

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON TRANSPORTATION

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January 23, 2019  
Start: 1:25 p.m.  
Recess: 6:23 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: Ydanis A. Rodriguez  
Chairperson

COUNCIL MEMBERS:

Fernando Cabrera  
Costa G. Costantinides  
Chaim M. Deutsch  
Ruben Diaz, Sr.  
Rafael L. Espinal, Jr.  
Peter A. Koo  
Stephen T. Levin  
Mark Levine  
Carlos Menchaca  
I. Daneek Miller  
Antonio Reynoso  
Donovan J. Richards  
Deborah L. Rose  
Rafael Salamanca, Jr.

## A P P E A R A N C E S (CONTINUED)

Polly Trottenberg  
Commissioner of Department of Transportation

Michelle Craven  
Assistant Commissioner for Cityscape and  
Franchises at DOT

Rebecca Zack  
Assistant Commissioner for Intergovernmental and  
Community Affairs

Thomas Chan  
NYPD Transportation Chief

Oleg Chernyavsky  
NYPD Director of Legislative Affairs

Eduardo Perez [sp?]

Philippe Ramirez [sp?]

Clemente Rodriguez [sp?]

Hermalindo Carrio [sp?]

Gui Chun Chen [sp?]

Gen Wa Li [sp?]

Li Twan Chan [sp?]

Marco Conner  
Transportation Alternatives

Mel Gonzales

## A P P E A R A N C E S (CONTINUED)

Steven Wasserman  
Legal Aid

Howard Shih  
Asian American Federation

Nick Wong  
Biking Public Project

Do Lee [sp?]  
Biking Public Project

Paul White

Bryan Lozano  
Tech NYC

Phil Jones  
Lime

Chloe-Lynn Chartouni-Leporace  
White Fox Scooters

Siddharth Saxena  
White Fox Scooters

Liam Blank  
Tri-State Campaign

Daniel Flanzig  
New York Bicycle Coalition

Allen Oster  
400 Block Association President

Christine Berthet  
Manhattan Community Board Four

Erica Bates  
Chelsea Piers

## A P P E A R A N C E S (CONTINUED)

Macartney Morris  
Bike Advocate

Adriana Espinoza  
New York League of Conservation Voters

Karen Gourgey  
Pedestrians for Accessible and Safe Streets, PASS

Henry Rinehart  
Henry's Restaurant Owner



1  
2 CHAIRPERSON RODRIGUEZ: Good afternoon  
3 everyone. Sorry for the delay. Sorry for the  
4 situation where we are. We have not only this  
5 hearing but the hearing on Park Committee with large  
6 attendance so we apologize for the situation, but you  
7 know, this is our capacity here. Good afternoon and  
8 welcome to this hearing of the City Council Committee  
9 on Transportation. I'm Ydanis Rodriguez, the Chair  
10 of the Committee. Today, we will be hearing  
11 testimony on six important pieces of legislation  
12 relating to e-bikes, electrical scooter, and bike  
13 infrastructure. But first, let me recognize my  
14 colleague, Council Member Salamanca, Council Member  
15 Diaz, Council Member Espinal, Council Member Levine,  
16 and Council Member Cabrera. Before we begin I want  
17 to share that as Chair and advocate for the safety of  
18 cyclists and pedestrians, we have begun this  
19 discussion about expanding the motor transportation  
20 in the last couple of years. A few years ago I  
21 [inaudible] I presented my vision with  
22 transportation. What I said that New York City  
23 should have a 2030 year goal to reduce the numbers of  
24 New Yorkers who own vehicles, which number today is  
25 1.4 million to one million by 2030. The only way or

1  
2 how we will be able to accomplish our goal is if we  
3 are creative, if we expand the motor transportation  
4 and fix our mass transportation system. I'm  
5 advocating also for the Office of Cyclist and  
6 Pedestrians and support what the TTA has been calling  
7 for to create a bike Mayor. It is especially needed  
8 now as we move forward to become a more walkable and  
9 a more livable urban city. New York City should take  
10 the lead to be the more walkable and more pedestrians  
11 and cyclist friendly in the whole nation. Ladies and  
12 Gentlemen, the time is now to legalize electrical  
13 bike and electrical scooter to make them safe for the  
14 users, but also for pedestrians, especially for  
15 senior citizens. More than a year ago I was  
16 presenting this idea as I came back from Israel and  
17 be able to be in the Holy City area and supposed to  
18 see how electrical scooter were used in that area.  
19 Here we are in New York City with many legislation  
20 that we should consider, and we hope that even though  
21 we start in different position from City Hall to  
22 halls [sic] as conversation continued and discussion  
23 continued, and we've been seeing some progress in  
24 Albany that we can be able to get close and make  
25 electrical scooter and electrical bike legal. I

1 believe we must focus on resiliency and  
2 sustainability as we look to the future, and as we  
3 expand our bike share program and consider legalizing  
4 electrical bike and electrical scooter, it is vital  
5 that we prioritize the safety of cyclists and  
6 pedestrians. We must increase the numbers of  
7 protected bike lanes to accommodate the influence on  
8 bike share and scooter options, and with a commitment  
9 that I hope that we can make to build a hundred-mile  
10 protected bike lanes every year, that's how we can  
11 respond to expansion of bike or Citi Bike, bike share  
12 and electrical scooter and electrical bike. We need  
13 to ensure that riders are not taking over the  
14 sidewalks, obstructing pedestrians and have bike  
15 lanes available to safely commute across town.  
16 Furthermore, the good-- the speed limit should not be  
17 more than 15 miles per hour. As a prime sponsor  
18 along with Council Member Espinal and Council Member  
19 Cabrera are the four bills packaged to legalize and  
20 regulate electrical bike and electrical scooter, I  
21 see New York City moving closer to the future of  
22 transportation. I look forward to the dialogue today  
23 and the next couple of days and couple of weeks. I  
24 hope that City Hall, even though the position that  
25



1 they can bring today, come close to the table and  
2 work with us to pass those bills-- these bills.  
3 Intro 481-A introduced by Council Member Dromm, will  
4 require the NYPD and Department of Transportation to  
5 compile and report data on electric bike and  
6 electrical scooter crashes. If electrical bike are  
7 not dangerous, let's-- if they are not dangerous or  
8 they are, let's see the data. And with any  
9 legalization on electrical scooter and electrical  
10 bike must come with a close monitoring of any safety  
11 concerns as this new form of transportation is rolled  
12 out on city streets. Next, we will be hearing Intro  
13 1163 introduced by Council Member Rivera. This bill  
14 will require DOT permit holders when their  
15 construction affect a bike lane to preserve that bike  
16 lane by maintaining with installing physical barriers  
17 to protect cyclists and not forcing pedestrians and  
18 cyclists to occupy the same space. It doesn't matter  
19 how many protected bike lanes the city installs, if  
20 cyclists are diverted out of those lanes due to  
21 construction, this bill will help make sure that  
22 cyclists will have-- that are protected in those  
23 spaces, too. We also, of course, have two bills each  
24 relating to electrical bike and electrical scooter.  
25

1  
2 Both of these bills were introduced by myself,  
3 Council Member Espinal and Council Member Cabrera,  
4 especially in light of the Governor's recent proposal  
5 to authorize cities to legalize electrical bike and  
6 electrical scooters. I'm looking forward to hearing  
7 testimony from many of you today on this important  
8 timely bills. Intro 1250 will promote prohibitions  
9 in local law against the operations of electrical  
10 scooter that can go no more than 15 miles per hour.  
11 It will also reduce the penalty for operating a non-  
12 compliant electrical scooter from 500 to 100.  
13 Finally, this bill will add that only non-compliant  
14 scooters operated in a manner that endangers safety  
15 will be subject to impoundment. Intro 1266 will  
16 require DOT to create a one to two-year pilot program  
17 for the operation of shared electrical scooters. No  
18 company will be permitted to operate a shared  
19 electrical scooter business in the City without  
20 approval from DOT, and DOT will submit a report to  
21 the Council at the end of the pilot with a  
22 recommendation regarding a potential permanent shared  
23 electrical scooter program. On electrical bike,  
24 Intro 1264 will remove prohibitions in local law  
25 against the operations of [inaudible] of class two

1 electrical bicycles or electrical bikes that do not  
2 require the riders to pedal and only go up to 20  
3 miles per hour. Operating electrical bike that does  
4 not meet the law's requirement will make these riders  
5 subject to a 100 dollars fine instead of the current  
6 500 fine which is unacceptable. An impoundment could  
7 only occur if the rider was endangering the safety of  
8 the riders or others. Intro 1265 will require DOT to  
9 create a bicycle conversion program so that owners of  
10 throttle [sic] operated e-bikes that are currently  
11 illegal under the state and city law could be  
12 converted to pedal as safe bicycles. [speaking  
13 Spanish] I now invite the sponsor, the co-prime of  
14 these bills, to do the opening statement starting  
15 with Council Member Cabrera.

17 COUNCIL MEMBER CABRERA: Good afternoon,  
18 and I want to thank my colleagues, Committee Chair  
19 Rodriguez and members of the Transportation  
20 Committee, for this opportunity to talk about Intro  
21 1250. This bill will legalize electronic scooters,  
22 capping them at a speed of 15 miles per hour. The  
23 speed will make them among the lowest speed devices  
24 on our street. E-scooters will have to be operating  
25 in bike lanes or in the absence of a bike lane, on

1 the street. The Department of Transportation will  
2 have 120 days to develop additional rules that will  
3 be necessary to ensure that e-scooters are operated  
4 safely on our streets. Most importantly, e-scooters  
5 provide a safe, affordable transportation action,  
6 particularly to low income people, community of  
7 colors which include many immigrants. We have a  
8 transit crisis right now. Public transit is  
9 inaccessible to many communities, and it's  
10 increasingly unaffordable for too many New Yorkers.  
11 This situation demands that we evolve. Legalizing e-  
12 scooters is part of this evolution of transportation  
13 culture, and the use of these devices will force  
14 stricter safety measures, reduce congestion, and  
15 improve air quality. I want to thank Elliot Lin  
16 [sp?], Legislative Counsel, my Legislative Director  
17 Claire Macllavin [sp?] for the work on this bill. I  
18 also want to give a special thanks to Transportation  
19 Alternative for their advocacy and support. It's  
20 time for change. Thank you so much.

22 CHAIRPERSON RODRIGUEZ: Another co-  
23 prime, Council Member Espinal.

24 COUNCIL MEMBER ESPINAL: Thank you, Mr.  
25 Chair, for holding this hearing. I have been

1 carrying this bill or iteration of this bill for five  
2 years now, pushing for it today to happen, and I'm  
3 glad we're finally here. Previous Council did not  
4 think it was the right way to move forward, but I'm  
5 glad that our Chair, when he went to the Holy Land  
6 not only got a spiritual awakening, but got an e-bike  
7 awakening, and thank you for putting this hearing  
8 together. I appreciate it. You know, but in those  
9 five years, what we saw was countless of delivery  
10 workers to be over Police Department. Delivery  
11 workers who depend on those dollars to be able to pay  
12 their rent, be able to provide food for their  
13 families, and these fines are up to 500 dollars, if  
14 not have their bikes revoked as well. Five hundred  
15 dollars, as the details and studies have shown would  
16 take 50 hours for these workers to be able to  
17 recuperate. That's over a week of work, and I think  
18 it's time that we do everything we can to finally  
19 bring these bikes out of the shadows. Other cities  
20 have done it. They're popular in Europe as well. I  
21 do believe we're behind in this conversation. There  
22 is, I don't believe, any more added threat to a e-  
23 bike than to a regular bike. I have been clipped by  
24 both, so it's just a matter of educating the riders  
25

1 about how do you become a better neighbor on our  
2 roads and respect the rules of traffic. I'm  
3 encouraged by today's hearing. I do know that the  
4 Administration has their concerns. I do know that  
5 the Mayor only saw-- doesn't understand why e-bikes  
6 are so popular, and believes that anyone who rides a  
7 bike most likely should be exercising, but this is  
8 2018. I think that anyone on a bike knows that they  
9 depend on those bikes to be able to get around the  
10 five boroughs, especially with the congestion issues  
11 that we're seeing, and we should be encouraging  
12 people to use bikes as an alternative mode of  
13 transportation. I think this bill does that as well.  
14 So, I look forward to hearing more testimony. I  
15 apologize in advance, I do have to step out a little  
16 earlier, but as my record has shown, I am 100 percent  
17 behind the legalizing the e-bikes. I know the state  
18 is getting hip with the times and looking to do their  
19 own legalization of the bikes. So I'm looking  
20 forward to tracking those conversations as well, but  
21 at the end of the day it's about making New York City  
22 an e-bike friendly city. Thank you, Mr. Chair, and  
23 thank you DOT, and thanks Commissioner for being  
24 here.

1  
2 CHAIRPERSON RODRIGUEZ: Thank you,  
3 Council Member. I would like to acknowledge Council  
4 Member Menchaca and Council Member Rose, and I would  
5 like to welcome the representative of the  
6 Administration who are here with us today with whom  
7 we've been doing a lot of work together with Vision  
8 Zero. Thank you for being here, and I'll ask-- so  
9 before we ask the Committee to-- or the Counsel to  
10 administer affirmation, I would like to let anyone  
11 who need translation to please let the Sergeant know,  
12 and they will take care. [speaking Spanish] So, I  
13 now ask the Committee Counsel to administer the  
14 affirmation and then invite the representatives of  
15 the city to deliver their statement.

