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Transcript

Speaker 1

It's time for the outspoken cyclist your weekly conversation about bicycles, cyclists, trails, travel, advocacy, the bike industry. And much, much more. You can subscribe to our weekly podcast at outspokencyclists.com or through your favorite podcasting app to listen anytime. Now here's your host, Diane Jenks.

Speaker 2

Hello and welcome to the outspoken cyclist. I'm your host, Diane Jenks. Thanks for tuning in today. With the demise of events such as NABS, the New England Builders Ball Classic Rendezvous weekend and even the postponement of the Philly bike show until spring of 2024, any opportunity to see classic bikes and talk with other enthusiasts is welcome. So next Sunday, October 22nd, head on out to Long Island, New York for a few hours of vintage and handmade bikes, along with the swap. Jamie Swan, frame builder and machinist extraordinaire, is the producer of this little event, and he's my guest today. Jamie will fill us in on everything you need to know about the show, as well as his incredibly cool side gig at the prestigious Webb Institute. After my conversation with Jamie, I check in with Ohio Bike lawyer Steve Magus. When a group of riders literally ran into a downed wire, causing three of the riders to go down to with injuries, they needed, Ohio bike lawyer Steve Maggie's expertise to help with arbitrating the case against one of the big Internet providers. So what was the Internet guy thinking when he left the cones and other warning signs that usually are placed on the roadway in his truck? And what's the difference between riding on the road and on a trail or path when it comes to liability, Steve will tell us the story of the riders and fill us in on what we need to know about our responsibilities on and off the road. So I know most of you probably don't live on or near Long Island, New York, but I still think this event is worthy of a conversation, especially when it's with Jamie Swann. Jamie is passionate about vintage bikes, passionate about helping people to learn about them, and passionate about sharing his knowledge and expertise. Hi, Jamie. Welcome back to the outspoken cyclist. Thanks for joining me. It's good. To talk with you again.

Speaker 3

Hi Diane, likewise.

Speaker 2

Yeah, we haven't spoken. I think the last time we actually spoke face to face was at French vendor day at Peters. Yeah. Yeah. Or was that before or after the the New England builders ball? I don't remember. But it was around that same year.

Speaker 3

Every time. Couple of years ago.

Speaker 2

Yeah. Yeah. So I want to talk about something that I think. You're doing that. And has a lot of interest, but doesn't seem to have a lot of widespread knowledge about and that's this Long Island rendezvous. You know you love bicycles. You love metal working and your creations are just, I mean, you know, everybody loves what you do. They they're so magnificent giving back to the community is something that I also see you doing. So I I'd like to know about. The Long Island rendezvous it was. Happening 4 * a year it's coming up October 22nd. I wanted to make sure we got this into the next podcast. Tell us what it is, where it is and where it's going to be.

Speaker 3

It's a little local bike show for vintage and handmade bikes show slash, swap meet that it was my brainchild. I've been promoting it. It's been going on for a couple of years now. We've been doing it quarterly. As you said. The the next one will be coming up on Sunday. October 22nd and that'll be the the fall we we call it the winter rendezvous, spring rendezvous summer. So that'll be our fall rendezvous and the last one for 2023. It's held in a old barn that has heat and electricity and plumbing, and but it's it's a restored old barn on the grounds of the the Smithtown Historical Society, and it's really a cool venue. I I've been using it for years for antique tool meets and swap meets for old tools. So I've been going there for many years and so it's available for rent for certain purposes and the rent is very reasonable and they give you a key and you show up and unlock. The place. So it's it's. Just I was able to start doing these bike shows because that venue is available to me and that. You know, having the venue, you know, kind of planted the seed in my. Mind like hey.

Speaker 4

We can you.

Speaker 3

Know have a bike show why not? So I started doing it a couple of years ago and people have been coming and where we spread out an old bikes and tables full of parts and have a good time for. A few hours.

Speaker 2

We'll be there besides.

Speaker 3

Local bike collectors occasionally we have a frame builder show up. You know people hear about it through the Grapevine and come, come down out of curiosity. We're trying

not to limit it in terms of what kind of. Bikes are appropriate. You know, I'm a long standing member of classic rendezvous. And and I've. It's sort of an homage to that and and Dale Brown to, to borrow that name. You know the classic riding boot has some clear cut guidelines on what years and types of bikes are considered appropriate under that heading and and I totally agree with Dale's judgment. And you know those rules that he puts up, I think they're fantastic. But for this little local show, I've sort of dispensed with all that and and we're saying if it's vintage. To you, it's vintage to us. If you have an old bike that you think is neat, bring it on down. So mountain bikes, Stingrays, you know. BMX, although it's. Still, you know my friends, and it's really my circle of friends. Are the core. It's vintage lightweights, is the is the key thing roadsters and things like that. But we have, you know, a guy who. Brings down his. Balloon tire bikes and you know we have a a smattering of other types of bikes.

