute by bike.

WHY DO THEY DO IT?

Bicycle commuters are a unique breed. They have abandoned the comfort and seclusion of their cars, buses, and trains in favor of a slower form of locomotion that offers no protection from the elements and requires strenuous physical effort. Further, they have puzzled through myriad logistical issues that confront and confound would-be bike commuters, ranging from "What kind of bike should I ride?" to "What route is best?" to "Where do I park my bike?" The obvious question is: "Why?"

Jennifer Zanner, an immigration lawyer who lives and practices in Hennepin County and maintains her office just inside St. Paul, has a ready answer: "I just love commuting by bike. Biking gives you the chance to not spend most of the day on your butt." Zanner owns a car, but has been commuting by bike virtually everywhere—including grocery shopping and for work—since 1988. She uses her car only when the temperature drops below zero. To get to Bloomington for immigration hearings or meetings, Zanner will ride her bike to the Hiawatha Light Rail Train line and rack it, riding the train the rest of the way. Asked what she does when it's raining, she gives what turns out to be the universal answer of all bike commuters to a dumb question: "I get wet."

"Green motives" also inspire riders. Public


policy reasons supporting bicycle commuting are obvious. Each bike commuter translates to one fewer gas user, which relieves traffic congestion, reduces smog and abates the pressure for parking downtown. There are few other activities that can promote these goals, improve one's health and emotional well-being, and reduce one's carbon footprint all at the same time.

WHAT TO WEAR

A common issue for bike commuters—in both summer and winter—is how to dress so as to be comfortable during the ride, but not arrive at the office soaked in sweat. Riders have different answers to this question. Mark Thieroff, a shareholder at Siegel Brill firm in downtown Minneapolis, says, only partly in jest, “I don’t sweat.” Thieroff takes his time during his 4-mile commute from St. Anthony Park in order to stay dry. But when the summer heat is dialed to 11, Thieroff has other ways to stay presentable. He rides to work in a T-shirt, and changes into his suit at the office. His building has shower facilities, but in his seven years of commuting by bike, Thieroff hasn’t needed them. Winter riding poses clothing challenges similar to downhill skiing. It’s easy to keep the torso warm, but hard to keep the extremities from freezing solid. A consultation with a bicycle or outdoor gear retailer will resolve most issues. One universal recommendation for winter riding: Wear ski goggles. The winds of winter are not kind to eyes.

BIKE SAFETY

A chat with a bike commuter lasting more than a few minutes will likely include a story of a brush with mortality. Judge Jay Quam, Hennepin County District Court, had a dramatic encounter four years ago when a car failed to yield at a stop sign. Quam, on his bike and with the right-of-way but unable to stop, crashed head first through the passenger window, breaking his neck in two places. Quam attributes his improbable survival to the simple fact that he was wearing a helmet, and quite a bit of luck. He made a full recovery, save some aches and pains,



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and his 17-year streak of commuting to work by bicycle continues.

Despite his accident, Quam is a big promoter of bicycle commuting. "The benefits are just so great," he says. "Biking is a tremendous way to prepare your body and mind for the stress of the work day, and to relieve the stresses of the day on the ride home." Quam says the risks of bike commuting can be minimized by riding responsibly and wearing a helmet. "The payoff is good enough that it's worth it," he says.

On that subject, the City of Minneapolis Public Works Department issued a report earlier this year analyzing 2,973 bike-motorist crashes occurring from 2000-2010 in Minneapolis. Given the rise in bike ridership over that period, one would expect that the number of accidents would be correspondingly higher. The report found the opposite was true: "As the number of

More information on bicycle commuting available here:

- U.S. DOT, www.biketoworkinfo.org (compiling resources for bike commuters)
- MNDOT, www.dot.state.mn.us/bike (for information about Minnesota bicycle policy)
- City of Minneapolis: www.minneapolismn.gov/bicycles (information about bicycling in Minneapolis).
- Pedal Minnesota, www.pedalmn.com (information about local biking events and news).
- Nice Ride, www.niceridemn.org (the Nice Ride web site)

bicyclists has increased over the past decade, the crash rate has decreased." Translated to hard numbers, on average, 270 bike-motorist crashes occur in Minneapolis each year now, down from 320 per year over the period 1993-1999. Bicycle researchers refer to this phenomenon, documented in other U.S. cities too, as the "Safety in Numbers Effect."

Incidentally, blame has been allocated approximately evenly between the cyclists and motorists.

WHAT KIND OF BIKE?

Based on a decidedly unscientific survey, bike commuters generally have at least two bikes, and sometimes have many more. (As Judge Quam says, "As vices go, buying a bike is better than a bass boat.") The two "must-have" bikes for the well-equipped Minneapolis bike commuter are "the beater" (sometimes called "the mudder") and "the nice one." The beater is used when road conditions are poor due to snow, ice, mud and/or salt. The nice one is used the rest of the time.

