



BPAC Bike Helmet Ordinance Report

September 2013

Last year, Councilmember Jim Cooper directed BPAC to research what other cities have in place for helmet use, such as mandatory helmet laws or encouragement campaigns, and to provide input to Council on the findings. This paper was written by staff to provide BPAC with up-to-date information on the matter to aid in their recommendation to Council.

Brief History of Bike Helmet Use

Mandatory helmet laws for bike riders emerged out of a successful campaign in the 1970s and -80s to require helmet usage for motorcycle riders. The first generation of bicycle helmets resembled motorcycle helmets in design, but adoption of these helmets was slow. Complaints that they were uncomfortable, restricted hearing, and were hot resulted in the more lightweight, aerodynamic design on the market today.

Nearly all bike helmets for sale in the United States are the same design: a hard plastic shell that distributes force around the outside of the helmet before it transfers to the foam inside, which breaks apart when it absorbs the force. The uniformity of design is the result of a consolidation of helmet standards in 1999 under the authority of the Consumer Products Safety Commission (CPSC). The only substantive differences from one brand of helmet to the next relate to ventilation, aerodynamics, and style. This is surprising, given that prices for helmets vary from roughly \$23.00 to \$275.00.

The state of California enacted the first mandatory bike helmet law in the United States in 1987. The law initially applied only to children under age 5 and was expanded in 1994 to include riders under age 18. The push to require helmet usage got a big boost in 1989 when the *New England Journal of Medicine* published an influential [study](#) that appeared to show a strong reduction in head injuries among bike riders wearing helmets. A later [meta-analysis](#) — which is a review of several studies — that included the 1989 study found that there was a very small relationship between bike helmet usage and reduction of head injuries.

This topic has been thoroughly researched, but to date, there is no scientific consensus that bike helmet usage reduces brain injuries — the most serious form of head injury a bike rider can incur. In fact, some research has found that brain injuries among bike riders have increased as helmet usage has, even after adjusting for the greater numbers of people riding bicycles. Some speculate that the increase is due to “risk compensation,” or people taking greater risks because they feel safer when wearing a bike helmet. [Others](#) point out that bike helmets are designed to mitigate the effects of the statistically rare but catastrophic injuries incurred as a result of a force called lateral acceleration, whereas the majority of brain injuries among bike riders occur as the result of what is called rotational acceleration, which the current design of helmets does not mitigate.

Where do we stand now with mandatory bike helmet laws?

To date, [22 states and the District of Columbia](#) have some kind of mandatory helmet law in effect, as do about 200 cities and counties. The heyday for passage of mandatory helmet laws lasted from the

early 1990s until the mid-2000s. For example, King County passed a mandatory helmet law for all bike riders in 1993, which was extended to include the City of Seattle in 2003.

Washington has no state-wide mandatory bike helmet law. The counties and cities in Washington that do have helmet laws are fairly unique, because the majority of the laws apply to bike riders of all ages. In other parts of the country, it is much more common for the laws to apply to riders under a certain age, which varies from 5 to 18.

Momentum for mandatory helmet laws slowed in the mid-2000s, as more studies emerged that called into question earlier research and assumptions about bike helmet effectiveness.

What about bike helmet encouragement campaigns?

There is no comprehensive list of cities or counties that have encouragement campaigns to promote bike helmets like there is with mandatory helmet laws. There is, however, a fairly robust body of research on how to encourage people to wear bike helmets, which suggests that encouraging bike helmet use is common enough to have merited research into how to do it effectively. This is not the case for other safety encouragement campaigns related to bike riding, like route choice, lights, or bright clothing.

Among all the localities that promote bike helmets, New York City's program to provide a helmet to any resident who wants one stands out, especially since helmets are only mandated for bike riders under age 13. As of 2012, the city had given out over 50,000 bike helmets, and monthly helmet giveaway events are still ongoing. In addition to the helmet, each recipient is also educated on how to fit it properly.

The City of Olympia has also offered free helmets to low-income citizens at City Hall for the last three years, thanks to a one-time grant from Safe Kids Thurston County. The helmet is accompanied by a fitting from either a trained volunteer or staff member.

Safety tips for bike riders and drivers are a regular message in City utility inserts and other public information. Encouragement to wear a helmet, as well as how to properly fit one, is almost always included. The message the City of Olympia sends is clear: we encourage people to wear bike helmets.

Legal Aspects of a Mandatory Helmet Law

There are some legal implications to writing a mandatory helmet law: the City of Snohomish, for example, repealed its mandatory helmet ordinance in 2002 when officials were informed by the Washington Cities Insurance Association that the city could be liable for failing to enforce the law. This came up when they were building a skateboard park and determining if helmets should be required at the park, and the conversation broadened to encompass the bike helmet ordinance.

Another legal question that sometimes comes up when discussing mandatory helmet laws relates to the potential impact on insurance settlements for bike riders injured by drivers. Some bike advocates have wondered if, in jurisdictions with mandatory helmet laws, bike riders can be held responsible for injuries sustained while not wearing a helmet when the law requires it. According to Bob Anderton, a

Seattle attorney who specializes in personal injury cases for bike riders and walkers, insurance companies have made this argument regardless of any local mandatory helmet laws.

Anderton does, however, urge the inclusion of language similar to the state seatbelt law ([RCW 46.61.688](#)) if the City opts to pass a mandatory helmet ordinance: “Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly (*or helmet*) be admissible as evidence of negligence in any civil action.” The District of Columbia has similar language in their [mandatory helmet law](#) (see section 7).

What’s the harm?

The answer appears to lie in the “[safety in numbers](#)” research, which has shown that as the number of bike riders on the streets increases, so too does their safety. There is also evidence that mandatory helmet laws [reduce the number of bike riders](#). Finally, there is the matter of equity: purchasing a helmet is costly, and the penalty everywhere mandatory bike helmet laws are in effect is a fine. Is it fair to fine people who cannot afford a helmet in the first place?

Conclusion

While initial findings about wearing bike helmets seemed to promise a significant reduction in head injuries, further research has found that the matter is much more complicated. Mandatory helmet laws have been found to reduce the numbers of people riding bikes, which also reduces their safety in numbers. As bikeshare systems spread across the country, there is even greater opposition to mandatory helmet laws, because helmet requirements complicate bikeshares.

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