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Is the Right to Bicycle a Civil Right? Synergies and Tensions Between the Transportation Justice Movement and Planning for Bicycling

Aaron Golub
Portland State University, agolub@pdx.edu

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2 Is the right to bicycle a civil right?

Synergies and tensions between the transportation justice movement and planning for bicycling

Aaron Golub

Introduction

This chapter was inspired by a long-standing debate among transportation justice and equity advocates about the importance of investments in bicycle transportation as a goal of the transportation justice movement. Bicycle investments are notably absent in transportation equity analyses for regional plans (e.g. Metropolitan Transportation Commission, 2013), and from broader transportation justice discussions (for instance the word "bicycle" does not appear in the index of the overview of transportation justice practice published by the American Planning Association (Sanchez and Brenman, 2007). The transportation justice movement, with its lineage in the civil rights and environmental justice movements, focuses on improving the transportation planning process to address the burdens and inequities that many low-income and minority communities have suffered at the hands of transportation planning over the past century. In contrast, there is a movement for "bicycle space": the struggle for fair and safe access to road space for bicycling supported by policy and financing for bicycling investments (Henderson, 2013). We ask here: why are the two movements so separate? This chapter will explore the emerging bicycle movement and contrast it with the transportation justice framework and attempt to understand where they synergize and where they conflict, and why.

As this entire volume highlights an emerging social practice of bicycle justice, clearly there are many who see the two movements as fruitfully coinciding, and that bicycling is important to the human right to safety in public spaces and streets. Still, we can hardly say the two movements have joined in any significant way, and we still see strange hesitations and missteps by the bicycle advocacy community when it comes to issues of race and class (see Lugo, Chapter 13, this volume and Lubitow and Miller (2013)).

This chapter synthesizes analyses from urban sociology and geography with the history of transportation planning, policy and finance. It begins by reviewing some of the basic rights frameworks at play in the two movements we are comparing. We then explore, through a social justice lens, the bicycle movement

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by dissecting it as larger socio-technical system. Different parts of that system are examined for their potential impact on the relationship with the transportation justice movement. We then return to discuss the chapter's basic research questions.

Delineating the bicycle movement and transportation justice movements

Before continuing, we take a moment to more clearly define the two movements this chapter is exploring. We use the term "bicycle movement" which refers to the social movement to gain access to road space, policies and investments to support the use of bicycles for transportation. In many ways it is a justice frame viewing access to road space as a justice issue, much like the broader right of the city movement—in effect addressing the long-standing inequities that have resulted from prioritizing the movement of automobiles in streets (Henderson, 2013; Furness, 2010). The bicycle movement has taken and continues to take on many forms, beginning with the invention and mass production of the bicycle in the late 1800s. This movement pushed for the improvement of roads and the rationalization of street operations to favor through-movement, ironically setting the stage for street re-engineering prioritizing automobile travel to the detriment of most other road users (Furness, 2010). Surges in interest in cycling arose again after the oil crises of the early and late 1970s, but momentum stalled as gas prices fell and people returned to their older habits. (For a variety of reasons, similar bicycle movements arising at the same time in Europe maintained their momentum through the 1980s, explaining some of the difference in provisions for cycling there.)

The current incarnation of the movement has strong ties to urban anarchist traditions as seen in the Critical Mass movement beginning in the early 1990s, dovetailing with more mainstream bicycle advocacy focused on local streets and paths improvements and city, state and federal planning and policies to gain favor for bicycling. The bicycle movement is very diverse as we show in this volume, though there are some common characteristics of the mainstream advocacy apparatus which we will discuss later.

The transportation justice movement focuses on addressing the failures of transportation planning along three main dimensions: (1) unequal distribution of mobility benefits from transportation investments, (2) unequal exposure to localized environmental burdens from transportation infrastructure, and (3) unequal access to participation in the planning process (Golub et al., 2013; Sanchez and Brenman, 2007). Like many other aspects of urban infrastructure and services, transportation is unequally distributed—often significantly so along class and racial dimensions. A lack of transportation services can mean a lack of opportunities for work, school, recreation, social interaction and can have a profound impact on the well-being of individuals, households and communities (Blumenberg and Waller, 2003; Ihlanfeldt and Sjoquist, 1998; Sanchez and Brenman, 2007). Furthermore, transportation infrastructure shapes the local

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environment physically by altering its sounds, smells, shadows and views and it can divide neighborhoods and cut people off from former neighbors. Thus, transportation justice is an environmental justice issue to many advocates. Finally, the transportation planning process is an important arena for democratic involvement in political life at a variety of jurisdictional scales. Racial discrimination prevented minorities from effective participation in the urban development process and access to decision making continues to be key goal of the transportation justice movement (Grengs, 2004; Golub et al., 2013).