16 COMMITTEE COUNSEL: Please raise your  
17 right hand. Do you affirm to tell the truth, the  
18 whole truth and nothing but the truth in your  
19 testimony before this committee and to respond  
20 honestly to Council Member questions? Thank you.

21 COMMISSIONER TROTTEBERG: Thank you, Mr.  
22 Chairman. Good afternoon, and good afternoon to  
23 members of the Transportation Committee. I'm Polly  
24 Trottenberg, Commissioner of the New York City  
25 Department of Transportation. With me today are

1 Michelle Craven, Assistant Commissioner for Cityscape  
2 and Franchises, and Rebecca Zack, Assistant  
3 Commissioner for Intergovernmental and Community  
4 Affairs. We're also joined by our colleagues at the  
5 NYPD, Transportation Chief Thomas Chan, and Executive  
6 Director of Legislative Affairs, Oleg Chernyavsky.

7 Thank you for inviting us here today on behalf of  
8 Mayor Bill de Blasio to testify on the four bills  
9 before the committee on new and emerging modes of  
10 micro mobility, electric bikes and electric scooters  
11 put forward by Council Members Espinal, Cabrera, and  
12 you, Mr. Chairman. We appreciate the opportunity to  
13 discuss this legislation and the emerging industry.

14 And thank you also for inviting us to testify on  
15 Council Member Dromm's bill on tracking injuries and  
16 fatalities related to electric bikes and scooters,  
17 and on Council Member Rivera's bill on preserving  
18 bike lanes during construction and community board  
19 notice and hearing requirements for alterations to  
20 bike lanes. As part of this budget, the Governor has  
21 proposed permitting localities to authorize both e-  
22 bikes capable of going up to 20 miles an hour, and e-  
23 scooters with a variety of safety requirements and  
24 limitations on their use. The Governor's proposal  
25



1 allows localities to further restrict e-bike and e-  
2 scooter maximum speeds and their time, manner, and  
3 place of use. The de Blasio Administration is  
4 currently evaluating the Governor's proposal. The  
5 rise of micro mobility including pedal-assist bikes  
6 and e-scooters does present potentially popular new  
7 travel options. Pedal-assist bikes have made cycling  
8 an option for longer and more strenuous journeys and  
9 for a wider demographic, including older and less  
10 physically-able people who may be unable to ride a  
11 conventional bike. Meanwhile, e-scooters are also  
12 attracting a board demographic of riders in other US  
13 cities. DOT believes New York City should continue  
14 to explore the potential for increased mobility and  
15 reduced congestion and emissions offered by these new  
16 devices for both private use and as part of shared  
17 services, but we must also consider the safety,  
18 equity and potential impact on our crowded sidewalks  
19 and streets of these new mobility options. As such,  
20 we appreciate that the Governor's proposal would  
21 grant New York and other localities the authority to  
22 decide what would work best at the local level. As  
23 we consider the future of e-bikes and e-scooters, I'm  
24 happy to report that cycling overall has continued to  
25

1 grow dramatically here in New York in recent years.

2 In 2018, we saw up to 490,000 daily cycling trips, up

3 29 percent since Mayor de Blasio took office, and

4 nearly doubled since 2010. That increase has been

5 driven in part by the City's investment in robust

6 cycling infrastructure and in the work we've done to

7 improve and expand our remarkable bike share system.

8 As you all know, we debuted the Citi Bike Dock Bike

9 Share System in 2013. Since then it has grown into

10 the largest and most successful bike share system in

11 the nation with over 150,000 current members and over

12 72 million rides to date. Citi Bike set a new single

13 day record of 83,000 rides in June of last year and

14 will soon be growing to serve even more New Yorkers

15 in the coming years. As a result of the agreement

16 with Lyft that Mayor de Blasio announced last year,

17 we'll be tripling the number of bikes to 40,000,

18 doubling the size of the service area and adding more

19 valet stations and docks in the busiest areas of the

20 system, and my team and I look forward to soon

21 sitting down with Council Members to get your input

22 on how we shape the next phase of Citi Bike

23 expansion. As we expand our docked bike share

24 system, we're also grappling with the growth of

1 dockless bike share. In 2017, a number of cities  
2 including Washington, Seattle and Dallas started  
3 experimenting with dockless bike share. Some cities  
4 capped the number of dockless bikes at a few  
5 thousands, while other cities took a more laissez  
6 faire approach, and soon after dockless bike share  
7 emerged, many cities started pilot in pedal-assist  
8 bikes as well. Here in New York we launched a  
9 dockless pilot in the summer of 2018 with 1,200 bikes  
10 provided by four companies in the Bronx, the  
11 Rockaways and Staten Island. Our pilot began with a  
12 roughly even mix of pedal assist bikes and  
13 conventional bikes but over time, the dockless here  
14 in New York has now become predominantly pedal-  
15 assist. And pedal-assist bikes have replaced  
16 conventional bikes in dockless bike share programs in  
17 other cities as well. And just as we are planning to  
18 expand Citi Bike, we also plan to continue expanding  
19 dockless bike share and look forward to discussion  
20 with the Council on the next phase of that pilot. I  
21 now want to turn to fully electric bikes which differ  
22 from pedal assist in that they have a throttle and do  
23 not require human power. In recent years, throttle e-  
24 bikes have become the major transportation mode for  
25

1 New York City delivery workers who use them to  
2 efficiently cover long distances. The de Blasio  
3 Administration recognizes this is hard-working and  
4 largely immigrant population laborers under difficult  
5 conditions and relies on e-bikes to make a living.  
6 However, throttle e-bikes are not currently legal for  
7 use in New York State unlike pedal-assist bikes, and  
8 the city believes that therefore we need to find a  
9 solution first in Albany to the challenge this poses.  
10 When it comes to the growth of throttle e-bike use in  
11 New York, we only have anecdotal evidence, but it's  
12 clearly increasing. In nationally wholesale e-bike  
13 purchases including both pedal-assist and throttle e-  
14 bikes were up 80 percent in 2018 compared to the  
15 previous year according to the Bicycle Part Supplier  
16 Association, a national trade group. The city's  
17 concern with throttle e-bikes has always been their  
18 unregulated, illegal nature, and particularly their  
19 speeds and irresponsible use by some. Should state  
20 action provide the ability for localities to  
21 authorize these devices, we'd be open to a  
22 conversation with the Council about whether to allow  
23 them here in New York City as proposed in Intro 1264,  
24 but first and foremost in that conversation would be  
25

1 addressing safety issues. Now let me turn to the  
2 newest trend in micro-mobility. Nationally, a number  
3 of cities are experimenting with dockless e-scooters,  
4 including L.A., the Bay Area, Washington,  
5 Indianapolis, Denver, and Salt Lake City, and there  
6 is of course strong interest here in New York as  
7 evidence by the bill before the Committee today, but  
8 like throttle e-bikes, e-scooters are not currently  
9 legal for use in New York State. The City believes  
10 that we would also need action in Albany before they  
11 could operate in our streets, and the City would want  
12 to ensure that proper safety requirements were in  
13 place, and beyond any requirements in state law, New  
14 York City DOT could apply even more stringent  
15 standards to any shared e-scooter programs we allow  
16 to operate on our dense city streets. The e-scooter  
17 companies have launched in a rogue fashion in some  
18 cities without public regulation raising concerns  
19 about safety and obstruction of the public right-of-  
20 way. Clearly, we would expect all e-scooter  
21 operators to play by the City's rules should the  
22 state legalize them and should we conduct a pilot  
23 along the lines of what's proposed in Intro 1266. We  
24 would continue the City's track record of carefully  
25

1  
2 piloting new technologies with a focus on safety in a  
3 way that's fair and open to all qualified entrants.  
4 Since shared e-scooter programs are relatively new  
5 concept, we're still in the early stages of  
6 evaluating how they operate in urban areas. We're  
7 currently talking to and visiting peer cities to  
8 learn more about their experiences with e-scooters,  
9 and in keeping with our focus on Vision Zero, we're  
10 especially interested in reviewing the results from  
11 e-scooter safety studies now underway in other  
12 cities. And we want to continue the conversation  
13 with the Council informed by experiences nationally  
14 about how e-scooters might operate here in New York.  
15 Should state action allow the legalization of either  
16 e-scooters or throttle e-bikes, we expect the City  
17 will then be able to determine how they fit into our  
18 street and establish appropriate operating goals.  
19 DOT agrees with the intent of Intros 1250 and 1264  
20 that users of these devices should have the same  
21 rights and responsibilities of cyclists, to yield to  
22 pedestrians, travel in the street and not in the  
23 sidewalk and use bike lanes where they're available.  
24 I should note that more widespread use of both e-  
25 bikes and e-scooters would change the experience on

1 our streets, including for conventional bike users.

2 E-bikes and e-scooters accelerate and reach top

3 speeds faster than conventional bikes, and if

4 legalized, they will no doubt increase the growing

5 demand for more dedicated bike lanes. I now want to

6 turn to the topic of e-bike conversion as addressed

7 in Intro 1265. DOT together with the Mayor's Office

8 and our sister agencies, NYPD, DCA, and SBS have been

9 exploring the possibility of the program to allow

10 cyclists to convert their bikes to satisfy current

11 law and New York City traffic rules as well as

12 possible ways to assist delivery workers with these

13 conversions. What actions the city might take on e-

14 bike conversions will first depend on how the state

15 addresses their legalization. I will also note that

16 our research to-date shows that an e-bike conversion

17 program that can reliably certify speed limits and

18 equipment safety on thousands of e-bikes, many of

19 which are not standardized retail products, would be

20 extremely complicated and difficult to administer.

21 Thus far, we have been unable to find a single other

22 jurisdiction that has run an e-bike conversion

23 program, but we are ready to continue the dialogue

24 with the Council and advocates to see if there's a

1  
2 viable solution. Now with respect to Intro 481-A,  
3 the Administration agrees with Council Member Dromm  
4 that more detailed reporting of crash data,  
5 specifically as it relates to scooters and e-bikes,  
6 something not currently captured, would be very  
7 useful. NYPD does see certain challenges in the bill  
8 as written, such as the need for software changes,  
9 and more importantly, the need for police officers to  
10 be able to identify the type of vehicle involved in  
11 the crash. This Administration looks forward to  
12 working through these issues with the goal of greater  
13 transparency and better understanding safety trends.  
14 Let me now turn to Intro 1163 by Council Member  
15 Rivera to preserve bike lanes affected by DOT work  
16 permits. We share Council Member Rivera's concerns  
17 and would support the legislation with modification.  
18 With both the city's bicycle network expanding and  
19 construction booming, work zones are conflicting with  
20 bike lanes more frequently. I'm happy to say that we  
21 have been at DOT working on this issue for some time  
22 and are just now finalizing revisions to our permit  
23 stipulations for the first time in several years when  
24 it come to bike lanes. The new stipulations which  
25 we plan to institute by march provides specific



1 requirements permittees [sic] must follow to provide a  
2 temporary bike lane around the work zone using cones  
3 and signage as well as temporary markings and  
4 barriers for longer term projects, and we'll be  
5 training our Office of Construction and Mitigation  
6 coordination permit project managers and highway  
7 inspection and quality assurance inspectors to ensure  
8 the permit requirements are being followed, and we  
9 will issue notices of violation when needed. We look  
10 forward to partnering with you and continuing to  
11 discuss these changes with Council Members, cyclists  
12 and the industry as we learn how they're working.  
13 While we're on the topic, DOT has also recently  
14 strengthened permit stipulations to further address  
15 the need for maintaining accessible paths of travel  
16 through all construction sites for the over 900,000  
17 New Yorkers with disabilities. We're continuing our  
18 conversation with utility companies and contractors  
19 to ensure that all our permittees understand and  
20 prioritize pedestrian access and safety at  
21 construction zones in the right way. I want to also  
22 address the second part of Intro 1163 requiring  
23 notice and community board hearings when making  
24 alterations to bike lanes. Current law requires DOT

1  
2 to give affected Community Boards and Council Members  
3 90 days' notice of proposed installation or removal  
4 of a bike lane, and the offer to make a presentation  
5 at a public hearing if requested. This is the most  
6 lengthy of DOT's various Community Board notice  
7 requirements often frustrating to cyclist supporters,  
8 and in 2018 we followed this process of 60 times for  
9 the installation of various bike lanes. The bill  
10 would propose to add alterations of a bike lane to  
11 this requirement. DOT estimates that it issues  
12 thousands of permits potentially affecting a bike  
13 lane each month, presenting to the affected Community  
14 Boards on each of these construction-related  
15 temporary alterations or other permanent but minor  
16 adjustments to our bike lanes would be a very large  
17 burden, and this burden would fall particularly on  
18 our Bike Unit which is busy working with Community  
19 Boards to plan ambitious new expansions of our bike  
20 network. Furthermore, it would add enormous delays  
21 to the affected DOT permit requests which are usually  
22 processed within a few days. However, if the  
23 intention of the bill's sponsor is to provide notice  
24 to Community Boards about permits issued that result  
25 in temporary alterations to bike lanes and the

1 requirements of those permits, that is something we'd  
2 be happy to work with the Council on. In conclusion,  
3 I'd like to say on behalf of the Mayor, DOT and our  
4 sister agencies, thank you again for inviting us to  
5 testify today, and we'd be happy to answer your  
6 questions.  
7

8 CHAIRPERSON RODRIGUEZ: [off mic]

9 question, but I only have few, and then my colleagues  
10 they also will have questions that we-- Council  
11 Member Diaz, I know that he has some other things to  
12 do, so we'd like to go first with your question.

