



City of Cambridge

Consent Agenda #3

IN CITY COUNCIL

March 23, 1998

VICE MAYOR GALLUCCIO

RESOLVED: That the City Council go on record supporting pending legislation to support increasing required age for wearing a bicycle helmet from age 12 to age 17.

In City Council March 23, 1998.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury
City Clerk



CITY OF CAMBRIDGE
Traffic, Parking and Transportation
 57 Inman Street,
 Cambridge, Massachusetts 02139

Susan E. Clippinger
 Director

Administration
 Parking Violations
 Resident Parking

RECEIVED
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 349-4701
 MAR 19 AM 11:51
 OFFICE OF THE CITY MANAGER

March 18, 1998

TO: Robert Healy, City Manager

FROM: Susan E. Clippinger, Director *SEC*

SUBJECT: Council Order #073 dated 2/2/98

RE: Progress of drafting an ordinance or regulation to raise to age eighteen the requirement of wearing a helmet when bicycling.

The current City of Cambridge Traffic, Parking & Transportation Department Ordinance requiring children up to the age of 12 to wear a helmet is based on State Law Chapter 85, Section 11B (2) (III)

Currently there is legislation pending in the State Legislature that would raise that age to 17 and make other changes that would facilitate enforcement efforts. Sergeant Paul Sugrue of the Cambridge Police Department has been working with other advocates for these changes and meeting with the Senate and House Public Safety Committees. A copy of their proposed bill is attached. A change to raise the age when bicycle helmets are required needs to be implemented through a change in the State law. This guarantees that enforcement and education efforts are consistent throughout the State and are more effective.

A resolution by the City Council supporting the proposed bill and communicating that support to the Congressional Delegation would be very helpful in getting the proposed change enacted.

CC: R. Watson
 D. Drisdell

Proposed Revisions to the Mass. Bicycle Helmet Law for Minors

prepared for

Massachusetts Bicycle Safety Alliance (MBSA)

by

*Olga P. Guttag , Chair, MBSA Subcommittee to Strengthen the Bicycle Helmet Law for Minors and
President, Ride and Roll Safely Inc., 273 Emerson Rd., Lexington, MA 02173,
Tel: 781 863-6318, FAX: 781 862-0171, Email: olga@oregano.lcs.mit.edu*

Summary of the proposed changes:

- increase the age limit from 12 and under to 17 and under
- change the maximum allowed penalty for any bicycle-related offenses from \$20 to \$50, and allow such a penalty to also apply to non-compliance with the helmet law. Note that under current law any fines for bicycle-related offenses are collected by the municipality where the offense occurs. The money must be used to improve bicycling conditions in the municipality.
- update the technical specifications of the helmets required, with a grandfather clause for owners of older helmets
-

Existing Law

1998: Proposed Revisions to the Law

Chapter 85, Section 11B:
Bicycles; operation and equipment; regulations; federal product safety standards, effect; races; violations; penalties

2-iii Any person twelve years of age or younger operating a bicycle or being carried as a passenger on a bicycle on a public way, bicycle path or on any other public right-of-way shall wear a helmet. Said helmet shall fit the person's head, shall be secured to the person's head by straps while the bicycle is being operated, and shall meet the standards for helmets established by the American National Standards Institute (ANSI Z90.4) or subsequent standards or the Snell Memorial Foundation's nineteen hundred and eighty-four standard for use in bicycling or subsequent standards. These requirements shall not apply to a passenger if the passenger is in an enclosed trailer or other device which adequately holds the passenger in place and protects the passenger's head from impact in an accident.

...

Violations of any provision of this section except violations of subclause (iii) of clause (2) shall be punished by a fine of not more than twenty dollars.

Chapter 85, Section 11B:
Bicycles; operation and equipment; regulations; federal product safety standards, effect; races; violations; penalties

2-iii Any person **seventeen** years of age or younger operating a bicycle being carried as a passenger on a bicycle on a public way, bicycle path or on any other public right-of-way shall wear a helmet. Said helmet shall fit the person's head, shall be secured to the person's head by straps while the bicycle is being operated, and shall meet the standards for helmets established by **the Consumer Safety Product Commission (CPSC), the American Standards for Testing and Materials (ASTM), the Snell Memorial Foundation's B95 helmet standard for bicycling or N94 standard for use in a non-motorized recreational activity (such as inline skating and skateboarding)** or subsequent standards. These requirements shall not apply to a passenger if the passenger is in an enclosed trailer or other device which adequately holds the passenger in place and protects the passenger's head from impact in **a crash. Helmets purchased prior to ???date of passage???** need to meet the standards for helmets established by the American National Standards Institute (ANSI Z90.4) or the Snell Memorial Foundation's nineteen hundred and eighty-four standard for use in bicycling or subsequent standards.

...

Violations of any provision of this section shall be punished by a fine of not more than **fifty** dollars.

