
BIKE LIFE, CULTURAL CONFLICT, AND THE CITY

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Abstract. Dirt bike and ATV riding on city streets—“Bike Life”— has emerged as a controversial urban subculture. Ride-outs—communal groups of ATV and dirt bike riders who perform stunts and weave through traffic—have become increasingly common on city streets across the country and the globe. These ride-outs serve as cultural performances of resistance for riders, yet are a nuisance to many others. Oftentimes, but not always, these divides fall along lines of race and class. This Article provides a contextual analysis of Bike Life, exploring its roots and analyzing its commodification, vilification, and criminalization. It considers how municipal officials have balanced recognizing Bike Life as a cultural art form, and regulating it as a disruption and a danger. Although policymakers have long floated the idea of dirt bike and ATV parks to keep riders off of busy city streets, other solutions that can ensure that riders and bystanders are safe may also be apt.

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INTRODUCTION

On a mid-October Sunday each year, thousands who ride all-terrain vehicles (ATVs) and dirt bikes take to the Philadelphia streets to participate in the “Ride for Rell.” They gather and ride in unison, popping wheelies and performing other tricks on some of the city’s busiest streets. The “ride-out,” a coordinated parade of riders practicing tricks and racing through traffic, is held in memory of Kyrell Tyler, “Dirt Bike Rell,” a well-regarded stunt dirt bike rider who was shot and killed in 2014.¹ Dirt Bike Rell, the self-proclaimed “Bike Life King of Philly,” had gained popularity and admiration across the city and country for daredevil stunts that he performed and broadcast on social media.² His death became a rallying cry, sparking the hashtag #BikesUpGunsDown and inspiring other riders.

The Ride for Rell is “Bike Life”—the pastime of urban dirt bike and ATV riding—in its purest form. Bike Life has taken root in cities across the East Coast of the United States, such as Philadelphia, New York, Trenton, Wilmington, New Haven, Washington DC, and especially Baltimore, which is considered its “spiritual home.”³ The pastime is global, as ride-outs and Bike Life crews have cropped up in London, Paris, and Accra.⁴ To those who ride—namely men of color—Bike Life is a venue for self-expression and release. Despite its inherent danger, Bike Life is also framed as an alternative to more violent and dangerous activities that plague many poor urban communities.

But to the many who do not enlist in Bike Life, it is nothing short of a dangerous and harmful public nuisance. For example, in a September 2020 meeting in response to the growing prevalence of ride-outs, Philadelphia City Council passed a resolution that declared that riding is a “hobby [that] is dangerous for both riders and residents when taking place on the public roadway.”⁵ During a subsequent City Council Committee on Public Safety hearing, the Philadelphia Police Department revealed that it had implemented a citywide initiative to “crack down” on riding, while Center City residents and business owners lambasted the activity, describing instances in which dirt bike riders had spun onto sidewalks, endangering pedestrians.⁶

This Article provides a contextual analysis of Bike Life.⁷ While dirt bike culture has become

¹ Sara Smith & Drew Smith, *Ride for Rell, Hundreds of Dirt Bike, ATV Riders Swarm the Streets of Philadelphia to Remember Popular Dirt Bike Rider Kyrell Tyler*, NBC 10 PHILA. (Oct. 15, 2018, 7:35 AM), <https://www.nbcphiladelphia.com/local/ride-for-rell-philadelphia-in-memory-of-kyrell-tyler/211794/> [https://perma.cc/BC3H-YG3Z].

² See, e.g., Dirt BIKELIFE Rell (@dirtbikeliferell), INSTAGRAM, <https://www.instagram.com/dirtbikeliferell/?hl=en> (last visited Feb. 2, 2022).

³ See Annalies Winny, *Urban dirt bikes saved my life’ – a photo essay*, GUARDIAN (Mar. 8, 2018), <https://www.theguardian.com/cities/2018/mar/09/dirt-bikes-street-riders-motocross-freestyle-photo-essay-chino-mous-baltimore-wildout-wheelie-boyz> [https://perma.cc/W9CZ-DFKG].

⁴ See *id.*

⁵ Phila., Pa., Resolution 200442 (Sept. 10, 2020) (“Authorizing the Committee on Public Safety to hold a hearing examining the ongoing safety and noise issues with the use of ATV and other unauthorized vehicles on City streets and the possibility of creating a space for safely riding in Philadelphia”).

⁶ Hearing on Resolution 200442 Before the Phila. Council Comm. on Public Safety (Oct. 7, 2020) (statements of Deputy Commissioner Joel Dales and Larry Mink).

⁷ See Regina Austin, *Bad for Business: Contextual Analysis, Race Discrimination, and Fast Food*, 34 J. MARSHALL L. REV. 207, 208 (2000) (“Contextual analysis along these lines illuminates conflicts that typical legal analysis ignores or obfuscates. Contextual analysis exposes the degree to which the contemporary status quo of hierarchically-arranged or stratified socioeconomic groups are the product of more than the sum of deliberate, overt invidious acts of discrimination perpetrated by lone-acting outlaws.”).

an increasingly commonplace aspect of city life, there is little, if any, scholarly work on the topic. Even more, it is increasingly pressing to place dirt bikes and ATVs into current conversations on transportation justice, which largely focus on the failure of policymakers to meaningfully improve access to safe, affordable, and efficient public transit for those communities that rely on it the most.⁸ What is often missing in these discussions is an exploration of alternative means of transportation that are used both as forms of mobility and resistance in the face of inaccessible and inequitable public systems. In other words, our discussion of transportation equity must include an emphasis on forms of transportation that many use not only to traverse cities, but to resist within them.

This Article first explores the emergence and development of urban dirt bike culture. It then is framed around two conflicts. First, I highlight conflicts between riders, who love the pastime and use it to lay claim to their streets, and the police, who aim to control ride-outs and punish Bike Life. Next, I highlight conflicts between how riders portray and understand Bike Life, and how the mass media and often white and more affluent city residents vilify the subculture. These mischaracterizations largely reify negative racial stereotypes about men of color who have driven Bike Life into the heart of their cities. Last, I explore the limitations of the leading policy solution—the construction of city dirt bike parks—that is often proposed but has not yet quite come to fruition. Whether cities celebrate Bike Life as a form of cultural performance and community building or continue to push it to the margins remains to be seen.

I. BIKE LIFE AND THE CITY

According to David “Dee” Delgado, a Bronx-based photojournalist and community activist, the roots of dirt bike culture can be traced back to often racially homogenous bicycle groups that traversed many cities after World War II.⁹ In the 1970s and 1980s, “the children of those vets began the urban moped culture.”¹⁰ Bikers developed a shared identity and established a presence in the urban landscape through coordinated bicycle and moped rides, weaving through traffic and overtaking the streets.¹¹ Around the same time, dirt bikes came to the United States from Europe, and riders took to public property like state parks to ride and master tricks on dirt and grassland.¹² However, when park officials and preservationists campaigned against riders’ use of public land, they migrated to city streets, following in the footsteps of the moped and bicycle riders that preceded them.¹³

Bike Life, which is understood to be rooted in predominantly low-income communities of

⁸ See, e.g., KAREL MARTENS, *TRANSPORT JUSTICE: DESIGNING FAIR TRANSPORTATION SYSTEMS* (2017) (drawing on principles of social justice and offering tools for developing transportation systems that take into account users’ diverse accessibility and mobility needs).

⁹ Vikki Tobak, *Bike Life—A Look into NYC’s Urban Biker Culture*, DISPATCH.NYC, <https://www.dispatch.nyc/bike-life-a-look-into-nycs-urban-biker-culture/jfop2g8ua6c4pkun82qbg3nxiunt> (last visited Feb. 2, 2022) [<https://perma.cc/QA4T-7YGN>].

