

# Cops crack down on distracted drivers

## Bylaw prohibits cycling 'while wearing headphones'

BY JONNY WAKEFIELD, VANCOUVER COURIER    MAY 18, 2012



Bicyclers ride in Vancouver.

**Photograph by:** Dan Toulgoet, Vancouver Courier

During the month of May, Vancouver police have been cracking down on distracted drivers, issuing more tickets to motorists engaged in dangerous behind-the-wheel behaviour like texting or wearing earphones.

And though they said it's uncommon for bicyclists to be ticketed, cycling advocates are urging new bikers to avoid the same digital distractions. "My file cabinet sort of goes up and down, cyclically, in accordance with the increase in seasonal cycling," said personal injury attorney David Hay.

Hay, who bills himself as the "Bike Lawyer," said he sees an uptick in serious injury cases during the spring, when cyclist traffic increases due to the nice weather and Bike to Work week, which starts May 28. He said he works between 75 and 125 cases a year.

He said distraction is almost always a factor in collisions between vehicles and motorists. "Momentary distraction can lead to catastrophic consequences," he said.

Some distractions are worse than others. "Texting on a bike is the worst danger I've seen," said Anthony Floyd, a longtime cyclist who lives in Kitsilano. "I've seen that a half dozen or more times

recently-someone riding along, looking down at their phone, their thumbs are going, no hands on the handle bars. They're just not paying any attention to where they're going."

Floyd has been a bicycle commuter for 15 years. His current ride takes him from the area around the Vancouver General Hospital to UBC. He said he often sees this kind of behaviour from inexperienced cyclists. While texting is the most distracting activity he sees, it's not the most common. "Riding with earbuds in, that's across the spectrum," he said. "I think there are quite a few experienced cyclists who ride with the buds in."

A city bylaw makes it illegal to bike on Vancouver roads "while wearing headphones" or "any other manufactured device capable of transmitting sound." But no one at HUB- formerly the Vancouver Area Cycling Coalition-had heard of the bylaw being enforced, according to Raema Quam, director of programs and development .

Neither had Hay, though he said headphones come up in his practise. He said that self-induced sensory deprivation is often the foundation of a case of contributory negligence-where defence attorneys for drivers argue that cyclists contributed to their own harm. Floyd points to public safety campaigns in other cities that warn cyclists and pedestrians to be alert. In London, England, a series of grim public advertisements made the argument that "Your headphones could kill you."

Hay said Vancouver cyclists could use a similar wake-up call. "The vast majority of cyclists don't expect to be in any kind of situation giving rise to any serious injuries or trauma," he said. "I can say that my clients, without exception, have had their bubbles burst. My clients are not going to leave my office and put their headphones on."

Bike to work week starts May 28.

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