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I N S E N A T E

April 27, 2016

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to requiring bicycle access to office buildings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The transportation law is amended by adding a new article  
2 23 to read as follows:

3 ARTICLE 23

4 BICYCLE ACCESS TO OFFICE BUILDINGS

5 SECTION 500. APPLICABILITY.

6 501. REQUEST FOR BICYCLE ACCESS.

7 502. BICYCLE ACCESS PLAN.

8 503. EXCEPTIONS.

9 504. EMERGENCIES.

10 505. POSTING AND AVAILABILITY OF BICYCLE ACCESS PLAN OR LETTER  
11 OF EXCEPTION.

12 506. FILING OF PLAN.

13 507. EXEMPTIONS.

14 S 500. APPLICABILITY. THIS ARTICLE SHALL APPLY TO BUILDINGS, THE MAIN  
15 OCCUPANCY OF WHICH IS OFFICES, THAT (I) HAVE A FREIGHT ELEVATOR THAT  
16 EITHER COMPLIES WITH ASME 17.1 WITH REGARD TO THE CARRYING OF PASSENGERS  
17 ON FREIGHT ELEVATORS, OR IS OPERATED BY A FREIGHT ELEVATOR OPERATOR, AND  
18 (II) ARE NOT SUBJECT TO THE BICYCLE PARKING PROVISIONS OF SECTIONS  
19 25-80, 36-70 AND 44-60 OF THE ZONING RESOLUTION OF THE CITY OF NEW YORK.  
20 IT SHALL BE PRESUMED THAT IF A FREIGHT ELEVATOR IS AVAILABLE FOR CARRY-  
21 ING FREIGHT, IT IS AVAILABLE FOR CARRYING BICYCLES.

22 S 501. REQUEST FOR BICYCLE ACCESS. THE TENANT OR SUBTENANT OF A BUILD-  
23 ING TO WHICH THIS ARTICLE IS APPLICABLE MAY REQUEST IN WRITING, ON A  
24 FORM PROVIDED BY THE DEPARTMENT, THAT THE OWNER, LESSEE, MANAGER OR  
25 OTHER PERSON WHO CONTROLS SUCH BUILDING COMPLETE A BICYCLE ACCESS PLAN  
26 IN ACCORDANCE WITH SECTION FIVE HUNDRED TWO OF THIS ARTICLE. SUCH  
27 REQUEST SHALL BE SENT TO THE OWNER, LESSEE, MANAGER OR OTHER PERSON WHO

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 CONTROLS SUCH BUILDING BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND  
2 A COPY OF THE REQUEST SHALL BE FILED WITH THE DEPARTMENT.

3 S 502. BICYCLE ACCESS PLAN. 1. WHERE A REQUEST FOR A BICYCLE ACCESS  
4 PLAN HAS BEEN SUBMITTED PURSUANT TO THIS ARTICLE, THE OWNER, LESSEE,  
5 MANAGER OR OTHER PERSON IN CONTROL OF THE BUILDING SHALL WITHIN THIRTY  
6 DAYS AFTER RECEIPT OF SUCH REQUEST COMPLETE AND IMPLEMENT A BICYCLE  
7 ACCESS PLAN OR PROVIDE TO THE TENANT OR SUBTENANT A COPY OF THE REQUEST  
8 FOR AN EXCEPTION THAT HAS BEEN FILED WITH THE DEPARTMENT IN ACCORDANCE  
9 WITH SECTION FIVE HUNDRED THREE OF THIS ARTICLE.

10 2. A PLAN SHALL BE COMPLETED ON A FORM PROVIDED BY THE DEPARTMENT AND  
11 SHALL INCLUDE, AT A MINIMUM: THE LOCATION OF ENTRANCES; ROUTE TO FREIGHT  
12 ELEVATORS THAT ACCOMMODATE BICYCLE ACCESS; THE ROUTE TO A DESIGNATED  
13 AREA FOR BICYCLE PARKING ON AN ACCESSIBLE LEVEL IF SUCH BICYCLE PARKING  
14 IS MADE AVAILABLE; AND SUCH OTHER INFORMATION AS THE DEPARTMENT MAY  
15 REQUIRE. THE PLAN SHALL PROVIDE THAT BICYCLE ACCESS IS AVAILABLE, AT A  
16 MINIMUM, DURING THE REGULAR OPERATING HOURS OF THE FREIGHT ELEVATOR, IF  
17 SUCH FREIGHT ELEVATOR IS USED FOR BICYCLE ACCESS IN SUCH BUILDING. BICY-  
18 CLE ACCESS SHALL BE GRANTED TO THE REQUESTING TENANT OR SUBTENANT AND  
19 ITS EMPLOYEES IN ACCORDANCE WITH SUCH PLAN.