13 COUNCIL MEMBER DIAZ: Thank you, Mr.  
14 Chairman. Commissioner, in your statement on page  
15 three where title "electric scooters," you said,  
16 "Nationally a number of cities are experimenting with  
17 scooters including L.A., the Bay Area, Washington,  
18 Indianapolis, Denver, and Salt Lake City." How  
19 closely is the Administration monitoring how those  
20 pilot projects are going in all the cities?

21 COMMISSIONER TROTTEBERG: I have been in  
22 particular close contact with Washington and my  
23 counterparts in the Bay Area, and you know, they  
24 have-- I think it's been definitely a complicated  
25 process to work through the issues of e-scooters,

1 particularly in the Bay Area. Some of the companies  
2 launched with what I think the authorities thought  
3 was prematurely and they confiscated all the  
4 scooters, they created a new program, put them back  
5 in pretty low numbers. They're, you know, carefully  
6 tracking their usage. They're carefully tracking  
7 safety, and they're taking public reaction, and I'd  
8 say there's been a lot of enthusiasm amongst the  
9 public and questions I'm sure we'll hear today about  
10 are they littering the sidewalks, are they safe. You  
11 know, I think the cities I'm talking to are very much  
12 grappling with those questions.

14 COUNCIL MEMBER DIAZ: Well, you don't  
15 have any statistic to show from those city that it  
16 works or doesn't work; you don't have any?

17 COMMISSIONER TROTTEBERG: Not yet. It's  
18 really-- I mean, many of these programs have really  
19 only been up for about a year, and they're still in  
20 the process of-- and you know, new companies coming  
21 in, old companies pulling out, raising the numbers,  
22 pulling back the numbers. You know, we don't really  
23 have good data yet. Anecdotally, I think we are  
24 seeing that there's no question that the programs  
25 have some popularity. We have seen in some cases

1  
2 there have been some crashes and fatalities and  
3 people are working through what those trends mean in  
4 the bigger transportation context.

5 COUNCIL MEMBER DIAZ: Have you ever been  
6 in the Dominican Republic?

7 COMMISSIONER TROTTENBERG: I have not had  
8 the privilege.

9 COUNCIL MEMBER DIAZ: See, we have  
10 traffic vehicle, the congestion problem because of  
11 vehicle in the Dominican Republic because of scooters  
12 and bicycle. Let me ask you another question. How  
13 many e-bikes were confiscated by the NYPD during the  
14 years 2016, 2017, 2018? Do you have any numbers?

15 THOMAS CHAN: For the number of  
16 confiscations for 2018, a total of 1,215 e-bikes were  
17 seized by the New York City Police Department, and--

18 COUNCIL MEMBER DIAZ: [interposing] And  
19 what year was that?

20 THOMAS CHAN: 1,200--

21 COUNCIL MEMBER DIAZ: [interposing] No,  
22 no, what year, which year?

23 THOMAS CHAN: 2018.

24 COUNCIL MEMBER DIAZ: Eighteen?

25 THOMAS CHAN: 2018.

COUNCIL MEMBER DIAZ: [off mic]

THOMAS CHAN: And 15.

COUNCIL MEMBER DIAZ: And what about the year before?

THOMAS CHAN: The prior year, 1,005 in 2017.

COUNCIL MEMBER DIAZ: Are you aware of the problems created by bikes during the summer? [inaudible] with the bikes holding traffic and doing all kind of things. Yeah, and--

THOMAS CHAN: [interposing] Regular bicycles or are we talking about motorcycles--

COUNCIL MEMBER DIAZ: [interposing] All kind of bicycle.

THOMAS CHAN: Yeah.

COUNCIL MEMBER DIAZ: All the bikes, I'm talking about bikes. I mean, motorcycle.

THOMAS CHAN: There have been situations throughout the City that we've been working diligently on where we've had instances where we have large groups of motorcycles, ATVs and things of that come together. The New York City Police Department came up with a citywide plan where they can mobilize different resources to engage and also to deal with

1  
2 these particular groups. We've also increased our  
3 enforcement in terms of motorcycle enforcement over  
4 the year, and that has certainly decreased the number  
5 and the frequencies of these groups that are  
6 participating.

7 COUNCIL MEMBER DIAZ: Of those  
8 confiscation done in 2018, can you break that by  
9 boroughs?

10 THOMAS CHAN: I do not have that broken  
11 down by borough. I have it, again, citywide number,  
12 and we do not have-- but we can get it for you.

13 COUNCIL MEMBER DIAZ: Thank you. Thank  
14 you, Mr. Chair.

15 CHAIRPERSON RODRIGUEZ: Let me follow  
16 with the number of electrical bike confiscating, the  
17 one-- yes, you say there have been increase from 2017  
18 to 2018. Who are those individual? Most electrical  
19 bike user, delivery workers?

20 THOMAS CHAN: When we break out the  
21 difference, the summonses were issued to 1,154 were  
22 issued to individuals, and 167 were issued to  
23 commercial businesses for a total of 1,321.

24

25

1  
2 CHAIRPERSON RODRIGUEZ: We can agree that  
3 most-- that number mainly were given to-- those fine  
4 was given mainly to delivery workers?

5 THOMAS CHAN: They were given to  
6 individuals. What happened is that also in November  
7 20<sup>th</sup> of 2018, the Police Department issued a Patrol  
8 Guide procedure, again, guiding the officers, giving  
9 them information on processing summonses when they  
10 come into contact with e-bikes and scooters and  
11 things of that nature.

12 EXECUTIVE DIRECTOR CHERNYAVSKY: I'll  
13 just add, Council Member, I think it's another  
14 important number to mention when we talk about the  
15 1,321 combined summonses that anecdotally if we take  
16 a look at the 1,321, these were civil summonses, OATH  
17 summonses, issued for operating an illegal e-bike.  
18 However, if we take a look at the number of moving  
19 violations, red light violations, failure to yield to  
20 pedestrians, we have 1,362 moving violations issued  
21 to e-bikes in the same period. So, I think the  
22 important correlation there to highlight is that  
23 there isn't an operation to necessarily target  
24 possession of an e-bike. The reason that our  
25 attention is drawn to these particular individuals



1 that are operating and by default ultimately the  
2 businesses, is that they're actually operating in an  
3 unsafe manner. They're getting the summons for red  
4 lights. So, for example, I'll give you a little bit  
5 of a breakdown. Red light summonses among the bloods  
6 were up 46 percent when you're comparing 2018 to  
7 2017. If you take a look at failure to yield to  
8 pedestrians among e-bikes, that was up 55.8 percent  
9 in terms of moving violation summonses. So, the  
10 important thing to-- I think to highlight is that our  
11 attention is drawn to these particular operators, not  
12 because of the vehicle they're operating, but because  
13 of the traffic violation that they're committing, and  
14 then once they're stopped, we recognize that it's an  
15 illegal device, and then a second summons is issued  
16 to the device. Now, what the chief was mentioning is  
17 the Patrol Guide procedure that was issued, re-issued  
18 in November of 2018 reminding officers that where  
19 it's feasible that we should issue the summons for  
20 the e-bike to the business. So, if you take a look  
21 at those summonses, if you look at 2017, we issued  
22 three summonses to businesses. In 2018, we issued  
23 167, which is about a 5,500 percent increase. So we  
24 are moving more towards issuing summonses to the  
25

1 businesses, but there are challenges in that as well,  
2 in that individuals sometimes are operating non-  
3 commercially, meaning for private use they're  
4 operating e-bikes. And then secondly, if they are  
5 operating for commercial purposes, sometimes they're  
6 not affiliated to a particular establishment. So  
7 they're independent contractors that are doing  
8 deliveries. So there isn't a business to issue.

10 CHAIRPERSON RODRIGUEZ: So, I think that  
11 of course, like, this is a dialogue, and but based on  
12 the details that you presented, so the answer is yes.  
13 Most of those individuals they were delivery workers,  
14 and they got those tickets because based on the job  
15 that-- you know, the men and women of the NYPD, they  
16 being forced to do-- they have to apply the law, but  
17 I just want to be clear that most of those people,  
18 the delivery workers or the owners of the  
19 establishment were the majority of those who got  
20 those 1,215 tickets in 2018.

21 EXECUTIVE DIRECTOR CHERNYAVSKY: I think  
22 that's the point we're making. We don't track it by-  
23 - we can tell you that how many business-- how many  
24 summonses were issued to a business. So that's 167  
25 in 2018, but if you take a look at the number of e-

1  
2 bike summonses that were issued to the operator, we  
3 don't distinguish between somebody operating for  
4 personal use, versus somebody operating for  
5 commercial reasons. So, I can't break that number  
6 out for you, but I can tell you that businesses  
7 themselves we had 16700

8 CHAIRPERSON RODRIGUEZ: [interposing]

9 Okay.

10 EXECUTIVE DIRECTOR CHERNYAVSKY: which as  
11 a significant increase.

12 CHAIRPERSON RODRIGUEZ: Is there any  
13 delivery workers here that have been stopped or had  
14 got a ticket from the NYPD? No one here? Only one  
15 person? Two? Three? Can you raise your hand,  
16 please, if you are deliver workers that you in the  
17 last couple of year we got a ticket? So, and the  
18 rest of them, they are outside. My concern with this  
19 is about-- and of course, safety is key to me, too.  
20 My mother is 88. I have two daughters, six and 12. I  
21 want to be sure that all New Yorkers are safe. My  
22 problem is when sometimes particular group, they are  
23 target. And with that I'm not saying that-- I don't  
24 have all the details to make an accusation that  
25 that's the case, but what we know is-- it's like

1 we're discussing the legalization of marijuana, and  
2 for me it's about those tickets given many in the  
3 poor community, in those places where the 65 million  
4 tourists came in the city, Midtown. You didn't hear  
5 the story. So, hopefully very soon we will be able  
6 to first pass the law; second, to do it in a way that  
7 will be safe for both. For those who will be using  
8 electrical scooter, the electrical bike, but also for  
9 the pedestrians, and I think that for me the case in  
10 this conversation was more, you know, trying to give  
11 light to this issue which is about-- okay, it is  
12 about safety, I agree. I would never support someone  
13 if we make the electrical scooter legal to go  
14 speeding in 50 mile per hour. We should stop those  
15 individuals. They should get tickets. But I believe  
16 that it is time for us to not only rely on what the  
17 Governor will do, but also we as a city, a city that  
18 always showing the good will. When we want to do  
19 anything, look, we get it done, and I feel that yes,  
20 it is good that the Governor included in his budget  
21 proposal the language that will allow municipalities  
22 such as the city of New York to make electrical  
23 scooter and electrical bike legal, but I'm not only  
24 relying with the Governor. Based from the legal  
25

1  
2 advice that we have on the Council, we believe that  
3 we can get it done, and I think that it is a perfect  
4 storm where we are right now, because the timing is  
5 most likely the budget will be done let's say by  
6 April. We will be able after this hearing to  
7 continue the conversation with City Hall, work with  
8 the advocates, and finally make our city a city where  
9 electrical bikes or scooter will be legal. But I  
10 just want to, you know, bring it from day one that  
11 delivery workers, many of them they are immigrants  
12 like me who came here to wash dishes. I'm not  
13 supposed to be here. I'm supposed to be in the  
14 kitchen in the restaurant when we go out and eat,  
15 just washing dishes. So, I could be that immigrant  
16 delivery workers, and that's why we will be working  
17 very hard to be sure that we put any tool that we  
18 have to put in place to make the electrical bikes  
19 legal at the same time that we take care of the  
20 safety pieces related to this change. I'm sorry.

21 COUNCIL MEMBER DIAZ: I just want to--

22 CHAIRPERSON RODRIGUEZ: [interposing]

23 Council Member Diaz.

24 COUNCIL MEMBER DIAZ: I just want to be  
25 clear of something, Commissioner. So, we know that

1  
2 there are other cities are doing this, have a pilot  
3 project on these. We know that, but we don't know if  
4 it has worked or not. So, we are joining. We just  
5 being copycats because they're doing, not because we  
6 have proof that it works.

7 COMMISSIONER TROTTEBERG: I mean, I  
8 guess I would say whether it works or not is sort of  
9 in the eye of the beholder in some of these other  
10 cities. I think a lot of people are taking rides on-  
11 - if we're talking about the scooters, taking rides.  
12 They've shown some popularity, but there have been,  
13 you know, questions about safety. And just one thing  
14 I neglected to mention, there are now in some of the  
15 west coast cities lawsuits filed by disability groups  
16 concerned about whether the scooters are being left  
17 on the sidewalk and blocking access. So, I don't  
18 think any of these are issues that can't be worked  
19 through, but I don't think that any city yet has  
20 completely worked through them all and has a total  
21 consensus on what scooters, you know, how scooters  
22 should operate. A bunch of them are experimenting.

23 COUNCIL MEMBER DIAZ: Just would be even  
24 nicer if we could say, here, we got proof that it  
25 works so we can convince people. But when we go

1 through our second project blindfolded, it's kind of,  
2 you know, just--

3  
4 COMMISSIONER TROTTEBERG: [interposing]

5 I don't think we'll be totally blindfolded, and just  
6 you know,, should the state legalize them and the  
7 city, you know, collectively all of us choose to move  
8 forward, for example, with an e-scooter pilot. I  
9 mean, we've just started this past summer with one on  
10 dockless. We went in. We were in Staten Island and  
11 the Rockaways and up in the Bronx. We went in  
12 conservative. We did modest numbers. We checked out  
13 the technology, the safety. We saw the popularity. I  
14 think we've learned a lot from that experience. We'd  
15 like to expand that program, but we're going to come  
16 back and talk to you all about it. So, I don't think  
17 we would be flying totally blind, but I just don't  
18 want to pretend today that every city has figured out  
19 every answer, because this, you know, bike technology  
20 has been around a couple hundred years, and the  
21 scooter technologies-- you know, the shared scooter  
22 technology has been around about a year. So, lessons  
23 still to be learned.