Speaker 2

So if somebody wants to come down and display something, they bring a table. Or are there tables available or?

Speaker 3

We have plenty of tables there. It's 5 bucks a head. If you want to walk through the. Door you can. Any for anybody you know, whether you're a vendor or just the spectator or whatever, it's just 5 bucks. I have a cigar box on the table and that goes to pay the rent and sadly we haven't been covering the rent, so I'm subsidizing it, but. I I guess that's patterned after the tool swap meets that I've been running for for a number of years now. It's the same thing. 5 bucks a person, whether you're a vendor or just an attendee or showing or whatever, just keep it simple.

Speaker

Well, I think that.

Speaker 2

Maybe getting the word out differently, I I imagine mostly it's been word of mouth. But you know, since the demise of NABS and now Peter's not doing French Fender Day and the builders ball is gone this year. Hopefully to come back, Philly moved from fall to spring. This is kind of an opportunity. For some people to actually like, you know, get. They're steel bike fixing sort of. You know that that they aren't. They aren't seeing in venues where they were seeing them. I mean, I feel kind of badly that all of these shows are kind of gone, apparently made in Portland, did very, very well. But, you know, I know this is small, but still it's something, right?

Speaker 3

Yes, and MM Cohn did his show in Auburn, and he plans to do it. Again, so there's a little glimm. Of of hope for. Vintage bike events, but I I totally agree with you it's it's sad that so many of these shows are have faded away and and there is, I think, a significant

hunger for these social activities and bike shows. So you know, I'm doing my little part out on Long Island. The thing with Long Island is it's tough to get to. You know, people don't want to go. You have to run the gauntlet of passing through New York City to get out here. So I I think that discourages people I don't have. I I do have a fair number of people coming from the boroughs of. New York, but. Very few are coming from beyond, so it's mostly, you know, Long Island group.

Speaker 2

So there's no other way to get there, but through the city.

Speaker 3

You can take the ferry. There are two ferries. Across the Long Island sound that come from Connecticut.

Speaker 2

OK, Ohh so you could go to Connecticut. Yeah, there's probably an airstrip there too, I'll bet.

Speaker 3

But that's also.

Speaker

Ohh yeah.

Speaker 4

You can fly here, yes.

Speaker 2

Hey, we have we have customers who have. Their own planes, you know, they they fly around. The country it's pretty interesting.

Speaker 4

Well, I'll pick him up at the at the.

Speaker 3

Airport if need be. Well, we'll.

Speaker 2

Come get you with a vintage bike. There you go. You you alluded to it and I really want to explore it a little bit if we can, but let me take a moment to reintroduce you. We're speaking. With Jamie Swan, people know him as an exquisite builder and a metal

worker. And tell us your quote UN quote, part time day job, because I've found it. Fascinating over these years.

Speaker 3

I work at at a. At a very unusual college, it's a a a school of naval architecture and marine engineering. It's called Web Institute. We're in Long Island, in Glen Cove, Long Island on the waterfront. We're in a 25 acre wall, the state. And we have a student, a total student enrollment of around 100. We only offer one degree. It's tuition free. It's been in existence since 1887, and I'm a lab tech slash machinist here. I teach machining and welding. And I work three days a week and it's just a fantastic place. I'm I'm I pinch myself every day. I drive through that gate.

Speaker 2

That's cool. I mean, I can remember Brian and I talking about it when we first learned what you were doing and. I'm like what a. Fascinating job. So how did somebody actually become a student there? If it's only 100 students and it's tuition free, there must be some sort of control to get them in.

Speaker 3

You gotta be really smart.

Speaker 2

We'll start with smart.

Speaker 3

Yeah, we have the highest SAT scores in math of any college. In the United States, where you know there's not so much standardized testing is falling by the wayside, but we have our own entrance exam for mathematics. You have to come and spend a day and a night if you, if you are identified as a as a PF prospective freshman here, you have to come, you spend 1/2 an hour being interviewed. By the President of the school. And you sleep in the dorms, you if you are a student here, you're required to live on campus. No one. There's no commuters. You live here? So if you're identified as a prospective freshman. Part of the. Admissions process is to spend a day and a night here on campus. You'll attend classes and you, you'll have a.

Speaker 4

You'll sleep with a.

Speaker 3

A freshman. You know, somebody's going to give up their bed and go sleep. Some place else so you can stay in the dorm. And you're kind of evaluated by a a broad spectrum of the population here, including your peers. You know, the kids kind of get to vote. The other thing that goes hand in hand with it is if you we have. Brilliant kids

walking in the door and so they are very, very successful in their careers and they're very strongly encouraged to donate back to the school. That's the William Webbs endowment is the fundamental funding device here, but also. We have a 70 some odd percent. Of Living alumni or actively donating to the school, so that's what supports the place.

Speaker 2

Men and women can apply.

