STATE OF NEW YORK

6606

2019-2020 Regular Sessions

IN SENATE

June 18, 2019

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

AN ACT to amend the administrative code of the city of New York, in relation to bicycles with electric assist; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature finds and declares that traffic congestion in the city of New York ranks second worst among cities in the United States and third worst among cities in the world, and results in significant cost to the New York metropolitan area economy and in turn the state's economy at estimates exceeding one hundred billion dollars over the next five years. Travel speeds in the city of New York's central business district have dropped more than seventeen percent in 2016 to an average of 6.8 miles per hour and in Midtown Manhattan, the most congested area of the city--the area from fifty-ninth street to thirty-fifth street and from ninth avenue to the east river--the average vehicular speed is 4.7 miles per hour. Congestion in these areas is crippling and impacts the everyday lives of residents, commuters, taxi and for-hire vehicle traffic, bus transit and emergency services, and is a significant contributor to decreased air quality.

These issues have been recognized by both the Fix NYC Advisory Panel and the Metropolitan Transportation Sustainability Advisory Workgroup as significant impediments to everyday New Yorkers. Further, the legislature finds that one transportation alternative that can alleviate part of this congestion is the use of transportation alternatives such as electric assist bicycles for commuting and delivery purposes. The legislature additionally finds that electric assist bicycles provide a viable transportation option among demographics facing barriers to other modes of transportation, including lower-income riders, female riders, and riders of color. The legislature further finds that thousands of food

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

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delivery workers in New York City rely on electric assist bicycles to earn a living wage, and the electric assist bicycles they have relied on to earn a living have been disparately impacted by the current interpretation of what constitutes a motor vehicle in New York City. Further, these food delivery workers are routinely fined $500-$1,000 for use of vehicles that are defined as legal bicycles in other states, in addition to having their vehicles discretionarily confiscated.

In order to ensure a safe and efficient public transportation system within the city of New York and to protect the public welfare of New York City's residents and delivery workers, ensuring that electric assist bicycles can operate pending local regulation of the issue is found to be necessary and to be a matter of substantial state concern.

§ 2. Section 19-176.2 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Provided further that the term motorized scooter shall not include any bicycle with electric assist as defined as a bicycle which has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed on the same date as section 1 of a chapter of the laws of 2019, amending the vehicle and traffic law relating to bicycles with electric assist and electric scooters and providing for the repeal of certain provisions upon the expiration thereof, as proposed in legislative bills numbers S. 5294-A and A. 7431-B, takes effect.