S T A T E O F N E W Y O R K

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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:

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

ARTICLE 23

BICYCLE ACCESS TO OFFICE BUILDINGS

SECTION 500. APPLICABILITY.
501. REQUEST FOR BICYCLE ACCESS.
502. BICYCLE ACCESS PLAN.
503. EXCEPTIONS.
504. EMERGENCIES.
505. POSTING AND AVAILABILITY OF BICYCLE ACCESS PLAN OR LETTER OF EXCEPTION.
506. FILING OF PLAN.
507. EXEMPTIONS.

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

S 501. REQUEST FOR BICYCLE ACCESS. THE TENANT OR SUBTENANT OF A BUILDING TO WHICH THIS ARTICLE IS APPLICABLE MAY REQUEST IN WRITING, ON A FORM PROVIDED BY THE DEPARTMENT, THAT THE OWNER, LESSEE, MANAGER OR OTHER PERSON WHO CONTROLS SUCH BUILDING COMPLETE A BICYCLE ACCESS PLAN IN ACCORDANCE WITH SECTION FIVE HUNDRED TWO OF THIS ARTICLE. SUCH 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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CONTROLS SUCH BUILDING BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND A COPY OF THE REQUEST SHALL BE FILED WITH THE DEPARTMENT.

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

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

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

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

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

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

S 504. EMERGENCIES. IN AN EMERGENCY, WHENEVER ELEVATOR USE IS PROHIBITED, BICYCLES SHALL NOT BE PERMITTED TO BE TRANSPORTED THROUGH ANY MEANS OF EGRESS.

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

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

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

S 506. FILING OF PLAN. THE DEPARTMENT MAY REQUIRE THAT PLANS IMPLEMENTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE BE FILED IN A TIMELY MANNER.

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

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