



New York Cyclemobile Association

September 13, 2023

Ms. Diniece Mendes
Director, Office of Freight Mobility
New York City Department of Transportation
55 Water Street, 6th Fl
New York, NY 10041

Re: Response to the NYCDOT Proposed Amendments to DOT
Traffic Rules Addressing “Pedal Assist Commercial Bicycles”

Director Mendes and the New York City Department of Transportation (“DOT”):

The newly formed New York Cyclemobile Association (“NYCA”) humbly takes this opportunity to introduce itself, both to you and the world. As part of this introduction, we submit comments regarding your proposed “Pedal Assist Commercial Bicycle” (“PACB”) regulations.

The NYCA’s purpose is to promote, propagate, and protect the cyclemobile industry of New York. This industry remains nascent in the United States of America; even New York City has seen limited adoption either by private or public entities to date. We believe the reasons are myriad, and largely to do with federal, state, and city laws, regulations, and policies. Sadly, today’s proposed regulations by DOT, if enacted, would take yet another government-created cudgel to our fragile yet growing local (and national) cyclemobile industry. It would have an impact similar to that unleashed by the 2020 NYS “e-bike” law (which de facto criminalized all cargo trikes) and the 2007 pedicab law (which criminalized pedal-assist pedicabs and turned the NYSDMV against all pedal-assist bicycles until 2018).

As promoters of the cyclemobile industry, the NYCA agrees with DOT that we’ve reached a point at which additional regulatory definitions are necessary. The association appreciates the DOT’s initial efforts on display within this proposal. The return to pedal-assist limitations on motors for the industry is a major improvement, for example.



Weight Limit

Oversights, overreaches, and missteps in the proposed regulations, nevertheless, are numerous. Most egregious may be the oversight on weight. To date, a limitation on weight has not been considered necessary by stakeholders; however, literal heavyweights today are attempting to enter the bike lane by storm. Motorized vehicles approaching 1000 pounds unladen are now clamoring to qualify as bicycles! As long-time leaders in the local commercial cycling industry, and cyclist advocates as well, we find these attempts abhorrent. We take this step of establishing the NYCA to protect our hard-earned bike lanes from the depredations of the motor vehicle industry and others seeking to introduce even more motor vehicles to these lanes: They have plenty of dedicated street space already, thank you very much.

Moreover, NYCA proposes a fresh approach to the weight limits of unladen cyclemobiles:

- a cyclemobile a/k/a PACB: 440 lbs (200kg)
- a trailer: 330lbs (150kg)
- a cyclemobile plus trailer "kit": 770 lbs (350kg)

Any contraption exceeding these weight limits would be barred from bike lane access (and possibly become eligible to operate in other street lanes with a valid NYS DMV license plate as a limited use vehicle).

It might seem counter-intuitive for the cargo industry to explore weight limits on its operations – i.e., how heavy should we allow a cargo bike to become before its weight and speed approach unsafe levels in a protected bike lane? But it should be addressed. Notably, the DOT document is silent on the topic of weight. So we applied Newton's 2nd law of motion to find out what's the impact force if a 1300 pound loaded cargo bike, for example, hits you at 20mph in the bike lane? The travel distance during the impact should be negligible -- let's say 5 feet? Let's use kgs: mass of cargo bike loaded = 590 kg going at 20mph (or 9 meters/second). Let's say it takes a second to come to a stop? $0 \text{ m/s} - 9 \text{ m/s}$ divided by 1 second = it decelerates at 9 meters per second squared. Then, Force = mass x acceleration (or in this case deceleration), it's: $590 \text{ kg} \times 9 \text{ m/s} = 5310 \text{ Net Force}$. The result: it's not deadly force, but it's half the force of a car impact and per the equation, about 9 times the weight of the loaded bike. We believe under 440 pounds unloaded is a good place to start.



In addition to these thresholds, PACBs must be proven able to be pedaled without motor assistance. Our proposed criterion: a human must be able to pedal the unladen cyclemobile or kit on a flat surface to the regulatory speed limit to qualify as a PACB or cyclemobile kit.

Banning Today's Entire Cargo Bike Fleet?!

The NYCA is astounded that DOT would propose to ban 95% of the “cargo bike” fleets active today in NYC. After extolling the virtues of the current industry time and again, including during its cargo bike pilot program, DOT turns around and bans them all with no industry notice?! Only three years ago the NYS legislature criminalized the nascent cargo trike industry with no notice, leading to a mass exodus by the largest logistics operators in the city (and world)—including one operator and its \$25M+ local industry investment (that operator is now investing hundreds of millions of dollars in cyclemobile infrastructure in the UK). What will happen this time?

Banning almost every cargo biketrailer in use today in NYC isn't on the table of any current industry stakeholder. Only a few DOT engineers and upstart motor vehicle makers seeking entrée into the city's bike lanes countenance this blanket ban. Extend the length limit to account for today's industry. Embrace the vibrant operations and configurations you so consistently promote in your own marketing products!

