

## Car-Bicycle Collisions: Who's at Fault?

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When it comes to the uneasy relationship – and sometimes outright warring battle – between bicyclists and motorists, many people have strong opinions about who is more often at fault. Recently the debate has been reignited, with cycling advocates touting a study that, they say, indicates drivers are responsible for up to 90% of bike-car crashes. But there are problems with this claim, including conflicting data suggesting that motorists and bike riders are, in fact, about equally likely to be at fault. And according to at least [one study](#), it's bicyclists who cause more accidents.

The Oregonian's [Joseph Rose](#) recently [wrote about a controversial study from Canada](#) that purports to show that motorists are the cause in 90% of car-bicycle collisions. The numbers quoted are startling. But they may not tell the whole story.

A rational evaluation is challenging, since it's hard even to determine where the 90% claim came from. Many citations of “the Toronto study” link to several advocacy papers. Some writers say the source of the 90% figure is Cavacuiti's [Cycling Health and Safety: A Review](#); others refer to Tomlinson's [Conflicts Between Cyclists and Motorists in Toronto, Canada](#). Then there's the [Toronto Bicycle/Motor-Vehicle Collision Study](#), which seems to have been prepared with some care, but doesn't support the 90% claim. Some say the source is a paper called [Killed by Automobile](#) – a title that hardly suggests neutrality.

Even assuming that somewhere the figure is documented, it would be dubious. In science, it's a given that research should be reproducible. If a different set of researchers conducts the same experiment you did, and the result is the same, then your conclusions gain strength. But the figure of 90% motorist fault has apparently only been found in Toronto.

A [research study on the behavior of bicycle riders](#) examined the actions of “ordinary cyclists,” and concluded that overall, “The more options cyclists have, the more options they take. This is true whether or not those options are officially sanctioned.”

But elsewhere, studies demonstrate a more equitable division of blame. In Portland, according to [The Oregonian](#), police reports list “motorist error” in around 53% of bike-car collisions, with 47% caused by the bike rider.

Greg Raisman, traffic safety specialist for the Portland Bureau of Transportation, calls the 90% claim ridiculous, and says that the actual figure is probably closer to 50-50. This certainly sounds more sensible than 90-10, or, for that matter, 10-90.

[An article by Nolo Press](#), a self-help legal publisher, examines liability from the law's standpoint, pointing out that nearly every state considers a bicycle to be a “vehicle,” and cyclists must therefore follow the same rules of the road that apply to automobiles.

Both drivers and bike riders need to share the road and follow traffic rules. Motorists should take care to watch for bicyclists. Cyclists should ride on the right side of the road. Everyone should observe the rules of right of way.

And if an accident does occur, no matter who's at fault, it is important to stop at the scene, make sure no one is injured, and exchange information with the other party.

Obviously, the issue of who might be at fault in a bike-car collision is a complicated one. If you are involved in a car-bicycle accident, it's important to get advice from a personal injury attorney. Personal injury attorneys have specific expertise that can help unravel the complexities of the situation, and are best prepared to assist you in any litigation.

But don't forget the third and often forgotten party in all of this: the pedestrian. Always, always watch out for those on their feet.

Regardless of who is at fault, remember, everyone is responsible. Be aware; be kind; and be smart.

Have you been in a bike-car collision? As personal injury attorneys who really care about accident victims, we offer a helpful book at no charge – not just to clients, but to anyone who needs it. This book, [7 Common Mistakes That Can Wreck Your Oregon Accident Case](#) will help you understand your legal situation, so that you can plan your next steps. Just contact us, and we'll forward you a copy.

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