24 CHAIRPERSON RODRIGUEZ: I just want to--

25 as you from the agency will be leading this hopefully

1 the next couple of weeks or more, you know, we can  
2 get it done. I want to be sure that the street  
3 vendors [sic] who were the ones using the electrical  
4 scooter-- the electrical bike will be included in the  
5 business model for the scooter and bike. I believe  
6 that the tech company, they're looking at this as a  
7 great opportunity, but my advice is on every pilot  
8 project, assuming that we move on and is able to get  
9 it done, I hope to see the big one from the tech  
10 company who has interest with this to also invite and  
11 work with those delivery vendor-- delivery men  
12 workers, because they should be part of the benefit  
13 of this industry, too. so, again, is RFP-- whatever  
14 process you go through is the DOT or whatever City  
15 Hall decided how to Assembly, but are you going to be  
16 sure that the conversation from the beginning, we  
17 don't leave the delivery worker men and women out for  
18 the opportunity not only to be safe, but also to be  
19 part of this economy, too.

21 COMMISSIONER TROTTEBERG: I think, Mr.  
22 Chairman, that's precisely why if we go ahead with  
23 any of these pilots we want to work closely with you  
24 all so we're sure-- you know, and I think we have  
25 unique circumstances here in New York. I don't even--



1  
2 I don't we can compare ourselves to Washington in the  
3 end. So, you know, we'll make sure if the state  
4 authorizes us to move forward, we come up with a  
5 program that everybody thinks will work.

6 CHAIRPERSON RODRIGUEZ: Right. [off mic]  
7 followed by Council Member Richards.

8 COUNCIL MEMBER ESPINAL: Thank you so  
9 much to the Chair, and to Chair, thank you for  
10 holding this hearing, which is I think timely.  
11 Commissioner and to the NYPD, Commissioners, thank  
12 you so much for being here. I want to thank you for  
13 the statement that you just made and the key  
14 operative word was "working through." Any  
15 innovation, and you mentioned bikes, regular bikes,  
16 200 years, and I was here when we were introducing  
17 Citi Bikes, and as you recall, we have problems, but  
18 problems, you know, in New York City we take them as  
19 challenges. We adapt. We innovate. We keep  
20 adapting and innovating. So, I appreciate your  
21 disposition that this will be something that we could  
22 look at, work through. I think it's very feasible,  
23 and safety is paramount. I was one of those who  
24 carried one of the bills during Vision Zero, the  
25 first package of bills. So, that's very dear to my

1 heart, but I also see the demand, the demand-- I see  
2 people with e-scooters already. You know, I went  
3 bike riding in the West Side, you know, in the bike  
4 lane and right next to me was somebody going with an  
5 e-scooter, and you know, we were able to go in  
6 parallel ways, and I didn't see it-- you know, I  
7 literally took a bike ride all the way from the Bronx  
8 to Ground Zero and back, and didn't see one incident.  
9 I didn't see anybody get in any type of accident, and  
10 so for-- and so it seems to me-- and let me just  
11 mention one more thing before I lead to the question.  
12 That usually when we have programs like this,  
13 programs coming into a city, we have this perception  
14 that millions of people all at once will, you know,  
15 just flood the streets, and I see that it's an  
16 evolution, and people start again adapting, being  
17 good neighbors, and just like we did with Citi Bikes  
18 which go-- you know, people riding regular bikes at  
19 15 miles per hour, you know, sometimes even faster  
20 than an e-scooter would. And so I just-- I want to  
21 affirm what you just mentioned, but we need them. I  
22 could tell you, in my district if you're living a  
23 mile away and you want to get to Bronx Community  
24 College, Lehman College, go to church-- parking, as  
25

1  
2 you know, we have many discussions. Parking is  
3 becoming an issue, and as you know in your  
4 conversations with your counterpart in the other  
5 states, they have seen a reduction of people using  
6 their cars, and they opted for e-scooters which leads  
7 me to the question: would you prefer to see a hundred  
8 scooters on a bike lane or a hundred cars?

9 COMMISSIONER TROTTEBERG: Oh, boy.

10 COUNCIL MEMBER ESPINAL: I know. I had  
11 to-- I had to make it fun.

12 COMMISSIONER TROTTEBERG: Well, let me--  
13 I will answer your question, but just-- I just want  
14 to address a couple of the other things you said,  
15 because I do think you made some very helpful points.  
16 Thank you. I mean, you are absolutely right. When  
17 the city first started off Citi Bike there was  
18 concern that it was going to be mayhem, and it's  
19 proved, you know, we're very proud to say to have a  
20 tremendously good safety record, and in part because  
21 we did ratchet up slowly, but also in part because  
22 the City took a lot of steps working with the  
23 provider to make sure the equipment was safe to do a  
24 lot of the things we needed to do to create a safe  
25 system. And I want to just-- you were correct. One

1 can walk around the streets of New York now and see  
2 individuals that have e-scooters. You know, what the  
3 state may choose to do would be one thing, which is  
4 to legalize those. It is a second question even once  
5 they're legalized. Does the City want to have a  
6 shared program? And that is really what I have been  
7 talking to my sister cities about, because it's one  
8 thing when people have their own scooters. They've  
9 paid their own money. Presumably they're going to  
10 take good care of them and take them home at the end  
11 of the day. I think the question we've seen in some  
12 other cities-- and the scooters are pretty  
13 disposable. I mean, our understanding is they last  
14 somewhere between a month and two months, and then  
15 the companies chuck them out and put out a new one.  
16 So, and you know, they're out on the street. They're  
17 exposed to elements. Here in New York they could get  
18 bashed. So, I think just even if they were to become  
19 legal, it's a next question about how we make sure  
20 shared programs where presumably we would be putting  
21 thousands of them on the street, that we just do it  
22 in a way that's safe and orderly. I agree with you.  
23 I'm not saying it can't be done. I'm just saying  
24

1  
2 obviously we would want to work through all those  
3 issues, and some cities are grappling with them.

4 COUNCIL MEMBER ESPINAL: And--

5 COMMISSIONER TROTTEBERG: [interposing]

6 In terms of-- in terms-- I mean, I'll put it to you  
7 this way. I'm not ready to say how many scooters I'd  
8 like to see on the street. I think I certainly share  
9 the Chairman's goals. We would all be easier off if  
10 fewer people were using cars in New York. The  
11 congestion and the competition for parking, the  
12 environmental and safety impacts, it's clear. I  
13 don't know yet that we have totally clear data from  
14 other cities where people are using scooters, how  
15 much that is them not using cars or what. I think  
16 we'll get that data and have that clear picture and  
17 be able to take a look how it would apply here in New  
18 York.

19 COUNCIL MEMBER ESPINAL: Look,

20 Commissioner, I think you're going to hear from the  
21 advocates. They have some numbers. I heard them  
22 before, and the number that I heard was a reduction  
23 of one-third in certain places. Even if that is 15  
24 percent that would be huge in this city, a 15 percent  
25 reduction. I know that I would change my behavior in

1  
2 going certain places because parking is becoming-- I  
3 have to tell you, in the Bronx, Brooklyn, all-- you  
4 know, all the borough. Our boroughs is becoming  
5 impossible. We're expecting, as you know, a million  
6 to leave the city. We're getting another two million  
7 coming in, so we're going to have a net gain of a  
8 million people in 10 years, and it would seem to me  
9 that we got to find a way. And I think this is one  
10 alternative to transportation that will be very  
11 useful. You know, especially we're talking about all  
12 train corridor. Do you believe that in certain stops  
13 [sic] it will be useful for somebody to have that  
14 availability so they could get to their final  
15 destination?

16 COMMISSIONER TROTTEMBERG: Look, I think  
17 there's no question that new modes of transportation  
18 that are non-auto-based can of course be useful. You  
19 know, again, I think we're signaling here we're ready  
20 to see what action the state's going to take and work  
21 with you all on what those next steps will be. You  
22 know, and I'm hearing from the experiences of other  
23 cities, and you know, we'll keep getting the data in  
24 and seeing what it portends. You know, we are in the  
25 transportation business, so we want people to have

1  
2 more transportation options. We generally think  
3 that's a good thing.

4 COUNCIL MEMBER ESPINAL: Can-- do you  
5 have any numbers on tickets or confiscation of e-  
6 scooters at all?

7 THOMAS CHAN: We mentioned earlier before  
8 for 2018 we seized 1,215--

9 COUNCIL MEMBER ESPINAL: [interposing] Is  
10 that for e-bikes? I'm sorry. I was asking for e-  
11 scooters?

12 THOMAS CHAN: E-scooters? We have not to  
13 my recollection any scooters that we've confiscated.

14 COUNCIL MEMBER ESPINAL: That's pretty  
15 interesting. What is that-- I just-- how do you  
16 interpret that, that data, zero confiscation? It's a  
17 great thing, but I'm just curious, how do you  
18 interpret that? Do you interpret that people who  
19 ride e-scooters stop at the red light? I don't know.  
20 How do you--

21 THOMAS CHAN: [interposing] My feeling is  
22 that I've seen very few of them here in my travel, so  
23 I could not say collectively how many there are on  
24 the city streets right now. But nevertheless, we  
25

1  
2 have not separated that category, but certainly a  
3 scooter is going to be different from the e-bike.

4 COUNCIL MEMBER ESPINAL: So, it seem to  
5 me that so far to this point they've been pretty  
6 safe. Would you say that with certain-- I mean,  
7 there hasn't been any tickets. There hasn't been any  
8 accidents. There hasn't been anybody complaining I  
9 got injured.

10 COMMISSIONER TROTTEBERG: Well, I mean,  
11 there have been two fatalities so far in New York  
12 involving e-scooters. I mean, one in the Bronx and  
13 one in Brooklyn.

14 COUNCIL MEMBER ESPINAL: But they didn't  
15 cause the fatality. I mean, they got run over.

16 COMMISSIONER TROTTEBERG: Oh, no, no,  
17 they died themselves. I think in both cases where  
18 they were on sidewalks, went into the street and got  
19 hit by a vehicle.

20 COUNCIL MEMBER ESPINAL: Yeah, and the  
21 point I'm making is that they do not-- they're not  
22 the norm, as a matter of fact, not even the anomaly  
23 is that they don't tend to cause injury to others. I  
24 mean, obviously they went in the opposite direction.  
25 That ought not to be. So, but this is really a super



1 anomaly. Can we agree on that, that e-scooters are  
2 not known to cause injuries to others? I mean, it is  
3 kind of basic, right?  
4

5 [audience noise]

6 EXECUTIVE DIRECTOR CHERNYAVSKY: I think  
7 it may be too early to say. I think that that's  
8 really where the chief is going with this, is that we  
9 don't really disaggregate the data on seizures.  
10 Maybe if an officer calls a scooter and e-bike, it'll  
11 be scooped up in the same number. I'll take a better  
12 look at it and see if we have something to share with  
13 you, but right now we don't have it, and for at least  
14 from what the Chief is seeing, we don't see a  
15 prevalence in use along the lines of e-bikes yet. So  
16 we really can't make these kind of conclusions.

17 COUNCIL MEMBER ESPINAL: Well, I think--  
18 let me encourage [sic] you, if you keep that data,  
19 because you know, we can't make good decisions with  
20 bad or lack of information, and that would be very  
21 helpful. I know my colleagues have questions, so I'll  
22 come back in the second round. But let me just say  
23 this regarding the e-bikes, I'm sure that every  
24 single person in this room have received food  
25 delivery and is 99 percent of the time has been

1 through one of those e-bikes. I've seen to me the  
2 practice. Let's embrace it. Let's come up with  
3 something that will work. Let's work it through, and  
4 let's work through obviously when it comes to e-  
5 scooter. Mr. Chairman, thank you so much, and thank  
6 you so much for your ideas [sic].

8 CHAIRPERSON RODRIGUEZ: We will allow  
9 Council Member Richards to ask one questions so that  
10 we can go back to the other colleagues.

11 COUNCIL MEMBER RICHARDS: Oh, really?  
12 Okay. I'd like a statement and a question. First  
13 off, thank you, Chair, for holding this hearing, and  
14 I want to thank the NYPD and DOT for being here. I  
15 guess my statement is along the lines of the dockless  
16 bike in which we've seen in Rockaway which really  
17 has-- now, I was leery of it because I didn't think  
18 that there would really be access for dockless biking  
19 for all parts of the Rockaways, you know, and we talk  
20 about the tale of two cities. We certainly see that  
21 there. But what's been interesting about the pilot  
22 is that I've seen these bikes all over public housing  
23 developments. It's really merged two world and  
24 really it's been able to fill a transportation void  
25 on the peninsula to a great degree. So, I'm all for

1 expanding opportunities. I think we have to be  
2 thoughtful. We have to get al to more insight. And  
3 lastly, one of the things I want to point out as  
4 well, and I think you talked about Chief Chan, e-bike  
5 seizures. So, I'm interested in knowing a little bit  
6 more of where is their concentration of where these  
7 seizures are happening out. So, can you speak to  
8 that? Are there certain zip codes where we see more  
9 seizures more prevalent? And then the last question I  
10 along the lines of infrastructure. So, let's imagine  
11 this was approved. You know, what are the challenges  
12 with infrastructure I guess for DOT? Are we going to  
13 have e-scooter lanes? I mean, I don't know. You  
14 know? What are our challenges there? What does the  
15 infrastructure look like in terms of ensuring that  
16 there's really public safety? But let me just say  
17 this again. I think especially for transit deserts,  
18 you know, the more options the better, especially for  
19 immigrant communities, communities of color who  
20 really lack access. You know, seeing the dockless  
21 biking opportunities in the Rockaways for those of us  
22 who know, the MTA ain't working. So, being able to  
23 get from point A to B on the peninsula and avoiding  
24 the unfortunate circumstances around public  
25

1 transportation in the city. People being able to get  
2 to those point A and B's has been really helpful.  
3 So, I'm hoping that we see that program continue and  
4 expanded, but when you talk about transit equity, we  
5 got a lot more to do in terms of public  
6 transportation, our buses, our trains, but at least  
7 getting around your local neighborhood I believe  
8 could be a little bit easier with these  
9 opportunities. So, if you could just speak to that,  
10 Chief Chan. Is there a concentration where we're  
11 seeing these summonses issued and arrests? Oh,  
12 summons, I'm sorry. No arrests, right?