¹⁰ *Id.*

¹¹ See, e.g., Winny, *supra* note 3 (describing riders “brazenly weav[ing] through traffic” with “a bravado on the streets [that] is unquestionable,” and similarly riding onto sidewalks).

¹² Brittany Britto, *Dirt Bikes in Baltimore: What You Need to Know*, THE BALT. SUN (Nov. 28, 2018, 5:00 AM), <https://www.baltimoresun.com/features/baltimore-insider/bs-fe-dirt-bikes-explainer-20181129-story.html> [<https://perma.cc/S8QU-47JE>].

¹³ *Id.*

color with few recreation facilities, therefore evolved from these bicycle and moped groups. In relying on powerful motors and focusing even more on speed and highly sophisticated tricks, Bike Life has since upped the ante on city streets and sidewalks. As such, Bike Life has become ingrained as a form of leisure and socialization across a number of cities, especially for young people. While many train and begin their assimilation into Bike Life through performing wheelies and racing on traditional pedal bikes, they often graduate to dirt bikes and ATVs once they can access them.¹⁴

Ride-outs and dirt bike crews likely emerged in the mid-1990s in Baltimore, a city still regarded today as America's "Bike Life capital."¹⁵ Since then, dirt bike riders and their crews have proliferated across the Northeast and mid-Atlantic, with ride-outs being documented in at least 22 different American cities.¹⁶ The vast majority of riders that have been featured in both social and the mainstream media are men, and Bike Life has been characterized as "a male-dominated subculture."¹⁷ Riders are primarily drawn to the activity because it is a thrill-seeking form of leisure and recreation. Purchasing the vehicles is a surmountable obstacle, as bikes and ATVs can be purchased online, shipped in parts, and reassembled.¹⁸ In this sense, urban dirt bike riding is a form of "deviant leisure" that "provides the individual with the transgressive license to objectify the ethical and routine boundaries of everyday life."¹⁹

There is sparse qualitative research on Bike Life. There is therefore a gap in our understanding of how crews are structured and how riders perceive their participation in Bike Life and communicate with one another. Nevertheless, Bike Life's social media presence, as well as the subculture's footprint on local news, provides helpful context.

Dirt bike and ATV riding in cities is communal. Ride-outs include racing, as well as "hanging": when riders pop wheelies as they drag their elbows, or even their torsos, across the ground.²⁰ It is also common for riders to stand on the seats of dirt bikes and ATVs and maneuver their hands and feet around as both a form of style and a way to show that they can control the vehicle in a number of ways.²¹ Some perform ride-outs as part of coordinated "crews"—Harlem's Go Hard Boyz, Baltimore's WildOut Wheelie Boyz, and Philadelphia's Philly Hang Gang—while others ride individually, but join ride-outs that these crews often coordinate through social media outlets such as Instagram.²² While communities of riders exist within cities, riders and crews from different cities often unite and compete,

¹⁴ McPhersonVisions, Ride 2 The Death "A Philadelphia Story" (Trailer 1), YOUTUBE (Jan. 9, 2013), https://www.youtube.com/watch?v=HKTaIFpPZ_A&ab_channel=McPhersonVisions [<https://perma.cc/RQF9-2ZKT>].

¹⁵ Nicholas Lownes, Michael Accorsi, Stephen Perich, & Parker Sorenson, *UConn Report on Urban Dirt Biking*, 2.

¹⁶ *Id.* at 3.

¹⁷ See Justin Fenton, *In Popular—But Illegal—Baltimore Dirt Bike Scene, Female Rider Makes Waves*, THE BALTIMORE SUN (Nov. 7, 2014), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-wheelie-queen-female-dirt-bike-rider-20141107-story.html> [<https://perma.cc/D6XG-RR9Q>]; see also Tobak, *supra* note 9 ("While most of the riders are young men, full of bravado, women riders are a big part of the movement, though seen less often.").

¹⁸ See, e.g. POWERSPORTS MAX, <https://www.powersportsmax.com/index.php/cPath/33> (last visited Jan. 13, 2022) [<https://perma.cc/4CRH-MERV>].

¹⁹ Chris Rojek, *Deviant Leisure: The Dark-Side of Free Time Activity*, in LEISURE STUDIES: PROSPECTS FOR THE 21ST CENTURY 88 (T.L. Burton & Edgar Lionel Jackson ed., 1999).

²⁰ Dana DiFilippo & Jason Nark, *Inside Philadelphia's Dirt Bike, ATV Subculture*, PHILA. DAILY NEWS (May 30, 2012).

²¹ See Nationwide Bike Life, Riding In The Hood DC Bike Life, at 1:50, YOUTUBE (Apr. 16, 2021), https://www.youtube.com/watch?v=WRDiKKPe9WM&ab_channel=NationwideBikeLife [<https://perma.cc/7HKU-EMGF>].

²² Winny, *supra* note 3.

attempting to one-up or out-trick each other in the name of city pride.²³ In this sense, riding, which some have described as “vehicular graffiti,” is both an outlet as well as an art form.²⁴ As Phil Rinaldi, who founded Risk Takerz, a company that sells Bike Life paraphernalia and organizes ride-outs, explained, “I can’t draw a picture; I can’t paint; I can’t do pottery; I can’t do art like that . . . But you know, when I get on my bike, that’s my art.”²⁵ As such, urban Bike Life, like urban graffiti, “disrupts [the] orderly latticework of authority, reclaims public space for at least some of those systematically excluded from it, and thus resists the confinement of kids and others within structures of social and spatial control.”²⁶

If dirt bike riders paint the streets with death-defying stunts and racing, social media is their canvas. Riders take to Instagram and YouTube to showcase and broadcast skills, style, and new tricks to local and global audiences. They often upload videos of wheelies or other stunts, and curate videos depicting ride-outs. For example, a YouTube video highlighting the 2018 Ride for Rell has attracted over 2.5 million views.²⁷ Meanwhile, the hashtag #BikeLife has been associated with nearly 24 million Instagram posts.

While ethnographic work exploring Bike Life as a subculture is needed, some helpful comparisons based on preexisting ethnographic work can be made. For example, there are aspects of the subculture that resemble motorcycle outlaw gangs: riders’ “disenchantment with society” draws them to the speed and power of motorbikes, and they soon are subsumed into bike culture and crews through learning tricks and bike customization techniques from other riders.²⁸ However, crew members differentiate between the two. As Benadon Charles has explained:

The difference between the motorcycle community and dirt bike life is that they got rules and regulations, they got clubs. But Bike Life is not in that realm, it’s usually like graffiti, you tag up on the wall, and certain dudes got their name. Bike Life is that, it’s that essence of tagging up. Every dude that is on a dirt bike that you know of, you associate them with the bike they ride, and how they ride.²⁹

There are also distinct similarities between Bike Life, which often focuses on competition through tricks and skill, and car-based street racing, which focuses more on speed. In street racing, “the car comes to be socially constructed as the epitome of masculinity, and motor racing as the public

²³ See Raw Vlogz, Rawblogz Szn 1 Ep. 1: Philly Bike Life Part 1, at 1:11, YOUTUBE (Nov. 12, 2020), https://www.youtube.com/watch?v=uQ3is0XBWtc&ab_channel=RawVlogz [<https://perma.cc/D7GH-HHW4>].

²⁴ Brentin Mock, *Celebrating the Vehicular Graffiti of Urban Bike Life*, BLOOMBERG CITYLAB (Dec. 20, 2016), <https://www.bloomberg.com/news/articles/2016-12-20/the-beauty-of-urban-dirt-bikes> [<https://perma.cc/N6PD-7ML4>].

