

## New York City Department of Transportation

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** This proposed rule would amend the penalty schedule set forth in section 3-01 of Chapter 3 and section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York ("34 RCNY") to provide additional details regarding the roster and identification requirements for businesses using bicycles for commercial purposes and their bicycle operators as set forth in section 10-157 of the Administrative Code, and to clarify that such business are responsible for fines issued to their bicycle operators for violations of the provisions of section 10-157.

**When and where is the hearing?** The New York City Department of Transportation ("DOT") will hold a public hearing on the proposed rule online. The public hearing will take place on Tuesday, September 2, 2025 at 10:00am.

#### Join through Internet:

- To join the hearing via your browser, either click on the following URL link or copy and paste it into your browser's address bar.

Join Zoom Meeting

<https://zoom.us/j/97006336872?pwd=BfvyEwepAvaTuGel4iblp4ZabVS2zf.1>

Meeting ID: 970 0633 6872

Passcode: 615475

- Then follow the prompts.
- If you have low bandwidth or inconsistent Internet connection, we suggest you use the "Call-in" option for the hearing.

#### Join via phone only:

- To join the meeting only by phone, use the following information to connect:

Phone: 1-929-205-6099

Meeting ID: 970 0633 6872

Passcode: 615475

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).

- **Mail.** You can mail comments to Irene Figueroa Ortiz, Interim Deputy Commissioner, Department of Sustainable Delivery, New York City Department of Transportation, 55 Water Street, New York, NY 10041.
- **Fax.** You can fax comments to Irene Figueroa Ortiz at (212) 839-7188.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov) by September 1, 2025 and including your name and affiliation. While you will be given an opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline for written comments is 5pm on September 2, 2025.

**Do you need assistance to participate in the hearing?** You must tell the DOT Office of the General Counsel if you need a reasonable accommodation of a disability during the hearing. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov). If you wish to receive a reasonable accommodation, you must do so by August 26, 2025.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments, and a recording of the hearing may be requested by emailing [rules@dot.nyc.gov](mailto:rules@dot.nyc.gov).

**What authorizes DOT to make this rule?** Section 2903(a) of the New York City Charter (City Charter) authorizes DOT to make this proposed rule. This proposed rule was included in DOT's regulatory agenda.

**Where can I find DOT's rules?** DOT's rules are in Title 34 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

### **Statement of Basis and Purpose of Proposed Rule**

The Commissioner of the New York City Department of Transportation ("DOT") is authorized to promulgate rules regarding parking and traffic operations in the City pursuant to section 2903(a) of the New York City Charter. The rules that DOT is proposing to amend are contained in Chapters 3 and 4 of Title 34 of the Rules of the City of New York ("Traffic Rules").

The proposed rule implements certain provisions of section 10-157 of the Administrative Code, which governs businesses using bicycles for commercial purposes.

Specifically, the proposed amendments would:

- Amend the penalty schedule in section 3-01 to include penalties for violations of 34 RCNY section 4-12(p)(4), to correct the amount of the penalties that can be assessed for failure to produce or maintain a roster pursuant to Administrative Code section 10-157, and to clarify the descriptions of existing penalties relating to failure to provide equipment to bicycle operators pursuant to Administrative Code section 10-157.
- Amend the registration requirements applicable to businesses using a bicycle for commercial purposes that do not have a site within New York City set forth in 34 RCNY section 4-12(p)(4)(ii) to require that such businesses submit information about the types or classes of device used by their bicycle operators. The purpose of the change is to better inform DOT of the volume and types of devices utilized by businesses to aid in DOT's policymaking and bicycle infrastructure planning.
- Amend 34 RCNY section 4-12(p)(4) to require that the identification number that businesses using a bicycle for commercial purposes are required to assign to their bicycle operators pursuant to Administrative Code section 10-157 must be a unique number that does not replicate an identification number assigned by other such businesses. The purpose of this change is to eliminate potential confusion resulting from multiple operators being assigned the same identification number.
- Amend 34 RCNY 4-12(p)(4) to set forth the obligations of businesses using a bicycle for commercial purposes pursuant to Administrative Code section 10-157, including providing equipment to bicycle operators, equipping bicycles, maintaining rosters of delivery works and completion of safety courses. The purpose of this change is to make the rules more comprehensive.
- Amend 34 RCNY 4-12(p)(4) to clarify that the provision in Administrative Code section 10-157 that makes businesses using a bicycle for commercial purposes responsible for compliance with the provisions of such paragraph by their bicycle operators means that such business is separately responsible for any such violation.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

