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COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

Greenwich Village ∨ Little Italy ∨ SoHo ∨ NoHo ∨ Hudson Square ∨ Chinatown ∨ Gansevoort Market

February 22, 2019

Edward Pincar Jr.
Manhattan Borough Commissioner
Department of Transportation
55 Water St. 9th Floor
New York, NY 10041

Dear Manhattan Borough Commissioner Pincar:

At its Full Board meeting February 21, 2019, Community Board #2, adopted the following resolution:

Resolution in support of a Street Seat in front of 169 Thompson St.

Whereas a Street Seat has been requested in front of 169 Thompson St. that the NYC Dept. of Transportation (DOT) has reviewed and confirmed that it meets all requirements; and

Whereas 169 Thompson St. (btw. Bleecker and W. Houston Sts.) is the site of Summers Cafe, serving fresh fruits, juices, coffees, baked goods, sandwiches and salads, largely frequented by the block's residents and neighborhood people; and

Whereas Summers will manage and maintain the Street Seat, including movable tables and chairs (both setting them up and storing them daily), planters and other amenities, which will be open for full public use during hours of operation, not only just to Summer's patrons; and

Whereas the Street Seat will be installed on a platform in the roadbed along the curb line that will be flush with the sidewalk; it will be 20 ft. long and 6 ft. wide, and framed by wheel stop bars, flexible delineators and other safety features to ensure protection from traffic and parked motor vehicles, as per DOT requirements (and that DOT will install); and

Whereas no alcohol or smoking will be allowed, and signage will be prominently placed to announce these prohibitions and that the facility is open to the public; and

Whereas the Street Seat will be installed from March until December; its hours will be 8:00 am to 5:00 pm; and

Whereas Summers' proprietor lives on the Thompson St. block in question, and has indicated his commitment to making the Street Seat a pleasant place for his neighbors and to complying with all requirements. He will be responsible for the cost of fabricating, installing, furnishing and maintaining the Street Seat and may be reimbursed to some degree by a DOT grant of up to \$12,000 in the first year of operation; and

Whereas a petition supporting the proposed Street Seat at 169 Thompson was submitted with over 100 signatures, all but a very few from Thompson St. itself and the surrounding neighborhood, along with several letters from local residents affirming the Street Seats' importance to them in bringing the community together and providing an opportunity for them to meet old friends and make new ones, to pause and relax in a pleasant and welcoming environment, and to have a public space where they can gather, and attesting to their confidence that the proprietor will create and responsibly maintain a safe and comfortable space to enjoy; a large number of the block's residents also came in person to express their support.

Therefore be it resolved that CB2 fully supports the installation and operation of the proposed Street Seat in front of 169 Thompson St.

Vote: Unanimous, with 34 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan



Shirley Secunda, Chair
Traffic & Transportation Committee
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY Assembly Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Speaker

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February 22, 2019

Hon. Corey Johnson
NYC Council Speaker
224 West 30th St., Suite 1206
New York, NY 10001

Dear Council Speaker Johnson:

At its Full Board meeting February 21, 2019, Community Board #2, adopted the following resolution:

Resolution commenting on NYC Council Intro 1264 proposing legalization of throttle-powered E-Bikes and capping their speed at 20 mph and Intro 1265 proposing the creation of a city-run program to provide the necessary resources for low-income workers (i.e. workers whose incomes don't exceed 200% of the federal poverty line) to make their throttle bikes legal in accordance with Intro 1264.

Whereas NYC Council **Intro 1264** would legalize throttle-powered E-Bikes (Class 2) (electric), that run without the need for pedaling, with a capped maximum speed of 20 mph; and

Whereas throttle-powered Class 2 E-Bikes are set to travel up to 28 mph, but have been observed to go beyond that, with riders able to ramp up speeds by bypassing those set by the manufacturer, as opposed to the legalized Class 1 pedal-assisted E-Bikes whose electric motor kicks in only when pedaling, with a typical maximum speed of 15-20 mph; and