²⁵ Tyler Blint-Welsh, *An Illegal Street Sport Takes a Country Holiday*, N.Y. TIMES (July 25, 2018), <https://www.nytimes.com/2018/07/25/nyregion/dirt-bikes-bike-life-ride.html> [<https://perma.cc/8YG4-RRY5>].

²⁶ Jeff Ferrell, *Urban Graffiti: Crime, Control, and Resistance*, 27 YOUTH & SOC’Y 73, 79 (1995).

²⁷ Nationwide BikeLife, Philly Bikelife Rell Day 2018 Part 1 (@Nationwidebikelife), YOUTUBE (Oct. 15, 2018), https://www.youtube.com/watch?v=F1f4Kykia_Q&t=292s&ab_channel=NationwideBikeLife [<https://perma.cc/NS3V-JPFF>].

²⁸ Columbus B. Hopper & Johnny “Big John” Moore, *Hell on Wheels: The Outlaw Motorcycle Gangs*, 6 AM. CULTURE 58, 63 (1983).

²⁹ HYPEBEAST, Why #BIKELIFE is Taking Over The Streets | Behind The VYPE, YOUTUBE (Oct. 8, 2020), https://www.youtube.com/watch?v=YTd5i4PnK4k&t=313s&ab_channel=HYPEBEAST [<https://perma.cc/6ZDX-B7QF>].

assertion of this masculine power. The response of many young men is to purchase a car, drive dangerously and be entertained by watching motor racing.”³⁰ Such is true with Bike Life, as riders perform masculinity through directly confronting the associated danger, and even the police.

In most, if not all, cities, dirt bikes and ATVs are typically considered “non-street legal,” meaning they do not have required safety equipment—headlights, taillights, turn signals, and road-safe tires—and therefore are prohibited on public streets. Different cities have enacted different laws that restrict dirt bike and ATV riding. For example, in Baltimore, it is illegal to operate a dirt bike, including three or four-wheel ATVs and minibikes (essentially miniaturized dirt bikes), on public or private property.³¹ This prohibition was enacted in the wake of the death of two dirt bikers who died while attempting stunts in 2000.³² In response to an uptick in riding, the City also prohibited ownership of dirt bikes, unless they are locked and not used within City limits. Similarly, in Philadelphia, state law prohibits the registration of non-street-legal dirt bikes, and there is a citywide prohibition on operating any ATV or dirt bike on public property, which comes with a \$2,000 fine.³³ Under the law, if the police have “probable cause” that an ATV, even if stored privately, has been used at all on public property, fines can be issued, and the vehicle can be confiscated—and eventually impounded.³⁴ During his tenure, former New York City Mayor Bill de Blasio sent a clear message on his approach to those considering procuring and riding a dirt bikes or ATV: “Don’t even think about it . . . Because the NYPD will find it and crush it.”³⁵ Other cities, like New Haven, also prohibit gas station owners from selling fuel to dirt bike and ATV riders.³⁶ Therefore, Bike Life has been met with an array of “governmental actions employed to restrict black leisure.”³⁷ Since Bike Life is organized on social media and often operates in defiance of traffic laws, it threatens those on the outside. Therefore, like other city subcultures prevalent in Black and Brown communities, it is criminalized.³⁸

³⁰ Andrew Leigh, *Youth and Street Racing*, 7 CURRENT ISSUES IN CRIM. JUST. 388, 393 (1996).

³¹ BALT., MD., POLICE CODE art. 19, § 40–1 (2021).

³² Britto, *supra* note 12.

³³ PHILA., PA., CODE § 12-1133 (2020). Philadelphia City Council initially only banned ATVs from city streets after a collision killed a 14-year-old rider in March 2012. Larry Miller, *Council Considers Tighter ATV Restrictions*, THE PHILA. TRIB. (Oct. 4, 2012), https://www.phillytrib.com/news/state-and-region/council-considers-tighter-atv-restrictions/article_ae740a1e-4244-5139-b342-febebf146d5e.html [https://perma.cc/4X43-FV6M]. In June 2021, in response to complaints and outrage concerning the growing presence of dirt bike riding in high-pedestrian, often more affluent areas, City Council extended its ban to dirt bikes. Phila., Pa., Ordinance 210423 (May 6, 2021). See Layla A. Jones, *New Legislation Would Let Police Confiscate More Dirt Bikes from Philly Streets*, BILLY PENN (May 6, 2021), <https://billypenn.com/2021/05/06/philadelphia-dirt-bikes-atv-legislation-street-legal-police-confiscation-town-hall/> [https://perma.cc/HTY7-NRZ2]. Two days after the bill passed, a ride-out, featuring upwards of 500 dirt bikes and ATVs, ensued. See @JoeHoldenCBS3, TWITTER (June 12, 2021, 8:59 PM), https://twitter.com/JoeHoldenCBS3/status/1403879590343368704?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwemtembed%7Ctwterm%5E1403879590343368704%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.inquirer.com%2Fnews%2Fphiladelphia-atvs-dirt-bikes-city-council-police-20210613.html [https://perma.cc/8E3L-JXSE].

³⁴ PHILA., PA., CODE § 12-1133 (2020).

³⁵ Christian Murray, *NYPD Is Confiscating and Destroying Illegal Dirt Bikes and ATVs That Are Being Used on NYC Streets*, THE SUNNYSIDE POST (Sept. 17, 2021), <https://sunnysidepost.com/nypd-is-confiscating-and-destroying-illegal-dirt-bikes-and-atvs-that-are-being-used-on-nyc-streets> [https://perma.cc/26HQ-9GWG].

³⁶ New Haven, Conn., Ordinance 1902 (Dec. 7, 2020).

³⁷ Regina Austin, *Not Just for the Fun of It!: Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space*, 71 S. CAL. L. REV. 667, 672 (1998).

³⁸ Mock, *supra* note 24.

Police departments often use social media posts to surveil Bike Life.³⁹ In 2016, Baltimore even piloted an aerial, military-grade surveillance system to track crime, which often focused on monitoring dirt bike crews.⁴⁰ Police departments also frequently rely on tips to find and confiscate unregistered or otherwise illegal ATVs and dirt bikes when they are not being used on city streets. For example, Washington DC's "Bonu\$ to Phone Us Program" provides a \$250 award to anyone whose report of ATV or dirt bike activity leads to a confiscation.⁴¹ Philadelphia's initiative similarly relies on tips about where the vehicles are being stored.⁴²

Police directives targeting dirt bikes and ATVs may infringe on a rider's constitutional rights. For example, a federal court in *Robinson v. District of Columbia* found that Washington DC's police practice to aggressively chase and stop riders could reasonably be found to demonstrate DC policymakers' deliberate indifference to a clear risk of constitutional violations.⁴³ To support that notion, the plaintiff—the mother of a rider who died as a result of a collision with a police car—produced “200 first-hand accounts from dirt-bike riders or bystanders who claim[ed] that . . . police officers used their vehicles to chase and then hit dirt-bike riders throughout the District.”⁴⁴

As the number of riders has proliferated, many police departments have instituted “no-chase” policies. As a result, police will not chase dirt bike and ATV riders when they commit traffic violations, since such a chase would exacerbate already unsafe driving and pedestrian conditions when there is a swarm of bikers participating in a ride-out.⁴⁵ For example, Washington DC's new police policy explains:

Riders of ATVs and dirt bikes are openly breaking the law on DC streets. These riders do all kinds of tricks such as wheelies and riding on the sidewalks. ATVs and dirt bikes are illegal to ride on public streets in the District of Columbia, but MPD's chase policy prohibits officers from pursuing the vehicles. In fact, those familiar with the problem say that some riders come from other areas on stolen dirt bikes and ATVs because DC is known for its no chase policy.⁴⁶

Such policies show how police departments aim to balance the benefits of mitigating street

³⁹ See Yvonne Wenger & Justin Fenton, *City Police Promise Dirt Bike Crackdown*, THE BALTIMORE SUN (May 14, 2014), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-dirt-bikes-enforcement-20140513-story.html> [<https://perma.cc/GM5V-LR9F>]; Justin Musczynski, *Charged Dropped Against Bristol man Who Police Say Posted Video of Pursuit to YouTube*, THE BRISTOL PRESS (Jan. 11, 2022), <http://www.bristolpress.com/BP-Bristol+News/400884/charges-dropped-against-bristol-man-who-police-say-posted-video-of-pursuit-to-youtube> [<https://perma.cc/VVE6-BHP2>].