The struggle for transportation justice has a long and significant place in the history of the United States. While it was a well-known transportation struggle—the anti-segregation bus boycotts in Montgomery, Alabama, in 1955—which sparked the modern civil rights movement, it was the Supreme Court decision to uphold segregated seating in rail cars, back in 1896, which legalized segregation in the first place (Bullard et al., 2004). As the fight for civil rights inspired new social struggles such as the environmental justice movement, transportation remained a significant point of contention and struggle. Erasing the physical scars of these various injustices will take decades and major shifts in investment priorities. This is why transportation justice advocates look closely at the burdens and benefits of big regional plans, policies and projects and may overlook smaller scale issues like bicycle access to street space (Sanchez and Brenman, 2007).

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Transportation justice has a strong legal framework on which to rely. The adoption of the Civil Rights Act of 1964 ended "separate but equal" and prohibited discriminatory practices across a range of domains such as education, housing, employment and transportation. Title VI of the Act explicitly mentions a concern for the distribution of benefits from government programs and policies, reading:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Guidance for implementing Title VI along with the Environmental Justice Executive Order 123898 in the practice of transportation planning was provided by subsequent regulations and rulings by Department of Transportation (DOT) agencies over the ensuing five decades (Sanchez and Brenman, 2007). These guidelines address the three main concerns listed above: the improved participation of groups traditionally marginalized in the transportation planning process, the distribution of burdens from exposure to the externalities of transportation systems and the distribution of the costs and benefits of transportation investments and policies among various communities (DOT, 2012; Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) of the United States, 1999).

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Dissecting the bicycle movement

In this section we explore more deeply the dimensions of the bicycle system and the movements behind it. We can begin by understanding just what basic rights govern mobility by bicycle. To start, the right to mobility is considered a basic human right and is preserved in the U.S. constitution and in the U.N. Universal Declaration of Human Rights. Bicyclists have substantial rights, in theory, in terms of use of public rights of way. Bicycles are considered road vehicles in most state traffic codes and thus have access to most roadways, except for some limited access facilities like interstate highways and bridges. As vehicles they have access to the main travel lanes, though in many traffic codes, cyclists are required to ride as far to the right as reasonable (Mionske, 2007) and in some states are required to use a bicycle lane or path if one is provided along the roadway. While the responsibilities of cyclists and drivers in the roadway can often be a source of confusion and lead to tensions, we won't address those kinds of issues in this chapter. In a similar vein, we won't address explicitly the "vehicular cycling" (VC) subset of the bicycle movement, which views access to the main roadway lanes as the paramount issue for the movement. VC proponents feel that confinement to special bicycle lanes and paths are dangerous and keep cycling "second class" (Furness, 2010). This issue of status does enter later, however, when the issue of cycling being a second class mode is addressed.

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The socio-technical system of the bicycle movement

Moving beyond a broad and idealized notion of rights as they pertain to cycling, to better understand the social justice implications of investments in cycling, we must look at the bicycle movement within its social and political contexts. While bicycle improvements are often seen as an engineering or infrastructure investment problem, it is the social systems onto which these interventions are placed which are essential considerations for how the bicycle movement and transportation justice intersect. Bicycling, bicycle planning and the bicycle movement are embedded in a socio-technical system involving a complex constellation of individuals, groups, norms, institutions and processes as it is developed and implemented in the real world (Geels, 2005). While the analysis of socio-technical systems is a well-established field, for simplicity, we will focus on four areas of the socio-technical system making up the bicycle system we feel are most important to its justice impacts: (1) Practices, (2) Social Norms, (3) Infrastructures, and (4) Personal Resources. We will discuss each of these in the following sections.

The bicycle movement—practices

There are a lot of issues at play when considering the various practices of the bicycle movement and related actors which coincide to produce the bicycle system. With limited space, we must simplify here. The practices of the bike

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movement happen at various scales from the very local such as the specific streets impacted by a bicycle project, to city-wide traffic engineering issues, to regional-scale transportation plans, regional bike plans, bike wayfinding or connectivity projects or other larger-scale interventions. At the state level there are bicycle plans, questions of accommodation for bicycles in state managed facilities such as state highways, and state traffic codes related to bicycling. Federal policies also impact bicycles as they affect the federal funding for bicycle infrastructure.

