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Press Release

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*For Immediate Release*

## **COURT UPHOLDS CITY'S EFFORTS TO ENSURE SAFE BIKE PROCESSIONS**

### ***"PARADE PERMIT" REQUIREMENT FOR LARGE BICYCLE RIDES UPHELD***

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New York, April 18, 2007 – The U.S. District Court for the Southern District of New York late yesterday denied a request by a bicycle club and several individual cyclists to "preliminarily enjoin" (or prohibit) the New York City Police Department (NYPD) from requiring bicycle groups of 50 or more to obtain parade permits before riding together on the public streets.

"We are pleased by the Court's decision," said Robin Binder, Deputy Chief of the New York City Law Department's Administrative Law Division and the City's lead attorney on the case. "The Court recognized that asking large bicycle groups to obtain parade permits for predetermined routes will ensure that the streets remain safe for the bicyclists as well as the pedestrians and motorists traveling along or across the parade route."

The matter involves new regulations regarding parade permits adopted by the Police Department in January of this year. These became effective on Feb. 25th. Under the new regulations, "Any procession or race which consists of a recognizable of 50 or more pedestrians, vehicles, bicycles, or other devices moved by human power, or ridden or herded animals proceeding together on any public street or roadway" is required to obtain a parade permit authorizing the intended route.

The requirement enables the Police Department to manage any traffic problems that may arise along the route as a result of the procession or race. Earlier this month, however, the Five Borough Bicycle Club and six individuals seeking to participate in monthly "Critical Mass" bicycle rides and other group rides, brought a federal lawsuit challenging the constitutionality of the parade permit requirement as it concerns bicycle groups. They asked the Court to prohibit enforcement of the requirement while the lawsuit is pending. That request – a preliminary injunction – was denied yesterday.

In a lengthy decision, U.S. District Judge Lewis A. Kaplan indicated that the Court was "not persuaded that [the] plaintiffs are likely to prevail on their constitutional arguments" that the parade permit requirement violates their rights to travel, to freely associate, and to express themselves. In so doing, Judge Kaplan expressed sympathy for the bicyclists' concerns, recognizing in certain circumstances, the restrictions could limit the "plaintiffs' ability to bicycle through the streets of New York City with unfettered freedom."

But the Court stressed that "the Constitution requires a balance to be struck between [the] plaintiffs' interests in riding when, and where, they want, and the City's interest in ensuring that all people and vehicles use its streets effectively and safely without overburdening scarce law enforcement resources."

Sheryl Neufeld, a Senior Counsel in the Law Department's Administrative Law Division who also worked

on the case, noted: “While it is important to allow bicycle processions to occur, the City also has a strong interest in promoting public safety. The new requirements seek to find the correct balance between these two needs.” Copies of the Court’s 53-page opinion are available upon request by contacting the Law Department’s Media Office at [media@law.nyc.gov](mailto:media@law.nyc.gov) or (212) 788-0400.

The rest of the legal team included Michelle Goldberg-Cahn and Melanie Sadok of the Law Department’s Administrative Law Division.

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