

**Testimony Regarding SB 16 and HB. 109, legislation that May Restrict Valid Rights of Cyclists to
Participate in Public Protest
Kevin Cronin**

My name is Kevin Cronin, a Cleveland attorney and I am active in cycling and pedestrian safety interests in Cleveland. I helped create and served on the board of cycling and pedestrian safety group Bike Cleveland, as well as its predecessor, ClevelandBikes, which helped obtain significant cycling and pedestrian infrastructure increases. Bike Cleveland has been the leading advocate for safety for cyclists and pedestrians in Northeast Ohio for years. I disagree with provisions of some of the bills that will limit rights of public protest by cyclists and pedestrians which, by virtue of their subject, are far more likely to use the streets as a logical way to display their interests in road safety and the right of road access.

Under Ohio law, as well as the law in all fifty states, cyclists have an equal right to the streets and road as motorists. Pedestrians and cyclists have the right to protest on behalf of road safety. Cyclists have been increasingly challenged in their right to full access of the streets and roads of Ohio, despite cyclists roll in first creating the modern "good roads" movement and the move towards greater road safety.

Cyclist and pedestrian road deaths and serious injury are rising at an alarming rate in Ohio, particularly with "hit and run" crimes. If poor road design, motorist disdain for speed/safety restrictions and police inability at enforcement are the issue, where better than the streets themselves is the appropriate place for public protest?

Cyclists have been promoting safety and better road infrastructure for centuries, long before cars were even on the scene. The League of American Wheelmen was created in the 1880s and began publishing and advocating for good roads and safety in the 1890s. The Cleveland Wheelmen and Forest City Ramblers began were among the first local groups.

If cyclists and pedestrians are to effectively convey to the public their rights to the road and demand safe road design, the streets and roads are likely to be viewed as the most effective place to do that. The Ohio legislature should not cut off this reasonable expression calling for greater safety and more sound transportation public policy. The reasonable access to the roads is appropriate and the streets are appropriate venue for protest when the roads themselves are the object of criticism and public protest.

Public protest has been instrumental throughout history to advance and protect societal and political rights. Without the protests, demonstrations, boycotts, and even riots that led to the American Revolution, the US might never have come to be. In generation after generation, public protest has achieved important social change, from ending child labor and school segregation to increasing environmental standards and workplace safety. Protest is as American as apple pie and restricting the right to protest is a betrayal of our founders and ancestors. This restrictions on street protest couples with a broad definition of "riot" under bills like SB 16 threaten to squelch reasonable public debate with risks of ruinous fines.

The fear of violence on the streets, growing from a protest for cyclist and pedestrian rights, have no historical basis and restrictions are unreasonable. The Supreme Court has said that streets and sidewalks have "immemorially been held in trust for the use of the public" to make our voices heard. Law enforcement already has the tools necessary to respond to violent criminals and vigilantes. Many

existing laws manage to balance our right to peacefully protest with our ability to use the streets to operate safely. This should be true for cars, cyclists and pedestrians.

This isn't the first time that the government has tried to argue that streets do not belong to the people. Each time, government has been reminded that our First Amendment rights provide the opportunities. Many rich chapters of our history, including civil rights and voter rights protection, illustrate the prominence of our nation's streets and roads as protected sites of protest. During the 1965 voting rights march, thousands of civil rights protesters marched more than fifty miles from Selma to Montgomery. Heroes like John Lewis were beaten. Peaceful protesters walked across bridges, sidewalks, dirt roads, and highways, through both rural and urban areas. A year later, close to 15,000 protesters, including Martin Luther King, Jr., marched along dirt roads and interstate highways from Memphis, Tennessee to Jackson, Mississippi, registering more than 4,000 Black Americans to vote in the process. Public streets and roads are as deeply intertwined with our First Amendment rights as the idea of protest itself.

The Supreme Court has recognized that it is "no accident" that public streets have developed as an essential space for us to exchange ideas. Streets and roads are one of the few places where we meet each another in public, and where we may be confronted with new ideas we don't expect or affirmatively seek out. Protesting in the streets must remain free and accessible for everyone.

I urge the legislature to tread carefully when threatening to remove the right to protest and the right for access to the streets and roads to do so.

Thank you for your time and consideration.