Whereas the higher the speed, the greater the potential for severe injuries or even fatalities to both pedestrians and bicyclists. At Community Board 2 Manhattan's (CB2) Traffic and Transportation Committee's 02/07/19 public hearing, a frequent pedal-assisted E-Bike user affirmed that even 15-20 mph are substantially high and risky speeds, and other bicyclists agreed that 12 mph is sufficient to achieve a swift enough but safe momentum on NYC's crowded streets and bike paths where speeds rarely can reach beyond 10-12 mph. A 12 mph limit also gives a necessary five seconds to react safely to pedestrian and other movements and avoid collisions (which higher speeds do not); and

Whereas food delivery workers are the prime users of Class 2 throttle-operated E-Bikes which enable them to do their jobs speedily and meet customer demands, and CB2 is sympathetic to their needs as well as to the need to provide equitable wages and other increased wage support to them; and

Whereas CB2 recognizes that it's necessary to establish a balance between the need to support delivery workers' essential transportation and the need to protect pedestrians and regular bicyclists from motorized vehicles with heavier tires, frames and motors than regular bikes that travel at dangerous speeds, which describes throttle-powered Class 2 E-Bikes; and

Whereas CB2 appreciates the environmental benefits, such as toxic emissions reduction and energy conservation, as well as the potential for reducing street congestion, that non-automotive modes can bring. At the same time, a large turnout at the 02/07/19 hearing expressed safety concerns about collisions with throttle-operated E-Bikes affecting not only pedestrians but regular bicyclists, with particular concern for seniors, the disabled, children, parents pushing strollers, people with walkers and with shopping carts; and

Whereas the NYPD doesn't record statistics on crashes specific to E-Bikes, thus hard data on their safety is lacking in NYC, but personal accounts (at community council and community board meetings and in the media, both verbal and written) and studies across the U.S. show a significant amount of knockdowns and injuries with them; international studies report E-Bike- caused deaths in the Netherlands, Switzerland and Israel; and

Whereas the relative silence of these electric powered vehicles results in people not being aware of their approach; there also are complaints about their lack of visibility at night, because they often don't have lights or have insufficient ones; and

Whereas motorized vehicles, including throttle-operated Class 2 E-Bikes, do not belong on bike lanes either on NYC's jam-packed streets or on the Hudson River Greenway. The Greenway is excessively crowded with regular bicyclists and pedestrians, including children biking at leisure or on their way to school, all whose safety is further compromised by anti-terrorist bollards there that compel bicyclists to pedal through the narrow spaces between them; and

Whereas NY State requires all non-human-powered vehicles to register with the Dept. of Motor Vehicles, however, motorized, throttle-operated E-Bikes, which have neither a license nor a vehicle identification number (VIN), cannot be registered with no way to identify them; and

Whereas increased and appropriate enforcement and fines are needed to regulate vehicles using the wrong lanes, going the wrong way on one-way streets, using the sidewalk, going through red lights and other infractions, all already illegal but often ignored; and

Whereas bicycle enforcement (of E-Bikes and otherwise) is typically sporadic and unevenly applied, with bike riders sometimes unfairly penalized and abusively treated; and

Whereas NYC Council **Intro 1265** would establish a citywide program to enable low-income workers with income not exceeding 200% of the federal poverty line (i.e., delivery workers using throttle-operated E-Bikes) to convert their E-Bikes to Class 1 pedal-assist E-Bikes by providing financial and other assistance to accomplish this, thus allowing them to become legal; and

Whereas both education and enforcement are called for to advance the goals of Intro 1265, education to inform delivery workers of this opportunity to make their E-Bikes legal and safer, and enforcement to ensure that these workers take advantage of the opportunity; and

Whereas education is also needed to provide clarity about the rules of the road and to emphasize their importance to users of both motorized and non-motorized vehicles in order to ensure as much safety as possible; and

Therefore be it resolved that CB2 is opposed to legalization of throttle-operated Class 2 E-Bikes and recommends requiring governors on pedal-assist Class 1 E-Bikes to be set at 12 mph; and

Be it further resolved that CB2 also recommends setting a speed limit of 12 mph for all vehicles using bike lanes, including those in the Hudson River Park; and