⁴⁰ Monte Reel, *Secret Camerac Record Baltimore's Every Move from Above*, BLOOMBERG BUSINESSWEEK (Aug. 23, 2016), <https://www.bloomberg.com/features/2016-baltimore-secret-surveillance/> [<https://perma.cc/7VVN-KQCZ>].

⁴¹ *Help Keep DC Streets Safe and Free of Off Road Vehicles Through the Bonu\$ to Phone Us Program*, WHAT'S NEW IN THE METROPOLITAN POLICE DEPARTMENT, Aug. 5, 2016, https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/release_content/attachments/wn_150814.pdf [<https://perma.cc/7E5G-4BWJ>].

⁴² Michael Tanenbaum, *What Happens to the ATVs, Dirt Bikes Seized by Philly Police?*, PHILLY VOICE (Sept. 15, 2020), <https://www.phillyvoice.com/philly-atv-dirt-bike-illegal-police-seizures-ppa-confiscation> [<https://perma.cc/Q8H2-DABK>].

⁴³ 130 F. Supp. 3d 180, 195–96 (D.D.C. 2015).

⁴⁴ *Id.* at 195.

⁴⁵ Lownes, Accorsi, Perich, & Sorenson, *supra* note 15.

⁴⁶ *Help Keep DC Streets Safe and Free of Off Road Vehicles Through the Bonu\$ to Phone Us Program*, WHAT'S NEW IN THE METROPOLITAN POLICE DEPARTMENT, Aug. 5, 2016.

chaos with potentially incentivizing more dirt bike riding.

Courts have upheld the importance of no-chase policies for public safety in establishing officers' constitutional tort liability. In *Clark v. Merrell*, a Philadelphia Police officer—who was assigned to a special detail to confiscate dirt bikes and ATVs—initiated a ten-minute, high-speed chase of a dirt bike rider into a crowded intersection; this action was against both the city's directives and his supervisor's instructions.⁴⁷ The rider lost control and struck a woman and her niece, throwing them forty-two feet and causing life-threatening injuries.⁴⁸ The court held that the officer was not entitled to qualified immunity because his pursuit of the dirt bike rider, in defiance of policy and an order from his supervisor, supported an inference that he acted with intent to harm, and thus his pursuit did not have “a legitimate law enforcement objective.”⁴⁹ Litigation regarding whether the officer is to be held liable for substantive due process violations under 42 U.S.C. § 1983 is ongoing.

Courts have also subjected officers to liability when they are aggressive in their attempts to disrupt ride-outs. For example, in *Cole v. City of New Haven*, the Connecticut Supreme Court held that a New Haven police officer was not entitled to immunity from negligence liability when she spotted a pack of dirt bikes participating in a ride-out and abruptly maneuvered her vehicle to disrupt it.⁵⁰ One rider who swerved onto a sidewalk to avoid the officer's police cruiser struck a tree, suffering brain damage, a near total loss of vision, and permanent facial scarring.⁵¹ The court held that since the officer “jeopardiz[ed] the safety and lives of those involved, as well as innocent bystanders,” she could be held liable.⁵² As recently as December 26, 2021, 13-year-old dirt bike rider Stanley Davis, Jr. died after a Boynton Beach, Florida police officer dangerously pursued him while he was on his way home.⁵³ Family, friends, and community members held “Bikes Up for SJ” rally in his honor.⁵⁴

II. “BIKES UP, GUNS DOWN”

Bike Life has largely penetrated mainstream popular culture thanks in large part to rap culture. Philadelphia's Meek Mill first brought riding to mass audiences in his 2011 music video for the song

⁴⁷ No. 19-1579, 2021 U.S. Dist. LEXIS 16053, at *2–6 (E.D. Pa. January 28, 2021).

⁴⁸ *Id.*

⁴⁹ *Id.* at *13–15. However, officers may be granted qualified immunity when there is not a no-chase policy in effect and a dirt biker is injured pursuant to a chase. See *Felder v. City of Phila.*, No. 02214, 2005 Phila. Ct. Com. Pl. LEXIS 204, at *5-6 (May 3, 2005).

⁵⁰ *Cole v. City of New Haven*, 253 A.3d 476, 480-81 (Conn. 2020).

⁵¹ *Id.* at 481.

⁵² *Id.* at 487, 491; see Razel Suansing, *Connecticut Supreme Court Rules Against New Haven Police Officer*, YALE DAILY NEWS (Oct. 29, 2020, 3:39 AM), <https://yaledailynews.com/blog/2020/10/29/connecticut-supreme-court-rules-against-new-haven-police-officer/> [<https://perma.cc/7Q8L-L5RA>].

⁵³ Jason Davis & Matt Papaycik, *13-Year-Old Boy on Dirt Bike Dies During Attempted Traffic Stop by Boynton Beach Police*, WPTV (Dec. 27, 2021, 11:35 PM), <https://www.wptv.com/news/region-s-palm-beach-county/boynton-beach/young-person-dies-on-dirt-bike-during-attempted-traffic-stop-by-boynton-beach-police> [<https://perma.cc/L8EN-NFZ4>] (reporting on the pursuit and crash).

⁵⁴ Deena Zaru, *Family Confronts Mayor After Son Dies in Attempted Traffic Stop Crash*, ABC NEWS (Jan. 5, 2022, 12:36 PM), <https://abcnews.go.com/US/family-confronts-city-officials-emotional-meeting-son-dies/story?id=82085362> [<https://perma.cc/L9TG-QV37>].

“Ima Boss,” which depicted him leading a ride-out across parts of both North and South Philadelphia.⁵⁵ That video has been viewed over 102 million times.⁵⁶ Awareness of Bike Life also grew when the rapper, now a steadfast advocate for probation and parole reform, was sentenced to up to four years in prison for violating his own parole when he posted videos of himself performing dirt bike wheelies.⁵⁷ Since a Pennsylvania court overturned his sentence on appeal,⁵⁸ Mill has further thrust dirt bike riding into the mainstream, even creating a dirt bike riding cell phone game,⁵⁹ playing the leader of a dirt bike crew in the movie *Charm City Kings*,⁶⁰ and producing more music videos featuring dirt bike crews.⁶¹ A number of other high-profile rappers have continued the trend.⁶² Their portrayals of Bike Life often depict the stylishness and joy that riders embody when they hop on a bike and take to the streets.

Riding can even lead to career opportunities, as some have been able to earn a living by being cast to ride in rap music videos or even to advertise new lines of motocross apparel and gear on their social media.⁶³ Musical artist and popular culture icon Rihanna featured a motocross, Bike Life-inspired fashion collection for her 2018 Fenty fashion show, hiring riders to perform stunts and tricks as models graced the runway.⁶⁴ In this sense, dirt bikers, like street skateboarders, “creatively interpret” the urban

⁵⁵ Maybach Music Group, *Meek Mill Feat. Rick Ross - Ima Boss (Official Video)*, YOUTUBE (Aug. 31, 2011), <https://www.youtube.com/watch?v=V1cxP2nCBdU> [<https://perma.cc/5AES-WJAHJ>].

