

## New York City Department of Transportation

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The purpose of the proposed rule is to clarify that pedal-assist bicycles are legal to operate in New York City.

**When and where is the Hearing?** The New York City Department of Transportation (DOT) will hold a public hearing on the proposed rule. The public hearing will take place at 1:30pm on May 29, 2018. The hearing will be in the DOT Bid Room at 55 Water Street, Concourse Level, New York, NY 10041. The entrance to the Bid Room is located on the southeast corner of 55 Water Street facing the NYC Vietnam Veterans Memorial Plaza.

This location has the following accessibility option(s) available: Wheelchair accessibility

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).
- **Mail.** You can mail comments to Sean Quinn, Senior Director, Office of Bicycle and Pedestrian Programs, 55 Water Street, 6<sup>th</sup> Floor, NY, NY 10041.
- **Fax.** You can fax comments to Sean Quinn, Senior Director of Bicycle and Pedestrian Programs, 212-839-9685.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-839-6500. You can also sign up in the hearing room before the hearing begins on May 29, 2018. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline for written comments is May 29, 2018.

**What if I need assistance to participate in the Hearing?** You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-839-6500 or TTY 212-504-4115. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by May 22, 2018.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online and copies of all written comments concerning the

proposed rule will be available through the DOT Freedom of Information Law (FOIL) Office, 55 Water Street, 4<sup>th</sup> Floor, New York, NY 10041.

**What authorizes DOT to make this rule?** Sections 1043 and 2903(a) of the City Charter authorizes DOT to make this proposed rule. This proposed rule was not included in DOT's regulatory agenda for this Fiscal Year because it was not contemplated when DOT published the agenda.

**Where can I find the Department of Transportation rules?** DOT's rules are in Title 34 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The rules that DOT is seeking to amend are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to its "Traffic Rules."

On April 3, 2018, Mayor de Blasio announced that the City will sanction low-speed pedal-assist bicycles that operate with the assistance of human power, specifying the exact type of permissible equipment. E-bikes possessing throttle capacity, or any capacity to operate without human power, remain illegal under State and local law.

In its announcement, the City outlined the following benefits of pedal-assist bicycles:

**Increased Cycling Options for Delivery Workers and Commuters:** This proposed rule will help meet the City's goals of doubling the number of active cyclists by 2020. In addition to creating more ways to get around in neighborhoods and areas underserved by transit, the proposed rule will be helpful for those considering new commuting options during the closure of the L train tunnel starting in April 2019. The Williamsburg Bridge currently has over 7,000 daily bicycling trips; during the tunnel closure, cycling trips over the bridge are expected to more than double.

**Health and Sustainability:** Pedal-assist bicycles contain a rechargeable battery that can be used to travel longer distances or boost power going up hills -- and are among the fastest-growing and most environmentally sound modes of urban travel, both around the U.S. and around the world. One European study has shown substantial health and environmental benefits, including that pedal-assist bicycles increase cycling, especially among older users. Research has also shown that pedal-assist bicycle trips most often replace car trips; with the ability to avoid car traffic and parking costs, trips on pedal-assist bicycles are usually both faster and cheaper.

The proposed rule provides a transportation alternative that is legal, sustainable (zero-emission) and safe.

The purpose of this proposed rule amendment is to clarify that pedal-assist bicycles meeting the requirements of these rules are legal to operate in New York City. This proposed rule will recognize that pedal-assist bicycles are permissible, whereas throttle e-bikes, capable of travel at speeds over 20 MPH, may not be legally operated on public highways, which include streets, under State and city law. Specifically, the amendments to the Traffic Rules being proposed are as follows:

- Section 4-01 adds a new definition for “pedal-assist bicycle” and clarifies the definition of “bicycle” to include pedal-assist bicycles.
- Section 4-12(p)(5) is a new paragraph that establishes the specific rules that apply to pedal-assist bicycles.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definition of bicycle in subdivision (b) of Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is amended and a new definition of pedal- assist bicycle is added to such subdivision to read as follows:

**Bicycle.** A “bicycle” shall mean every two-or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. For the purposes of these rules the term bicycle includes a pedal- assist bicycle as defined in this section.

**Pedal-assist bicycle.** A “pedal-assist bicycle” shall mean a bicycle equipped at manufacture with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower) whereby such electric motor engages only when the operator is pedaling, and disengages or ceases to function when (i) the operator applies the brakes , (ii) the operator stops pedaling, or (iii) the bicycle achieves a speed of twenty miles per hour or more. A pedal-assist bicycle shall not be equipped with any throttle capacity or have any additional motorized equipment affixed to it. Such bicycle shall have permanently affixed in a prominent location the manufacturer’s original label containing the maximum speed and motor wattage of the bicycle.

§2. Subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (5) to read as follows:

**(5) Additional requirements for pedal-assist bicycles.**

- (A) No person shall operate or park a pedal-assist bicycle on any public highway in the city of New York unless a legible label, originally affixed by the bicycle manufacturer, is permanently affixed in a prominent location on such pedal-assist

bicycle. The label must contain the pedal-assist bicycle's maximum speed and motor wattage.

(B) All pedal-assist bicycles and their operators must comply with the provisions of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles, except as provided in section 4-02(e) of these rules.

(C) A pedal-assist bicycle that has been modified in any of the following ways shall not be considered a pedal- assist bicycle and may not be operated or parked on any public highway:

1. Any modification that increases the output of such bicycle to seven hundred fifty watts or greater;
2. Any modification that prevents the motor from disengaging when (i) the operator applies the brakes , (ii) the operator stops pedaling, or (iii) the bicycle achieves a speed of twenty miles per hour or more. or
3. Any modification that accelerates the speed of the pedal-assist bicycle motor by means other than pedaling.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**

**253 BROADWAY, 10<sup>th</sup> FLOOR**

**NEW YORK, NY 10007**

**212-788-1400**

**CERTIFICATION / ANALYSIS**

**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Pedal-assist bicycles**

**REFERENCE NUMBER: DOT-45**

**RULEMAKING AGENCY: Department of Transportation**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Cure period is not included because the violation cannot be corrected or undone.

/s/ Francisco X. Navarro

Mayor's Office of Operations

April 23, 2018

Date

**NEW YORK CITY LAW DEPARTMENT**

**DIVISION OF LEGAL COUNSEL**

**100 CHURCH STREET**

**NEW YORK, NY 10007**

**212-356-4028**

**CERTIFICATION PURSUANT TO**

**CHARTER §1043(d)**

**RULE TITLE:** Pedal-assist bicycles

**REFERENCE NUMBER:** 2018 RG 042

**RULEMAKING AGENCY:** Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: April 23, 2018

Acting Corporation Counsel