Speaker 3

Yes, yes. Yeah. They're trying to get, you know, always trying to admit more women and. And, you know, people of color, etcetera, you know, diverse looking for diversity and.

Speaker 2

Just like the bicycle business and not much different. Well, it sounds fascinating. Meanwhile, I I wanna just kind of go back to this whole idea that we've lost all these shows. Is that you're doing your part to kind of like keep it alive. What about the the hand built industry or the hand built world? The artisan world of steel bikes? I mean, you and I know that there's something so exquisite not just about the way they look, but about the way they perform and how are we going to bring a new generation into that. If it's gonna happen, I mean our our riders are aging out.

Speaker 3

Yeah, I don't know. I can't answer that. Diane, I don't. You know I'm not. It's whatever is going to happen is going to happen. I don't think that you know you or I or or anybody, any one person is really going to influence it. You know, I I do my best to to help fledgling builders. I've really that's almost a a major theme in my life is is, is teaching. You know I I do a lot of you know. Not-for-profit, but just, you know, advising people who are doing frame building or machining and you know, so I guess that's my contribution to to, to the thing in a way to stay optimistic about. The future is. To just pass along the knowledge and help people learn. How to build bikes?

Speaker

Well, I think.

Speaker 2

How I'd like to end this is with you telling people two things. One, if they're interested in the work that you're doing and then we'll talk about the show, including just getting a piece of advice, how would they contact you?

Speaker 3

People can e-mail me. It's it's Jamie Swan, J AM i.e. SWAN, 55, my birth year@gmail.com.

Speaker 2

OK. And then to find out about the Long Island rendezvous, now we're going to put a graphic up on outspoken cyclist and links and links to you too. But how would they come to the show?

Speaker 3

Well, yeah, unfortunately there's no website or anything. I have a Google group, so people if people will e-mail me, I mean, if you go to Google Groups, I think you can search. It's a closed group. So you have to ask me to be enrolled in it, but I'm very happy to put anybody who's a real human being. I'll put them on the Google Group and I think that. It's going out to. A couple 100 people now, a fair percentage of which don't live nearby. Why? But just wanna know what's going on. I I posted it on a number of different list servers and primarily classic rendezvous, but like the the frame builders group and the Brooklyn Velodrome, Vintage Wheelman, which? I don't know if you're aware of a person named John Pergolese who founded. The this is a whole it's a. Whole nother thing, but John passed away recently, so I just wanted to. Say our community is mourning the loss of John Bertolucci.

Speaker 2

No, I did not know him. And I'm sorry that I didn't have an opportunity to know him in the flesh. That's too bad. I'm sorry to hear that. OK, well, the Google group. So we will remind people that they can contact you through that. And once again, this is going to be Sunday, October 22nd. What time?

Speaker 3

1:00 to 4:00. That time is is kind of designed so that people can. If you're traveling, you can get there by 1:00, or if you're a local and you want most people wanna ride on Sunday morning, so you can ride, get lunch and then come to the event. Some people will ride from the event at you can put there's nice roads nearby, so people Park. There's a nice little. The It's like a farm, like setting. You know, it's bucolic fields and it's in the middle of. Very dense suburban area, but there's a a gravel parking lot with a Grove of trees and people park there and go out for a ride and come back and go into town. And get, you know, a slice of pizza or something.

Speaker 2

Nice. Well, Jamie, it's always nice to catch up with you eventually. I hope we get to see each other in person again. The vintage and handmade show, Long Island rendezvous Sunday, October 22nd. Be there. The fall. This is the fall version. I don't know if you're going to do 4 again four year a year again, so you might. Take this as your opportunity to go bring your stuff, and then there is. A swap meet too.

Speaker

You said yes.

Speaker 2

OK, cool. Alright. Jamie, thank you so much for talking with me. I love talking to you.

Speaker 3

Likewise, Diane, thanks so much.

Speaker 2

Take care. My thanks to Jamie for taking time to tell us about the Long Island rendezvous bike show. There's a graphic on our website, outspokencyclist.com, as well as the link to the Google group Jamie mentioned that gives you more details and Jamie wasn't kidding when he said he was available to chat with you about your questions. So let's take a short break and when we return. We'll speak with Steve Magus, the Ohio bike lawyer. We are back on the outspoken cyclist. I'm Diane Jenks. Steve Magus is a licensed attorney and has helped many cyclists who have been involved in crashes of all sorts. He also has a large database of state statistics. Very sobering statistics about bicycle fatalities. Interestingly enough, Ohio has fewer than most states, but it still isn't zero. In our conversation, it becomes really clear how important it is to take stock when you find yourself in a crash and get all the data you can gather. Here's my conversation with Steve. Hi, Steve. Welcome back to the outspoken cyclist. Thanks for joining me. We haven't spoken in a while. How are you?

Speaker 4

I am great. Thanks for having me. It's always a blast to be on your show.