⁵⁶ *Id.*

⁵⁷ Daniel Kreps, *Meek Mill Receives up to Four Years in Prison for Violating Probation*, ROLLING STONE (Nov. 7, 2017, 2:14 AM), <https://www.rollingstone.com/music/music-news/meek-mill-receives-up-to-four-years-in-prison-for-violating-probation-123559/> [<https://perma.cc/CZ8W-SSKQJ>].

⁵⁸ Bobby Allyn, *Meek Mill Pleads Guilty To Misdemeanor Gun Charge, Ends 12-Year Legal Case*, NPR (Aug. 27, 2019), <https://www.npr.org/2019/08/27/754769378/meek-mill-pleads-guilty-to-misdemeanor-gun-charge-ends-12-year-legal-case> [<https://perma.cc/3TXD-E4BJJ>].

⁵⁹ Nick Vadala, *Meek Mill Launches “Bike Life,” A Philly-Centric Mobile Game App*, PHILA. INQUIRER (June 30, 2015), <https://www.inquirer.com/philly/blogs/trending/Meek-Mill-launches-Bike-Life-a-Philly-centric-mobile-game-app.html> [<https://perma.cc/EW7W-JP6WJ>]. See generally Layla A. Jones, *Philly Dirt Bike Culture Is Stronger Than Ever, but Riders Have Nowhere to Go*, BILLY PENN (Sept. 29, 2019, 10:00 AM), <https://billypenn.com/2019/09/29/with-meek-mill-as-leader-dirt-bike-culture-is-stronger-than-ever-but-philly-riders-still-have-nowhere-to-go/> [<https://perma.cc/LSU8-63WZJ>].

⁶⁰ Allie Miller, *Meek Mill Shows Off ‘Incredible’ Acting Skills in New Movie ‘Charm City Kings’*, PHILLY VOICE (Sept. 25, 2020), <https://www.phillyvoice.com/meek-mill-charm-city-kings-movie-review-hbo-dirt-bike-atv-philadelphia/> [<https://perma.cc/B9SS-C73ZJ>].

⁶¹ E.g., Meek Mill, *Meek Mill Ft. Paloma Ford - I Don’t Know (Official Video)*, YOUTUBE (June 24, 2014), <https://www.youtube.com/watch?v=CnJoBbyTdwY> [<https://perma.cc/4GYL-A5M2J>].

⁶² See, e.g., @luvbat16, INSTAGRAM, <https://www.instagram.com/p/CN1i-XzM6EI/?hl=en> [<https://perma.cc/SJ49-CL6RJ>] (last visited Apr. 24, 2021) (Instagram post from a fan page for rapper Lil Uzi Vert showing him riding a dirt bike); Nationwide BikeLife, *Lil Baby Rides with the Pack in Atlanta!!! NEW 2019 Bikelifelife*, YOUTUBE (Aug. 5, 2019), https://www.youtube.com/watch?v=OtvzWlFjPZg&ab_channel=NationwideBikeLife [<https://perma.cc/88CJ-NLYHJ>]; ASAPROCKYUPTOWN, *A\$AP Rocky-A\$AP Forever (Official Video) ft. Moby*, YOUTUBE (Apr. 5, 2018), https://www.youtube.com/watch?v=BNzc6hG3yN4&ab_channel=LIVELOVEASAPVEVO [<https://perma.cc/CAU8-YTF7J>]; Travis Scott, *Travis Scott - CAN’T SAY*, YOUTUBE (Feb. 5, 2019), https://www.youtube.com/watch?v=2LegNVM_nM&ab_channel=TravisScottVEVO [<https://perma.cc/5GDJ-5BJ3J>].

⁶³ See Chino Braxton, ROCNATION, <https://www.rocnation.com/music/chino-braxton/> [<https://perma.cc/X5B3-TNKJ>] (last visited Jan. 21, 2022) (describing how biker Chino Braxton appeared in several Meek Mill music videos and earned an endorsement deal with Under Armour).

⁶⁴ Erica Gonzales, *Rihanna Went Dirt Bike-Themes for Her Spring 2018 Fenty x Puma Show*, HARPER’S BAZAAR (Sept. 10,

landscape “as sites to perform tricks,” and the videos of these performances are disseminated to boost riders’ reputations and even financial earnings.⁶⁵ As sociologist Gregory Snyder argues, this type of cultural performance is not only about resistance; it is also about “subculture profitability.”⁶⁶ The growing culture of Bike Life gear, bike customization devices, and opportunities to perform in popular culture venues makes the case for many riders that they can make a living from mastering tricks, stunts, and style.

City dirt bike and ATV riders argue that their hobby—which they describe as a culture, a lifestyle, and a movement—is an alternative to drugs and violence, even if riding is technically against the law.⁶⁷ The crews assert that they are distinct from street gangs; for example, as the Philly Hang Gang’s “Mook” has explained, “We’re like a family. Bikes bring us together. We’re not a gang; it’s a movement. We are about positive things.”⁶⁸ Similarly, the Philly Hang Gang’s Ol’ Head TY explained, “I’d rather for a young boy to get on a dirt bike and pull a burnout, than somebody go rape somebody; they worried about the wrong shit . . . worry about how poor we is! When are you going to help us with that?”⁶⁹ In the *12 O’Clock Boys* documentary, the first widely released depiction of Bike Life, a rider noted that while those “with beef . . . would fight, stab, and kill each other, east and west. When Sundays came and it was time to ride, that . . . was nothing. We ride as one Baltimore pack.”⁷⁰ For many, police focus on dirt bike riding, a creative outlet with potential consequences that pale in comparison to alternative illegal activity, is simply a pretext for criminalizing Black and Brown young men as they lay claim to their streets. For riders themselves, subscribing to Bike Life is an act of resistance. The revving of engines, burnouts that envelop riders in smoke, and swerving in traffic is a performance of leisure justice that reminds bystanders and the police that dirt bike riders, who often come from poorer, underserved communities, have just as much claim to the streets and city as anyone else.⁷¹ Their tendency to ride into more congested, and often more affluent, areas of cities to make their presence known further underlines such performances of resistance.

At the same time, direct confrontations with police, who cannot chase dirt bikes and ATVs, are central to the city dirt bike experience and lifestyle. As Baltimore’s Wheelie King has explained: “Far as . . . what I say the [Bike Life] stamp is for . . . getting chased. You get to Baltimore, you get chased by these Baltimore city cops? I’m not talking about the warrant you get in the mail.”⁷² As such,

2017), <https://www.harpersbazaar.com/fashion/fashion-week/a12214337/rihanna-fenty-puma-spring-2018-show/> [https://perma.cc/E67P-ALE9].

⁶⁵ See Gregory J. Snyder, *Deviance As Career Opportunity*, in ROUTLEDGE HANDBOOK ON DEVIANCE 130, 134 (Stephen E. Brown & Ophir Sefiha ed., 2017) (examining skateboarding to discuss profitability in deviant subcultures that are performed in a public space).

⁶⁶ *Id.*

⁶⁷ Max Blau, *Urban Dirt Biking Is Illegal and It’s Rising In Popularity*, CREATIVE LOAFING (Aug. 21, 2014), <https://creative loafing.com/content-185704-cover-story-urban-dirt-biking-is-illegal-and-it-s-rising-in> [https://perma.cc/59KB-724E].

⁶⁸ DiFilippo & Nark, *supra* note 20.

⁶⁹ McPhersonVisions, *supra* note 14.

⁷⁰ 12 O’CLOCK BOYS (Oscilloscope Films 2013).