Effects of the old law

Effects of the revised law

<p>Most students turn 13 while in middle school. The law ceases to have effect exactly as children reach their teens, when they are subject to great deal of peer pressure and when they exhibit the most risk-taking behavior. See data on teen risk-taking: http://www.usnews.com/usnews/issue/7PIE.HTM, http://www.ianr.unl.edu/pubs/Family/g1322.htm#rarb, http://www.state.vt.us/adap/yrbs95/yrbs95.htm#injuries).</p>	<p>Raising the age to under 18 will cover most students through high school, covering those highly at risk, and eliminating peer pressure and the perceived status among school-age children of "I am older than you, so I don't need a helmet anymore."</p>
<p>Enforcing the law is difficult because very few children age 12 and under have identification that allows for accurate determination of their age.</p>	<p>The higher age will also make it easier to enforce the law, since by age 18, most minors have some sort of identification that makes it easier for law enforcement officers to accurately determine the age of the bicyclist.</p>
<p>Parents cannot use the argument "Wearing a helmet is the law!" to persuade their <u>teenage</u> children to wear helmets.</p>	<p>Though many parents know that a helmet protects their teen's head, they save their battles over what a teen must or must not do for other (seemingly more important) issues. Having a law mandating helmets for teens will prompt more parents to exercise their authority over their children -- especially since there is a penalty for non-compliance.</p>
<p>Helmets save lives and prevent brain injuries. If this law increases helmet use by teens to 30% (teens are a lot tougher audience than younger children), millions of health care dollars will be saved by the State.</p>	<p>Without forcing the issue of bicycle safety, our society will continue paying for the many unnecessary brain injuries of children not wearing helmets. We can put our tax dollars to better use.</p>
	<p>This law is not taking away the right of adults to ride a bicycle without a helmet, it only mandates that heads of minors get protected until they are mature enough to make their own decisions (voting age).</p>

The current law has no penalty for non-compliance. The lack of penalty makes it difficult for police officers to enforce the law. If they stop an offender they run the risk of being challenged without having a tool to enforce compliance. However, since the current law applies to riders under 13, these young riders are less likely to challenge an officer if he stops them and reminds them to wear a helmet. In some communities where the police department runs a strong bicycle safety program, local ordinances have been passed allowing a penalty for non-compliance (West Newbury, Rockland).

Also, an unenforceable law sends the message to the constituents that breaking the law will go unpunished -- not a good message to give to children.

Quality multisport-sport helmets cost approximately \$15+. A poor family might not be able to afford helmets for all of their kids. A free/low cost helmet program must be in place to help such families. (several private initiatives exist in the state).

Adding a penalty will make the helmet portion of the law enforceable by police officers. Some police departments have purposely stayed away from the helmet issue to avoid being challenged by offenders.

Bicycle-related offenses should be treated much like other traffic violations (with fines for non-compliance). Over the years fines for traffic offenses have risen well past \$20. Increasing the fine for bicycle-related offenses will bring the fines on par with motor vehicle violations. Communities may determine the size of the fine with the maximum being \$50. Note that including a fine in the law does not force any police department to issue such a fine, it gives it the option to fine if desired. As with all laws, each police department will decide what are its enforcement priorities. If bicycle safety becomes a priority in a community the revised law will give police officers a much better mechanism for enforcement.

The mechanism for collecting any helmet law violation fines is the same as the one already in place for other bicycle-related fines. Thus the addition of the fine does not require new collection bureaucracy. Also, a fine is a relatively painless way to generate local funding for safety programs. Similar concepts are used in California (law to 18 yrs., with penalty and fines for bike safety: <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=908347336+0+0+0&WAIAction=retrieve>)

New Jersey (law up to 14 with a penalty fund: http://www.njleg.state.nj.us/folio.pgi/statutes.nfo/query=bicycle+!0D!0A/doc/{1,0,0,0}/hits_only?), Pennsylvania, and other states.

One way to promote better bicycling in a community is to improve bicycle safety education using funding from fines.

Since many more children will have to own helmets, the availability of free/low cost helmets will have to increase. Additional initiatives will be needed. Money from fines can become a source of revenue for such a program.

The law specifies that suitable helmets must comply to an ANSI, SNELL or a subsequent standard. Since the law was passed, a much stronger and more widely accepted standard, ASTM, has emerged. Helmets that test to ASTM standards may be used not only for bicycling, but also for other non-motorized sports (recreational inline skating, ...). Also, the ANSI standard has expired and a new ANSI standard has not yet been approved.

Since the ANSI standard is the weakest standard (and now technically defunct) on the market, and since most manufacturers use the better ASTM standard, the ANSI standard should be omitted from the law. A new standard by Consumer Safety Product Commission will be mandated as of 2/99. To allow for tightening of the standard keep the "or subsequent standard" clause. Also, note that not all bicycle helmets provide enough protection for other wheeled activities. For example, SNELL B95 helmets are not suitable for inline skating, but SNELL N94 are.

See <http://www.bhsi.org/webdocs/stdcomp.htm>.

We might as well **update the technical details** while we are improving the rest. However, we need to include a "grandfather clause" for owners of ANSI and SNELL B84 compliant helmets.



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3.

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 23, 1998

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 4, regarding drafting an ordinance or regulation to raise to age eighteen the requirement of wearing a helmet when bicycling, received from Traffic, Parking & Transportation Director Susan Clippinger.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment

Consent Agenda #3

0-7

Regarding drafting an ordinance or regulation to raise to age eighteen the requirement of wearing a helmet when bicycling.

In City Council March 23, 1998

PLACED ON FILE

ORDER ADOPTED