Speaker 2

And it's always nice to have you because you are so smart and you've got all these legal things down and I want to catch up on some issues, you know? So Brian came to me. He said, did you see Steve's post? Like, no, I have to admit, I didn't see. See. That and he kind of explained to me what happened to these riders and I'm gonna let you back into the story because it was really, really weird. You posted it, apparently on about September 25th. You had just come from arbitration and had won. But tell us a little bit. It's like a David and Goliath story. What happened?

Speaker 4

Right. Well, I I've got a bunch. Of guys, guys, men and they were riding their all mostly older ish 60 plus kind of age group and they ride a lot and have nice bikes and they know what they're doing and they're out in a country rd. in what county? Is it down there? Pickaway County. Maybe. And it's the road that they are on is a rural rd. with new housing like like brand new development housing there's. Not even if. You go to

Google Maps. It's not. The boat is on the map. But if you go to the. Little street scene. They they haven't driven the car down that road to take pictures yet. So you can't even see where. The crash happened. And so there are six of them coming at. A pretty good. Clip probably 18/19/20 miles an hour and all of a sudden somebody else wired down and apparently we know now as they're heading in their direction to their left in a driveway was a spectrum truck. And the guy from the spectrum truck had got another truck going across the street up the. Hole and loosened or cut wires, which then dangled down onto the and I. Think he loosened? Them because he came down and you could see them at an angle and then they ran across the load and a couple of the guys hit the wires on the road and went down and another one hit the the two that were down to three of them. Ended up going down. Had injuries more severe, one had minor injuries, but it's like that on that stuff and so.

Speaker

Yeah, it.

Speaker 4

Seemed pretty straightforward to me. I mean, the after the incident, the guy moved the truck to was more visible. He brought out all this warning stuff put. Up cones and. You know, he obviously had all the stuff he needed to. He let everybody know he was there, he just wasn't using it and the the the sheriff came and did an absolutely awful report. I mean, terrible. Didn't listen to what the guys were saying. Got the facts wrong. He didn't care because it wasn't a car. Crash. He wasn't gonna say anybody. He's just he was just taking some notes, but they were wrong. They they called me. We tried to communicate with spectrum, took me forever to get. Maybe with one of the one of the big cable company. It took me forever to get somebody to respond to me. And then there was a a period of time where they just wouldn't answer letters. We went almost a year. With this. Minimal communication. Me sending them stuff and then never. Bonding. And I finally said, hey, why don't we just file a lawsuit that will get their attention? And so we did that. We got a lawyer involved who was more practical than than the company was. We did some initial what we called Discovery exchange some information and then we went to mediation before we started spending the bigger trial money on the case. And we're able to negotiate a a fair resolution in media. Patient. And so it was. Yeah, to me it was pretty clear they were negligent. That's all we had to prove was negligence. And you're not allowed to just throw stuff onto the road if you're taking a a bucket of nails and dumped it out there or throwing a can of paint out there. To make the. Roads slippery, you know, have been the same kind of thing. Ohh. Worse, but so I. I thought we got a fair resolution and I wrote something about it. And then your question earlier about the standards. If you ride your bicycle on the roadway like everybody drives their cars, you ride your bike. And I always say once you cross the white line. And you're in the game. You know you're off the side lines. You're in the game. You gotta play by the rules, so you gotta go in the direction of traffic. You gotta be in your lane. You. Gotta stop for stop lane, blah blah blah. That changes if you ride your bike to the bike trail. That's the

standard negligence. Once your wheels touch the bike trail, the asphalt, same asphalt, the standard changes. And now if someone hurts you. You have to prove not that they were negligent or careless. You have to step up and prove they were reckless or willful. Wanting behavior, then intentionally tried to hurt you. Those are the next rungs of the Liability ladder should be. Step up a notch from negligent to reckless and of. Course you can. Rarely prove reckless, mean people are careless. They do stupid things, but they don't. Necessarily do reckless things on a bicycle, on the on the bike trail. I don't know if they had the blindfold on or they were standing up on the bike and trying to show off and they fell off and took you out. Maybe that would be reckless, somebody just, you know, going a little fast around the curve and comes. Left the center. And they get you. I don't think that's. I don't know that that's reckless. I don't. Know the jury will find that so.

Speaker 2

I want to ask you. A question before we move on out of this. At all and that is how were you able if the spectrum guy suddenly realized now that he has three down riders that he needs to get his crap out of the car and put up the cones and put up the, you know, and show that how were you able to prove that he hadn't done?

Speaker 4

OK.

Speaker 2

That beforehand he could have just said, well, they were. Out there, they never saw them.

Speaker 4

Ohh yeah, it could have been a he said. He said situation. It wasn't. He didn't deny that he didn't have the stuff until so that was good anymore.

Speaker 2

Right, right. Yeah, he was a good guy then.