**Section 1.** The first four rows of the first penalty schedule set forth in section 3-01 of Title 34 of the Rules of the City of New York, setting penalties for "Admin. Code 10-157(b), (c), (e)" and "Admin. Code 10-157(d)", are **REPEALED**.

§ 2. The first penalty schedule set forth in section 3-01 of Title 34 of the Rules of the City of New York is amended by adding eighteen new rows in alphanumeric order, to read as follows:

| <b>Section</b>                   | <b>Description</b>                                                                                                                                                                               | <b>Penalty (\$)</b> | <b>Default (\$)</b> |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|
| <u>Admin. Code 10-157(d)</u>     | <u>Failure to produce or maintain a roster by a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>                                                              | <u>100</u>          | <u>100</u>          |
| <u>Admin. Code 10-157(e)</u>     | <u>Failure to provide protective headgear to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>                                     | <u>100</u>          | <u>100</u>          |
| <u>Admin. Code 10-157(e)</u>     | <u>Failure to provide protective headgear to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>                      | <u>250</u>          | <u>250</u>          |
| <u>Admin. Code 10-157(i)</u>     | <u>Failure to provide reflective apparel with identification to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>                  | <u>100</u>          | <u>100</u>          |
| <u>Admin. Code 10-157(i)</u>     | <u>Failure to provide reflective apparel with identification to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes ( SECOND OR SUBSEQUENT OFFENSE )</u> | <u>250</u>          | <u>250</u>          |
| <u>34 RCNY 4-12(p)(4)(vi)(A)</u> | <u>Failure to provide protective headgear to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>                                     | <u>100</u>          | <u>100</u>          |
| <u>34 RCNY 4-12(p)(4)(vi)(A)</u> | <u>Failure to provide protective headgear to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>                      | <u>250</u>          | <u>250</u>          |
| <u>34 RCNY 4-12(p)(4)(ix)</u>    | <u>Failure to provide reflective apparel with identification to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>                  | <u>100</u>          | <u>100</u>          |
| <u>34 RCNY 4-12(p)(4)(ix)</u>    | <u>Failure to provide reflective apparel with identification to bicycle operator delivering on behalf of a business using a bicycle for commercial purposes ( SECOND OR SUBSEQUENT OFFENSE )</u> | <u>250</u>          | <u>250</u>          |
| <u>34 RCNY 4-12(p)(4)(v)</u>     | <u>Failure to produce or maintain a roster by a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u>                                                              | <u>100</u>          | <u>100</u>          |
| <u>34 RCNY 4-12(p)(4)(vii)</u>   | <u>Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes (FIRST OFFENSE)</u>                                                                    | <u>100</u>          | <u>100</u>          |

|                                |                                                                                                                                              |            |            |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|
| <u>34 RCNY 4-12(p)(4)(vii)</u> | <u>Failure to properly equip bicycle used on behalf of a business using a bicycle for commercial purposes (SECOND OR SUBSEQUENT OFFENSE)</u> | <u>250</u> | <u>250</u> |
| <u>34 RCNY 4-12(p)(4)(xiv)</u> | <u>Failure to ensure bicycle operator carries or produces identification card (FIRST OFFENSE)</u>                                            | <u>100</u> | <u>100</u> |
| <u>34 RCNY 4-12(p)(4)(xiv)</u> | <u>Failure to ensure bicycle operator carries or produces identification card (SECOND OR SUBSEQUENT OFFENSE)</u>                             | <u>250</u> | <u>250</u> |
| <u>34 RCNY 4-12(p)(4)(xiv)</u> | <u>Failure to ensure bicycle operator wears reflective apparel with identification (FIRST OFFENSE)</u>                                       | <u>100</u> | <u>100</u> |
| <u>34 RCNY 4-12(p)(4)(xiv)</u> | <u>Failure to ensure bicycle operator wears reflective vest with identification (SECOND OR SUBSEQUENT OFFENSE)</u>                           | <u>250</u> | <u>250</u> |
| <u>34 RCNY 4-12(p)(4)(xiv)</u> | <u>Failure to ensure bicycle operator wears protective head gear (FIRST OFFENSE)</u>                                                         | <u>100</u> | <u>100</u> |
| <u>34 RCNY 4-12(p)(4)(xiv)</u> | <u>Failure to ensure bicycle operator wears protective head gear (SECOND OR SUBSEQUENT OFFENSE)</u>                                          | <u>250</u> | <u>250</u> |