Though each of these dimensions of planning practice differ significantly, there are some broadly uniform characteristics which describe the general practice of bicycle planning. A key paradigm of the practice is the emphasis on peak hour commute trips as the ideal bicycle travel patterns bicycle investments should support. Radial trips into and out of a central district, and especially those during the peak hour, are typically seen as the most important trips for which to plan in transportation planning. While this is related to capacity issues—these trips place the greatest stress on the transportation system—it also related to a bias in valuing the time and convenience of professional workers in central business districts (CBDs). This is reflected in how cyclists and bicycle trips are counted (using census or similar data based on questions about mode choice to work and making bicycle counts on key links heading into and out of CBDs) and the kinds of facilities which are often promoted (improving radial-type trips into CBDs).

The result of emphasis on commuting travel is that other types of bicycle travel are seen as less important to the transportation planning process: "shadow travel" or "invisible cyclists" (Zavestoski and Agyeman, 2015; Fuller and Beltran, 2010). Trips of less value consist of "reverse commuting" from inner city neighborhoods out to suburban job centers, or increasingly "circumferential" trips from suburb to suburb, and often at off peak times reflecting shift type work. These could also include travel for work purposes such as delivery or services like landscaping or skilled trades (see Lee, et al., Chapter 8, this volume).

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These issues mirror citizenship issues, as it is minority and low-income travelers who are more likely to be "invisible cyclists" (Fuller and Beltran, 2010). In many ways the ability to secure rights and have them recognized and protected is a reflection of one's citizenship status, regardless of one's legal citizenship status. Citizenship in this light varies from group to group: some groups experience "shadow" citizenship status where they are presumed by many to be less than full citizens, regardless of actual legal citizenship status. Minority groups, especially blacks and Hispanics are often subject to questions about their citizenship and the legitimacy of claims and protections they may make on society. While questions over the citizenship of minority groups continue to appear and reappear and continue to be posed today, it is specifically discrimination along dimensions of race and national origin which are protected by civil rights legislation like the Civil Rights Act. That is, the treatment as shadow citizens in transportation planning and investments is prohibited by civil rights legislation (Sanchez and Brenman, 2007).

Related to the legitimacy of certain kinds of travel and travelers over others, it can be shown that bicycle advocates are often over represented by and respond

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to white and middle-class commuters and residences (see Lugo, Chapter 13, this volume). These are the exact communities which are more versed in the transportation planning process and know how to connect to planners, elected officials and others involved in transportation planning and policy. They can show up to the right meetings at the right time and be heard.

A final issue connected to the process of bicycle planning is evidence that bicycle infrastructure accompanies processes of rapid neighborhood change—displacement or gentrification of existing working class and communities of color in inner neighborhoods or inner suburbs of metro areas (Zavestoski and Agyeman 2014; Stein, 2011; Lubitow and Miller, 2013; Hoffmann and Lugo, 2014). While it is not easy to show that investments in bicycle infrastructure cause these changes, they are often part of the suite of physical changes promoted and implemented as part of neighborhood "upgrading" which accompanies shifts in residential and commercial characteristics. Even if causation is impossible to show, the perceived connection to these processes do paint the bicycle planning process in a particular way.

The bicycle movement—social norms

An important component of all socio-technical systems are broadly shared norms which shape the behavior of individuals, groups and institutions involved in the system. The social norms surrounding the bicycle movement are not uncontroversial when considered from a social justice framework. The social norms intertwined with the early bicycle movement emphasized how cycling would benefit the supposed racial superiority of whites, and racial segregation was part of the early bicycle movement's organization (Furness, 2010). While this is not characteristic of the current movement, the continued white and middle-class leadership and planning emphasis on the needs of white and middle-class bicyclists show that the issue of diversity is still an issue in the bike movement.

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Another strong normative issue relevant here is that bicycling is still a "second class" mode in the national psyche. For most adults in the United States—nearly all—a bicycle is a toy and bicycling is a recreation or hobby and not a serious solution to the nation's transportation needs. On the other end of the spectrum are things with high social meaning (see Martens et al., Chapter 6, this volume); access to education, health care and food are of large social concern and society collects attempts to regular the provision of these items to ensure some minimal distribution of them among most of society. Transportation broadly enjoys a high social meaning: at all levels of government, transportation is heavily regulated and billions of dollars in fees and taxes are collected and then redistributed through investments in public infrastructure and services. The transportation system and the services it provides are essential to the workings of society and cuts across a range of issues related to the economy, employment, environment and health. Thus, transportation is the object of great struggle on the part of many organized groups, not limited to the transportation justice movement described earlier.