Speaker 4

In many communities today, I'd have been able to get some some ring camera footage to show too, because that's we use that a lot of times folks are riding with Gopros and and other things along those lines. So we often get video footage or or other camera footage or security.

Speaker

Right.

Speaker 4

But if I had a. A fatal crash way out in the middle of the country. But on the corner, it's like 3 cornfields and a house, but the house had a security system, and they had a camera pointing towards the intersection, and it captured my guy getting clobbered by a truck in the middle of the the truck didn't even slow down. And going through the stop sign. So, you know, we see those cameras kind. Of everywhere now. Rural and and urban settings. So we often get video footage that way.

Speaker 2

Let me reintroduce the only take a moment. We're speaking with Steve Magas. He is. The bike lawyer.

Speaker 4

Ohio Bike Law Ohio bikelawyer.com.

Speaker 2

And so the. Rules in Ohio. That's the next place I want to go. So these trail rules. Are they Ohio Trail rules that that say now you're a you're a recreational rider? Because I noticed in the comments and and we'll we'll refer them back to the your Facebook post because there's some interesting comments there in your in the comments, if I'm not mistaken, it's Chuck, Chuck Smith, maybe from Ohio. High School Federation uses one of the trails to commute from A to B and those trails are all outside of the Xenia, Dayton, Cincinnati, the Little Miami Trail system, I think, is what he's talking. If he were hurt on the trail. He would have no recourse. The way these riders did. On the road is. It and is there any way to change that or? Is this an? Ohio rule, or is it a National Park rule or just?

Speaker 4

Yeah. So there's 10 questions in there, let. Me. Try to hit them.

Speaker 2

Yeah. OK, let's let's sort it out.

Speaker 4

So there it's not a it's not a written rule where there's a sign or a book and you go to it and it says this is the rule. What happens is that, you know, on the roads we have traffic laws. And if you break a traffic law. Doesn't matter if you do it intentionally, recklessly, willfully or carelessly. You break the traffic law on the road, then you are and somebody gets hurt, you know, then you are liable for that. And if the other person is also careless, then the juries can actually measure or, you know, take some some. Some measurement of each. Of you. And as long as you're not more. Making than than they were then. If it's 5050, you win. You just win half your. If it's 60 to 40 and you're 60, then you don't win anything in Ohio. So that's an Ohio rule for Ohio roads. Once you get on the bike trail, you're on sort of private property. The the traffic rules don't apply anymore.

Each trail could theoretically create their own rules for for certain things. And most of these things we're talking about are multi use trails. They're not like only load, load, bike roads or something like that. They're they're not bike lanes or multi use trails and they have a set of rules usually at the top. But what I'm talking about is when something happens something somebody gets hurt, and now the lawyers are coming in. The insurance company are coming in. They're trying to assess who's at fault and what are the standards in those situations. The courts have set up one sort of cubbyhole of liability for recreational use. And I call that smaller recreational user. And because the courts say once you're once you're using a bike trail and not a road, you are a recreational user, your your intent is irrelevant. You're the fact that you're commuting from your home to your law office is irrelevant, or you're going to a business meeting or whatever. Those things are sort of irrelevant. You are a recreational user, and as a recreational user you are governed by this higher. You have to prove a higher level of culpability. You have to prove if you prove somebody's negligent, you lose. If you prove they are reckless, then you can win. Like if you're at a playing softball, people do careless things on a softball. You know they somebody slides in here and takes you out. You break your ankle, there's no liability there. You have to prove somebody who's recklessly or or more to to win. That's small arm recreational user. Sometimes on the trail stuff happens because the trail sucks. You know there's a a pothole, there's a divot in the trail that's unfixed. It eats up a bike tire like a sewer grate, and you go flying off of that or something along those lines. There is a statute in Ohio called the Capital R Recreational user statute. And that statute protects land owners who open up their lands for free. That's the that's the kicker. You have to open up your land for free. You can't charge a dollar or \$0.50 to ride the the trail or something like that. But if you do that, you cannot be sued for negligent need not, you know. Creating a hazard negligently. If you set a trap for someone that's that goes beyond you know you. Set up some. Booby trap to capture people or or smack people with limbs or whatever. You know, that doesn't fall under that, but for. They go, they become premises, liability. People fall down, they get hurt, they they fall off of something. That road gives way or whatever. You're not generally liable for that. That's a tough stuff to get around then.

Speaker 2

I want to wrap this part of it up because I want to talk to you about some of the other. Stuff that you're so. Good at and that you've. Been sort of testing tracking for many, many years, so if I'm not mistaken, was it maybe two or three, maybe even longer ago because the pandemic has made our memories so weird. That somebody hit. On a trail a divider. So at some trail heads they have a left right divider. So you're gonna stay to the left of.

Speaker 4

Make a bottle.

Speaker 2

It to the yeah. And he hit it. And it, as I remember. He went down and died.

