

Repeal of the helmet law in Mexico City

By: Ana Peñalosa, Communication Coordinator for ITDP Mexico

After a long lobbying process, the first time that Mexico City's Metropolitan Transit Regulation included the bicycle as a vehicle was in 2009. The new regulations that were implemented mandated the use of helmets for cyclists as well as for motorcyclists. This decision was met with concern from the diverse cycling groups and organizations in the city, since it seemed to be counterproductive to urban cyclists, from the perspective that the cyclists wouldn't be protected by the law if they were hit by a motorist while not wearing a helmet. Moreover, 94% of the cyclists in Mexico City do not wear helmets according to a December 2008 count of over 26,000 cyclists.

In reality, the government's intention was to encourage people to cycle and increase the cycling modal share in the city from 2% to 5% in three years by promoting a cycling culture. Part of that was to describe the bicycle as a means of transport in the Transit Regulation. At that time, a rails to trails project had recently been inaugurated in the city and an entire cycle network is in the process of being developed. Nevertheless, the general thinking was that there was not a seamless network of proper bike infrastructure coupled with a cycle-friendly built environment that would make people feel safe while cycling in the city.

On the other hand, far from feeling protected by the law, cyclists argued that if they were not wearing a helmet during a crash, they would be found guilty instead of the car driver even if the motorist was clearly at fault. The same circumstances would apply in the case of insurance companies, who would presumably find that any driver that injured an unhelmeted cyclist would not be at fault while the cyclist would be considered guilty.

Fortunately, this law didn't remain in place for long. A year after its codification, several changes were approved, among them was the repeal of the mandatory helmet law. This announcement was made on February 16th of 2010, the same date that first public bicycle system, *Ecobici*, was launched in the city. *Ecobici* is part of the government's plan to increase the number cycling commuters. Part of the decision to revoke the helmet law was based on the lack of a cycle friendly environment in the city, and of course, that *Ecobici* wouldn't provide a public helmet to each and every one of their users. At the same time, Mexico City's Department of Environment, known as the *Secretaría del Medio Ambiente* (SMA) realized that obliged cyclists to use helmets would give the impression that they assumed that riding a bicycle in the city was inherently dangerous and it wouldn't encourage people to cycle more in order to reach the City's target of 5% of commuters using bicycles. The SMA was critical at changing opinions internally and pushing for a modification of the law, with advice of some non government organizations such as Bicitekas and the Institute for Transportation and Development Policy.

However, although we have not yet completed a follow-up tally of the cycle counting that was completed a year and a half ago, anecdotal evidence shows that levels of cycling seem to be increasing in Mexico City. Nevertheless, people still have the expectation to be provided with real bike infrastructure and facilities to switch to this eco-friendly means of transport. Removing the mandate to use a helmet is just another way that Mexico City is encouraging more people to take up cycling.