14 THOMAS CHAN: Again, the breakdown of  
15 the-- by summonses and the confiscation, we can get  
16 you that figure. I don't have that with us today,  
17 but we can get that to you.

18 COUNCIL MEMBER RICHARDS: And you'll get  
19 me-- you'll get to the committee, not just myself.  
20 Just we want to ensure that certain communities  
21 aren't being overly targeted.

22 COMMISSIONER TROTTEBERG: And I'll take  
23 the infrastructure and access question. And thank  
24 you again for your partnership on the dockless bike  
25 share program. It was a great success in the

1  
2 Rockaways and in Staten Island. We, as I said in my  
3 testimony, we're going to be meeting with you all  
4 soon to talk about both the next phase of Citi Bike  
5 and the next phase of dockless and you know, how we  
6 want to make that work throughout the City. So,  
7 looking forward to doing that soon. I touched on the  
8 infrastructure question in my testimony as well.  
9 What we are seeing in other cities, and I think it is  
10 our instinct here in New York, is that scooters are  
11 sort of most like bikes. They should operate under  
12 the same rules as bikes. They should follow the  
13 traffic laws. They should yield to pedestrians.  
14 They should be in bike lanes where bike lanes exist,  
15 but I will certainly admit, if we see an enormous  
16 uptick in scooters and e-bikes and other things, some  
17 of our bike lanes are going to get crowded, and  
18 that's just, you know, something-- and I know there's  
19 a big hunger to build a lot more. That's something  
20 we try to work through very carefully with all of you  
21 at the local level, figuring out the best places to  
22 put them, working through the logistical and  
23 engineering and political challenges, but certainly  
24 as-- if the vision is to be reached of more people  
25 getting out of their cars and getting into bikes and

1 scooters, we're going to want to devote more space to  
2 the bikes and the scooters and potentially less space  
3 to the cars.

4  
5 COUNCIL MEMBER RICHARDS: And last  
6 question, Chair. Do folks get city tickets for  
7 failure to yield, and are they tracking e-bikes in  
8 those scenarios?

9 EXECUTIVE DIRECTOR CHERNYAVSKY: With  
10 respect to moving violations issued to e-bikes for  
11 failing to yield to pedestrian, we had a 55.8-- 66  
12 percent increase 2018 versus 17.

13 COUNCIL MEMBER RICHARDS: Fifty-six  
14 percent increase in failure to yield?

15 EXECUTIVE DIRECTOR CHERNYAVSKY:  
16 Summonses, yes, to e-bike operators, right,  
17 specifically.

18 COUNCIL MEMBER RICHARDS: So you're  
19 tracking those specifically?

20 EXECUTIVE DIRECTOR CHERNYAVSKY: Yeah, I  
21 mean, we're-- and this is the point I was making to  
22 Council Member Cabrera, that-- and the Chair is our  
23 retention to e-bikes is not drawn by-- oh, we see  
24 something that looks like an e-bike, so let's stop  
25 them and see if that's an e-bike. It's really drawn

1  
2 to the moving violation. So, if you take a look at  
3 the total number of moving violations to e-bikes in  
4 2018, there's 1,362 moving violations, rather it's  
5 red lights, wrong way, failure to yield, riding on  
6 the sidewalk, all moving violations, right? 1,362  
7 movers, and then you have 1,321 e-bike civil  
8 summonses. So you see a correlation there. So  
9 what's being drawn to our attention is the unsafe  
10 operation of the device, and then once we stop the  
11 individual we realize it's an e-bike and then there's  
12 a second summons issued, whether it's to the business  
13 or to the operator, that's where the e-bike summons  
14 is coming from.

15 COUNCIL MEMBER RICHARDS: Sir, I'm going  
16 to end, but I would just say I think more education  
17 certainly needed. I think there should be a plan with  
18 the Department of Small Business Services to really  
19 work with local businesses if they're operating with  
20 the e-bikes. And you know, it's over 1,000 summonses  
21 is nothing to sneeze at, so I'm just hoping that  
22 there's not some special unit that just is easily  
23 targeting many of these e-bike operators who are  
24 largely immigrants, right? So--

EXECUTIVE DIRECTOR CHERNYAVSKY:

[interposing] No, I mean, I think if you take a look of overall numbers, you know, for the year in terms of moving violations you have a million and 64 summonses for 2018 for moving violations. So, I mean, proportionally it's less than a tenth of one percent of all of our summonses.

COUNCIL MEMBER RICHARDS: Thank you.

CHAIRPERSON RODRIGUEZ: Commissioner, assuming that we will get there and we will make the electrical bike, electrical scooter legal, we have seen the expansion of Citi Bike bike share-- as you know, at the end of December we were not even able to get to the 20-mile protected bike lane, but the number went only to 24. I-- the email that I received when anyone continue-- it's presently [sic] opinion on this discussion, electrical bike/electrical scooter, even though the individuals from the upper west side that they have sent email concern to this issue of any places. People have started saying I don't think that this is a good bill. You should not support this bill. And the substance of the opposition is safe. So, what people add is-- my conclusion is when people start writing



1 or expressing their opinion on the electrical bike,  
2 at the end, even those who say I don't think that you  
3 should support this bill, they explanation is because  
4 of safety issue. So, and for me, we have the answer,  
5 because it's not anybody else that can come out with  
6 making the argument against the electrical scooter  
7 and electrical bike because of safety, because those  
8 of here and the advocate and anyone we know that in  
9 order to make electrical bike and electrical scooter  
10 legal, we need to designate a specific area where  
11 they should be. And we know that they should be in  
12 particular following these 15 mile per hour. So, my  
13 thing is, don't you think that as we have this vision  
14 and I support it and I promote it, to continue  
15 expanding-- and not only I want to see Citi Bike in  
16 Long Island City or in Brooklyn, I want Citi Bike to  
17 be in the South Bronx, to be in Washington Heights,  
18 to be in other places as the bike share. I  
19 particular propose that we should have a more  
20 envisioned goal to build more protected bike lane  
21 every year. Don't you think? And you've been a  
22 leader, you know. I think that we have three more  
23 years, and we never know how a new Administration  
24 will be. So this is our time for us to leave our  
25

1 fingerprints and our legacy, and I am very proud to  
2 see the work that we've been able to do together.  
3 But do you think that this is the right moment to  
4 also go with a plan to build 100 protected or triple  
5 the number of protected bike lanes every year?  
6

7 COMMISSIONER TROTTEBERG: So, I just  
8 want to at least put the statistics as we see them,  
9 and I know there's some debate about how many miles  
10 we've built, but I think from New York City's point  
11 of view, we think at least 2018 we did 20 miles of  
12 protected, 35 of conventional bike lanes. And you  
13 know, throughout the years of the de Blasio  
14 Administration in total we've built almost 83 miles  
15 of protected bike lanes, and 100, you know, 154 of  
16 conventional. I want to talk about how we'll do  
17 more, but--

18 CHAIRPERSON RODRIGUEZ: [interposing]  
19 But-- that number is not my number. The number of--  
20 I am just referring only to the protected bike lane  
21 of 2018. So that's the--

22 COMMISSIONER TROTTEBERG: [interposing]  
23 Right, no, but I think--  
24  
25

1  
2 CHAIRPERSON RODRIGUEZ: [interposing] one  
3 that-- that we didn't reach our goal of 29 miles as  
4 it was supposed to.

5 COMMISSIONER TROTTEBERG: Alright. So,  
6 I think-- and I know, Mr. Chairman, you've sort of  
7 challenged us to say let's do 100-- and I will just  
8 say, whatever-- whether we're quivel [sic] about a  
9 mile or two, I don't know of any other city in the  
10 country that's coming close to putting in the type of  
11 lane miles we're putting in, either conventional or  
12 protected. And you had said when we announced the  
13 expansion of Citi Bike that you'd like to see the  
14 city do 100 protected a miles a year, and it's a I  
15 think a terrific goal , and obviously , if we see the  
16 rise of more cycling scooters, whatever is to come,  
17 we can make the argument for. but I just-- I want to  
18 just put it in practical terms, because I think doing  
19 20 miles has proved it's taken a lot of engineering  
20 work, work with communities and work from you all  
21 local elected officials, and it's no secret some of  
22 the bike lanes have been pretty controversial. So to  
23 do 100 protected miles a year would mean-- if we're  
24 just doing rough math-- we'll say there are 50 of you  
25 just to make the math work, even though there's 51.

1  
2 It's two protected lane miles per council district  
3 every year, and just you know, if we look at it in  
4 Manhattan blocks, that's 40 blocks, going from 14<sup>th</sup>  
5 Street to 54<sup>th</sup> Street, and the challenge with  
6 protected lane miles is obviously-- we work through  
7 Community Boards. Do we work through the issues with  
8 local merchants, with parking, with how we handle the  
9 traffic impact? So, to get those lane miles really  
10 good, we want to make sure we do them right. So,  
11 it's a huge goal, but I think it's something that  
12 would really require big partnership from the Council  
13 as well and would mean protected lane miles in sort  
14 of everybody's district at a pretty big volume every  
15 year to achieve, you know, something close to that  
16 goal. So, something we'd love to continue the  
17 dialogue with you all on, but just want people to  
18 sort of understand, I think, what a big challenge  
19 that would be. I think it would-- again, for us it  
20 would be, you know, increasing our work by almost an  
21 order of magnitude.

22 CHAIRPERSON RODRIGUEZ: Okay, I just  
23 would like to see how that is translated into, you  
24 know, the Executive Budget, you know, as we are  
25 getting close to the Mayor started putting his

1  
2 number, because one thing is challenging that we  
3 face. The other thing is about will we get, you  
4 know, a commitment from, and we will be in the next  
5 few months, you know, going after the budget, but for  
6 me from the beginning it's not annoying [sic] to say  
7 we can work, we're expanding Citi Bike bike share  
8 electrical scooter/electrical bike. Where would they  
9 be? And for me this is about-- and again, you've  
10 been in the leader in the DOT not only here, but you  
11 know, state and nationwide, but I think we have to be  
12 more ambitious and we have to show from the beginning  
13 we put in the dollars as Executive Budget will be  
14 presented to us.

15 COMMISSIONER TROTTENBERG: No, and I'm  
16 happy to say I think the Mayor working with the  
17 Council we've had the resources we need to build out  
18 the bike network. I think our-- you know, our  
19 challenges, our limiting factor, has been less  
20 resources and more, again, just working through a  
21 process that involves Council Members, that involves  
22 Community Boards, that often involves local  
23 businesses and other stakeholders. So, it's really I  
24 think sort of the community and political engagement  
25 side that we would need a lot of help from Council

1  
2 Members if we were going to, again, try and get to  
3 something like 100 protected miles a year. I think  
4 some of you are nodding and some maybe not so.

5 [laughter]

6 CHAIRPERSON RODRIGUEZ: So, I would like  
7 to acknowledge that also we've been joined by Council  
8 Member Reynoso, Cohen, Richards, Levin, Miller, Koo,  
9 Deutsch, Chin, and now we follow with question with  
10 five-minute clock. So, Reynoso followed by Council  
11 Member Menchaca.

12 COUNCIL MEMBER REYNOSO: Alright, I got  
13 five minutes. So, first, I want to ask Chief Chan  
14 when was the last time you went to a Community Board  
15 to ask them for permission on whether or not you  
16 should be doing work in any parts of the City? Do  
17 you use Community Boards to advice on where you  
18 should be doing work related to criminal activity? I  
19 can answer that for you. That's no. you've never  
20 gone to a Community Board to have them dictate where  
21 you should be doing your work. The Department of  
22 Transportation on the other hand believes that they  
23 should be going through Community Boards where they  
24 dictate how and when bike lanes should be built based  
25 on anecdotes and personal experiences, instead of

1 expertise that you have in your Department. Council  
2 Member Ydanis Rodriguez's plan to build 100 miles of  
3 bike lane is not impossible. It just takes movement  
4 of the Department of Transportation away from asking  
5 for permission from Community Boards. That's what  
6 should happen. No more Community Board  
7 conversations. Use safety to dictate exactly what you  
8 should be building. And that's a statement, Polly,  
9 Commissioner Trottenberg. I just want to make that  
10 statement, because it's frustrating, because it is  
11 safety that you're helping, not-- it's not about a  
12 pleasant experience for a bike rider. It's about  
13 safety. And you always go to these Community Boards.  
14 These Council Members give you trouble. These  
15 Community Boards give you trouble. Just stop coming  
16 to us and build the bike lanes where you think that  
17 they are appropriate, because the Police Department  
18 would never ask a Community Board, "Hey, I want to go  
19 into this building because I think they're selling  
20 drugs. Do you think I can go in?" No, they just do  
21 the work because it's a safety issue. You should  
22 behave the same.