Speaker 4

Yeah, he was a guy at the Mansfield. OH, I'm very familiar with that area. And there would be in all likelihood, no liability for that. He was in a group, as I recall, and the rider in front of him scooted around it and he didn't turn. He hit it like that on. Crash was killed, so I don't. Yeah, I mean, part of me is the fan. Part of me is A is a fan of ball or it's heavy duty ballards in certain situation because they're very effective at protecting people on a bike lane or, you know, keeping cars out of an area where you don't want them to go. But.

Speaker

OK.

Speaker 4

If you're in the middle of. The lane. You know it's it's. It presents a challenge. Sometimes you just have to that that one was removed and then. You put put up the. Flex Post and the next thing you know, there's a car, you know, choosing to. Drive on the bike trail to get. Around something else and.

Speaker 2

Yeah, yeah. To keep cars off. But. And and we've seen them, you know, move the bollards down or lock them in place into the ground when they needed to get an ambulance down the the road. We've seen them do that too. We're speaking with Steve Magas. He's the Ohio bike lawyer. Always an interesting conversation. We're going to take a short break. When we come back, I want to talk to him about some of the statistical gathering that he does and has done for many, many years. You're listening to the outspoken cyclist. We will be right back. We are back on the outspoken cyclist. We're speaking with Ohio bike lawyer Steve Magnus, who probably has plenty on his plate right now. You're busy, huh?

Speaker 4

Yeah, we're always busy. You know, we we have. I'd like to have. Cases in three different sort of boxes. I like to have new cases. I like to have percolating cases and I like to have cases in the pipeline that are teetering on the edge of resolution so we can get those, get those going. We have a, you know, we have a good number of cases right now, so it's. It's busy, but you know it's sometimes you think, well, that's. Maybe statistically unavoidable, but it's still kind of kind of harsh. Sometimes what we see on the roads.

Speaker 2

Well, let's talk about statistics for a moment. As I remember, you have and probably still are, gathering statistics about fatalities in Ohio. Is that still true?

Speaker 4

Yeah. We even started a nonprofit called the Bicycle Crash Research Center BCRC, which if I ever slow down the real work, I'll be able to populate that, that the point of establishing this was to set up a 501C3 to take over this research. I've been there for the last 10 or 15 years on. Crashes, statistics, fatalities, injuries and all that kind of thing. They haven't quite tossed the bucket into their lap yet, but we're working on it.

Speaker 2

So how is Ohio doing and are you able to compare Ohio to other states in the country or even worldwide?

Speaker 4

Yeah, yeah. So I always say Ohio is very safe relatively compared to other states. How do you, how do you look at that, I mean? Over just looking at raw numbers doesn't tell you much. I mean, California is a huge state with lots of people, they're likely going to have a lot more crashes because it's a nice place to ride, and they're gonna have more fatalities. Texas is a big state. Florida is a big state. Ohio, though, it's the 7th largest state in the country. People don't realize that. 4 #7 out of 50, when we look at like what they call the rate of of fatal crashes. So what is the rate of fatal crashes that? Means how many? People per 100,000 or million population, do you expect to die? They fail the numbers, and if in Ohio when you look at it when you look at it from that statistical perspective, we are we are much better than the national average. Often the smaller states. Of more fluctuating rates because they only have a couple, you know, fatalities here. And if somebody goes like New Hampshire, goes from 2:00 to 4:00, all of a sudden they double their rate. But. By and large. You know, Florida leads the league. They're the worst by far. It's a big state. They're not. They're not quite twice as big as us, but their fatality rate is by five or six times. The highest is Ohio is below. The median. So we're like 33rd or something out of 50 in terms of being safe. So we're given the fact that we're that big to me that says this is a very safe place to ride. Then we have relatively few fatalities compared to what you might expect from looking at the national average or from looking at the other big states in the country. Well, that's a good thing. What has changed since around 2006 or 7? The things have changed. We in the 70s, we were at the highest level in the 80s. It came down the 90s fatalities total came down 2000. They came down and then there's a shift and since about 2006 seven, they've been climbing every year and now we're at a point where we're almost in 1970s level. I think there's. A Masters or PhD dissertation ready to be written there. When nobody's really studying that, I think it has to be at least partially related to the fact that you look at what other things are going on socially in that time frame. And Gee, the iPhone came out and Gee, the Facebook was created and Instagram and yeah, whatever, all the other exes and Twitters and. All the other social media sites. And people went from driving their. Cars with some distractions to driving their cars with a device. That they could take a picture. While they're driving and then. Click a few things and post that

picture. Hey, look at me. I'm driving. Then you can send it out to, you know, 3 billion people on Facebook or whatever. To me, there has to be some statistical way to figure out how to measure that. But it's gotta be related in there somewhere that that's too big of a major societal change. To not have any impact at all on the fact that we all of a sudden numbers for the most vulnerable population, cyclists, pedestrians, those numbers are going up. Car driver deaths are coming down. So people are not killing motorists in cars quite as often, but they are killing others that aren't in cars more.