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But, the question remains: is the subset of transportation focused on bicycling of sufficient social significance to warrant a broader social effort to promote bicycle use for everyone? Bicycle advocates clearly think so, and there is no doubt that bicycling's social significance has grown over the past two decades; bicycling has been growing in popularity and in some large cities has doubled or tripled over the past decades (Pucher et al., 2011). In a handful of corridors in some cities, bicycles are used in as many as 25 percent of trips. Federal transportation legislation and finance packages have increased their funding for bicycling over the past two decades starting with Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. Bicycling is now funded through several programs including the congestion mitigation and air quality (CMAQ) and Transportation Enhancements (TE) grant programs amounting to around 2 percent of the total funding through federal transportation programs since that time (Golub, 2014).

Bicycling is slowly improving its image in this national psyche, and intertwined with this transformation is the fact that cycling rates have increased for minorities and low-income communities across the country (League of American Bicyclists and the Sierra Club, 2013). Therefore, regardless of the social norms surrounding the "second class" status of the bicycle and the whiteness of the advocacy apparatus, the real material benefits cycling offers are being seen by many as something to consider seriously. Newer bicycle groups have shown much greater diversification and in fact many bike shops, community bike centers and community rides are focusing strongly on the bicycling needs of communities of color and low-income communities. (It is these developments that we are highlighting in this book and now we hope only grow in the future.)

Still, for bicycle advocates, the social equity and broader racial and class concerns of bicycling have only recently become a big concern of the movement. There are a growing number of reports and studies about how to improve racial and class representation within the bike movement (League of American Bicyclists and the Sierra Club, 2013; Clifton et al., 2012). Clearly there is a concern that bicycling has not reached a sufficient social meaning to be included within a broader transportation justice framework, which holds back the development of a justice-focused turn in the mainstream bike movement (Lugo, 2015).

The bicycle movement—infrastructures

Since improvements to street infrastructure are often the most prominent and expensive fruits of bicycle advocacy, infrastructure is an important aspect of the socio-technical system of bicycle justice. This infrastructure includes restriping of roads for bike lanes, separate paths, bridges over key barriers, bike storage systems and public bike sharing, and traffic engineering improvements like signals and signage which make cycling faster and safer. Improvements in bike infrastructure have been shown to foster increases in ridership over time along with co-benefits for other road users such as pedestrian and transit users. These benefits have made cycling infrastructure an important part of transportation plans and investment programs in many metropolitan areas around the country.

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Furthermore, as was mentioned earlier, federal financial support for bicycle infrastructure greatly expanded through the modernization of the transportation funding system with ISTEA. This makes bicycle planning an important potential source of funding for transportation improvements affecting cyclists as well as pedestrians and transit users.

One twist to the issue of bicycle infrastructure, however, is its association with displacement and gentrification processes mentioned earlier. This pattern of using bicycle investments as amenities for neighborhood "upgrades," which then interact with real estate speculation and rebranding, is an important reality to consider for its justice implications (Hoffman and Lugo, 2014; Lubitow and Miller, 2013; Stein, 2011; Stehlin, 2015; Zavestoski and Agyeman, 2014).

A final point to consider is that the public spaces and rights-of-way, where bicycle infrastructure is located, are places of vulnerability in many communities. The continued targeting of, and the resulting vulnerabilities experienced by, differently racialized bodies in public is a key concern of a growing movement to recognize and confront the continued human rights abuses suffered by communities of color (e.g. the Black Lives Matter movement, see also Coates (2015)). Broad assumptions about the perceived uses and benefits of changes to public infrastructure must be understood by planners through these lenses. The question then becomes: as a travel mode, how does bicycling compare to other modes for its ability to address or reduce this public vulnerability? The answer is not clear.

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The bicycle movement—personal resources

A final dimension of the bicycle socio-technical system pertains to the personal resources needed to both ride a bicycle and to engage in bicycle advocacy. Bicycles clearly offer a cheap and efficient transportation mode for many people. When households can forgo the high cost of car ownership and trade off one or more vehicles for public transit and bicycling, the cost savings can be significant; studies show transportation savings can go from over 30 percent of the household budget to less than 10 percent if car ownership can be reduced (Public Policy Institute of California (PPIC), 2004). Those savings can ease household budgets and allow more spending on other productive uses such as education, food or housing.

The physical demands of cycling, however, would preclude the mode from being a truly mass mode; a good share of the population is likely unable or uninterested in bicycling because of its physical demands and other problems like sweat or potential injury. Another key personal issue around cycling, as stated earlier, is the vulnerability experienced by many communities in public spaces due to crime and police profiling, though this extends well into other mobility systems such as public transit and driving as well.

