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# AMERICAN MOTORCYCLIST



Motorcycle  
Parking

Cycles Must  
Park Inside  
Spaces And  
One Cycle  
Per Space

Right Of Way:  
Motorcyclists Fight  
For Equal Access

Touring Mount  
Rainier



Photo: Jeff Guciardo



# 'WE DON'T WANT YOU HERE'

## MOTORCYCLISTS BATTLE DISCRIMINATION, EXCLUSION ACROSS THE COUNTRY

BY JIM WITTERS

Whether it reveals itself at a New Jersey parking garage or a Florida condominium, in an Arizona desert or a Mississippi forest, an anti-motorcyclist sentiment pervades the nation.

Environmentalists want motorcycles and all-terrain vehicles off public lands.

Neighbors try to restrict the use of private property by off-highway vehicle riders.

Garage operators ban motorcycles because of liability concerns.

Gated communities force motorcyclists to park off-site, citing excessive noise.

Whether they are aimed at street or dirt riders, these attitudes and actions affect all motorcyclists.

"Simply put, most of the non-riding public doesn't differentiate between on- and off-highway motorcyclists," says Imre Szauder, AMA's government affairs manager for street issues. "Regardless of the type of machine, excessive motorcycle sound leads to a 'No Motorcycles' policy on- and off-highway.

"Legislative and administrative restrictions are often accompanied by stepped-up enforcement," Szauder adds, "placing all riders under heightened law enforcement scrutiny."

Pushing back against prejudices may appear daunting. But if motorcyclists don't fight discriminatory practices, governments and anti-motorcycle groups will continue to chalk up wins that further

restrict the right to ride.

While the issue invokes combative language, the AMA has found that a reasonable, measured and cooperative approach often can diffuse an otherwise tense situation.

"Riders working proactively and collaboratively with local, state and federal lawmakers, agencies and those in the private sector that make policy decisions may be able reverse current restrictions and bans and prevent future discriminatory actions against both riding communities," Szauder says.

And the AMA stands ready to help when it can.

Here are a few cases that illustrate a variety of issues and outcomes.



NO MOTORCYCLES



Lorraine Best has ridden her trike across the United States and Canada, but was denied access to her condo's parking space.



### Community Restrictions

Lorraine Best, an AMA member, suffered a spinal injury in a diving accident 11 years ago, leaving her unable to walk without crutches.

So, in 2010, when she began thinking of buying a motorcycle for transportation, she petitioned the Summit Towers Condominium Association, Inc., in Broward County, Fla., for permission to use one of her assigned garage spaces for her trike.

Best, who commutes between her Florida condo and her Manhattan apartment, believed her case warranted an exception to the condo's "no motorcycles" policy due to her disability. After all, the condo board had begun to allow scooters onto the property.

"It is hard to have a car in New York City, and the trike is easier to ride and park," Best says. "It provides me independence and gives me the chance to get out and meet people and enjoy life."

A year passed, with no formal response from the condominium board, Best says.

"They would tell me they were checking with their lawyers," she says.

But things heated up when she bought her Honda Goldwing trike in September 2011. The board told her she had to park the motorcycle in a public lot outside the condo property.

The decision meant that Best had to make her way up a slope and get herself and her crutches through a manual gate

before walking the remaining distance to her door.

"I am very vulnerable," she says. "And I was having to walk about 80 yards from the parking lot to my door."

So, Best took her case to Broward County's Equal Opportunity Officer, who filed a complaint on behalf of the U.S. Department of Housing and Urban Development. The complaint argued that the federal Fair Housing Act guarantees Best the right to a "reasonable accommodation"—an exception to the condo rules—to provide her with an "equal opportunity to use and enjoy" her home.

The condo management claimed a ruling in favor of Best "would be nothing less than a clear abuse of the system and

a mockery to the disabled individuals across this state who actual(ly) do suffer from discriminatory acts."

In a mediated settlement, Best won the right to use one of her two parking spaces in the condo garage for her trike. But the condo association got the right to lease her second space to another resident.

"I have to be content with what I've got," Best says. "It is a better arrangement for me. I don't have to park in the public lot outside the community perimeter."

