



Bicycle Access Council News & Digest

www.BicycleAccess-PA.org

September 2011

Hello Members and Supporters of the Bicycle Access Council.

It's a beautiful day in Pennsylvania!

BERSERK BERKS JERK ASSAULTS CYCLIST...

But doesn't get away with it! In a harrowing experience of road rage on July 29, 2011, a Berks County cyclist was harassed, threatened and assaulted by the driver of a F-350 pickup truck near Leesport. The incident escalated to a bodily assault and the driver literally ramming and rolling over the bicycle repeatedly that the dismounted cyclist put between himself and the truck. All this took place at a signalized intersection during daylight hours. Unable to use his cell phone during the attack, four nearby observers to the commotion made efforts to aid the cyclist with calls to 9-1-1 and voluntarily came forward to express their willingness to testify on behalf of the cyclist.

Police responding to the incident charged the driver with five offenses — various degrees of assault and harassment, which included second degree Misdemeanors, as well as Summary offenses — some of which specify possible imprisonment plus fines.

The legal criminal process begins with a Preliminary Hearing at the District Justice level, which was scheduled for August 30. In this case, as in most serious criminal actions, much is negotiated with the defendant's attorney and the county District Attorney prior to that preliminary hearing. So, arriving prepared mentally and with notes, the cyclist and four witnesses were somewhat let down when the cyclist was informed that the DA's office is recommending A.R.D. (Accelerated Rehabilitative Disposition) in lieu of a trial. Didn't see that one coming!?

However, while the gut reaction was one of disappointment, the Assistant District Attorney and arresting officer explained to the cyclist that this was the best outcome. Sparing the cyclist from the criminal procedures of a trial and lengthy process for restitution for property damages (it was a carbon fiber bike that was destroyed), the defendant driver will be closely supervised during the A.R.D. period and must pay damages, court costs and restitution as part of the program agreement. One condition of the agreement is to plead guilty to all charges which remain pending until all A.R.D. requirements are successfully fulfilled before charges are expunged from the defendant's criminal record.

The process now moves to the Common Pleas Court of Berks County (Reading). A formal arraignment is scheduled for early October. The terms of A.R.D. may be introduced at that time or at a subsequent hearing. In Berks County, that may be six to twenty-four months with required counseling assigned.

BAC was contacted by the cyclist shortly after the incident occurred seeking information and help to sort through the issues of the court system and automobile insurance claim options. BAC provided supporting information regarding the likely procedures and issues involved. Through the Pennsylvania court docket system, BAC is also continuing to monitor the legal procedures and outcome of this offense towards a satisfactory resolution for the cyclist.

BOB NORDVALL IS THE COVER STORY...

In the May-June 2011 American Bicyclist magazine, a publication of the League of American Bicyclists (LAB). Bob is a former resident of Gettysburg and served as the LAB board president from 1992-95. Bob now retired, lives in Italy and uses an electric-assist bike to get around those hills of Tuscany.

BAC TESTIFIES AT STC HEARING...

On Aug 27 in Gettysburg. Executive Director, Joe Stafford was invited to speak by the York County Transportation Coalition (YCTC) team to address bicycle transportation issues at the biennial State Transportation Commission (STC) hearings. YCTC members include local General Assembly members, York County elected officials, and members of the Chamber of Commerce, MPO, and other transportation related entities. Speakers urged the STC to support PennDOT projects in York County already scheduled on the county Transportation Improvement Plan (TIP). Reduced state funding woes threaten to cut projects already approved.

BAC urged PennDOT to review the Bicycle and Pedestrian Checklist process that is part of the Design Manual and is to be used on every new roadway project since 2003. Compliance has not been consistent or as effective as expected to provide reasonable roadway accommodations for bicyclists. BAC also requested more staff support to the Central Office Bicycle and Pedestrian Coordinator, who now is overwhelmed with projects.

- Oct 9** **31st Annual Central Bucks Bicycle Club Covered Bridge Ride.** Choose from 20, 30, 33, 50, or 63 mile options. Ride starts at Tinicum Park, Erwinna, PA
Registration now open on-line at: www.cbbikeclub.org/cbr
- Oct 21-23** **BCP Fall Foliage Weekend, Hanover, PA. Info at: www.phillybikeclub.org**
Contact Linda McGrane (267) 251-7862
- Nov 6** **Daylight Saving Time** Ends (2 AM) Now first Sunday in November). Set clocks Back. Adjust your bicycling routine to use proper lights for changing low light conditions.

Mission Statement...

The Bicycle Access Council is a non-profit advocacy organization that serves as a forum for Pennsylvania bicyclists and as an ombudsman for bicycling issues.

It is the objective of the Bicycle Access Council to make bicycling on roadways throughout the Commonwealth safe, respectable and a transportation choice by educating its members and the motoring public.

All funding for the Bicycle Access Council comes from memberships and donations. Annual membership is \$20 per year. BAC does not share membership information.

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