Be it further resolved that CB2 supports setting up a program to provide financial and other assistance to disadvantaged low-income workers that helps them convert their throttle-operated E-Bikes to Class 1 pedal-assist E-Bikes, as per Intro 1265. CB2 also encourages inclusion of provisions for educating potential program beneficiaries about its availability and the rules of the road as well as provisions for ensuring that the program is widely used, e.g. through penalties and/or rewards; and

Be it further resolved that CB2 advises that an increased wages bill for delivery workers along with provision for delivery charges be introduced in follow-up to Intro 1265; and

Be it further resolved that CB2 favors strengthening street safety rules by including requirements in the legislation for increased summonses, fines and enforcement for all vehicles that use the wrong lanes, go the wrong way on one-way streets, use the sidewalk, go through red lights and other such infractions as well as by including stricter penalties for E-Bikes not using bike bells or lights or using insufficient lighting, with a possible provision for pedal-activated lights; and

Be it further resolved that CB2 urges that enforcement requirements also include fines for the delivery service operators, whether it be the restaurant owner or a third party contractor like Amazon, and not just for their employees or the individual contractors they employ; and

Be it further resolved that CB2 strongly advocates providing for the establishment of a NYC Two-Wheel Enforcement Unit to oversee regulation of all two-wheeled and other alternative vehicles, collect fines, establish rules, and run a bicycle-patrol force, geared to the particular nature and needs of such vehicles; and

Be it further resolved that CB2 supports requiring a license and registration for any motorized vehicle going over 15 mph and a VIN for all bike share and other non-motorized vehicles; and

Be it finally resolved that CB2 encourages incorporating a strong educational program into requirements for the use and regulation of E-Bikes and other small motorized vehicles (as well as non-motorized vehicles) that teaches the importance of street safety and the rules that need to be followed to achieve it.

**Vote: Passed, with 33 Board Members in favor.
with 1 Board Member in opposition. (S. Russo)**

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan

Shirley Secunda, Chair
Traffic & Transportation Committee
Community Board #2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velasquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Deborah J. Glick, NY Assembly Member
Hon. Yuh-Line Niou, NY Assembly Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Hon. Carlina Rivera, Council Member
Ed Pincar Jr., Manhattan Borough Commissioner, DOT
Ydanis Rodriguez, Chair, Transportation Committee, NYC Council

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February 22, 2019

Hon. Corey Johnson
NYC Council Speaker
224 West 30th St., Suite 1206
New York, NY 10001

Dear Council Speaker Johnson:

At its Full Board meeting February 21, 2019, Community Board #2, adopted the following resolution:

Resolution commenting on NYC Council Intro 1250 proposing legalization of E-Scooters with a capped speed of 15 mph and Intro 1266 proposing creation of a pilot program for shared E-Scooters.

Whereas NYC Council Intro 1250 would legalize the operation of E-Scooters (small stand-up two-wheeled vehicles with handlebars, similar to children's scooters but powered by an electric motor), with a capped maximum speed of 15 mph; and

Whereas there are increasingly frequent reports where these vehicles currently operate of hazardous E-Scooter malfunctions, such as broken brakes, sticky or frozen accelerators, motors cut short, and wheels locking up, resulting in riders falling off the scooters and being injured as well as in collisions with and injuries to pedestrians. A recent *Consumer Reports* investigation revealed thousands of injuries related to E-Scooter use in the past year or so when E-Scooter ride-share fleets began operating in cities, including broken bones, fractures, blunt head trauma and even brain injuries; and

Whereas E-Scooter maintenance by operating companies is uneven at best, with so-called mechanics being largely freelancers, often with minimal training, while user education is limited to short in-app tutorials; and

Whereas until E-Scooter manufacturers work out and codify how to substantially address these operational and maintenance safety issues (for which they should be responsible), as well as liability concerns, actions to legalize them seem premature; and

Whereas E-Scooters are dockless, i.e. they can be left anywhere and often are, crowding up sidewalks and hindering street traffic; and

