

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to amendments of the New York City Department of Transportation's (DOT) "Traffic Rules" contained in Chapter 4 of Title 34 of the Rules of the City of New York regarding the operation of pedal-assist commercial bicycles in New York City.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903(b) of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter that DOT hereby amends Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published in the City Record on August 14, 2023 and a public hearing was held on September 13, 2023. DOT received verbal and written comments from the public and made changes to the adopted rule based upon the comments received.

Statement of Basis and Purpose of Adopted Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to issue rules regarding parking and traffic operations in the City pursuant to Section 2903(a) of the New York City Charter. The adopted rule is contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to the "Traffic Rules."

In December 2019, DOT launched the Commercial Cargo Bike Pilot program. Parcel industry representatives and other local carriers participated in testing cargo bicycles with pedal-assist in the New York City market. In 2022, cargo bikes made more than 130,000 trips delivering over 5 million packages, resulting in the reduction of over 650,000 metric tons of CO₂ emissions, demonstrating their growing effectiveness as a sustainable and economically viable last-mile delivery mode.

Parcel industry representatives and other local carriers have tested cargo bicycles with pedal-assist for use in the New York City market over the past five years. With a 68% projected increase in freight in the city, cargo bicycles are necessary to reduce our overreliance on trucks and larger vehicles for last-mile deliveries. The freight industry sees cargo bicycles with pedal-assist as an opportunity to test consolidation and smaller-scale deliveries in constrained urban spaces, with the accompanying benefits of reducing negative impacts on traffic and street safety. The pedal-assist features make cargo bicycles with pedal-assist easy to pedal even while carrying heavy loads. It is estimated that two bicycles can replace one delivery truck with CO₂ savings of approximately 14 tons/year, equivalent to 200 planted trees, or 30,872 passenger car miles traveled.

This adopted rule clarifies the regulatory landscape and broadens options for sustainable and efficient modes of parcel and goods last-mile delivery, as recently highlighted in New York City's (NYC) Delivering Green, DOT's Delivering New York and NYC Streets Plan. The adopted rule amends the current definition of pedal-assist bicycle to specify that it applies to a type of pedal-assist bicycle that may be up to 48 inches and have up to 4 wheels and that the operation of such a device in the City is lawful for delivery of goods and property in commerce. In addition, rules applicable to all bicycles would apply to pedal-assist commercial bicycles, with the addition of rules specifically for pedal-assist commercial bicycles.

This rule is authorized by section 1642 of the New York State Vehicle and Traffic Law (VTL) which authorizes DOT to adopt rules with respect to the regulation of devices moved by human power that may supersede provisions of the VTL on the same subject matter. Such authorization includes regulation of a type of electric bicycle, referred to as "pedal-assist" because they cannot operate without human power. In addition, the operation of a Pedal-Assist Commercial Bicycle as defined in these rules would not be prohibited by section 19-176.2 of the New York City Administrative Code.

In response to comments received on the proposed rule concerning the operation of pedal-assist commercial bicycles, the following changes were made in the adopted rule:

- The maximum speed of a pedal-assist commercial bicycle was decreased from 20 mph to 15 mph.
- A pedal-assist commercial bicycle cannot be parked or be left unattended on a sidewalk for any reason—even temporarily.
- A pedal-assist commercial bicycle must comply with manufacturer's weight rating specifications.

The maximum length of a pedal-assist commercial bicycle (including any attached trailer) was increased from 120 to 192 inches, and its height from 78 to 84 inches to promote and catalyze the growth and adoption of pedal-assist commercial bicycles in New York City. The expanded dimensions, which were used during the pilot program, enable small businesses and logistics companies to replace larger trucks and vans with cargo bicycle models successfully deployed globally. New York City recognizes the importance of supporting these changes with innovative policies, enhanced street designs, and infrastructure and promoting best-practice safety education and training standards and resources for cargo bike riders and operators, ensuring a harmonious integration of these vehicles into the urban landscape. These measures are essential to accommodate and promote the safe and effective use of cargo bicycles, especially for last-mile delivery.

Specifically, the adopted amendments are as follows:

- § 1: amends the definitions of "bicycle," and "pedal-assist bicycle" and adds a definition of "commercial bicycle" in Section 4-01 ("Words & Phrases Defined").

- § 2: amends section 4-08(a)(3)(i) to include a “Commercial Bicycle Loading Only” sign as a dedicated use sign.
- § 3: amends section 4-08(o)(3)(ii) to include Commercial Bicycle Loading Only as a prohibited area for agency-authorized parking.
- § 4: amends section 4-08(o)(4)(iii) to include Commercial Bicycle Loading Only as a prohibited area for single-use permits.
- § 5: amends 4-12(j) (1) to prohibit advertising on bicycles.
- § 6: amends section 4-12(p)(5) to include additional pedal-assist commercial bicycle regulations.
- § 7: amends section 4-12(p) by adding a new paragraph (8) to include commercial bicycle regulations.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material underlined.

[Deleted material is in brackets]

Section 1. Two definitions set forth in subdivision (b) of section 4-01 of chapter 4 of Title 34 of the Rules of the City of New York are amended, and a new definition is added, to read as follows:

Bicycle. "Bicycle" means every two- or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it will not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. For the purposes of these rules the term bicycle includes [a] pedal-assist [bicycle] commercial bicycles as defined in this section; and bicycles with electric assist as defined in section 102-c of the vehicle and traffic law.

Commercial bicycle. A bicycle used to transport property in commerce.