⁷¹ See Karla A. Henderson, *The Imperative of Leisure Justice Research*, 36 LEISURE SCI. 340, 341 (2014) (“Leisure justice means that all people have the right to leisure regardless of age, ability, gender, social class, race, ethnicity, or other identity markers. . .”).

⁷² MrBusinessProductions, *Bike Life Talk with Baltimore’s Own Wheelieking FULL INTERVIEW*, YOUTUBE (Mar. 27,

dirt bike riders often taunt the police into pursuing them, as evading a police chase accumulates a rider's cred and cache.⁷³ YouTube and Instagram videos often depict instances in which officers break protocol and chase riders, or when riders come face-to-face with police who are restricted from taking action because of protocol or because of the sheer number of surrounding riders.⁷⁴ Eluding police control therefore is a form of resistance that subverts traditional power relationships between officers and the communities they often over-police.⁷⁵

The illegality of riding—and the fact that many riders desire directly challenging police authority to establish social capital—make it easy for many to draw associations between Bike Life and other forms of deviant and criminal behavior. The discrepancy between how Bike Life has been portrayed in documentaries, as compared to motion picture films, serves as an example.

Lotfy Nathan's *12 O'Clock Boys*—advertised as “*The Wire* with wheelies,” is credited with thrusting Bike Life into the mainstream. The short documentary centers on the 12 O'Clock Boys crew, whose name derives from its trademark: popping wheelies straight into the air at a 90 degree, or 12 o'clock, angle.⁷⁶ The film follows Pug, a 13-year-old aspiring veterinarian who desperately wants to join the crew's ranks. The film provides sparse detail on the inner workings of the 12 O'Clock Boys, instead focusing on Pug's journey and featuring the crew's death-defying stunts. It nevertheless portrays the 12 O'Clock Boys crew in a positive light, as riders seek to mentor Pug as they showcase tricks and show a devotion to perfecting their craft and a love for their city. Baltimore residents and riders largely embraced the documentary, as it shed light on a passion that often brings the city together.

In 2020, *Charm City Kings*, a feature film adapted from *12 O'Clock Boys* and produced by several high-profile moguls, was released.⁷⁷ It follows Baltimore's Mouse, a 14-year-old who, like the *12 O'Clock Boys*' Pug, is entranced by Bike Life and also wants to become a veterinarian. That is where the similarities between the documentary and feature film end, as the latter's plot delves into an exploration of criminal activity, namely drug dealing and gun violence, that it portrays as inevitably flowing from the Bike Life lifestyle. Baltimore's riders, while appreciating its filmography and depiction of tricks, largely critiqued the film for its inaccurate connection between Bike Life and tropes of criminality that typify depictions of urban America on the big screen. The film's characterization stands even in stark contrast to the Bike Life imagery that rappers like Meek Mill showcase in music videos, which typically feature joyous ride-outs where riders celebrate wheelies and come together to take over their streets. As rider Darius Glover explained, “[*Charm City Kings*] made dirt bikes look bad because there's drugs,

2020), https://www.youtube.com/watch?v=Vgz6bqRPuVc&ab_channel=MrBiznessProductions [https://perma.cc/N42Q-TEV2].

⁷³ See Mary O'Leary, 'Taunting The Police: New Haven Cracking Down on Dirt Bikes with Hefty New Fine', NEW HAVEN REGISTER (Aug. 3, 2020, 8:03 PM), <https://www.nhregister.com/news/article/Taunting-the-police-New-Haven-cracking-15455369.php> [https://perma.cc/FZR6-M58Y].

⁷⁴ See, e.g., Leek GT, NO PANIC WHEN THE POLICE CAME!!! | BIKERS VS. COPS | ATL BIKE LIFE 2021 RIDE OUT | Leek GT, YOUTUBE (June 29, 2021), https://www.youtube.com/watch?v=8klqDqx-pZs&ab_channel=LeekGT [https://perma.cc/Q7KH-U2HH].

⁷⁵ Ferrell, *supra* note 26, at 82–83.

⁷⁶ 12 O'CLOCK BOYS, *supra* note 70.

⁷⁷ See Jen Yamato, 'Charm City Kings' brings Baltimore dirt bike drama to Sundance, L.A. Times, Jan. 29, 2020, [latimes.com/entertainment-arts/movies/story/2020-01-29/sundance-2020-charm-city-kings-baltimore](https://www.latimes.com/entertainment-arts/movies/story/2020-01-29/sundance-2020-charm-city-kings-baltimore) (explaining that the film was produced by Clarence Hammond and Caleb Pinkett, and executive produced by Will Smith, Jada Pinkett Smith and James Lassiter).

guns and violence . . . [but] dirt biking is about having bonds.”⁷⁸ Similarly, community advocate Brittany Young, who founded a nonprofit that teaches students of color how to fix up dirt bikes in hopes of attracting them to careers in science, explained, “We need to see more stories about Black ingenuity and less about Black struggle Drugs should not be synonymous with dirt biking We’ve been working so hard I wish people would stop with the narrative.”⁷⁹ The film therefore reveals the tendency to group bike life in with other forms of criminality. It also reveals its interstitial place in urban life: *Bike Life* is often against the law, but is presented as an alternative. Is it possible to accept *Bike Life* as a celebrated culture and ignore the civil violations and quality-of-life issues it brings?

III. WHOSE STREETS?

While municipal officials have even affirmatively declared that *Bike Life* is a culture⁸⁰, this form of leisure is not without its critics.⁸¹ While some appreciate riding as a type of cultural performance and a form of art that offers an anti-violence alternative, others see the practice as a “quality-of-life” issue that is dangerous to both bystanders and the riders themselves. The bikes and ATVs are noisy, and their agility allows them to swerve between streets and sidewalks, disrupting both vehicular and foot traffic. A May 5, 2021 community meeting held in Philadelphia, facilitated by neighborhood associations that represent some of the whitest and most affluent areas of the city, began with a recitation of a litany of these issues:

Racing along commercial corridors, as well as residential streets; speeding in the wrong direction on city streets; racing down pedestrian sidewalks; stopping traffic to congregate and perform dangerous stunts; and revving modified engines at high decibels throughout the day, evening, and early morning, through business corridors and residential neighborhoods.⁸²

Over 1,500 participants registered for the meeting, and organizations jointly called for “a sustainable and funded action plan.”⁸³ In addition to increased police surveillance and arrests, community members also called for “camera ticketing technology,” seemingly forgetting that dirt bikes and ATVs almost never are registered or have license plates.

Some believe that riders intentionally terrorize others to express dominance. As a recent

⁷⁸ Tatyana Turner, *In Baltimore’s Dirt Biking Scene, ‘Charm City Kings’ Earns Praise, But Narrative of Drugs, Violence Draws Ire*, THE BALTIMORE SUN (Oct. 14, 2020, 7:00 AM), <https://www.baltimoresun.com/features/bs-fe-charm-city-kings-reax-20201014-b22ov3ssrvb4ndwxcw4irxe2ua-story.html> [https://perma.cc/8G45-G9SK].

⁷⁹ *Id.*

⁸⁰ City of Phila. Comm. on Public Safety, *supra* note 5 (statement of Katherine Gilmore–Richardson, Councilmember At-Large) (“It is a bike life culture that we have to deal with.”).

⁸¹ See Emma Ockerman, *The War on Urban Dirt Biking*, VICE (November 8, 2021, 9:35 AM), <https://www.vice.com/en/article/k7wa8a/the-war-on-urban-dirt-biking>. (“The riders may love the bike life, but city officials tend to argue that dirt bikes and ATVs contribute to crime and result in injury or death. They also complain dirt biking has brought an onslaught of quality-of-life issues, including noise and blocked traffic.”).

