



Bicycle Advisory Committee of the City of Los Angeles

October 15, 2014

Councilmember Joe Buscaino
Chair, Public Works and Gang Reduction Committee
Los Angeles City Council
200 North Spring Street
Los Angeles CA 90012

Re: Council File 13-1604: Temporary Street Memorials and “Ghost Bikes”

Dear Councilmember Buscaino:

On October 7, 2014, the Bicycle Advisory Committee of the City of Los Angeles (BAC) unanimously adopted the following position regarding the Bureau of Street Services’ August 22, 2014 report regarding roadside memorials, including “ghost bikes.”

A ghost bike is a roadside memorial—usually a re-purposed bicycle painted white--placed where a cyclist was killed. They serve two purposes:

1. To memorialize the individual victim of the traffic collision; and
2. To call attention to unsafe streets and to remind motorists to share the road with bicyclists.

As discussed below, the BAC objects to BOSS’ recommendations, In certain respects, they do not comply with the directive in the motion introduced by Councilmember Englander and you, and adopted by the City Council, to establish “sensitive” and “compassionate” policies.

Moreover, the Department of Transportation recently adopted a strategic plan that calls for a “Vision Zero” policy to eliminate all traffic fatalities, and to reach this goal by “using outreach and messaging campaigns...to encourage safe and courteous behavior on the street that will save lives and prevent injuries.” Ghost bikes should be viewed as part of the City’s Vision Zero campaign, rather than a nuisance to be removed from view as quickly as possible.

Placement of Ghost Bikes Should Not Be Subject to Stricter Standards Than Required by the ADA or That Are Applicable to Street Furniture

The BAC recognizes the City’s need to ensure that ghost bikes do not obstruct or create a safety hazard. However, such memorials should be subject to the same standards as other types of street furniture, such as bus benches, bike racks and trash receptacles. It appears that BOSS seeks to impose stricter standards on ghost bikes.

BOSS recommends that pedestrians should be “provided with a minimum path of travel that is 5 feet wide to comply with accessibility standards established by the American with Disabilities Act (ADA).” The source of this “5 foot” rule is unclear. The United States Access Board has not yet established sidewalk width standards. <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>. Its proposed guidelines establish a minimum sidewalk width of four feet (4’). <http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way/proposed-rights-of-way-guidelines/chapter-r3-technical-requirements>, Section R-302.3. The City’s bus bench contract with Martin Outdoor Media appears to establish a minimum path of travel of three feet (3’). <http://bss.lacity.org/Engineering/pdfs/11-10-05%20C-119661%20City%20-%20MOM.pdf>, Exhibit B. Thus, the five-foot rule does not appear to be required under the ADA, and exceeds standards applicable to other sidewalk obstructions.

The BAC is concerned that a five-foot rule would have the effect of precluding installation of street memorials in many parts of the City. Many sidewalks in Los Angeles are only five feet wide, and in these locations the proposed rule may prohibit any memorial at all. Ghost bikes and some other memorials are intended, in part, to bring missing or inadequate bike and pedestrian infrastructure to the attention of the City and its residents. Thus, they are, in part, political speech at the core of First Amendment protections.

Your committee might wish to consult the City Attorney’s office regarding the First Amendment implications of adopting a standard for ghost bikes that is more stringent than the commercial advertisements on bus benches, that goes beyond ADA requirements, and that in many instances effectively bans this method of political speech.

The BAC supports recommendations that “traffic control devices (signs, signals, poles, control buttons/boxes, etc.) remain visible” and “no items are placed on the roadway.”

The City Should Not Remove Ghost Bikes after 30 Days, but Should Allow Them to Remain for at Least One Year

The BAC opposes the proposal to remove ghost bikes after only 30 days. Ghost bikes are qualitatively different from other memorials. Because bicycles are designed to withstand the elements, ghost bikes are more durable and long-lasting than candles, flowers and handwritten signs that often memorialize these tragedies. They also have an explicit First Amendment purpose of seeking to call attention to our unsafe streets. We propose the following rules for ghost bikes:

1. Ghost bikes should be allowed to remain in place for a minimum period of at least one year, with no maximum.
2. After that one-year period, a ghost bike can be removed by petition of a nearby property or business owner.
3. The City should establish a streamlined process for installation of a permanent memorial. The image on the following page shows a permanent ghost bike/bike rack installed by the city of Decatur, Georgia, after a ghost bike was stolen. As part of its Vision Zero campaign, the City should consider installing similar permanent markers at its own expense.

In sum, while the Bicycle Advisory Committee appreciates the City Council's efforts to establish uniform standards for ghost bikes, we believe that BOSS' proposed rules are unduly restrictive. Because ghost bikes would be removed after a short 30-day period, the City might send an inadvertent message that it does not take traffic fatalities, particularly of vulnerable road users such as bicyclists and pedestrians, seriously. If you have any questions, please contact me at jeff.jacobberger@gmail.com, or 323.646.3308.

Respectfully,



Jeff Jacobberger
Chair, Bicycle Advisory Committee

cc: Councilmember Price
Councilmember Cedillo
Michelle Mowery
City Clerk's Office (for filing in Council File)

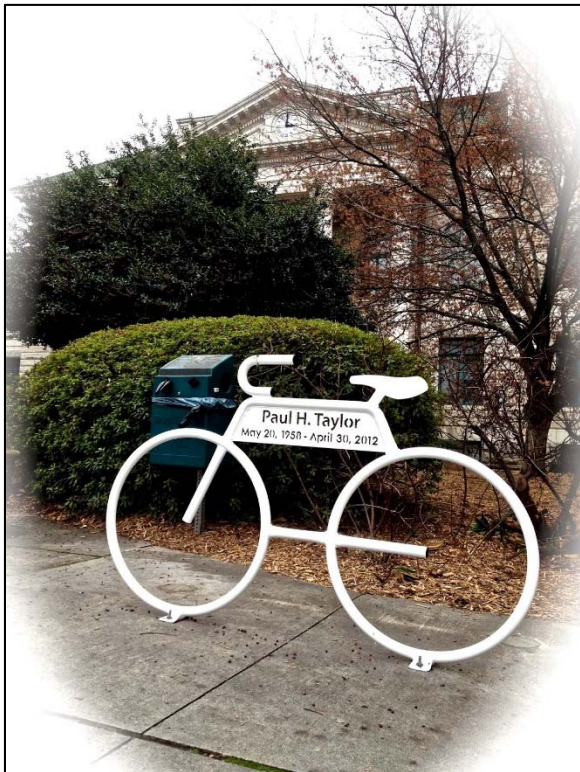


Figure 1. Permanent Ghost Bike in Decatur, Georgia:
Source: <http://www.foodshedplanet.com>.