

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to the New York City Department of Transportation's amendment to Section 7-04(a) of Title 34 of the Rules of the City of New York to authorize the granting of revocable consents to construct or maintain electric micromobility device battery swapping and charging cabinets on, over or under City streets.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation by Sections 364, 1043 and 2903(a) of the New York City Charter that DOT hereby amends Chapter 7 of Title 34 of the Rules of the City of New York.

Statement of Basis and Purpose of Adopted Rule

The New York City Department of Transportation ("DOT") is adopting this rule to authorize property owners and tenants to apply for and be granted revocable consents for the installation of electric micromobility device battery swapping and charging cabinets on sidewalks within the public right of way in front of their properties. In recent years, ridership of electric micromobility devices, such as e-bikes and e-scooters, has increased dramatically. This includes increased ridership of uncertified e-bikes and illegal e-mopeds that use low-quality and uncertified lithium-ion batteries. The proliferation of these low-quality batteries combined with unsafe charging practices has contributed to an increase in fires started by lithium-ion batteries, which are now a leading cause of fires and fire deaths in New York City. Electric micromobility device battery swapping and charging cabinets provide a safer way for e-bike users to charge and access Underwriters Laboratories (UL)-certified batteries that are designed to minimize fire risk.

This rule will encourage the safe use of electric micromobility devices in order to address this urgent fire threat. Without this rule, store owners, building owners, and battery swapping and charging cabinet providers would be unable to install these cabinets in the right of way. By amending section 7-04(a) of Title 34 of the Rules of the City of New York ("RCNY"), DOT will authorize a property owner or tenant to apply for and receive a revocable consent to install an electric micromobility device battery swapping and charging cabinet on the sidewalk in front of their property, where such cabinet would be accessible to and usable by e-bike users. Such a revocable consent would be for a fixed term and would require annual compensation to DOT. Each such revocable consent and cabinet would be subject to the procedures and general conditions set forth in chapter 7 of Title 34 of the RCNY for revocable consents.

In parallel to DOT review of applications for revocable consents for electric micromobility device battery swapping and charging cabinets pursuant to this adopted rule, the New York City Fire Department will review and approve each cabinet as part of their current Technology Management ("TM") process to ensure that such cabinets utilize appropriate fire safety technology, such as ventilation, temperature control, and automatic shutoff if a battery is overheating. Additionally, such electric micromobility device battery swapping and charging cabinets must comply with the New York City Electrical Code, as applicable.

Specifically, this rule amends subdivision (a) of section 7-04 of chapter 7 of Title 34 of the RCNY to add a new paragraph (38) to authorize the granting of revocable consents for electric micromobility device battery swapping and charging cabinets.

The proposed rule was published in the City Record on July 25, 2024, and a public hearing was held on August 26, 2024. DOT received written and verbal comments from the public and made the

following revisions:

- Added new items (1) and (2) of clause (A) of subparagraph (i) of paragraph 38 of subdivision (a) of section 7-04 of Title 34 of the RCNY to provide that an electric micromobility device battery swapping and charging cabinet may be installed adjacent to a residential building with five or more dwelling units, in addition to buildings that have non-residential uses;
- Modified clause (B) of such subparagraph to increase the maximum height of electric micromobility device battery swapping and charging cabinets from eight feet to eight feet and five inches, and to increase the maximum depth of such cabinets from three feet to four feet;
- Added a new clause (C) to such subparagraph to provide that electric micromobility device battery swapping and charging cabinets must be securely affixed to the ground;
- Added a new clause (D) to such subparagraph to provide that an electric micromobility device battery swapping and charging cabinet is required to be located a minimum of three feet from an adjacent electric micromobility device battery swapping and charging cabinet, unless otherwise approved by the New York City Fire Department;
- Added a new clause (E) to such subparagraph to provide that an electric micromobility device battery swapping and charging cabinet may only be installed above a sidewalk vault where such vault is licensed pursuant to section 19-117 of the New York City Administrative Code, and to require that a registered design professional certify that such vault has been inspected and that the sidewalk can support the electric micromobility device battery swapping and charging cabinet; and
- Added a new clause (F) to such subparagraph to provide that if an electric micromobility device battery swapping and charging cabinet is to be installed adjacent to a 90-degree or angled parking spot then bollards must also be installed.

New material underlined.

Section 1. Subdivision (a) of section 7-04 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (38) to read as follows:

(38) Electric micromobility device battery swapping and charging cabinet.

(i) Standard.

(A) An electric micromobility device battery swapping and charging cabinet may be installed adjacent to:

1. A building where the ground floor has a non-residential use; or

2. A residential building with five or more dwelling units.

(B) The height of each electric micromobility device battery swapping and charging cabinet shall not exceed eight feet and five inches. The width of each such cabinet shall not exceed four feet. The depth of each such cabinet shall not exceed four feet.

(C) An electric micromobility device battery swapping and charging cabinet shall be securely affixed to the ground.

(D) The distance between any two electric micromobility device swapping and charging cabinets shall be a minimum of three feet, unless otherwise approved by the New York City Fire Department.

(E) An electric micromobility device battery swapping and charging cabinet may be installed above a sidewalk vault where:

1. Such sidewalk vault is licensed pursuant to § 19-117 of the Administrative Code; and

2. A registered design professional, as defined in section 28-101.5 of the Administrative Code, has certified that such sidewalk vault has been inspected and that the sidewalk above such vault can safely support the electric micromobility device battery swapping and charging cabinet.

(F) An electric micromobility device battery swapping and charging cabinet may be installed adjacent to a 90-degree or angled parking spot, provided that bollards in accordance with § 7-04(a)(20) of these rules shall be installed between the electric micromobility device battery swapping and charging cabinet and such parking spot.

(G) No revocable consent shall be granted for an electric micromobility device battery swapping and charging cabinet without the prior written approval of the New York City Fire Department.

(ii) Annual rate. \$25.