⁸² Queen Village Neighbors Association, *Multi-Community Town Hall on Escalating Safety Issues*, YOUTUBE (May 6, 2021), https://www.youtube.com/watch?v=7_E5LGKP-2A [https://perma.cc/F5WC-G8XG].

⁸³ *Id.*

petition circulated by the “Safe Travel in Our Philadelphia!” (STOP) community group pleaded:

Center City Philadelphia has become overrun with joy riders!! Groups of teens and young adults with off road vehicles (ATVs and dirt bikes), noisy motorcycles and three-wheelers have been out in force. In addition to creating a safety hazard by riding on sidewalks and going against traffic, this has deeply affected the quality of life for all. All day and all night they ride through neighborhoods, intentionally creating disturbances. Please sign this petition!! We have taken this issue straight to City Hall!!⁸⁴

The petition’s signatories—4,900 and counting—included comments such as “Time to take back control of our city” and “These ATV and dirt bike riders are reckless and dangerous, caring only about showing off no matter how fearful those around them are.”⁸⁵ While disagreements about how riders should be regarded—and policed—often represent class divides, this is not always the case. As Jacqueline Caldwell, President of Baltimore’s Greater Mondawmin Coordinating Council, “which advocates for some of the city’s poorest neighborhoods,” explained: “Running up on the sidewalk, scaring old people and running into traffic, it’s very disrespectfulTerrorizing neighborhoods is not the way”⁸⁶

Dirt bikes and ATVs can be dangerous, often putting untrained riders who seldom wear helmets, and especially young people, at increased risk of head, spinal cord, and extremity injury.⁸⁷ Accidents between cars and dirt bikes are not uncommon, and riders can often lose control of their vehicles, especially when trying to execute challenging stunts.⁸⁸ Collisions likely often go unreported as riders fear police involvement. As Ant Blox of the Philly Hang Gang has said, “I wake up every day and think only about bikes When you hop on that bike, and you take it in the street, there’s a chance you won’t come back. We ride to the death.”⁸⁹

In Philadelphia, there were 103 ATV and dirt bike accidents reported to police between 2019 and 2020, and the number of accidents jumped during the onset of the city’s period of civil unrest starting in May 2020.⁹⁰ Philadelphia police has reported that there were three dirt bike-related fatalities in 2019; two were hit by cars when making sudden turns, and the third was struck from behind from a

⁸⁴ Sallie Gorohoff, *Center City ATV/DIRT BIKE SAFETY & NOISE*, CHANGE.ORG, <https://www.change.org/p/city-of-philadelphia-center-city-noise-pollution?redirect=false> [https://perma.cc/23SE-UA2E].

⁸⁵ *Id.*

⁸⁶ Winny, *supra* note 3.

⁸⁷ See A. Noelle Larson & Amy L. McIntosh, *The Epidemiology of Injury in ATV and Motocross Sports*, 58 MED. AND SPORT SCI. 158 (2012).

⁸⁸ See, e.g., Rachel Menitoff, *4 Injured In Crash Involving Dirt Bike In East Baltimore, Police Say*, CBS BALTIMORE (Aug. 20, 2020), <https://baltimore.cbslocal.com/2020/08/20/east-baltimore-pedestrian-crashes-thursday-latest/>; Ben Lambert, *New Haven PD: Dirt Bike Rider Suffers Head Trauma, Internal Injuries in Grand Avenue Crash*, NEW HAVEN REGISTER (Oct. 27, 2020), <https://www.nhregister.com/news/article/New-Haven-PD-Dirt-bike-rider-suffers-head-15678534.php>.

⁸⁹ McPhersonVisions, *supra* note 14 (at 1:36 and 2:11).

⁹⁰ Philadelphia City Council, Committee on Public Safety 10-7-2020 (ATVs) (at 21:53), YOUTUBE (Oct. 8, 2020), <https://www.youtube.com/watch?v=pKAQHeLAifw> [permalink: <https://perma.cc/S5VJ-F89D>].

motorist driving under the influence.⁹¹ There were two more dirt biker deaths in 2020.⁹² Nevertheless, while there is no doubt that riding may disrupt certain facets of community life and cause accidents, the brute danger of unlicensed dirt bikes and ATVs compared to dangers posed by similar vehicles like motorcycles may be a bit overblown. For example, compared to dirt bike-related deaths, there were 17 motorcycle-related fatalities in 2019 and 19 in 2020, respectively.⁹³ One Baltimore rider, who was arrested on camera during an episode of CBS' Inside Edition, was asked by a reporter: "Do you know that people have been killed and people have been injured because of these illegal dirt bikes?"⁹⁴ His response: "Do you know people have been killed in cars . . . and other things? Motorcycles, airplanes, what's wrong with riding a dirt bike?"⁹⁵

IV. NO SUBSTITUTE FOR THE STREETS

Some riders have claimed that when they have attempted to ride and perform tricks in abandoned lots and other park-like city lands, police chase them back onto city streets.⁹⁶ Yet, there have been attempts to curb street riding and give urban dirt bikers a designated space to ride away from congested streets. Officials in Baltimore, Philadelphia, and Cleveland have floated plans to create dirt bike tracks and parks on public land at the request of dirt bike advocates who have argued that creating designated parks would mitigate the impacts of often reckless street riding.⁹⁷ For example, Philadelphia City Councilmember Jamie Gauthier has explained that the city's investment in a park for dirt bike and ATV riders is an issue of racial equity:

I think not only do we have to avoid as a City further criminalizing everything that young Black men do, I think we also have to make sure that we're being equitable, right, with our park system and with everything else. We have many uses in the park that accommodate other populations. Councilmember Domb mentioned golf courses. We have a skate park. We've done a lot to help the rowing community raise money and we've accommodated them through our park system. We have to do the same thing for young Black men. There's already so few things that are available to

⁹¹ CITY OF PHILA., Fatal Crashes (CSV), https://www.opendataphilly.org/dataset/fatal-crashes/resource/54e92261-b7f3-4f34-a389-3edbb210acbe?inner_span=True [<https://perma.cc/2Z84-7QEP>].

⁹² Philadelphia City Council, *supra* note 89 (at 23:52).

⁹³ *Id.* (at 23:18).

⁹⁴ Inside Edition, Dangerous Dirt Bikers Invade City Streets Across the Country (at 1:57), YOUTUBE (Oct. 22, 2018), https://www.youtube.com/watch?v=NJet7JKrc0g&ab_channel=InsideEdition [<https://perma.cc/U99P-6US8>].

⁹⁵ *Id.* (at 2:02).

⁹⁶ Jones, *supra* note 59 ("Montana explained: 'We used to go to a strip called Beach Street, that's behind Port Richmond. It was nothing bad happening back there. Everybody went there on Sundays. Then after a while, cops started shutting it down, so that started forcing people out onto the street.'").

