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Saturday, 18 August, 1990

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Re: Headphone Debate

As with any other prohibition, the use of headphones by cyclists should be prohibited only when a clearly valid purpose is served. Allen argues that there is no such purpose while Fremont argues that the purpose is to allow cyclists to avoid being hit by a car or a train. One legal purpose exists: drivers are required to obey signals from horns and sirens. California, and perhaps other states, has a law prohibiting motorists from using two-ear headphones and ear protectors with two exceptions: dangerously noisy vehicles and ear protectors that permit hearing horns and sirens. It is entirely reasonable that the law prohibit all drivers from using any equipment (noisy vehicles, soundproof vehicles, earplugs, or whatever) that prevents them from hearing horns and sirens, although no state (to my knowledge) has enacted a law with such wording. Existing laws about headphones and earplugs are merely incompetently-worded, ad hoc versions of such a law, written to take care of particular objects without considering the real objective.

Headphones that permit hearing horns and sirens are in common use and their effect is similar to normal car radios. Let's assume that others are prohibited and are not used. Then we get to Fremont's argument that cyclists must be required to hear all, and only, the natural road noises. He gives one reason: by paying attention to road sounds the cyclist can avoid being hit by illegally-driven cars and can avoid riding in front of trains. He gives three examples.

The first is a headphone-wearing cyclist who failed to get out of the way of a multiple-car collision. There is no evidence that the dead cyclist did not hear the multiple-car crash or was distracted by music; she could have heard the noises and not known what to do.

In the second, when Fremont heard a reduced-power noise of a car that was passing him, he slowed down and thereby avoided colliding with it when it turned right. Presumably, he also had the normal visual clues that alert us: slowing down, edging right, the presence of the corner. By arguing from this example, Fremont is arguing that whenever a cyclist hears a reduced-power noise from an adjacent car he should slow down. I wouldn't bother.

The third is when a headphone-wearing cyclist disobeyed a railroad crossing gate and was killed by a passenger train traveling at 85 mph.

The rest of Fremont's argument has no substance and much is quotations from supposed experts. About the 85 mph train he quotes Dan Burden: "Maybe he expected a [slow] freight [train], and if he heard [had been able to hear] the horn he would have realized the train was closer than he thought." The argument is absurd; if the cyclist was killed because he misjudged the speed of the train the question was not how close the train was but how fast it was going, and the sound of its horn does not tell its speed. Fremont quotes Burden about cyclists on bike tours: "NO WAY. Headsets do not belong on a bike tour .... You must be able to hear. Using headphones is the height of foolishness and risk taking and breaks the absolute rule of sharing the road responsibly with other riders."

Burden makes these arguments because he doesn't know how to ride responsibly. Cyclists should obey railroad crossing gates and look for trains, rather than relying on their ears. Cyclists should deviate from a straight line only when they have looked over their shoulders and determined that that space is clear, rather than swerving any which way unless someone behind yells "On your right," or "On your left." It's people like this who give cycling a bad name and influence legislators to pass bad laws.

So far as distraction is concerned, we permit motorists to be distracted by music and voice, even though incompetently-driven motor vehicles are far more dangerous to the public than are incompetently-driven bicycles. The conclusion is obvious: neither public nor government believes that the distraction of music or voice renders drivers incompetent, as, for example, alcohol does.

The only substantive question is: Would prohibiting headphones substantially reduce accidents to competent and lawful cyclists? (Incompetent and unlawful cyclists cause their own accidents.) Ken Cross lists hearing impairment as a contributing factor in 0.2% of car-bike collisions, equal to 0.0033% of accidents to cyclists, but gives no further information as to the circumstances or the cause of the impairment (deafness, headphones, excessive other noise, etc.). When so few accidents result from this cause, prohibition is foolishness.

Sincerely,

John Forester