

PubliCola, 10-15-09

## It's the Drivers, Stupid

by [Erica C. Barnett](#), 10/15/2009, 3:27 PM



BY ERICA C. BARNETT

Last night's Traffic Justice Summit at City Hall—attended by a couple hundred folks, most of them cyclists—provided a grim look at the situation facing cyclists on the road, and a glimpse at the legislative battles ahead for cycling advocates in Olympia.

City attorney Tom Carr and state Sen. Adam Kline (D-37) talked about the prospects for an assault-by-vehicle bill this coming legislative session. The proposal, which failed to make it out of committee last year, would allow cities to treat killing or severely injuring someone with a vehicle as a misdemeanor.

Currently, only drunk or reckless drivers can be charged with a crime; killing or maiming a cyclist because you just weren't paying attention, or ran a stop light, or failed to yield right-of-way, frequently doesn't even result in a ticket, much less a license suspension. (Failing to yield right-of-way, incidentally, is the most common cause of severe injury or death in car-cyclist collisions, followed closely by "not paying attention" and other driver distractions like talking on a cell phone or fiddling with the radio.)

Put another way: If you want to murder someone, the best way to do it is with your car.

The proposed legislation would change all that—not, Carr argued, by criminalizing traffic infractions, but by making it a crime, punishable by up to a year in jail, to kill someone while committing a traffic infraction. "The analogy is to assault and manslaughter," said Carr, who supports the legislation. "If I were to turn and punch Adam [Kline, who was sitting next to him] in the head right now... that would be assault. If I were to hit him in the temple and kill him, even unintentionally, that would be manslaughter."

Somewhat surprisingly, several members of the audience argued that instead of putting drivers who kill cyclists in jail, it might be more effective to suspend their license and subject them to heavy fines and retraining, as Oregon does. "I can't imagine why you'd want someone who's just killed someone to get back behind the wheel of a car," one woman said.

That seems like a common-sense argument to me: Driving is a privilege, not a right. If you kill someone while wielding 2,000 pounds of steel, you should forfeit your right to operate that deadly weapon—just as you would if you killed someone accidentally with a gun. Or as Tessa Greigor, Cascade's principal planner, put it, "motor vehicle operators are operated, registered,



Parking Lot Full: Bikes at City Hall

and licensed precisely because of their potential for harm. Motor vehicles are potentially deadly machines. The human body, even on a bike, is not.”

Kline, however, argued that suspending drivers’ licenses would just lead to more people driving without a license. “The fact is, you have to go to work,” he said—a common (and irritating) refrain that ignores the fact that driving without a license, too, is illegal.

Ultimately, Cascade policy director David Hiller says, the solution may be to push for an Oregon-style law that carries heavy consequences, but no jail time.

“I think what we heard last night was that someone should not be able to just take their license back at the scene of a fatal crash and drive away,” Hiller says. “We’re going to try to work with the legislature and the people whose lives have been affected to try to find that point where justice is served.”