**Comment re: Speed Limits for E-Bikes, E-Scooters, and Pedal-Assist Bicycles
By: Kevin Siegel, Esq. (****kevsiegs@gmail.com****)
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I am a member of the public writing to express my opposition to the New York City Department of Transportation (“DOT”) rule entitled Speed Limits for E-Bikes, E-Scooters, and Pedal-Assist Bicycles (“the Rule”). DOT does not have authority to change the speed limit for e-bikes, the Rule is arbitrary, and the Rule does not adopt best practices from other countries. Therefore, the Rule should be rescinded in its entirety.

**The Rule is *ultra vires*.**

DOT does not have authority to impose a speed limit on e-bikes. It is therefore *ultra vires* and is likely to be struck down. N.Y. V.T.L. § 1242(3)(a) states unambiguously that “the governing body of any city, town or village may, by local law or ordinance, further regulate the time, place and manner of the operation of bicycles with electric assist including, but not limited to, maximum speed . . . .” DOT is not the governing body of New York City. It is therefore a matter of black-letter law that DOT does not have authority to “further regulate” the manner of operation of e-bikes, including maximum speed.

DOT purports to derive its authority from § 2903(a) of the New York City Charter. To begin, this section contains eighteen subsections covering a variety of topics. Nonetheless, the City Charter does not empower DOT to override state law.

**The Rule imposes an arbitrary speed limit on e-bikes alone.**

The Rule arbitrarily imposes a speed limit on e-bikes that is 10 mph lower than the default speed limit for cars and for non-electric bicycles.

DOT purports to justify the exclusion of non-electric bicycles from the new speed limit because “they are lighter devices compared to e-devices, which are heavier due to their motor and battery.”[[1]](#footnote-1) DOT provides no statistics to demonstrate this point. Moreover, the differences in weight between electric and non-electric bikes are minimal enough that they can be negated by differences in cyclist weight. A 120-pound person and a 60-pound e-bike weigh 180 pounds. A 160-pound person on a 20-pound non-electric bike also weigh 180 pounds.

DOT furthermore does not explain why motor vehicles, which weigh thousands of pounds, should be allowed to be operated 10 mph faster than e-bikes, which generally weigh between 40 and 80 pounds.[[2]](#footnote-2)

These examples demonstrate that the Rule is arbitrary. DOT does not provide a reason that both motor vehicle and a non-electric bike traveling side-by-side can operate at 25 mph, while an e-bike travelling on the same street must operate at 15 mph.

**The Rule purports to adopt best practices from other countries, but it does not.**

The City cannot justify the Rule by invoking best practices from other countries. The City has previously suggested the rule “mirror[s] best practices for e-bike speeds in many other areas of the world, including the European Union, which has implemented speed limits for e-bikes of 25 kilometers-per-hour (approximately 15 miles-per-hour) in bike lanes.”[[3]](#footnote-3) While it is true that the pedal assist on ebikes in the EU must cut off at 25 km/h,[[4]](#footnote-4) neither the EU nor its member states impose a speed limit on the *operation* of e-bikes with this speed limit, which can and do achieve higher speeds through physical exertion and gravity. Rather, e-bikes are subject to the same speed restrictions as motor vehicles.[[5]](#footnote-5)

Notably, many European cities that have welcomed e-bikes have also reduced their default speed limit to 30 km/h (18.6 mph),[[6]](#footnote-6) reducing the difference in speed between cyclists and drivers. Assuming (for argument’s sake) that all e-bikes in those cities operate at a maximum of 25 km/h, the difference between the maximum speed of ebikes and the maximum speed of motor vehicles would be 3.1 mph (5 km/h) – over three times less than the 10 mph (16.1 km/h) difference that DOT seeks to impose. Indeed, measured in kilometers-per-hour, DOT is quite literally proposing to allow motor vehicles to travel twice the speed of e-bikes (40.2 km/h (25 mph) vs. 24.1 km/h (15 mph).

**\* \* \***

Because the Rule is *ultra vires*, is arbitrary, and is based on a false claim that it adopts best practices from other countries, DOT should abandon its misguided effort to impose this unlawful speed limit.

Thank you for your attention,

Sincerely,

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1. https://rules.cityofnewyork.us/wp-content/uploads/2025/06/DOT-Proposed-Rule-Relating-to-Speed-Limits-for-Electric-Bicycles-and-Scooters-FINAL-with-certifications-6.5.pdf [↑](#footnote-ref-1)
2. https://ebikegeneration.com/blogs/news/how-much-do-e-bikes-weigh-know-the-facts?srsltid=AfmBOoqov\_ErhGpvdhq3YAGFNgS3ubrLdfsfQbVWlGhq-VN2uNnfTT\_w [↑](#footnote-ref-2)
3. https://www.nyc.gov/office-of-the-mayor/news/390-25/mayor-adams-takes-action-make-city-streets-safer-citywide-speed-limit-e-bikes-and [↑](#footnote-ref-3)
4. https://en.upway.be/blogs/news/vitesse-velo-electrique [↑](#footnote-ref-4)
5. https://www.leparisien.fr/paris-75/88-pv-en-deux-heures-dont-4-exces-de-vitesse-a-paris-les-controles-des-cyclistes-vont-se-renforcer-05-03-2025-LNH56K55SVCQPPNCZRNY7MAOVE.php [↑](#footnote-ref-5)
6. <https://www.bbc.com/news/world-europe-58385502>; <https://www.europeandatajournalism.eu/cp_data_news/none-of-the-european-cities-that-lowered-the-speed-limit-to-30-km-h-regrets-it/>; https://www.mdpi.com/2071-1050/16/11/4382 [↑](#footnote-ref-6)