24 COMMISSIONER TROTTEBERG: Well--

1  
2 COUNCIL MEMBER REYNOSO: [interposing] And  
3 I have five minutes, Commissioner, so please.

4 COMMISSIONER TROTTEBERG: I would like to  
5 respond when you're done.

6 COUNCIL MEMBER REYNOSO: Thank you so  
7 much. My other issue is-- this back to the NYPD.  
8 Being a safety problem the focus that you have on  
9 bikes, and it just speaks to this car culture problem  
10 that I have. Because I want to talk about a safety  
11 problem that you-- that we actually institutionally  
12 allow to happen. And there's delivery trucks like  
13 Fed-Ex, UPS and so forth are allowed to park on bike  
14 lanes, are allowed to double park, and the City  
15 outlines a program called a "stipulated fine program"  
16 that actually allows them to do this for a set cost  
17 across the board, right? And that is dangerous,  
18 double parking and parking on bike lanes, and doing  
19 illegal parking in the City of New York. But we've  
20 figured out a way to outline this show for them  
21 because they're in vehicles. Now, we have these poor  
22 delivery workers that are doing this work here in the  
23 City of New York, and instead of figuring out a way  
24 to outline a lane for them, literally and  
25 figuratively, a lane for them to be able to do their



1 work, we confiscate their bikes and we're giving them  
2 fines even though the need for delivery workers to  
3 get food to people in a timely fashion is at its  
4 highest. We don't outline any programs for them.  
5 Instead, we use enforcement related to e-bikes to  
6 poor people that are probably doing this work. So,  
7 I'm very concerned with the direction that the  
8 Administration is taking as to where they think they  
9 can go to give people a pass on safety, but not on  
10 this side, not on the delivery workers. The  
11 deliveries, they don't get a pass. And how many cars  
12 have killed people over how many bikes have killed  
13 people. the real danger are two-ton vehicles that  
14 are killing people in the streets, not these delivery  
15 workers that are delivering your food on time and  
16 warm, which is what you're asking for. So, the  
17 Administration has a backwards approach as to exactly  
18 how they feel they need to build these lanes for  
19 people. So I just want to really check you on your  
20 double-talk about safety being your number one  
21 concern, because Fed-Ex is parked outside right now  
22 on Broadway, double parked, that's going through a  
23 stipulated fine program where they're not even going  
24 to pay that fine for double parking, and that's  
25

1 causing a safety concern here in the City of New  
2 York. That's also a statement, not a question.  
3 Another thing is that the City does not have a  
4 parking problem, and I want to make sure that  
5 everyone listens to that. The City doesn't have a  
6 parking problem, the City has a car problem. It's  
7 too many cars in the City of New York, and there's  
8 not enough free public space for them to park.  
9 People think that maybe they should be parking in  
10 parks, maybe, they should take up park land maybe for  
11 cars or figure something else out. Sidewalks would  
12 be great for some people. No. what we need to do is  
13 reduce vehicles, vehicle use in the City of New York,  
14 and we do that by making sure that the streets are  
15 for people, are for bike riders, pedestrians, and  
16 other modes of transportation that are non-vehicular,  
17 and we need to do that more aggressively, and I also  
18 don't think we're doing that either as aggressive as  
19 we could be doing it. The cars have access to  
20 streets in the City of New York that's unparalleled  
21 to any other mode of transportation, including  
22 walking, and that needs to change as well. Then,  
23 parking of bikes. When this program happens and we  
24 have e-bikes that are shared or e-scooters that are  
25

1 shared, if and when that happens, I just want to make  
2 sure that you hear from me now before it's too late  
3 that the parking should happen on the street, not on  
4 the sidewalk. There should be a place for them to  
5 park on the street, not on the sidewalk. Don't take  
6 away from pedestrians, take away from these dangerous  
7 vehicles that have been controlling the streets for  
8 too long. Give people back their sidewalks, and  
9 let's not make them park them on the sidewalk. Make  
10 them park in dedicated parking on the streets. Take  
11 away a parking spot and allow for three or four of  
12 these scooters or these e-bikes to park. The next  
13 one is actually, Intro 1163, I believe. I want to  
14 make sure I get the right one. Yes, 1163 is Council  
15 Member Rivera's bill. How often-- this is my first  
16 question. How often does DOB and DOT have a  
17 conversation about sites, construction sites, where  
18 they're able to outline a sidewalk, and if there is a  
19 bike lane, and a bike lane so they can get access to  
20 move through the city of New York I guess safely  
21 during construction projects? Like, how often does  
22 that happen?

24 COMMISSIONER TROTTENBERG: I mean, I  
25 think our permitting folks and the Department of

1 Buildings permitting folks talk to each other like  
2 all day long, and I certainly talk to Commissioner  
3 Chandler a lot. I mean, we had-- it had been a  
4 particular focus of late on doing better coordination  
5 around the L Train and about I think the challenges  
6 we're facing in Midtown, but it is something both  
7 agencies are very focused on. And I think I  
8 mentioned in my testimony today, we are about to  
9 release in March some new really strengthened  
10 stipulations to improve what's going to be the  
11 quality and the safety of bike lanes and also  
12 pedestrian space, particularly those for people with  
13 disabilities. We recognize it's a place where we can  
14 do better, but I think DOB has been a good partner in  
15 working through that. Just one challenge, I think it  
16 goes to the challenge on the streets, DOB is seeing  
17 its construction permit requests go up like this  
18 every year, hundreds and hundreds of thousands of  
19 them as are we. So, it's just-- it's a lot to work  
20 through it all with both agencies. Volumes are just  
21 growing. As the city is growing and booming, you  
22 know, we just are dealing with a lot of construction  
23 permits.  
24

1  
2 COUNCIL MEMBER REYNOSO: Well, we  
3 accommodate developers because we have an increase in  
4 building permits, so we accommodate them by not  
5 having them-- by not mandating that they replace bike  
6 lanes. Like on Flushing, for example, when that  
7 street construction was done the bike lanes weren't  
8 necessarily added in Brooklyn. So, vehicles ran  
9 freely and pedestrians had to cross the street and  
10 bike lanes were actually cut off and had to merge  
11 with the vehicles temporarily during Flushing. But  
12 the Department of Buildings gets a preference. These  
13 developers get a preference, and I just want another--  
14 -

15 COMMISSIONER TROTTEBERG: [interposing]  
16 Right, I mean, the Department of Buildings is under  
17 some legal requirements there. I know Flushing was  
18 frustrating. I wish we could have perhaps routed the  
19 bikes and parked through the Navy Yard, and I think  
20 part of that experience we are trying to come up with  
21 tighter requirements. It's no question when you have  
22 big projects that are taking out, you know, one or  
23 multiple lanes of traffic. You know, we face  
24 challenges in allocating that street space. Always  
25 ready to try and do better and, you know, I agree

1  
2 with you. I rode on Flushing a few times, and you  
3 know, definitely was not the greatest set up.

4 COUNCIL MEMBER REYNOSO: I guess the  
5 point that I was trying to make, though, is that we  
6 accommodate and increase in development here in the  
7 City of New York. When we were having in an increase  
8 in the request for deliveries, we don't accommodate  
9 for that. We're willing to look the other way when a  
10 bike lane gets shut down or a street gets shut down  
11 because a building needs to go up, but we can't look  
12 the other way when an increase in the request for  
13 food is needed in the City of New York and there are  
14 people there that are trying to supply that. So I'm  
15 just saying, I just think there's a double standard,  
16 and it's not shocking to me that developers don't  
17 look like the people riding the bikes. Thank you.

18 COMMISSIONER TROTTENBERG: I mean I--  
19 I'll let my NYPD colleagues speak about the-- we  
20 don't look the other way in construction projects.  
21 We are trying our best, and we are about to again  
22 release some really strengthened stipulations to try  
23 and ensure good bike access and good pedestrian  
24 access. So, we're not looking the other way. We're  
25 trying to manage the best we can on our very

1  
2 congested streets. We are very sensitive to wanting  
3 to make sure cyclists, pedestrians, people with  
4 disabilities have safe passage when there are big  
5 construction projects happening.

6 CHAIRPERSON RODRIGUEZ: Commissioner,  
7 and as you know, there's a-- this particular bill by  
8 Council Member Carlina Rivera is very important as  
9 Antonio has pressed like. A lot of residents,  
10 especially those residents in this area in the  
11 downtown area, they have expressed a lot of concern,  
12 and we are adding our voice on supporting her and the  
13 constituents that live in this area, hopefully we can  
14 continue working together with you addressing, you  
15 know, how we should move on this bill and how to  
16 continue. A lot of challenges, because this is area  
17 where there's a lot of construction all happening all  
18 the time, so hopefully you can pay att-- you can  
19 continue paying attention to that--

20 COMMISSIONER TROTTEBERG: [interposing]  
21 Right, right, and look, legally whether-- I mean, so  
22 I have discovered in my close work with the  
23 Department of Buildings, developers have a lot of  
24 sort of "as right" ability to occupy lanes and do  
25 what they need to do. I mean, a bigger question for

1  
2 the council. And I think if we understand the  
3 intention of Council Member Rivera's bill, we're  
4 obviously happy to help. I think as I made clear in  
5 my testimony, if the goal is to have us go through a  
6 lengthy Community Board process for every possible  
7 alteration to a bike lane, temporary or otherwise,  
8 minor or otherwise, that's a prohibitively difficult  
9 task. It would be thousands and thousands of sort of  
10 Community Board processes we would have to go  
11 through. It would overwhelm us and we certainly  
12 wouldn't get a lot of bike lanes built because we'd  
13 be spending all our time at Community Boards. So,  
14 hopefully, we can find some way to get at her  
15 intention without kind of grounding our bike unit's  
16 work to a halt.

17 CHAIRPERSON RODRIGUEZ: Okay. Council  
18 Member Menchaca?

19 COUNCIL MEMBER MENCHACA: Thank you,  
20 Chair. And thank you. And buenos tardes,  
21 Commissioner and the NYPD. I want to get a-- just if  
22 you can indulge me for a quick minute. I'm looking  
23 at the audience here, and I want to get a sense of  
24 how many workers, e-bike delivery workers there are  
25



1  
2 in the room. If you can raise your hand? I want to  
3 see you.

4 UNIDENTIFIED: I mean, I got to go back  
5 to work, so--

6 COUNCIL MEMBER MENCHACA: Yeah, so I want  
7 you to say "presente." So, raise your hand if you're  
8 a worker, e-bike worker, raise your hand. Stand up.  
9 Stand up. Stand up. Raise your hand. I want to see  
10 you. I want to see you. I want you to be seen. I  
11 want to see you. I want you to be seen. I want the  
12 Commissioner, NYPD and the Council to see you. Thank  
13 you. Thank you. Okay. Next question-- you can sit  
14 down. If you're in this room right now and have any  
15 connection at all being paid for by the e-scooter  
16 businesses, if you're an employee or have some kind  
17 of contract with them, can you raise your hand right  
18 now? Awesome. More. Raise your hand. I'm looking  
19 at you. If you are contracted by the e-scooter  
20 people, raise your hand. Keep your hands up. Okay,  
21 great. Thank you. It's important. I want to make  
22 sure who's in the room. So, what I wanted to really  
23 start with, Commissioner, is a real sense that-- the  
24 strongest point I think you made in your testimony is  
25 that you're really looking to Albany to solve this

1  
2 issue before we can, and essentially there's some  
3 issues that make it really difficult for them, the  
4 City of New York, to solve anything unless the state  
5 takes care of it. That's the right sentiment, right?  
6 That's really at the crux of-- we can't really move  
7 forward if we can't do things that are at the state  
8 level, and this is why I'm having a lot of-- I'm  
9 really frustrated right now on our side, because the  
10 questions that I have on the bill really kind of stem  
11 out of this idea that this pilot program and the  
12 bills that we're hearing today on e-scooters, to  
13 legalize them and the e-bikes, to legalize them. The  
14 e-bikes, we're asking to remove their throttles,  
15 spend money from the city to remove the throttles  
16 from the e-bikes while simultaneously attempting to  
17 legalize e-scooters powered by electric throttles.  
18 Now, do you see that? Or am I making this up?

19 COMMISSIONER TROTTEBERG: I mean, I  
20 think just to be clear, the Administration isn't--  
21 we're responding to bills that you all have put on--

22 COUNCIL MEMBER MENCHACA: [interposing] No  
23 doubt, and this is why I'm going to be talking--

24 COMMISSIONER TROTTEBERG: [interposing]  
25 No, no--

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COMMITTEE ON TRANSPORTATION

COUNCIL MEMBER MENCHACA: and I would like the sponsors to answer that question, actually. That'd be great.

COMMISSIONER TROTTEBERG: Okay, so I mean we're responding to--

COUNCIL MEMBER MENCHACA: [interposing] If you could answer that question, that'd be awesome.

COMMISSIONER TROTTEBERG: Council legislation and now to what's in the Governor's proposal. And Council Member MENCHACA, I think it's fair what you say. We want some clarity from the state on what the legal framework would be for both e-bikes and e-scooters. The question of things that we could do absent the state like a conversion program as I said in my testimony--

COUNCIL MEMBER MENCHACA: [interposing] That we can do.