A final aspect of personal resources as they relate to the bicycle system is the time and knowledge needed to participate effectively in planning processes.

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The ability to show up at public meetings and engage continuously in a planning process is important and essential to improve the planning process. This is, however, a challenge for many households who are balancing multiple jobs, job shifts in off-hours and who also may not be linguistically connected with the social and information networks involved in the planning process. That is, many are simply unaware of how to get involved in planning or where to learn more about it. While, ideally, processes are able to involve a broader cross-section of the community, this is still a challenge in most places. It is precisely because of these barriers, married with the fact that professional bicycle advocates often play an intermediary role as representatives of public opinion in the planning process, that some bike advocates have grown concerned by a lack of transportation justice principles in the bike movement.

Conclusions

Here we will wrap up with some conclusions reflecting on the reality of the bike movement socio-technical system and concerns within the transportation justice movement. We find both important synergies and conflicts between the two movements and highlight concerns which would need to be addressed to create a more socially just bicycle movement.

Synergies between the bicycle movement and transportation justice

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It is clear there are some real synergies between bicycles and the transportation justice movement. The fact that bicycle infrastructure is part of the public right of way and is now receiving an increasing amount of financial resources should make it the target of equity analyses by transportation justice advocates, regardless of how advocates view the mode itself. Bike infrastructure equity should be a concern because it is drawing public resources away from other modes. Indeed, the distribution of finances among modes is a concern shown by civil rights law and transportation advocates, especially as it pertains to the tensions between spending programs for bus and rail (Golub et al., 2013, Grengs, 2004). There is no reason then that advocates would not become interested in bicycle programs for their distributive effects as well—exploring where the investments are made and who is benefiting from them.

Bicycles have the potential to assist low-income households with their travel—it offers cheap and, in a few corridors, faster transportation which could help with complex travel patterns involving multiple family members, children and complex work shifts at various times of the day. The bicycle doesn't have a fixed timetable and with regular maintenance, can be quite low-cost and dependable. This basic reality of the utility of the bicycle, like any other travel mode, should make it a concern of the transportation justice movement; for some people, using a bike can undoubtedly improve their mobility.

The broader social status of the bicycle is also rising and therefore we would assume the transportation justice movement would want to target this mode as

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an issue of distributional rights. Compounding this value is the fact that many minority and low-income travelers are actually using the bicycle, regardless of whether the transportation justice community views bicycling as an elitist pastime; the potential benefits of cycling must be recognized. "Invisible cyclists" and community-based cycling programs are a first sign that the demands of transportation justice advocates and those of the bicycle movement may begin to synergize. As a more diverse cycling community becomes aware of the distributional issues around bicycle planning, it may enter the radar screen as an objective of transportation justice advocacy (Hoffman and Lugo, 2014).

Conflicts between the bicycle movement and transportation justice

There are many serious conflicts between the bicycle movement and the transportation justice movement. The fundamental reality that bicycling is considered a second class mode may lead many in the transportation justice community to ignore it as an object of aspiration; equal access to first class mobility has always been the primary goal of transportation justice advocates dating back to Plessy vs. Ferguson (see Gilroy (2001)). As the bicycle rises above the status of a child's toy in more minds, this may change.

As bicycling requires one to put oneself in public rights-of-way and in further exposure to the dangers of street violence and police brutality, it is not surprising that bicycling may remain outside of the transportation justice frame. Bodily safety is a primary concern of many communities and should be understood by transportation planners as an important outcome from planning, though it is clearly related to forces outside of the hands of transportation planners.

Another significant conflict is the association of bicycle investments and infrastructure with rapid social and demographic change in neighborhoods resulting in displacement of existing communities. This connection may prevent many transportation justice advocates from connecting strongly with the bicycle as the very communities being displaced are those traditionally involved in the transportation justice movement.

Finally, the white and middle-class optics of the bike movement may prevent many from seeing how it can connect with a wider public and the civil rights concerns of the transportation justice movement. This disconnect could create shadow advocates who can bring forth missing voices and perspectives (as highlighted in this book) into both the mainstream transportation justice and bicycle movements.

If current patterns and trends continue, our cities and transportation systems will embrace the bicycle only more and more, and transportation justice advocates may need to focus more squarely on the bicycle, for better or for worse. This book is an effort to bridge some of those gaps, jumpstart this conversation and highlight where justice concerns have indeed been addressed through efforts by both cities and communities and where more work is needed.

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