Pedal-assist commercial bicycle. A “pedal-assist commercial bicycle” shall mean a [bicycle] device upon which a person may ride equipped with a belt, a chain or gears, fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower) whereby such electric motor engages only when the operator is pedaling and the rate of speed of the bicycle is less than [20] fifteen miles per hour, and disengages or ceases to function when (i) the operator applies the brakes, (ii) the operator stops pedaling, or (iii) such bicycle achieves a speed of [twenty] fifteen miles per hour and which is (A) more than 36 inches but no more than 48 inches wide and equipped with 2, 3, or 4

wheels or (B) no more than 36 inches wide and equipped with 4 wheels. A pedal-assist commercial bicycle shall not be equipped with any throttle capacity or have any additional motorized equipment affixed to it. A pedal-assist commercial bicycle shall not be more than eighty-four (84) inches in height or more than one hundred and ninety-two (192) inches in length, including any attached trailer. A pedal-assist commercial bicycle shall only be used to transport property in commerce. For the purposes of this definition, the term "trailer" means a device not propelled by its own power and towed by a pedal-assist commercial bicycle.

§ 2. Subparagraph (i) of paragraph (3) of subdivision (a) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(i) Dedicated use signs. Standing is prohibited when a dedicated use is specified by a sign, including but not limited to the following curb regulations: Commercial Vehicles Only, Truck Loading Only, Taxi Stand, Taxi Relief Stand, Authorized Vehicles Only, NYP License Plates Only, Doctor License Plates Only, For-Hire Vehicles Only, Ambulance Only, Ambulette Only, Medical Facility Only, Bus Layover Only, NYS Road Test Only, Flea Market Loading Only, Farmers Market Only, Waiting Line, Carshare Parking Only, Pedal Vehicle Charging Only, Commercial Bicycle Loading Only, or Parking Permitted.

§ 3. Subparagraph (ii) of paragraph (3) of subdivision (o) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(ii) Parking not permitted. Parking with and display of agency-authorized permits in the windshield of a vehicle or, where applicable, a permit affixed to the vehicle by the department or an agency authorized by the department is not permitted at:

(A) "No Standing" areas[.].

(B) "No Stopping" areas[.].

(C) Fire hydrants[.].

(D) Bus stops[.].

(E) Areas on the roadway side of a vehicle stopped, standing, or parked at the curb (i.e., Double parking) [.].

(F) Driveways[.].

(G) Bridges and highways[.].

(H) Areas where a traffic hazard would be created[.].

(I) Carshare parking space(s) [.], and

(J) "Commercial Bicycle Loading Only" zones.

§4. Subparagraph (iii) of paragraph (4) of subdivision (o) of section 4-08 of chapter 4 of Title 34 of the Rules of the City of New York is amended to read as follows:

(iii) Parking not permitted. Parking with single issue permits is not permitted at:

(A) "No Standing" areas,

- (B) "No Stopping" areas,
- (C) Fire hydrants,
- (D) Bus stops,
- (E) Double parking,
- (F) Driveways,
- (G) On bridges and highways,
- (H) In carshare parking space(s), [and]
- (I) Areas where a traffic hazard would be created, and
- (J) "Commercial Bicycle Loading Only" zones.

§5. Paragraph (1) of subdivision (j) 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:

(1) *Restrictions.* No person shall operate, stand, or park a vehicle or bicycle on any street or roadway for the purpose of commercial advertising. Advertising notices relating to the business for which a vehicle is used may be put upon a motor vehicle when such vehicle is in use for normal delivery or business purposes, and not merely or mainly for the purpose of commercial advertising, provided that no portion of any such notice shall be reflectorized, illuminated, or animated, and provided that no such notice shall be put upon the top of the vehicle and that no special body or other object shall be put upon vehicles for commercial advertising purposes. Advertisements may be put upon vehicles licensed by the New York City Taxi and Limousine Commission in accordance with the Commission's rules.

§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.

[A] (i) No person shall operate or park a pedal-assist commercial bicycle on any public highway in the city of New York unless such bicycle has permanently affixed in a prominent location on the electric motor of the bicycle or elsewhere on the bicycle a legible original label of the manufacturer of the bicycle and/or of the electric motor containing the maximum motor-assisted speed and motor wattage of the bicycle.

[B] (ii) All pedal-assist commercial bicycles and their operators must comply with the provisions of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles, except as provided in 34 RCNY §4-02(e).

[C] (iii) A pedal-assist commercial bicycle that has been modified in any of the following ways shall not be considered a pedal-assist commercial bicycle and may not be operated or parked on any public highway:

- [1] A. Any modification that increases the output of such bicycle to seven hundred fifty watts or greater;

[2] B. Any modification that prevents the motor from disengaging when (i) the operator applies the brakes, (ii) the operator stops pedaling, or (iii) the bicycle achieves a speed of [twenty] fifteen miles per hour; or

[3] C. Any modification that accelerates the speed of the pedal-assist commercial bicycle motor by means other than pedaling.

(iv) A pedal-assist commercial bicycle may not be parked or left unattended on a sidewalk.

(v) A pedal-assist commercial bicycle shall comply with manufacturer's weight rating specifications.

§7. Subdivision (p) of section 4-12 of chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (8), to read as follows:

(8) Additional requirements for commercial bicycles.

(i) Commercial bicycles must display a color contrasting identification label on both sides of each bicycle indicating the name or symbol of the business in which such bicycle is used and if more than one bicycle is used, a unique ID number assigned by the business.

(ii) Commercial bicycles may park or stand in commercial bicycle loading only zones when actively engaged commercially in loading or unloading property and for the duration of the posted sign.

(iii) Commercial bicycles may park or stand in the parking lane on a street wherever commercial vehicles may park or stand including commercial vehicle metered parking or truck loading zones and shall be exempt from paying parking meter fees. Bicycles must be parked perpendicular to the curb provided there is space for the passage of a vehicle between the bicycle and the center of the street.