COMMISSIONER TROTTEBERG: we'd be happy to talk about that. I think we've just found it looks pretty complicated to do and cer-- and have comfort--

COUNCIL MEMBER MENCHACA: [interposing] But not illegal.

COMMISSIONER TROTTEBERG: that we can certify the safety, the speeds in such a way that

1  
2 NYPD can confidently enforce, but we're happy to  
3 continue that dialogue, and we don't need the state  
4 for that. That's true. That's something we could--

5 COUNCIL MEMBER MENCHACA: [interposing]

6 That we can do.

7 COMMISSIONER TROTTEBERG: potentially  
8 work out at the City level.

9 COUNCIL MEMBER MENCHACA: And I'm  
10 assuming we haven't-- or we started working on this  
11 before the beginning of this year, on the e-bike  
12 conversion and the conversation. How long have we  
13 been working on that with the workers?

14 COMMISSIONER TROTTEBERG: I mean, we  
15 have-- I mean, we have been talking about it for  
16 about a year, and I'll just, as I say in my  
17 testimony, I'll confess it's-- there's a real  
18 willingness to try and figure out, but it's very hard  
19 to do. I mean, just to take a minute to talk about  
20 the industry, you know, the bikes are sourced from a  
21 lot of different places. They're not standard  
22 models. You know, the City itself, we don't have  
23 bike mechanics, so we would need to outsource the  
24 conversions to third parties. We've sort of looked  
25 at the capacity of bike shops around the City. We're

1 not sure how great it is. Since it would potentially  
2 be a different conversion process for each type of  
3 bike, it's not easy to know any one entity could  
4 certify for sure that what had been done was safe and  
5 tamper-proof. Again, not to-- and how it would-- how  
6 we would pay for it, how long it would take, what the  
7 liability questions could be, because I think if the  
8 City were to undertake a program like that, we would  
9 want the entities doing the conversions to indemnify  
10 us. They may not want to do that. Lots of entities,  
11 particularly small entities don't want to do business  
12 with the City because we have-- you know, for  
13 understandable reasons because there's a lot of  
14 litigation with the City. We have some pretty tight  
15 requirements on indemnification, and I certainly  
16 would feel nervous about having my agency be the one  
17 to-- you know, we sent this bike to a bike shop in  
18 some part of the city, they stuck a sticker on it.  
19 You know, it would be very tough for us to verify the  
20 work had been done properly. Again, we're not bike--  
21 we're not bike mechanics. So, I'm not saying this  
22 issues are insurmountable. I'm just-- I will admit  
23 that after a year of looking at it we've struggled to  
24 find the easy solution.  
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COMMITTEE ON TRANSPORTATION

COUNCIL MEMBER MENCHACA: Right.

COMMISSIONER TROTTENBERG: And we haven't found another city, and maybe some of you know one. Maybe there's one in another part, but we haven't found another city that's done anything like this.

COUNCIL MEMBER MENCHACA: Great. So, I have a lot of questions, and they're really for the sponsors. I guess there's three of them that are really-- and they're going to ask me to keep moving on, because I'm directly asking them to answer questions, but I think it's important as a member of this committee to really understand the legality, and if that's the only question you answer, I think it's an important one, but there are more questions, and it'd be great to figure out-- well, no, I mean it would be good to answer it now. It'd be great to--

CHAIRPERSON RODRIGUEZ: [interposing]  
Okay, okay, but I will-- we will have a second round of questions to--

COUNCIL MEMBER MENCHACA: [interposing]  
Okay.

CHAIRPERSON RODRIGUEZ: Before I continue to, Council Member--

1  
2 COUNCIL MEMBER MENCHACA: [interposing] Be  
3 continued.

4 CHAIRPERSON RODRIGUEZ: Council Member  
5 Rose, I would like to say that assuming that we will  
6 take care of the safety of electrical bike,  
7 electrical scooter for those who using it for the  
8 pedestrians and cyclists. I personally will be  
9 working 24/7 to make them legal in the City of New  
10 York because they are important for delivery workers.  
11 They are important for the 8.5 million New Yorkers,  
12 and they are important for the city 5 million  
13 tourists that come here. New York City cannot be  
14 left behind. Everyone here, you know, we play  
15 different role, from those who are the organizers,  
16 from those of you as Carlos mentioned who are the one  
17 actually delivering the food, to those who work in  
18 any tech company, we all play a role, and those of us  
19 who are the elected who also-- we get paid to do our  
20 job. So, I think that the most important thing is to  
21 understand how New York City should not be left  
22 behind of other municipality. What is it we need to  
23 put in place to be in the front of making our city  
24 the most walkable and more pedestrian and cyclist-  
25 friendly? And of course, when we say that we support

1  
2 electrical scooters and electrical bike, it doesn't  
3 substitute the role of our trains and the buses, and  
4 that's why tomorrow we will be standing against any  
5 fare hike, because this is about, you know, looking  
6 our transportation as complete role that it played  
7 from our trains, our ferry, our bikes, and now  
8 hopefully working together our electrical scooter and  
9 electrical bike. So, I just want to be clear that  
10 assuming the safety we'll take here, and before also  
11 Council Member Menchaca here I also addressed the  
12 important-- a role that I see the delivery workers  
13 who play a role in the economy of this business.  
14 They should not be left behind. But I think that  
15 because of the role that everyone play, hopefully we  
16 will be able to make electrical scooters and  
17 electrical bike legal in New York City and we will be  
18 in the forefront of those municipalities that allow  
19 New Yorkers and visitors to use them. Now, Council  
20 Member Miller. Sorry, sorry, Council Member Rose.  
21 Sorry, Rose.

22 COUNCIL MEMBER ROSE: Thank you.  
23 [laughter] Thank you, Council Member. Good  
24 afternoon. Being a borough that has been a part of  
25 the pilot program, the e-bike pilot program, it's





1 that don't allow them to sort of navigate around  
2 them. So, with that said, I wanted to really address  
3 the concern which was very articulately addressed by  
4 Council Member Reynoso in terms of construction is  
5 being done. As you know, at the ferry terminal  
6 there's a lot of construction being done and that's  
7 one of our major bike lanes, and I've received-- I  
8 can't count how many phone calls about the fact that  
9 the bike lanes are obstructed and there's no-- it  
10 appears that there's no accommodations made for  
11 bikes, bike riders to safely accommodate their need  
12 to proceed down Richmond Terrace. So, when permits  
13 are let by DOT to the various utilities and whomever  
14 are doing work are there any special considerations  
15 taken when this construction takes place in a bike  
16 lane, and if so, how is it enforced? Because we're  
17 really experiencing problems in that area.

19 COMMISSIONER TROTTEBERG: It is a good  
20 question, and yes, I mean we have stipulations in our  
21 permits when projects are using the street about  
22 maintaining bike lanes and pedestrian access, and as  
23 I said earlier in my testimony we're going to be  
24 releasing strength and requirements. We recognize we  
25 can do better there. If there's particular issues on

1  
2 Richmond Terrace, which is an important bike route  
3 now, maybe we can get together with PD, come out and  
4 take a look, make sure that the set-up is good, and  
5 perhaps, you know, do an enforcement piece, because  
6 obviously that's--

7 COUNCIL MEMBER ROSE: [interposing] Yeah,  
8 because there's no way that they can navigate down  
9 Richmond Terrace now safely because it's outside--

10 COMMISSIONER TROTTEBERG: [interposing]  
11 And we do--

12 COUNCIL MEMBER ROSE: [interposing] And we  
13 have very few, and because our streets are rather  
14 narrow, how do you plan to address sort of protected  
15 bike lanes, because I don't think we have any  
16 protected bike lanes in my district.

17 COMMISSIONER TROTTEBERG: So, just want  
18 to get back to your first point. One of the things--  
19 we also have our Hykwa [sic] inspectors who are  
20 supposed to be monitoring that construction site are  
21 following the stipulations of their permit. So,  
22 again, let us take a look on Richmond Terrace, and  
23 you know, you raised a question. I think there are  
24 parts of the city where there is obviously a big  
25 hunger for a lot more protected bike lanes, other

1 parts of the city where it's more of a challenge. To  
2 get to your bigger issue on the dockless program--  
3 and thank you for your leadership. It has been a  
4 terrific success. I'm really heartened to see, you  
5 know, how well Staten Islanders took to it. You  
6 know, lessons we learned, as you said, people didn't--  
7 - you know, this was true in Staten Island and in the  
8 Fordham area of the Bronx. People didn't stay in the  
9 geographic boundaries we gave them. They kind of did  
10 in the Rockaways because it's a peninsula and it sort  
11 of made more geographic sense. But I mean, one  
12 lesson we took away from the dockless, you can't just  
13 sort of pick a small area. A question that's raised  
14 that we want to be discussing with the Council: Do we  
15 want to go borough-wide in a place like Staten  
16 Island? Does that make sense? And then I think  
17 following on that, what kind of bike lane  
18 infrastructure would we need to accompany that, and  
19 how would we handle better storage of the bikes?  
20 There are in other cities, even though dockless in  
21 theory sort of gets ride of the need for dock  
22 infrastructure, other cities have sometimes just even  
23 painted squares on the street or the sidewalk, and  
24 the companies can use the apps to encourage and  
25

1  
2 incentivize people to bring the bikes back to those  
3 spots. So, there are potential solutions we can look  
4 at.

5 COUNCIL MEMBER ROSE: Yeah, I would really  
6 like to look into that because that was one of the  
7 very few negatives that we've gotten back from the  
8 program.

9 CHAIRPERSON RODRIGUEZ: Thank you.  
10 Council Member Miller followed--

11 COUNCIL MEMBER MILLER: [interposing]  
12 Thank you, Mr. Chair. Good afternoon, Commissioner.  
13 Good to see you, Chief. So, wow, this thing is all  
14 over the place. So let me put on my labor hat and  
15 just say as the Chair of the Committee of Civil  
16 Service and Labor that I am vehemently opposed to the  
17 summonses that have been issued to workers on e-bike.  
18 I think it should absolutely-- it's appalling and it  
19 should stop, that people that are providing critical  
20 services and this is a part of their equipment, and  
21 that we should value workers in a way that this has  
22 to get worked out. I also believe that if you look  
23 at the demographics, it's an extension of stop and  
24 frisk and low-level marijuana arrest and all the  
25 things that we see communities of color. So, I am

1  
2 certainly opposed to that. I would hope that there is  
3 a fix that we can get to sooner than later.

4 Commissioner, I want to talk to you about  
5 infrastructure on a number of different levels. I  
6 think that there are between protected and  
7 unprotected more than close to 250 miles of bike lane  
8 that over the past few years that has been  
9 constructed, and that is very important. Obviously  
10 I've had an opinion over the years, not opposing bike  
11 lanes, but saying that in communities the  
12 transportation deserts that exist throughout the City  
13 of New York, particularly in the outer boroughs and  
14 boroughs like Queens, that we like to have equitable  
15 infrastructure investment throughout. So,  
16 concurrently, I think you had a very ambitious plan  
17 of about 22-24 select bus lanes routes throughout the  
18 city. Do you know the number that we actually  
19 implemented?

20 COMMISSIONER TROTTENBERG: Twenty.

21 COUNCIL MEMBER MILLER: We're at 20?

22 COMMISSIONER TROTTENBERG: I think we're  
23 at 16 now. We want to add another.

24 COUNCIL MEMBER MILLER: We're at 16 and  
25 we-- the goal was 20?

1  
2           COMMISSIONER TROTTEBERG: No, no, another  
3 20 on top of the 16.

4           COUNCIL MEMBER MILLER: So we are not  
5 where we need to be, and let me further say that the  
6 bus lanes are not what we envisioned or what we  
7 intended them to be in terms of infrastructure  
8 investment, what we see throughout this country,  
9 throughout the world where there's significant  
10 infrastructure investment there, islands and so  
11 forth. What we have here in the City are basically  
12 painted lanes, and not-- I think we all can agree  
13 that that wasn't the intention. So when we talk  
14 about infrastructure investment, I don't know that it  
15 has been equitable throughout, and I know for-- and  
16 I'm a person who cycled before my back surgery six  
17 months ago, at least 50 miles a week, but I don't  
18 cycle into Manhattan and I can't cycle throughout the  
19 district because of where we live, and there are  
20 other modes that are very, very important. I would  
21 hope that that conversation is being had. And  
22 Antonio, I'm sorry Council Member, before I didn't  
23 want him to think that. So, I don't-- I agree that  
24 there has to be professional input, and I do believe  
25 that we have some of the great minds. I've had the

1  
2 pleasure of working with many in DOT, engineers and  
3 so forth, but I do think that communities matter. I  
4 think that Community Boards matter and those  
5 integrities of that as well. If those professionals  
6 come in and are able to articulate a real plan, I  
7 think that that's where we should get to. Chief  
8 Chan, enforcement is absolutely deplorable at any  
9 level. If you're talking about a bike lane, if  
10 you're talking about a bus lane, if you're talking  
11 about in those standing lanes, it is just absolutely  
12 non-existent. We-- you know, I've had the privilege  
13 of working throughout the country in transportation,  
14 and nowhere is the culture at least amenable to  
15 enforcement than here in New York City. you take--  
16 if you go across the bridge in Atlantic Avenue where  
17 you cannot stand from 4:00 to 7:00 you cannot drive  
18 in that lane or ride a bike in that lane because  
19 businesses whether they're car shops or everybody  
20 else is parked going in stores, and if we're going to  
21 change the culture it requires enforcement, and  
22 that's just not happening. There are cities-- you  
23 can go to D.C. and take Massachusetts Avenue the same  
24 distance as Atlantic Avenue and do it 20 minutes. It  
25 takes you two hours to get down Atlantic Avenue.