Whereas the sidewalks in Community Board 2 Manhattan (CB2) are filled with pedestrians whose safety and access demand priority in this predominantly walking environment (as they do in all of Manhattan's Central Business District and in the primarily pedestrian neighborhoods throughout NYC), and both sidewalk and street congestion are rampant; and

Whereas CB2 bike-riding constituents, both pedal-assist E-Bike and regular ones, testified that even 15 mph speeds can be hazardous and not provide enough reaction time to safely stop for pedestrians; and

Whereas infrastructure for E-Scooters is non-existent In NYC, whether for parking or for moving, which can lead to their encroaching on sidewalks or in bike paths and dangerously obstructing pedestrian and bicycle passage; and

Whereas NYC Council **Intro 1266** would create a shared E-Scooter rental pilot program to evaluate the impact and need for E-Scooters, most likely conducted in neighborhoods underserved by transit, for a period of one to two years; and

Whereas CB2 recognizes the potential benefits of E-Scooters as a mode of transportation that can help reduce pollution and save energy, and even perhaps, if their best usage and application can be worked out, lessen automobile congestion; and

Whereas CB2 is aware that E-Scooters can be particularly useful in providing needed transport in transit deserts (i.e. areas which lack or are not well served by public transit or are outside the existing Citi Bike network), and can provide convenient access to public transit;

Therefore be it resolved that CB2 appreciates the NYC City Council's taking the initiative to consider the use of E-Scooters as an alternative transportation option and to set up regulations for their legal use with the objective of introducing them through an organized, orderly and gradual process; and

Be it further resolved that CB2 recommends that E-Scooter legalization be deferred until the scooters' manufacturers and operating companies resolve the safety flaws in their vehicles, work out safer, more reliable and consistent maintenance and inspection systems, devise and make available more comprehensive education and training programs for their users, and generally are able to comply with uniform and clearly laid out provisions for such actions (essential to establish as part of the regulatory structure) that safeguard users and non-users; and

Be it further resolved that CB2 strongly opposes allowing E-Scooters to operate where sidewalk space for pedestrians and street space for bicycle lanes are already at a premium, such as in CB2, with its old, narrow streets that can't handle further incursions of diverse motorized vehicles; and

Be it further resolved that CB2 favors limiting E-Scooter speeds to no more than 10 mph; and

Be it further resolved that CB2 stresses that in conjunction with any E-Scooter program, provision must be made for setting aside specific parking for E-Scooters, most likely in parking lanes, where small areas could be blocked out within defined boundaries, with hardware to secure the vehicles; and

Be it further resolved that CB2 notes that E-Scooters should travel in special lanes that need to be fashioned for small motorized vehicles (not bike lanes where they're incompatible, whether on streets

or on the Hudson River Greenway); study is needed to determine an appropriate design and location; and

Be it further resolved that CB2 understands the importance of teaching the rules of the road to all who use small motorized (and non-motorized) vehicles, including E-Scooter users, and suggests that a small vehicle education program be established that is requisite for allowing the use of such vehicles; and

Be it further resolved that CB2 supports strengthening and increasing enforcement and raising fines for traffic violations by all vehicles, including E-Scooters. This would include stricter penalties for all vehicles that use the wrong lanes, go the wrong way on one-way streets, use the sidewalk, go through red lights and other such infractions. E-Scooters should be assigned a vehicle identification number (VIN) to be displayed in a clearly visible place to facilitate spotting violators; and

Be it finally resolved that CB2 supports and sees the necessity for a shared E-Scooter rental pilot program to evaluate the impact and need for E-Scooters, and agrees that one should be conducted for a period of at least one to two years to produce significant data. CB2 would oppose siting an E-Scooter pilot study within CB2 where further sidewalk and street congestion cannot be accommodated without impeding pedestrian safety and access. CB2 cannot speak for other communities' needs, but recognizes that these vehicles can provide a way to get from here to there in places where transit doesn't exist, especially for short trips, and can offer a convenient means to reach the nearest subway, train or bus station, i.e., in transit deserts which are viewed as priority candidates for the proposed pilot program.

Vote: Unanimous, with 34 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan



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Traffic & Transportation Committee
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