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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.manhattancb2.org](http://www.manhattancb2.org)

P: 212-979-2272 F: 212-254-5102 E: [info@manhattancb2.org](mailto:info@manhattancb2.org)

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September 12, 2023

Hon. Ydanis Rodriguez  
Commissioner  
NYC Department of Transportation  
55 Water Street, 9th floor  
New York, NY 10041

Re: Proposed Traffic Rules Amendment Relating to Cargo Bikes

Dear Commissioner Rodriguez,

We wish to bring to your attention a feature of the Department of Transportation's (DOT) proposed new cargo bike rules which, if promulgated in its current form, represents not only serious safety issues but raises important questions of accessibility. Specifically, we refer to proposed amendment § 6 of the Traffic Rules to allow cargo bikes to be temporarily parked on sidewalks to permit the loading and unloading of property.<sup>1</sup>

The degree of risk created by the proposal in question is more than a mere inconvenience. The sidewalks of mixed-use neighborhoods such as those served by Manhattan Community Board 2 (MCB2) are heavily trafficked by pedestrians, both residents and shoppers, all day, every day. To permit the parking of cargo bikes, even for brief periods, would lead to blockage of the sidewalk to foot traffic. Pedestrians who wished to bypass cargo bikes parked on our sidewalks often would be forced into the street. Any person with a mobility issue unwilling or unable to walk in the street would be compelled to remain in place until the cargo bike was removed.

The implications of this situation are plain. According to the DOT's own statistics,<sup>2</sup> the number of deliveries by cargo bicycle is massive and is only expected to further increase. Based on the

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<sup>1</sup> “§6. Paragraph 5 of subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows: (5) Additional requirements for pedal-assist commercial bicycles.

....

(iv) A pedal-assist commercial bicycle may not be parked on a sidewalk, while attended or unattended, except temporarily for the purpose of and while actually engaged commercially in loading and unloading property.”

<sup>2</sup> “Between May 2020 and January 2021, the number of cargo bicycle deliveries increased 109%. In January 2021 alone, there were more than 45,000 cargo bicycle deliveries.” NYC DOT Statement of Basis and Purpose of Proposed Rule.

September 12, 2023

Page 2

volume of bikes on the road and the number of deliveries made on a daily basis, the presence of cargo bikes on sidewalks as heavily utilized as those in MCB2 will inevitably lead to situations where disabled persons will be denied unobstructed access to sidewalks. This situation is foreseeable and can be expected to recur. Sidewalk parking can therefore reasonably be interpreted as permitting violations of the rights of the disabled under the Americans with Disability Act, as well under the Human Rights Laws of each of New York State and New York City.

Because the stipulated deadline for comments is not within MCB2's customary timetable, MCB2 is prevented from taking an official position at this time. However, based on the widespread community opposition to the use of sidewalks in this manner, as expressed at MCB2's September 7<sup>th</sup> Traffic & Transportation Committee meeting, we feel compelled to bring to the DOT's attention this aspect of the cargo bike program and the potential consequences of failing to address its shortcomings. While the cargo bike program has much to recommend it, the convenience of utilizing sidewalks for temporary parking cannot be allowed to trump the rights of pedestrians to safe access and the rights of the disabled to reasonable accommodation.

We respectfully request that DOT reconsider the proposed amendment to preclude the parking of cargo bikes in locations that deprive pedestrians of safe access. In this situation, DOT should prioritize the safety and accessibility rights of pedestrians and prohibit all parking of cargo bikes on sidewalks.

Sincerely,



Susan Kent  
Chairperson  
Manhattan Community Board 2



Shirley Secunda  
Chairperson, Traffic & Transportation Comm.  
Manhattan Community Board 2

cc: Hon. Edward Pincar, Jr., Manhattan Borough Commissioner, NYC DOT

Hon. Mark Levine, Manhattan Borough President

Hon. Christopher Marte, NYC Council, District 1

Hon. Carlina Rivera, NYC Council, District 2

Hon. Erik Bottcher, NYC Council, District 3