Speaker

What do you think?

Speaker 2

About the what the pandemic did so for a while, we didn't go anywhere and people were riding and walking in streets and running and and and doing those kinds of things. And the people who were on the road decided that speed was important. So now we've got this change in and sort of mindset.

Speaker 4

Oh yeah. Ohh yeah.

Speaker 2

About what's OK when it says 35 miles an hour, that it's OK to do 50.

Speaker 4

People are mad if you're in their way and you're going anywhere close to the. I mean I I read an article that that in 2010, 2020 and 21 they wrote. More 100 mile an hour plus tickets than at any other time in our history of driving. And you know, people could just stop on. The gas nobody's in. Permit and they could just go if you were on the road, you could go fast and you know pretty much with impunity. And I think that has been it's been a carry over that because we've certainly seen an uptick in in. Crashes in Ohio in the last few years we've had, we had our worst year ever. I want to say it was 2021. We had almost 30 riders killed, usually prior to the 06 time frame for many, many, many years, we averaged 16/7. 13 fatalities in Ohio. That was the average. Now it's closer to 20, just in the last 10 years. The the uptick has been, you know, it's 25% increase almost. So it's we've had a still keeps us in a low rate compared to other states, but it's it's a disturbing uptick in the number of people who have killed on the earth.

Speaker 2

A lot of communities have instituted a Vision 0 program. Are they working? Do you know? Do they work?

Speaker 4

I think that. If they can change the landscape, to me that is the most effective means of cutting cutting fatalities and crashes. And by that I mean change the road diet, change, the narrow the lanes, do things physically. To make it scarier to drive fast, you know the speed bumps. There's things that come in, they they channel the traffic down to a narrow lane and those are very effective at reducing speeds. But speed kills. We know that if if you're hit by a car 40 miles an hour on a bike or a pedestrian, your odds of dying are dramatically greater, like 10 times. Better than if you're head at 30 or 20, and so we can get that speed down into that 20 to 30 range around town. At least when there are crashes, they're gonna be, hey, there's gonna be more likely that somebody's gonna survive and be the slower the speed, the more time. Time that is in the perception reaction within the drivers head if they're not going as fast, they're not catching everything, catching up to everything so fast and there's no more time to perceive something out. There it's ohh they Gee there's. A bike I should slow down and go around them. And if you're going 40 or 50, you're. Just chewing up the. Real estate very quickly in your Honor. Before you, you can make a decision sometimes.

Speaker

So the last thing I.

Speaker 2

Want to talk about is any advice you would give listeners who are riding their bikes that they may not think about if they're involved in a crash. I know there are certain things that get glossed over. Witnesses disappear, that kind of thing, but I. I imagine cameras, some of the new technology that's out there, cycle IQ and and GoPro and that have helped. But what would you say? A cyclist should do first and foremost as long as he or she's conscious and and able to sort of see what's going on, what they should do first. If they are involved in a crash.

Speaker 4

There's, there's a lot of lot of things and it's hard to keep. That in mind cause many things happen when you're involved in a crash to your brain and to your body. You're running on adrenaline. You may not realize you're hurt many times, many times and over the years I've had cyclists who kind of poo poo the EMT's you know, because they're feeling pretty good. And I had one fellow. You had literally had. Clavicle fracture sticking up and he he rode his bike away from the scene. Realized ohh Gee, I'm in a lot of pain and he rode straight through the doors of a little dock in the box. Urgent care a mile or two down the road and next thing you know he's in surgery for a clavicle pressure going that the magic fairy dust of adrenaline. Where? It's off so. Get yourself safe. Get the EMT's there and make sure the police get there. And then if you can get photographs of the scene because the police I we I just took in a case where it was up in the center of Ohio. 8 cyclists are at a stop sign up. And they're wanting to go onto a busier Rd. on the busy road. 2 vehicles are coming towards each other. The big truck makes a less turn into the road where the cyclists are. The car hits the truck and sends

the truck into the group of cyclists. And now we got 8 cyclists trying to avoid getting crushed by a sliding pickup truck. Five of them were. Injured. There's multiple sheriff cars. There's EMT's all over the place. And there's then the sheriff didn't take. A single photo.

Speaker 2

And and they.

