



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR
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Burt Lazarin
Chair

Jesse R. Bodine
District Manager

January 7, 2019

Hon. Corey Johnson
224 W. 30th Street, Suite 1206
New York, NY 10001

Re: Small Vehicles Mobility Legalization

Dear Speaker Johnson,

At its January 2, 2019 Full board meeting, Manhattan Community Board 4 voted with 31 in favor 4 against, 0 abstaining and 0 present not eligible to vote, to request the Council oppose the legalization of Class-2 electric bicycles, to support financial assistance for the conversion of all electric bikes to e-bikes Class-1; to support the legalization of e-scooters and starting a shared e-scooter pilot provided that our recommendations are integrated in the legislation.

Manhattan Community District 4 has a high concentration of protected bike lanes that carry all sorts of traffic, including many food deliveries from the numerous restaurants on Eighth and Ninth Avenues. Manhattan Community Board 4 (CB4) recognizes the value of increasing the number and types of small mobility vehicles to reduce congestion and improve our air quality while continuing to grow the New York City economy. These vehicles can be convenient both where vehicular space is scarce and in transit deserts where they can help bring people to the nearest subway, train, or bus station.

Like the car companies in the last century, many venture-backed companies are eager to capitalize on the vast market for such vehicles taking advantage of the free use of public space. However, the negative experiences of other cities, which let such vehicles be deployed on their streets before a legal or operational framework had been devised, show that a thoughtful and progressive roll-out is warranted if it is to be beneficial to commuters and pedestrians alike.

The category of small vehicles mobility includes a number of vehicles with or without electric motors: bicycles; pedal assist electric bikes (e-bikes) class-1, where the electric motor engages only when pedaling with a typical maximum speed of 15 mph; e-bikes class-2 that use a throttle and do not need pedaling – they can reach up to 28 mph; scooters, electrified or not, where the driver stands on a low platform equipped with two wheels located at each end of the platform; Segway, similar to a scooter but the wheels are on each side of the platform; and skate boards,

electric or not. This category will continue to expand: for example UPS is testing electric tricycles to make deliveries.

The e-bike pedal assist class-1 is the only motorized vehicle in New York City that is legal to operate under the rules applicable to bicycles. The City Council has introduced four bills to legalize class-1 and class-2 electric bikes and electric scooters, pilot a shared e-scooter program, and provide assistance for disadvantaged users to convert their e-bikes to a class-1 pedal-assist e-bike.

The bike delivery workers are the largest users of e-bikes Class-2. According to their representatives, using faster bikes is the only way for them to make ends meet. The fact that the bikes are illegal exposes them to frequent stops by NYPD personnel, resulting in expensive penalties.

We encourage the Council to pass laws to raise bike delivery workers wages and mandate delivery charges - as the Council did successfully with Uber drivers and restaurant workers, rather than by legalizing excessively fast vehicles driven by unlicensed operators in bike lanes, where they do not belong.

CB4 does not support the legalization of e-bikes class-2. In addition, CB4 cannot support the legalization of the other vehicles unless the following framework is included in the legislation and implemented to ensure the safe use of the streets.

- Restrict use in certain areas:
 - None of these new vehicles should be operating on the sidewalk, neither while moving nor while parked
 - The existing bike lanes should not allow vehicles that have more than two wheels and/or operate over 12 mph. Furthermore, the motorized vehicles should be barred from the Hudson River Greenway, which is crowded and shared by pedestrians and bicycles.
 - Deployment in areas that have long distances and poor transit should be a priority as the service will be more useful and better received.
- Deploy a small vehicle infrastructure to support these new vehicles:
 - Create dedicated small-vehicle parking zones in the parking lanes, with proper hardware to secure the vehicles.
 - Install charging stations at regular and close intervals so that the companies do not rely on a fleet of trucks driving hundreds of miles every night to pick up the vehicles, bring them to a central charging station, and deliver them back to a pick-up station.
 - For reasons of capacity and safety, plan for the creation of additional small-motorized vehicle lanes in addition to the existing bike lane, as the speed at which they operate would be incompatible with the current users.
- Ensure education and enforcement: we cannot overstate the need for education.
 - Any motorized (electric or otherwise) vehicles going over 15 mph should require a license and registration as is currently the case with mopeds. This will ensure a minimum of driver's education. We presume the manufacturers of mopeds will

request their vehicles to be treated with the same rules as their electric competitors.

- Increased summonses and enforcement should be applied to all vehicles using the wrong lanes, going the wrong way, and using or parking on the sidewalk.
- Ensure that the legal framework gives the necessary flexibility to the city and its residents
 - E-Scooter and e-bikes companies should clearly be defined as “transportation providers” instead of technology platforms. That definition has proven a challenge in aligning Uber and Lyft ‘s business models with the constraints and needs of the City’s transportation system.
 - Regular inspections of the equipment should be part of the contracts: these motorized vehicles will get a lot more use than ordinary cars, and their failures could cause injuries to their riders who will have very little body protection,

Our comments to each Intro are subject to the framework described above. We cannot support these bills unless the framework and the specific recommendations below are made part of the bills.

Intros 1250 and 1266 to legalize e-scooters and start a shared e-scooter pilot

- All vehicles must be equipped with a governor to limit the speed to 12 mph
- The proceeds from the program should be dedicated to pedestrian safety improvements

Intro 1264 to legalize e-bikes Class-1 and -2

- Class-1 is already legalized, so the purpose of including it in the bill is unclear
- Each vehicle should be equipped with a governor to limit the speed to 15 mph
- Class-2: CB4 does not support the legalization of a motorized vehicle in the bike lane operated by a person without license and registration
 - These Class-2 E- bikes are already legal: they are called mopeds. An electric moped currently requires license and registration. The new legislation would relax those standards for all mopeds, which is a serious concern for safety, as operators will have no education on the rules of the road and how to drive safely.
 - The current mopeds cannot use the bike lanes. A vehicle with a potential speed that exceeds the current NYC speed limit is incompatible with the current operation of non-motorized bikes in bike lanes, which is typically no more than 10-12 mph.
 - This mode of transportation may be very valuable in other boroughs where there are longer distances, but it should be subject to the existing legislation applicable to mopeds.

Intro 1265 to offer financial assistance to convert e-bikes to class-1

- CB4 supports this bill that will help many delivery workers to use legal and safer vehicles. It should be rolled out as part of an increased wage bill.
- Enforcement should also be directed at restaurant owners and at companies and retailers who sell illegal equipment to delivery workers.

Sincerely



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Chair
Manhattan Community
Board 4



Christine Berthet
Co-Chair
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cc: Ed Pincar, Manhattan Borough Commissioner, DOT
Ydanis Rodriguez, New York City Council