**§ 3. Subparagraph (iii) of paragraph (4) of subdivision (p) of section 4-12 of chapter 4 of Title 34 of the Rules of the City of New York is renumbered subparagraph (xv), subparagraphs (i) and (ii) are amended, and new subparagraphs (iii) through (xiv) are added, to read as follows:**

(i) *Definitions.* For purposes of this paragraph, the following terms have the following meanings:

(A) “Bicycle operator” means a person who delivers packages, parcels, papers, or articles of any type by bicycle on behalf of a business using a bicycle for commercial purposes and who is paid by such business.

(B) “Business using a bicycle for commercial purposes” means a person, firm, partnership, joint venture, association, corporation, or other entity that, either on behalf of itself or others, delivers packages, parcels, papers or articles of any type by bicycle.

(C) “Motorized scooter” has the meaning set forth in section 19-176.2 of the Administrative Code.

(ii) *Registration information.* A business using a bicycle for commercial purposes that does not have a site within the City of New York that is open and available to the public must register with the Department and provide, upon a form prescribed by the Department, the following information:

(A) the name under which such business is authorized to do business in the State, pursuant to the Business Corporation Law;

(B) the name of the owner of such business;

(C) the registered agent upon whom process against such business may be served and the address of such agent, or, if the business has designated the Secretary of State as its agent for receiving such process, the post office address to which the Secretary of State may mail a copy of such process;

(D) the list of entities such business is providing services for;

(E) the roster with such business's bicycle operator information as required by [§ 10-157(d)] subdivision d of section 10-157 of the [New York City] Administrative Code, [and] including each bicycle operator's:

1. name;

2. home address;

3. start date;

4. discharge date, if applicable;

5. unique identification number pursuant to subparagraph (iii) of this paragraph; and

6. date of completion of the bicycle safety course;

(F) a list of the type or class of devices used by bicycle operators making deliveries or otherwise operating a bicycle on behalf of such business and the number of devices of each type or class; and

(G) any other information requested by the Department.

(iii) A business using a bicycle for commercial purposes must assign to each of its bicycle operators a unique identification number with at least four digits within a range of numbers provided by the department and that has not been previously assigned by such business. However, if the department informs or a bicycle operator reports to such business that the bicycle operator has previously been assigned an identification number by another business using a bicycle for commercial purposes, any such business must use the same identification number already assigned to such bicycle operator.

(iv) A business using a bicycle for commercial purposes must issue to each of its bicycle operators a physical or digital identification card that contains the name, identification number and photo of the bicycle operator and the name, address and telephone number of such business. A bicycle operator must carry such identification card while making deliveries or otherwise operating a bicycle on behalf of any such business. A bicycle operator must produce such identification card upon the demand of an authorized employee of the department or the police department or any other person authorized by law.

(v) A business using a bicycle for commercial purposes must maintain a roster of its bicycle operators. Such roster must include for each such bicycle operator: name; home address; start date; discharge date, if applicable; identification number; and date of completion of the bicycle safety course required by clause (C) of subparagraph (vi) of this paragraph. Such roster must be made available for inspection upon request of an authorized employee of the police department or department of transportation or any other person authorized by law.

(vi) (A) A business using a bicycle for commercial purposes must provide at its own expense or ensure the availability of protective headgear suitable for each of its bicycle operators. Such business may not require any of its bicycle operators to provide such headgear at such operator's expense. Such headgear must:

1. meet the standards set forth by the consumer product safety commission in Title 16, Part 1203 of the Code of Federal Regulations; and

2. be replaced if such headgear is no longer in good condition. Headgear is no longer in good condition if it is missing any of its component parts or is otherwise damaged so as to impair its functionality.