20 3. THE PLAN MAY BE AMENDED FROM TIME TO TIME TO ACCOMMODATE REQUESTS  
21 FROM OTHER TENANTS OR SUBTENANTS TO PROVIDE BICYCLE ACCESS PURSUANT TO  
22 THIS ARTICLE.

23 S 503. EXCEPTIONS. BICYCLE ACCESS NEED NOT BE PROVIDED PURSUANT TO  
24 THIS ARTICLE IF AN OWNER, LESSEE, MANAGER OR OTHER PERSON WHO CONTROLS A  
25 BUILDING APPLIES TO THE COMMISSIONER FOR AN EXCEPTION, ON A FORM  
26 PROVIDED BY THE DEPARTMENT AND SENT TO THE DEPARTMENT BY CERTIFIED MAIL,  
27 RETURN RECEIPT REQUESTED, WITHIN FIFTEEN DAYS OF RECEIPT OF A REQUEST  
28 FOR A BICYCLE ACCESS PLAN, AND CERTIFIES THAT EITHER:

29 1. THE BUILDING'S FREIGHT ELEVATOR IS NOT AVAILABLE FOR THE USE  
30 DESCRIBED IN THIS ARTICLE BECAUSE UNIQUE CIRCUMSTANCES EXIST INVOLVING  
31 SUBSTANTIAL SAFETY RISKS DIRECTLY RELATED TO THE USE OF SUCH ELEVATOR.  
32 SUCH APPLICATION SHALL INCLUDE THE REASONS FOR SUCH ASSERTION AND  
33 SUPPORTING DOCUMENTATION; OR

34 2. THERE IS SUFFICIENT SECURE ALTERNATE COVERED OFF-STREET OR SUFFI-  
35 CIENT SECURE ALTERNATE INDOOR NO-COST BICYCLE PARKING AVAILABLE ON THE  
36 PREMISES OR WITHIN THREE BLOCKS OR SEVEN HUNDRED FIFTY FEET, WHICHEVER  
37 IS LESS, OF SUCH BUILDING TO ACCOMMODATE ALL TENANTS OR SUBTENANTS OF  
38 SUCH BUILDING REQUESTING BICYCLE ACCESS. SUCH APPLICATION SHALL INCLUDE  
39 SUPPORTING DOCUMENTATION FOR SUCH ASSERTION, INCLUDING PROOF THAT SUCH  
40 ALTERNATE OFF-STREET OR INDOOR PARKING IS AVAILABLE TO OR UNDER THE  
41 CONTROL OF SUCH OWNER, LESSEE, MANAGER OR OTHER PERSON WHO CONTROLS THE  
42 BUILDING. IF AN EXCEPTION IS SOUGHT FOR THE REASONS SET FORTH IN SUBDI-  
43 VISION ONE OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT AN INSPECTION  
44 OF THE BUILDING AND FREIGHT ELEVATOR AND SHALL THEREAFTER ISSUE A FINAL  
45 DETERMINATION AS TO WHETHER TO GRANT AN EXCEPTION. IF AN EXCEPTION IS  
46 SOUGHT FOR THE REASONS SET FORTH IN THIS SUBDIVISION, THE DEPARTMENT  
47 SHALL THEREAFTER CONDUCT AN INSPECTION OF THE SECURE ALTERNATE COVERED  
48 OFF-STREET OR SECURE INDOOR NO-COST BICYCLE PARKING AND THE DEPARTMENT  
49 SHALL THEREAFTER ISSUE A FINAL DETERMINATION AS TO WHETHER TO GRANT AN  
50 EXCEPTION. IN EITHER EVENT, A LETTER OF EXCEPTION OR DENIAL SHALL BE  
51 SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE OWNER, LESSEE,  
52 MANAGER, OR OTHER PERSON IN CONTROL OF THE BUILDING. IF THE EXCEPTION IS  
53 DENIED, A BICYCLE ACCESS PLAN SHALL BE POSTED WITHIN TWENTY DAYS OF  
54 RECEIPT OF SUCH DETERMINATION. FAILURE TO TIMELY POST A BICYCLE ACCESS  
55 PLAN SHALL BE CAUSE FOR THE ISSUANCE OF A VIOLATION.

