

Pay it forward: A call to action

Bicycling is the most energy-efficient means of transportation on the planet. We must use the wealth we gain from our clients' misfortune to make our cities safer for all road users

By Josh Cohen

We consumer attorneys are fortunate. Our fight to obtain justice for wronged clients rewards us handsomely. We pay it back by funding charities that serve underprivileged families. And our lobbying efforts level the playing field in the struggle between corporations and consumers. But here's another effort to contemplate: We have a moral imperative to direct our dollars to organizations dedicated to preventing the very crashes from which we profit. Those are the organizations that promote active transportation.

The US Department of Transportation defines active transportation as "opportunities for people to exercise for recreation and to build physical activity into their daily routine." Active transportation promotes clean air and good health and mitigates climate change. Cities that prioritize active transportation are more livable and sustainable. The most prevalent forms of active transportation or bicycling and walking. The more walkable and bikeable a city is, the more easily commuters can ditch cars.

The urgency in reducing greenhouse gas emissions (GHG) cannot be understated. The Intergovernmental Panel on Climate Change is the United Nations body dedicated to assessing the science related to climate change. It recently opined that we have until 2030 to significantly cut GHGs before the effects of climate change become irreversible and so extreme that a million species could die and civilization could collapse. California, the world's fifth-largest economy, is already experiencing its worst drought in 1,200 years and a relentless fire season.

Vehicle miles traveled (VMT) is an analog for GHGs. The transportation sector in California accounts for about 50 percent of the state's GHG emissions. The State's requirement that 35 percent of new cars and light trucks be zero-emissions starting in 2026 will not result in the reductions necessary to stave off the worst, most permanent effects of climate change. EVs come with their own attendant environmental impacts and do no less harm when striking a human body than cars powered by internal combustion engines. Effective GHG reduction therefore entails a reduction in VMT.

Most trips are within three miles of people's homes. To reduce VMTs society should encourage people to make those trips on foot or by bike. Most cities in California are too spread out to walk everywhere. So the overwhelming majority of trips in California are vehicular. Bicycling is the most energy-efficient means of transportation on the planet. A three-mile trip is within most people's ability. The most effective way to reduce VMTs therefore is to promote bicycling.

The pandemic led to a huge bike boom. Bicyclists and pedestrians reclaimed the streets. Restaurants dedicated adjacent parking spaces to diners. Local neighborhood streets became "slow streets," in which families could stroll and play.

Consumers want safer roads for biking

Seventy percent of people recently surveyed in the 50 biggest U.S. metro regions are interested in biking. But 60% said they would only ride if they felt safer on roads if cars were slower and less frequent, and if there were more quiet streets with few cars and paths without any cars at all.

These concerns are well-founded. The reduced in cars on the road caused by the pandemic led to an increase in the speed of traffic, and consequently the number of fatalities. In California, pedestrians are 37 times more likely to be injured in a collision than any other roadway user. At least two pedestrians or cyclists lose their lives on California's transportation system each day. Traffic violence disproportionately affects people of color.

Opportunities to bike arise by means of reduced distances between key destinations and the provision and improvement of bicycle and pedestrian facilities. The most obvious bicycle facility is the protected bike lane. Protected bike lanes reduce bicyclist injuries by 90%. New York City's protected bike lane on 9th Avenue led to a 56 percent reduction in injuries to all street users, including a 57 percent reduction in injuries to people on bikes and a 29 percent reduction in injuries to people walking.

But California's cities are not on track to implement the number of protected bike lanes necessary to induce enough potential cyclists to ditch their cars for bikes. The low-hanging fruit is to get them to ride quiet streets. Cyclists tend to avoid such streets because they have so many stop signs. Drivers (and jurors) complain that cyclists don't stop at stop signs. But according to the National

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Highway and Transportation Administration, bicyclist stop-as-yield laws reduce bicycle collisions.

This is where active transportation advocacy becomes crucial. The California Bicycle Coalition (Calbike) is currently lobbying the legislature and governor to pass A.B. 1713, a bill that would allow bicyclists to treat stop signs as yield signs. This is but one example of CalBike's many legislative goals dedicated to making bicycling safer and more enjoyable throughout California. It has successfully lobbied for other legislation that protects vulnerable road users.

Get in the fight

Calbike and local organizations such as SFBike rely on grants and donations to promote walking and biking throughout the state and its localities. Their work is crucial in helping protect vulnerable road users and reducing GHG emissions. But they are under-funded and under-staffed. They need the kind of resources necessary to compete with big business and other interest groups. That is where consumer attorneys can help.

California's consumer lawyers are too well-resourced to sit out this fight. Many of us make far more money than we need to live comfortably. CAOC recently successfully lobbied for legislation that benefits consumers, such as the recent increase in *non-economic damages under MICRA* and the Protect California Drivers Act, which will increase the required minimum drivers' financial responsibility to $30,000. Those well-deserved successes were the result of hard work and the financial support of consumer attorneys throughout the State.

GHGs are not local. Emissions in Los Angeles affect San Francisco, and vice-versa. Maybe you don't see this as your fight. Maybe you'll never walk or bike somewhere else in your town. That's fine. You don't need to get out of your car to get somewhere. But someone who lives close enough to walk or bike shouldn't have to get into their car to avoid getting killed.

CAOC proclaims to represent the interests of 39 million Californians. CAALA's mission statement begins with the phrase, "Consumer Attorneys protect people…." CAOC and its constituents should support proponents of active transportation. We as individuals have a moral imperative to use the wealth we gain from our clients' misfortune to promote the organizations that are trying to make our cities safe for all road users. Don't worry –there will always be work. But the children of tort lawyers are not immune to the worst effects of climate change. All our wealth will not buy a new planet. Our children's future hangs in the balance. Otherwise, what is the point of all this?


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