Speaker 4

Didn't do any sort of crash reconstruction. They didn't take any measurements. They didn't interview the witnesses, they just gave the young driver a ticket and sent everybody on their way. And I got the. You know, I'm looking for the usually there's and it crashed like that. There's a 60 page report. They got measurements laid out and they're they're looking at the the cars and the black boxes or whatever. None of that was done. So to the extent. You can. And you or your buddies, your friends can take pictures and document the scene, get information from people who are at the scene. Cause once that scene evaporates, you can't get it back. So there's skid marks. If there's those kind of things at the scene for the the person understand when you're going out there. But hey, hey, take your phone B if you have a camera. If you're out there a lot, I tell people you know, cameras are cheap these days. You might as well have one and write it. You can just delete anything that doesn't happen, and then you use it over again. But that data is is just that hard to beat. Same with Strava GPS data. We get a lot of that. You might want to know if there are are ring cameras or houses with the doorbell cameras around or security cameras because that footage can get eaten up in a hurry. I have. I had a couple recent crashes that we were caught. On soho or whatever, you know the B. The camera that's aimed at the pumps, but in the upper left hand corner. Ohh Gee, here's our crash. It's we've been able. We have to secure that very quickly because that gets that gets not only saved is the way it should after you're you know you're taking, you know, don't poo poo your injuries if you if the ENT. I wanna take you. Let them take you. Your bike will be fine. People will take care of it. Get. Make sure you document your injuries. Take photographs of even in the hospital and ER, whatever it seems. Weird to take, you know, get your camera out and snap pictures, but once those moments are gone, they're gone. And you, we can't recreate them. So if someone can do that, that is very helpful in in these types of cases, all all of this is just setting up a potential claim that may play out a year later. You know, it's if you delay in getting. Council and then all of a sudden all this stuff is gone and we can't get to it. Yeah, we can't get to it. If you have things like that, that makes our job of proving what happened, proving the liability, having the best information and data on the injuries and all that, just that makes all aspects. The case down the road a lot better for you and for and for us to get them.

Speaker 2

Done well, the last thing is if you live in Ohio and I assume you only practice in Ohio.

Speaker 4

I practice in Ohio, I'm licensed in Ohio. I have a buddy who's a Kentucky lawyer and will tag team cases in Kentucky. I can be admitted called prohome V shape for the purpose of a single case. If we have a case, I can have them have that. I've also done that in Indiana and New Jersey and Florida and a couple of other states where I get called into these fight cases from afar and then hook up with local council and I can be involved in that one so.

Speaker 2

Yes, sorry. So how can they contact you? How can they find you?

Speaker 4

Ohh sure you. Can always sign. Me to hirebikelawyer.com my e-mail bikelawyer@meme.com and the phone is 513 Cincinnati 513484 bike 484-2453. So any of those things you can text me there. Send me pictures, notes, whatever we try to get. Back to people. You know, within minutes or same day. As we we. Get any sort of communication. Try to be confident that and we handle cases all over. I mean, I've got cases. I've had a couple in Indiana. I've had several in Kentucky settled a case for 1.1 million in Kentucky. A very bad. Case where we have. To have a lot of insurance. Coverage I got cases pending now from Cincinnati to Cleveland, Bellfountain, Marietta, Toledo, Youngstown, Mansfield all over Ohio and given the way it practices today, I do all of the things I do for a case that's 5 minutes away. I do the same way for a case that's 500 miles away. I mean it's we do it all online. And and you know we we always like to investigate the crashes in person. So we got to get the scene and all that. But but for the data collection a lot of it's done by phone and online then.

Speaker 2

As always, it's fascinating talking with you and and hearing what's going on. You know, it is our worst nightmare as cyclists to be involved in something like this, but it's also good to have the the background in the data and the information you need to protect yourself. If something happens. We've been speaking with Steve Magus, Ohio bike lawyer, wonderful. Conversation. I really appreciate it.

Speaker 4

Well, thank you, Dan.

Speaker 2

Let's stay safe on the road out.

Speaker 4

Stay safe, ride legal, ride safe. And you know it's. Ohio was a safe state. I I I preach. That all the. Time I'm kind of gloom and doom guy when it comes to the numbers, but

when it's actually time to ride, most people 99.9% of the time they go out, they ride their bike, they have a blast, they come home safely and then that little tiny sliver of things when things go wrong. You know, then we have to get involved and like like Sam, like Liam Neeson, you know?

Speaker 2

My thanks to Steve Magus for speaking with me today. If you would like to know more about his statistical project, need his advice, or find yourself in a situation where you might need representation, log on to ohiobikelawyer.com. Please remember that you can find links, photos, a written transcript, and show notes at outspokencyclist.com. Subscribe to the podcast on your favorite app so you never miss an episode. Next time on the outspoken cyclist, we'll be speaking with frame designing pioneer Georgina. Thank you so much for listening. Please stay safe. Stay well. And remember, there is always time for a ride. Bye bye.

Speaker 1

Thanks for joining us today on the outspoken cyclist with Diane Jenks. We welcome your thoughts and contributions on our Facebook page or visit outspokencyclist.com to leave a comment on any episode. We'll be back next week with new guests, topics, conversations and news in the world of cycling. Subscribe to the show and your favorite podcast app and you'll never miss an episode. The outspoken cyclist is a copyrighted production of DBL promotions, with the assistance of Wgcu FM Cleveland, a service of John Carroll University. Thanks again for listening ride safely, and we'll see you next week.