"But it is a very old-fashioned approach, with all the [aging] Baby Boomers in Florida," she says. "Motorcycles are out all the time."

### Parking Garage Ban

AMA member Larry Eichenbaum is one of many motorcyclists stymied by the "No Motorcycles" policy at parking garages. Eichenbaum commutes daily to New York City from New Jersey, using the ferry at Port Imperial, N.J.

Before SP Plus Corp. (SP+) took over management of the Port Imperial parking operations, Eichenbaum was able to park his motorcycle in the garage.

Suddenly, he and other motorcyclists were banned from using the garage, ostensibly because of liability concerns with the control gates.

As SP+ explained the situation, sensors embedded in the concrete "are tuned to the high-metal mass of a car" and "cannot reliably detect the smaller metal mass of







Bryan Dunlap and Sarah Blouch say cooperation and planning can ensure all needs are met.

Jeff Guagliardo

some motorcycles.”

The garage operators say that they fear a gate could close unexpectedly, injuring a motorcyclist. And, since the gate manufacturers mark their equipment “No Motorcycles,” the garage operators wish to avoid greater liability.

Eichenbaum contacted the AMA.

“Through a series of phone calls and letters, both Mr. Eichenbaum and the AMA were able to convince SP+ to make accommodations at Port Imperial for motorcyclists,” Szauter says.

Brian Collins, director of management accounts at SP+, stated in a letter to the AMA that a designated motorcycle parking area would be established that does not require motorcyclists to pass through the control gates.

Meanwhile, the control gate manufacturers show no indication of making their products safer for motorcyclists.

“I haven’t seen any progress within the traffic gate manufacturing industry to accommodate motorcyclists,” Szauter says. “It’s far cheaper and easier for them to print and apply a decal that reads ‘No pedestrians, bicycles or motorcycles’ and

apply it to the controller cabinet than to remedy safety and liability concerns.”

### Campus Groups Cooperate

While SP+ plans to set aside spaces in a surface lot for motorcyclists, such as Eichenbaum, The Ohio State University responded to motorcyclists’ concerns by incorporating bike parking into their designs for new garages.

The accommodation is the result of efforts years ago by a small group of faculty members who ride their motorcycles to work and a discussion with an AMA representative.

Sarah Blouch is president of CampusParc, the firm that manages the university’s parking lots and garages and was executive director of Transportation & Parking Services at the school when the group raised its concerns.

“We had a near miss in one of our garages,” Blouch says. “Motorcycles sometimes trip the loops (that trigger the gates), but not always. We couldn’t take the chance that a motorcycle rider would get hit in the head with a gate. So we had to put motorcycle parking outside.”

Bryan Dunlap, an OSU Unix systems



ABOVE: The Lane Avenue garage at Ohio State was built to accommodate motorcycle parking.

BELOW: The entrance ramp to West Lane Garage was retrofitted to accommodate motorcycle parking.



administrator and an AMA member, says a loosely organized group of about eight motorcyclists approached the school administration seeking to reverse the ban on motorcycles in the campus garages.

“They told us that the gates were unsafe, but we had been riding around the gates for years to park in motorcycle spaces in the garages,” Dunlap says. “And the surface lots they directed us to had the same kinds of gates we had to go through. We tried to make a case, but they were concerned about liability. And people become very paranoid when they think they are going to get sued.”

CampusParc did set aside more surface parking for motorcycles, but Dunlap says the riders wanted their bikes to be out of the weather and out of the path of students changing classes.

“At the time, we didn’t think we had done any good,” Dunlap says. “It was very disheartening.”

What Dunlap and the rest of the group did not know was that their concerns stuck with Blouch, and, as CampusParc began developing plans for new facilities, motorcycle parking was included.

“In the building phase, it is very easy to accommodate motorcycle parking,” Blouch says. “We just told the architect to design it into the project.”

Today, the newer campus garages have motorcycle-only spaces and motorcycle lanes for ingress and egress that do not require passing through a control gate.

“We like happy people,” Blouch says. “If you approach things from a ‘how-can-we-make-that-work’ angle instead of ‘we’ve never done it that way,’ it is much easier.”