⁹⁷ Julie Shaw, *As ATVs and Dirt Bikes Continue 'Menacing' City Residents, Council Is Again Looking Into Possible Solutions*, PHILA. INQUIRER (Sept. 17, 2020), <https://www.inquirer.com/news/atv-dirt-bike-philadelphia-resident-complaints-city-council-20200917.html> [<https://perma.cc/BY42-MX6T>]; *Dirt Bike Park Coming to Baltimore?*, CBS BALTIMORE (Mar. 9, 2016, 11:34 PM), <https://baltimore.cbslocal.com/2016/03/09/dirt-bike-park-coming-to-baltimore/> [<https://perma.cc/9L76-NHSR>].

them in the city.⁹⁸

Joey Zaza, President of Philadelphia's ATV Coalition, which represents approximately 10,000 riders across the greater Philadelphia area, echoed her call: "[W]e created a park for skateboarders. We have golf parks. We have basketball parks. We need to create an ATV space for these people to enjoy their ATVs without being confiscated or chased throughout the streets of Philadelphia."⁹⁹

In 2017, Cleveland even approved the construction of a \$2.3 million track, which was proposed as a mechanism for drawing riders off of city streets and attracting youth to power sports in lieu of violence.¹⁰⁰ However, residents who live near the designated site successfully campaigned to nix the project, citing the noise and prospective violence that accompanies riding.¹⁰¹ In other cities, public officials have been deterred by the costs of dirt bike park maintenance, as well as possible legal liability from such dangerous activity on public grounds, although at least one court has held that riders who do not wear protective gear while riding on public land assume the risk of injury.¹⁰² Bicycle advocates have been successful in securing funding from cities to support safe riding infrastructure.¹⁰³ Yet, such advocacy success, which is propelled by often white, often middle-class residents whose voices have grown louder in concert with gentrification, is indicative of the marginality that dirt bike riders and advocates face both in the streets and in municipal halls of power.¹⁰⁴

Advocates and riders admit that city street riding will not completely cease with the construction of a park.¹⁰⁵ For many, ride-outs are a way to take ownership of the streets, and to show bystanders that Bike Life, and not the police, control the streets. Meanwhile, riders would need to drive their bikes through the street to arrive at the parks anyway, and it is unlikely that even a large park could accommodate the sheer number of dirt bikers in cities like Baltimore and Philadelphia. As the director of *12 O'Clock Boys* has explained, "[Riding is] a chance for kids who would otherwise be stuck in their own neighborhoods to parade through the whole city and declare it as their own."¹⁰⁶ While a dirt bike park may provide an alternative, it is unlikely to completely displace street riding, especially considering the cultural significance of ride-outs.

⁹⁸ See City of Phila. Comm. on Public Safety, *supra* note 6 (statement of Jamie Gauthier, Councilmember At-Large).

⁹⁹ *Id.* (statement of Joey Zaza President of the Philadelphia ATV Coalition).

¹⁰⁰ Leila Atassi, *A Divided Cleveland City Council Approves \$2.3 Million Dirt Bike Track Proposal*, CLEVELAND.COM (Jan. 11, 2019, 11:52 PM), https://www.cleveland.com/metro/2017/01/a_divided_cleveland_city_counc.html [<https://perma.cc/MM3P-CCKC>].

¹⁰¹ Victor Williams, *Cleveland Dirt Bike Track Project Officially Scrapped, Park to Be Revitalized Instead*, CBS 19 NEWS (Sept. 6, 2018, 5:47 PM), <https://www.cleveland19.com/story/39042211/cleveland-dirt-bike-track-project-officially-scrapped-park-to-be-revitalized-instead/> [<https://perma.cc/G7RG-TSM7>].

¹⁰² *Sedita v. City of New York*, 8 A.D.3d 256, 257 (N.Y. App. Div. 2004).

¹⁰³ See Aaron Golub, *Is the Right to Bicycle a Civil Right? Synergies and Tensions Between the Transportation Justice Movement and Planning for Bicycling*, in *BICYCLE JUSTICE AND URBAN TRANSPORTATION* 20, 26 (Aaron Golub et al. ed. 2016).

¹⁰⁴ *Id.* at 25; see also MELODY L. HOFFMAN, *BIKE LANES ARE WHITE LANES: BICYCLE ADVOCACY AND URBAN PLANNING* (2016).

¹⁰⁵ See City of Phila. Comm. on Public Safety, *supra* note 6 (statement of Joey Zaza, President of the Philadelphia ATV Coalition).

¹⁰⁶ Jamie Clifton, *The Illegal Dirt Bike Gangs of Baltimore*, VICE (July 3, 2012, 9:15 AM), <https://www.vice.com/en/article/3b5pv3/the-wheelying-dirt-bike-gangs-of-baltimore-twelve-o-clock-boyz-lofty-nathan> [<https://perma.cc/7XPC-SUZK>].

V. CONCLUDING THOUGHTS

Over the last thirty years, Bike Life has become an increasingly dominant city subculture. As riders traverse the city, practicing a pastime that they have grown to love, they are often in conflict with the police, as well as residents concerned about quality-of-life issues. These group conflicts often are emblematic of larger race and class conflicts. A large swath of residents complain about the impacts of riding—dangerous road and sidewalk conditions as well as noise—and advocate that Bike Life is deserving of police intervention and repression. Cities have largely resisted supporting or fully embracing Bike Life, focusing resources on seizures and crackdowns instead. As riders and their advocates seek to frame city dirt bike riding as an anti-violence recreational activity, they must account for the risk it poses, both to riders and to bystanders, as well as the disruption that it causes. And while riders project both their stunts and an anti-violence message on social media, the mainstream media appears to still not fully understand Bike Life. In all, Bike Life has become a mode of recreational transportation that sends cultural messages from riders to other residents and city leaders about the state of justice. In this sense, this subculture presents a novel way of examining the transportation justice movement.

Bike Life appears here to stay. According to the Philadelphia ATV Coalition’s Joey Zaza, bike sales are up 100 percent, largely as a result of needed leisure during the COVID-19 pandemic.¹⁰⁷ Wells Fargo has similarly reported that there was a surge in ATV and dirt bike sales once COVID-19 shutdown orders went into effect across the nation.¹⁰⁸ Meanwhile, Bike Life appears to operate with a sense of internal harmony; while riders and crews may compete based on factors such as speed and wheelie longevity, social media videos and local media reports rarely, if ever, highlight conflicts or violence within the Bike Life community. Meanwhile, group conflict—between dirt bike riders, the police, and residents concerned about noise, property damage, as well as street and sidewalk safety—seems to be at an all-time high.

Urban dirt bike parks may be a promising partial solution, as they could curb riskier street riding. Even more, constructing dirt bike parks shows investment in the culture of Bike Life. Policymakers send a message about who is worth the city’s investment if they continue to support and upkeep spaces for public skateboarding and golf, but not for Bike Life, a culture predominantly engaged in by men of color. Nevertheless, there are tradeoffs when investing in such a venue in lieu of other recreational outlets that do not spark the same quality-of-life concerns for a wide array of residents. Furthermore, it is unlikely that the presence of a park would curb riders’ desire to perform ride-outs that take back the streets.

Riders and their allies defend the subculture as an artistic and therapeutic form of resistance—an exercise of leisure justice. As Bike Life shows no signs of retreating, it may be wise for policymakers to find creative solutions for managing the issues the subculture creates: helping riders retrofit bikes so they are safer for the road, providing protective gear, and investing in community-based organizations that can encourage riding that sticks to the streets, and not sidewalks, and is concentrated during daylight hours. Of course, given the centrality of ride-outs to urban dirt bike culture, packs of riders

¹⁰⁷ Zaza statement, *supra* note 104; Christopher Robbins, *Coronavirus Doesn’t Deter Massive Dirt Bike Ride on NYC Streets & Sidewalks*, GOTHAMIST (Apr. 13, 2020, 3:44 PM), <https://gothamist.com/news/coronavirus-doesnt-deter-massive-dirt-bike-ride-nyc-streets-sidewalks> [<https://perma.cc/9EAF-2VED>].

¹⁰⁸ WELLS FARGO, *Finding a ‘bright spot’ outdoors during COVID-19* (Aug. 13, 2020), <https://stories.wf.com/finding-a-bright-spot-outdoors-during-covid-19/>.

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disrupting pedestrian and vehicular traffic will remain a problem. Just as riders hop on their bikes as a form of resistance in the face of constant police surveillance and harassment, drivers and bystanders do not want to face dirt bike harassment. This is a balancing act, but one that those in power must engage in, given the cultural importance of Bike Life to young men of color long held to the margins of many of the cities they live and ride in.