The beater is usually an older bike, modified for winter use. Speed being incompatible with safety in winter riding, winter commuters often select a single-speed bike in order to minimize the number of intricate metal parts being exposed to the unique cocktail of salt, water and dirt served up by Minnesota streets in wintertime. Beaters with narrow rims

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* American Bar Association Standing Committee on Lawyers' Professional Liability. (2008). *Profile of Legal Malpractice Claims, 2004-2007*. Chicago, IL: Haskins, Paul and Ewins, Kathleen Marie.

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should be equipped with at least one studded tire—on the front wheel, not the back—but two is better. Studs are less critical with fatter tires, as are found on mountain bikes. That said, nothing but studs will help control the bike when it hits a patch of ice. Beaters should all be equipped with fenders, to avoid the skunk stripe of grime that would otherwise appear up the back of the cyclist. Beaters need to be regularly hosed down and lubed to minimize corrosion, but even with proper care the chains and other moving metal parts will need to be replaced or rebuilt as often as once per season. Although all bikes should have lights on the front and back, beaters are usually driven in the darkness of winter, so the rider should not skimp on lighting.

The summer bike can be anything that suits the rider's fancy. Some go for comfort—soft suspension, fat tires, squishy saddle—and others go for speed. Zanner uses four bikes: the winter beater (an old Italian road bike), a mixte frame bike (a variant on what was known as a “ladies” bike frame), a touring bike, and a Surly “Big Dummy” (a beefy bike

with elongated rack designed to carry up to 400 pounds). With those bikes, she can get herself to work, or ride all the way to Costco and bring home a hundred pounds of groceries. At the other end of the spectrum, Quam's summer bike is a titanium and carbon performance bike made by Serotta, reflecting the distance of his commute and his goal to get a good workout during it.


WHERE TO PARK?

Last but hardly least among the barriers to bike commuting is the problem of bike storage during the work day. Many office towers in downtown Minneapolis provide bike storage for tenants, although it's usually unadvertised. The public parking ramp at Gaviidae Common on Nicollet Mall offers a free bike corral, albeit one that is hard to access and rarely used. For an annual fee of \$50, the city offers bike lockers at several dozen locations scattered throughout downtown, some even offering shower facilities for an extra fee. Bikes can also be stored on the ubiquitous public

racks throughout the downtown area. Due to the risk of theft, expensive bikes should not be stored in this manner.

CONCLUSION

For conventional commuters, the ride to and from work is a mind-numbing extension of an already excessively sedentary life, made tolerable only by risky behavior involving fiddling with cell phones. Not so for bicycle commuters. For them, the fun begins the minute they step out the door and throw a leg over the bike saddle.

If you would like to learn more about how to make biking during your work day work for you, attend the HCBA's Bike Day events on June 12 (see ad below). For more information, email Jim Skoog at jim@hcba.org. 

By Gregory Simpson. Mr. Simpson is a partner with Meagher & Geer, practicing in the employment, insurance, and construction groups. He is a THL Committee member, issue editor, and contributor.

Bike Law 101

TOPICS TO BE COVERED:

Practice tips for litigators with car-bike accident cases, and insurance concerns to be aware of:

- No-Fault issues & UM/UIM coverage for bicyclists.
- Why many jurors appear to have disdain for bikers.
- Challenges in bringing a claim for a bicyclist at trial.

Hear how changes to Minnesota Chapter 169.222 could make your cycling experience a more lawful one. Here are some questions to consider:

- Does your bike have a bell?
- Does your bike have a red taillight instead of a reflector?
- Do you sometimes ride on the shoulder of the highway?
- Do you have a fixed gear bike?

FEATURING:

- **Matt Moore,**
QBP General Counsel
(Course Chair)
- **Andrew Rorvig,**
Hauer Fargione

Wednesday, June 12 12:00 p.m. to 1:00 p.m. at the HCBA or Webcast.

1.0 CLE credit applied for.

 **Can't make it downtown?** This program is also available as a live CLE Webcast. Webcast details/pricing/registration at www.hcba.org.

Calling All Bicycling Attorneys!

This noon time CLE is a part of the HCBA Bike Day programming.

In the afternoon (from 1:30 to 4:30 p.m.), following the CLE, join us for a free noncredit class to learn how to become a better bicycle commuter. You will have the opportunity to take a ride downtown with certified instructors (bikes are provided) and learn how to make biking during your work day work for you.

To reserve your place at this afternoon bike class, email Jim at jim@hcba.org. Call 612-752-6600 with any questions.



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