Any cargo biketrailer manufacturer or operator participating in the Cargo Bike Pilot Program must not suffer, as a consequence of new regulations, any economic hardship or business loss due to its fleet being rendered non-compliant. The limit on length of 10 feet for a full cyclemobile plus trailer kit must be expanded substantially; in fact, the NYCA proposes an overall 20 foot limit. After a review of prior DOT reports as well as the proposed amendments and the previous amendments, NYCA is unable to identify any methodology or rationale offered by DOT regarding its proposed length limit of ten feet; however, reading between the lines we see DOT dreams of a city of perpendicular parked PACBs with zero cargo biketrailers: Government once again decimating the nascent NYC cyclemobile marketplace for the sake of speculative theories of a few transport engineers. Lives, livelihoods, enterprises, even entire industries are at stake.



Key Points to Address

Herewith, a 12 point list of issues including enhancements of your initial proposal:

- **Speed:** a PACB must be driven exclusively at speeds under 15 mph. The current Cargo Bike Pilot limit of 12 mph is excellent. At speeds higher than 15 mph, PACBs must be pedaled in motor vehicle lanes.
- **Weights:** An unladen PACB must weigh under 440 pounds including batteries to qualify as a PACB; an unladen biketrailer, not even acknowledged as a legal contraption, must weigh less than 330 lbs to qualify.
- **Height & length:** NYCA proposes a maximum length 20 feet for any cyclemobile kit. Any height limit seems arbitrary notwithstanding engineering and safety thresholds; therefore, we see no basis to implement a height limit at this time.
- **Motors:** They may be a feature of either a PACB or a trailer exclusively in an assistance capacity. How does DOT justify banning motors on trailers? We see no benefit to eliminating potential technological advancements in this way.
- **Throttles:** Strong arguments exist to allow for low-speed throttle activation; e.g., the E.U. allows for speeds up to 4 MPH to be throttle activated to ease initial propulsion (and conserve battery resources). As the industry expands, throttles will likely become obsolete. While NYCA supports elimination of throttles, we see it raising costs for all industry participants today.
- **Wheel Counts:** NYCA is a firm supporter of legalization of lightweight quadricycles. The method by which they are proposed to become legal by DOT and motor vehicle lobbyists is novel.
- **Stopping:** Stopping cyclemobiles & kits perpendicular to the curb may create safety hazards. NYCA recommends parallel and diagonal parking for PACBs and kits. NYCA notes the many concerns declared by the public regarding commercial bicycles parking on crowded sidewalks while loading or unloading; in response, NYCA recommends loading at the curb.
- **Sidewalks:** Sacred pedestrian space may be accessed by PACBs and their drivers, if at all, only by walking the contraption. Sidewalks are meant for walking. Period.



- **Advertising:** To promote the growth of the bicycle industry generally in NYC, advertising must be encouraged not banned by the city! In fact, the NYCA promotes creation of contracts with the city to advertise on private PACB fleets. Such adverts have kept more than one of today's industry operators afloat. Adverts are integral to the success of the industry now and into the future. A ban on advertising on bicycles strips another available avenue for enterprises seeking ways to subsidize operations since government contracts and subsidies remain inaccessible and marketplace dynamics have yet to yield substantial industry growth. We see on offer from DOT zero rationale, no tangible public benefit, and public and private loss due to the continued hobbling of cyclemobile industry participants in such arbitrary and capricious ways.
- **People Transport:** As the city moves to encourage cycle logistics within city limits AND as congestion pricing becomes reality, limiting the extent of this regulation to contraptions that "transport property" is short-sighted. To encourage manufacturers, operators, and others to invest in this industry, the city must embrace the advancement of PACBs across both people- and property-moving industries.
- **Cyclemobile vs LUV:** NYCA endorses use of both limited use vehicles (LUV) as well as cyclemobiles.
- **Safety standards & inspections:** As with pedicabs, PACBs must be inspected annually for safety and legal compliance in NYC. We suspect DOT would be the department to inspect PACBs and kits; however, NYCA proposes the city contract out inspections, driver training, and a certified cyclemobile driver database.

Additional Insights

A global enterprise invested tens of millions of dollars in an initiative to bring thousands of cyclemobiles to the streets of U.S. cities starting with NYC. During implementation, the NYS 2020 "e-bike" law came into effect. At that point, the wheels came off the program—including its massive tailor-made Midtown Manhattan cyclemobile-oriented distribution center. Today's proposed regulations would destroy anew this fragile marketplace, including an innovative NYC-based manufacturer. It has invested millions into R&D and prototypes since 2020 to produce its state-of-the-art cargo biketrailer.

We would be remiss if we failed to touch on the fact that one maker of mini motor vehicles set to become legal as PACBs in NYC would seem to have infiltrated the DOT



proposal. Its proposed PACB comes within one inch of both the height and length limit of the proposal, benefits from the lack of a weight limit, clears the deck with the elimination of its primary biketrailer competition, activates only due to a baroque back-and-forth of legal terms such as “bicycle” and “device” yielding quadricycle as “bicycle,” resides already with DOT and Parks & Recreation fleets despite its illegal status, and sports a law firm partner of its managing director on the NYC Economic Development Corporation board of directors.

The NYCA thanks you for your consideration of our comments. We look forward to engaging fruitfully with DOT and other industry stakeholders now and into the future.

Best regards,

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