(B) Each bicycle operator must wear protective headgear that meets the requirements of subparagraph (v) of this paragraph while making deliveries or otherwise operating a bicycle on behalf of a business using a bicycle for commercial purposes. The term "wear protective headgear" means having the headgear fastened securely upon the head with the headgear straps.

(C) Each bicycle operator must complete a bicycle safety course prior to making deliveries or otherwise operating a bicycle on behalf of a business using a bicycle for commercial purposes. For purposes of this paragraph, "bicycle safety course" means information posted on the department's website regarding safe bicycling and adherence to traffic and commercial bicycle laws.

(vii) A business using a bicycle for commercial purposes, notwithstanding that a bicycle may be provided by any of its bicycle operators, must provide at its own expense or ensure that each bicycle is equipped with: a lamp; a bell or other device capable of giving an audible signal from a distance of at least one hundred feet, provided however that a siren or whistle shall not be used; brakes; reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel; as well as other devices or material in accordance with section 1236 of the Vehicle and Traffic Law. Such business may not require any of its bicycle operators to provide such equipment at such operator's expense.

(viii) Any bicycle operator who makes deliveries or otherwise operates a bicycle on behalf of a business using a bicycle for commercial purposes without carrying the identification card required by subparagraph (iv) of this paragraph, or who fails to produce such identification card upon demand pursuant to such subparagraph, or who fails to wear protective headgear required by clause (B) of subparagraph (vi) of this paragraph or the retro-reflective apparel required by subparagraph (ix) of this paragraph, shall be guilty of a traffic infraction and upon conviction thereof shall be

liable for a fine of not less than \$25 nor more than \$50. It shall be an affirmative defense to such traffic infraction that such business did not provide the required protective headgear, identification card or retro-reflective apparel. Such traffic infraction may be adjudicated by an administrative tribunal authorized under article 2-A of the Vehicle and Traffic Law.

(ix) A business using a bicycle for commercial purposes must provide and require each of its bicycle operators to wear, and each such bicycle operator must wear, a retro-reflective jacket, vest, or other wearing apparel on the upper part of such operator's body as the outermost garment while making deliveries or otherwise operating a bicycle on behalf of such business, the back of which must indicate such business's name and such bicycle operator's individual identification number as assigned pursuant to subparagraph (iii) of this paragraph in lettering and numerals not less than one inch in height so as to be plainly readable at a distance of not less than 10 feet.

(x) The provisions of this paragraph shall be enforceable by an authorized employee of the police department or department of transportation or any other person authorized by law.

(xi) A business using a bicycle for commercial purposes shall not possess any motorized scooter and shall not permit any person to operate a motorized scooter on behalf of such business. A business using a bicycle for commercial purposes shall be liable for any violation of subdivision b of section 19-176.2 of the Administrative Code committed by any person operating a motorized scooter on behalf of such business.

(xiii) A business using a bicycle for commercial purposes shall provide to its bicycle operators the materials identified by the Department of Consumer and Worker Protection pursuant to subdivision a of section 20-1525 of the Administrative Code no later than sixty days after such Department publishes such materials on the city's website. Such business must provide such materials to its bicycle operators by providing an electronic link to such website.

(xiv) A business using a bicycle for commercial purposes shall be separately responsible for compliance with the provisions of subparagraph (viii) of this paragraph by its bicycle operators when such operators are making a delivery or otherwise operating a bicycle on behalf of such business at the time of the violation. This provision shall not be in derogation of the provisions of subparagraph (viii) of this paragraph.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rules Relating to Commercial Cyclist Law**

**REFERENCE NUMBER: DOT-91**

**RULEMAKING AGENCY: Department of Transportation**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because the violation cannot be corrected or undone and it poses significant risks to public safety.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

July 23, 2025  
Date

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Rules Relating to Commercial Cyclist Law

**REFERENCE NUMBER:** 2025 RG 059

**RULEMAKING AGENCY:** Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: July 23, 2025