

Bike-helmet law challenge an uphill climb

BY KENT SPENCER, THE PROVINCE AUGUST 17, 2011



Cyclist Ron van der Eerden entered a charter of rights and freedoms challenge against the province's 15-year-old mandatory helmet law. Pictured, a bicyclist moves through the traffic at Main and Second Avenue without wearing a helmet.

Photograph by: Ian Lindsay, PNG

Cyclist Ron van der Eerden has been called a moron and idiot after challenging B.C.'s mandatory helmet law in court.

Shrugging off the comments as "knee-jerk reactions," he said Tuesday that he doesn't take them personally.

"I'm trying to make things better for everyone," he said. "I want to resist this being a story about me."

The fuss started last week when he entered a Charter of Rights and Freedoms challenge against the province's 15-year-old mandatory helmet law.

The court action was prompted by a \$29 ticket issued to him two years ago for cycling without a skull-saving cap.

Van der Eerden, who is representing himself, admitted he likely filed his challenge in the wrong venue, traffic court. But he says the issue deserves to be heard.

According to a 2010 article in the B.C. Medical Journal, helmets reduce head injuries by 85 per cent.

Van der Eerden doesn't deny the benefits of wearing a helmet but he says there's more to bicycle safety than helmets.

"The helmet law discourages a lot of people from riding bikes. Those people are missing out on a whole lot of health benefits," he said.

"Helmet legislation is the problem, not the helmets themselves. People don't wear them in Holland and it's the safest place in the world to ride a bike," he argued.

"There is something called safety in numbers. When there are more cyclists, drivers are more cautious."

His comments were supported by Tess Kitchen, the helmet-wearing president of the Vancouver Area Cycling Coalition.

Kitchen said the coalition supports the use of helmets, but believes adults should have the right not to wear them.

She said up to 40 per cent of New Zealand riders put away their bikes because of helmet laws.

She said reasons include hassle and expense, as well as style.

"People don't want to show up at work with helmet hair. They need to get to work early to fix their hair, like I do," she chuckled.

Van der Eerden knows he faces an uphill pedal, which he hopes will resume in a different court in the fall. When it does, Vancouver injury lawyer David Hay doesn't give him much of a chance.

"A constitutional challenge requires comprehensive understanding of the charter. You can imagine the steepness of the ascent," said Hay.

kspencer@theprovince.com

twitter.com/kenspencer2

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