1 S 504. EMERGENCIES. IN AN EMERGENCY, WHENEVER ELEVATOR USE IS PROHIB-  
2 ITED, BICYCLES SHALL NOT BE PERMITTED TO BE TRANSPORTED THROUGH ANY  
3 MEANS OF EGRESS.

4 S 505. POSTING AND AVAILABILITY OF BICYCLE ACCESS PLAN OR LETTER OF  
5 EXCEPTION. 1. EVERY OWNER, LESSEE, MANAGER OR OTHER PERSON IN CONTROL  
6 OF A BUILDING SUBJECT TO THIS ARTICLE SHALL EITHER POST IN SUCH BUILDING  
7 EACH BICYCLE ACCESS PLAN THAT IS IN EFFECT, NOTIFYING THE REQUESTING  
8 TENANTS AND SUBTENANTS OF THEIR RIGHT TO BICYCLE ACCESS IN ACCORDANCE  
9 WITH SUCH PLAN, OR SHALL POST A NOTICE IN THE BUILDING LOBBY INDICATING  
10 THAT SUCH PLAN IS AVAILABLE IN THE OFFICE OF THE BUILDING MANAGER UPON  
11 REQUEST. EITHER SUCH POSTING SHALL BE MADE WITHIN FIVE DAYS OF  
12 COMPLETION AND IMPLEMENTATION OF SUCH PLAN.

13 2. EVERY OWNER, LESSEE, MANAGER OR OTHER PERSON IN CONTROL OF SUCH  
14 BUILDING SHALL POST IN SUCH BUILDING ANY LETTER OF EXCEPTION GRANTED BY  
15 THE COMMISSIONER, INCLUDING THE BASIS OR BASES FOR THE EXCEPTION AND, IF  
16 APPLICABLE, THE ROUTE TO ALTERNATE OFF-STREET OR INDOOR PARKING, AS  
17 PROVIDED IN SECTION FIVE HUNDRED THREE OF THIS ARTICLE, OR SHALL POST A  
18 NOTICE IN THE BUILDING LOBBY INDICATING THAT SUCH LETTER IS AVAILABLE IN  
19 THE OFFICE OF THE BUILDING MANAGER UPON REQUEST. EITHER SUCH POSTING  
20 SHALL BE MADE WITHIN FIVE DAYS OF RECEIPT OF SUCH LETTER OF EXCEPTION.

21 3. PLANS, LETTERS OF EXCEPTION OR NOTICES OF AVAILABILITY OF EITHER  
22 SHALL BE POSTED IN A PROMINENT LOCATION EASILY VISIBLE TO A BUILDING'S  
23 TENANTS, SUBTENANTS AND THE BUILDING'S EMPLOYEES, AND SHALL BE MADE  
24 AVAILABLE UPON REQUEST BY THE DEPARTMENT OR AUTHORIZED REPRESENTATIVES  
25 OF ANY OTHER STATE OR LOCAL AGENCY.

26 S 506. FILING OF PLAN. THE DEPARTMENT MAY REQUIRE THAT PLANS IMPLE-  
27 MENTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE BE FILED IN A TIMELY  
28 MANNER.

29 S 507. EXEMPTIONS. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO  
30 REQUIRE AN OWNER, LESSEE, MANAGER OR OTHER PERSON WHO IS IN CONTROL OF A  
31 BUILDING GOVERNED BY THIS ARTICLE TO PROVIDE SPACE FOR BICYCLES BROUGHT  
32 INTO SUCH BUILDING OR TO PERMIT A BICYCLE TO BE PARKED IN A MANNER THAT  
33 VIOLATES BUILDING OR FIRE CODES OR ANY OTHER APPLICABLE LAW, RULE OR  
34 CODE, OR WHICH OTHERWISE IMPEDES INGRESS OR EGRESS TO SUCH BUILDING.

35 S 2. This act shall take effect one year after it shall have become a  
36 law; provided, however, that effective immediately, the addition, amend-  
37 ment and/or repeal of any rule or regulation necessary for the implemen-  
38 tation of this act on its effective date is authorized and directed to  
39 be made and completed on or before such effective date.