1  
2 plan of studying a comprehensive study before we go  
3 on with the infrastructure investments that we're  
4 making.

5           COMMISSIONER TROTTEBERG: So, I think as  
6 you know, Council Member, the Mayor in his State of  
7 the City actually announced really a renewed focus on  
8 bus infrastructure throughout the City, funding that  
9 obviously he'll work with the Council on to make sure  
10 we can do more of the amenities that you're talking  
11 about, more planning and effort our end. We need MTA  
12 at the table too as a partner, but the City doesn't  
13 get to choose bus lanes unilaterally. We have to  
14 work with our state partners, and then I think NYPD  
15 may want to talk about some really robust new  
16 enforcement efforts as well to get at this question  
17 that I know is a frustration for everybody of once we  
18 build the bus lanes making sure we can keep them  
19 clear and safe and operable.

20           THOMAS CHAN: Councilman, we certainly  
21 encourage and we want New Yorkers to utilize our  
22 buses and certainly being on time is very, very  
23 important. We've worked with our MTA partners and  
24 also Department of Transportation looking at specific  
25 lines and we've asked them to identify lines where

1 the vehicles are-- the buses are not traveling as  
2 fast as they should be or capable of, and therefore,  
3 what happened is that-- what our Traffic Enforcement  
4 District personnel, we've dedicated either tow truck  
5 personnel to specifically go down these particular  
6 corridors or routes itself to make sure that we don't  
7 have people who are parking at our bus stops, and  
8 also parking in our bus lanes itself. We have the  
9 capability to issue summonses to these parking  
10 violations for parking there. What we see is quite  
11 often individuals who are running in and out at a  
12 location to do something, to buy something very  
13 quickly and then come back to the vehicle itself. We  
14 also have our tow trucks that are going to be towing  
15 vehicles from those particular locations. So we are  
16 working, and we meet monthly with our MTA partners,  
17 identify the locations, and we are committing the  
18 personnel to do the enforcement out there. And we've  
19 also designated summonses, parking violation whether  
20 it be in a bus stop or in the bus lane as a priority  
21 summons for our Traffic Enforcement District  
22 personnel so that similar to our hazardous  
23 violations, somebody who is parking at a hydrant, a  
24 crosswalk where they're going to impeded pedestrian  
25

1  
2 traffic, also bus traffic. So we are looking forward  
3 to move that speed of the vehicles of the buses, and  
4 from the initial feedback from our MTA partners they  
5 have seen a slight improvement in those areas. So as  
6 we continue to do enforcement, I expect us to  
7 increase the speeds of our buses.

8 COUNCIL MEMBER MILLER: Do you have the  
9 manpower that is necessary? Because we're not seeing  
10 it. I took a tour with the Commissioner, and I will  
11 tell you that there's a location, a major  
12 transportation hub in Queens-- if you go there right  
13 now there are probably 25 illegal commuter vans  
14 sitting right there, and we're debating whether or  
15 not they're stopping, standing, dropping off, or  
16 picking up, but they are in a camera's [sic] bus lane  
17 and nothing is happening as we speak.

18 THOMAS CHAN: what happened is that this  
19 problem came to our attention as early as probably  
20 May in 2018, and on a monthly basis we've had bus  
21 initiatives throughout the city by all 77 precincts,  
22 because again, these specific routes that were  
23 identified by the MTA we have personnel that are  
24 going to those locations, but during our regular  
25 traffic stats also, we make it available that how

1  
2 Traffic Enforcement District personnel, if they're  
3 issuing parking summons or they're towing, that they  
4 concentrate on those areas. So, it's not only the  
5 Transportation Bureau that's working on this issue,  
6 it's also our patrol partners in the 77<sup>th</sup> different  
7 precincts.

8 COUNCIL MEMBER MILLER: [off mic]

9 [inaudible] buses, bikes, whatever-- why is there--  
10 why does that happen? It's probably one of my  
11 longest, most used paraphrase [sic] in the entire  
12 city [sic]. Always, always someone in the lane, the  
13 no standing lane that they shouldn't.

14 THOMAS CHAN: That's certainly-- those  
15 have a lot of volume of vehicles that are traveling  
16 and then we have construction, and I think the DOT  
17 will be better to speak about the construction.

18 COUNCIL MEMBER MILLER: [off mic] cars  
19 that stop there. You have body shops that park cars  
20 right there. [off mic] That shouldn't be.

21 THOMAS CHAN: We can, again. We'll go  
22 over those locations and make sure that we have  
23 enforcement at those locations and to address any  
24 vehicles that are illegally parked there.

1  
2 COUNCIL MEMBER MILLER: Thank you so very  
3 much. Commissioner, I know you want to jump in.

4 COMMISSIONER TROTTEBERG: Just to  
5 answer. After we did our walk-through, I know NYPD  
6 has been going out more, and I also talked to New  
7 York City Transit about the fact that the place where  
8 we wanted the dollar vans to park legally, the  
9 transit vehicles were parking there by the subway,  
10 and so ask them please to try and clear up those  
11 bases. We are also working to improve the lighting.  
12 So at least we are trying to give the dollar vans  
13 better legal places to park. It sounds like not all  
14 our work is done.

15 COUNCIL MEMBER MILLER: That is true--

16 COMMISSIONER TROTTEBERG: [interposing]  
17 But we have been on it since we--

18 COUNCIL MEMBER MILLER: [interposing]  
19 That is enforcement. Well, it's not the transit  
20 vehicles, it's the court vehicles and so forth, and  
21 it's whether or not there is the will to enforce upon  
22 other law enforcement folks that shouldn't be there.  
23 Clearly there's designated sign "commuter van  
24 parking" there. And the irony of that, they actually  
25 had received double parking tickets for being outside

1 of where they should have been parked, because  
2 someone's parked in their space. So, we just have to  
3 be better, and it's not about southeast Queens. It  
4 is about whether or not this city has the will to  
5 just move folks in a more expeditious fashion,  
6 whether we're doing it on bikes or we're doing it on  
7 public transportation or in cars. We have to be  
8 better in how we share our space and how we enforce  
9 that.  
10

11 COMMISSIONER TROTTEBERG: And Council  
12 Member, I apologize. I realized when you were asking  
13 about planning, there's one thing I was remiss in not  
14 mentioning. We have been working with the MTA on  
15 what are going to be borough-wide looks at the entire  
16 bus network in each borough. They started with  
17 Staten Island. That was a long process, a lot of  
18 lessons learned for both agencies. They're now up in  
19 the Bronx. I think Queens is-- I'm not sure. I  
20 think Queens is next after that. So that will give  
21 us, I think, some of what you're talking about which  
22 is a comprehensive not only borough-wide look, but  
23 also inter-borough bus routes, some of which as you  
24 know are around from the days of the trolleys.  
25 Obviously, as Land Use and residential and business

1  
2 patterns have changed, looking at how system wide we  
3 can make some improvements. Again, led by the MTA,  
4 but we're partners at the table there.

5 COUNCIL MEMBER WILLIS: Thank you,  
6 Commissioner. Thank you, Mr. Chair.

7 CHAIRPERSON RODRIGUEZ: I'd like to  
8 acknowledge that Council Member Constantinides has  
9 been here. Now Council Member Chin followed by  
10 Council Member Koo.

11 COUNCIL MEMBER CHIN: Thank you, Chair,  
12 and thank you for allowing me to ask some questions.  
13 Commissioner, you know, on Monday was one of the  
14 coldest days in the year and a lot of us, you know,  
15 had the opportunity to stay home, keep warm, but the  
16 delivery worker, it was a busy, busy day for them. A  
17 lot of them are riding up more than 30 blocks just to  
18 make a delivery. That's their everyday lives. Last  
19 year, you know, we were hopeful when the City and  
20 when DOT had the meeting about doing administrative  
21 change to legalize pedal assist bicycle-- electric  
22 bicycle, and that was because Citi Bike want to put  
23 in pedal-assisted electric bike. Great, okay,  
24 because that gave us an opportunity to help the poor  
25 immigrant delivery worker to not get penalized every



1 day. They get their electric bike confiscated. They  
2 get tickets, and that cost their livelihood. They're  
3 struggling. So, now we're hearing about e-scooter.  
4 Alright, so the City wants to legalize e-scooter.  
5 So, the electric bike might have an opportunity to  
6 get legalized. Once again, it's because of the  
7 private sector now the immigrant worker might have a  
8 chance. But what I am really disappointed is that  
9 the City could not come up with a conversion plan  
10 that we were advocating for when we saw the pedal-  
11 assist electric bike being legalized. The advocates  
12 and all of us came together. Okay, let's try to help  
13 these workers who needs these bicycles to help them  
14 make a living. The customer, they want their food  
15 fast. They want it hot, and their employer, the  
16 restaurant owner, they don't care because they're not  
17 getting penalized, and they don't even pay for the  
18 bicycle. The worker has to pay for their own bike,  
19 and we see them riding around making delivery. I'm  
20 all for public safety education and making sure they  
21 follow the rules. If they ride on the sidewalk, if  
22 they don't stop at a red light, if they're violating  
23 law, yes, they should be given summon; they should be  
24 penalized. But because they're riding illegal  
25

1 electric bike, they get their bike confiscated, their  
2 livelihood gets stopped, and that is not, not fair.  
3 So why could not in this one year that the City come  
4 up with a conversion plan? And I'm also looking at,  
5 you know, Chief Chan, the Police Department, there's  
6 certain precincts that targets immigrant delivery  
7 worker. They get a lot more ticket in certain area,  
8 right? And so now they have no recourse. They keep  
9 getting ticket or their bike taken away, and they're  
10 just waiting for the city to do something for them.  
11 So, the hope was to legalize pedal-assist. We've got  
12 to be able to find a way. If we can get Albany to  
13 legalize electric scooter and electric bicycle,  
14 great. But right now they still are doing their job  
15 every single day, and every single day they are in  
16 danger of getting their bike confiscated, paying  
17 tickets. We have Legal Aid attorney representing  
18 them. We have advocates helping them. The tickets  
19 are piling up. They're suffering. So, why couldn't  
20 we figure out a creative way? Conversion should not  
21 be that difficult. If we really, really want to help  
22 these hardworking people who just is trying to make a  
23 living to support their family and themselves, why  
24 could not-- in one year we couldn't find a solution.  
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COMMITTEE ON TRANSPORTATION

I am so disappointed. We got to be able to do something, Commissioner.

COMMISSIONER TROTTEBERG: So, I'll just-- I'm going to-- I'll take sort of the conversion question and the city's views on the different legalizations and let PD talk about the enforcement. Just to be clear, we're not here today-- the City is not saying we're supporting legalization of anything. We said we're waiting to see what Albany is going to do. We're not making a case for scooters. Other people here may do that today, but that's not what I'm doing here today.

COUNCIL MEMBER CHIN: But the City legalized pedal-assist bicycle--

COMMISSIONER TROTTEBERG: [interposing] Well, let me--

COUNCIL MEMBER CHIN: because of Citi Bike, right?

COMMISSIONER TROTTEBERG: I'll get to all your question, but I just want to be clear, I'm not here today arguing we should legalize e-scooters or not. That's not my role today. My role is to say if the state chooses to do it, here's some of the things the city would take into mind. It was the

1 interpretation of our lawyers and I think also the  
2 lawyers of the council, our law department etcetera,  
3 and I understand it's very frustrating to people that  
4 just the way the New York City vehicle and Traffic  
5 Law was written. Pedal-assist bikes where human  
6 effort is required are legal under New York State  
7 Law. E-bikes and e-scooters are not, and I-- and we  
8 didn't do it-- we didn't clarify our rules on pedal-  
9 assist particularly because of Motivate [sic]. It's  
10 the way the entire dockless bike share industry is  
11 moving. Every city now is moving into pedal-assist.  
12 Every single company, Motivate, Lime, Jump, they are  
13 all basically turning their fleets into pedal-assist.  
14 So, I hear you that it feels unfair because of e-  
15 bikes, but just you know, that's just the way the  
16 industry is going. The city didn't drive that.  
17 That's just what's happening organically in every  
18 city. And I hear your frustration that in a year we  
19 weren't able to come up with what we thought was a  
20 viable conversion program. It wasn't for lack of  
21 trying, and again, happy to continue to sit down with  
22 you all, but it's a very complicated industry, not  
23 well regulated, dispersed, hard to reach, not  
24 standardized for the city to wrap its arms around and  
25

1  
2 come up with a program where we can guarantee that  
3 those conversions are safe, non-tamperable [sic] such  
4 that the PD can enforce, and I'll turn to them on the  
5 enforcement side. It wasn't for lack of will. We  
6 just-- we genuinely struggled with it. And again,  
7 happy-- you know, I know there are a lot of folks in  
8 the room that may have real concrete ideas about how  
9 to do it, but finding the sort of the appropriate  
10 third parties and repair shops, working through the  
11 technical questions, the liability, the indemnity,  
12 the certification, and the enforcement questions  
13 provided immensely challenging. We couldn't find any  
14 other jurisdiction that had ever attempted to do  
15 anything like it. I know, I'm sorry you're  
16 disappointed. I think many people are. It wasn't a  
17 lack of will on our part. It was just something we  
18 really struggled with--

19 COUNCIL MEMBER CHIN: [interposing] But I  
20 think we could have done-- I mean, think about it  
21 creatively. I mean, on working with Motivate, the  
22 Citi Bike, whatever you want to call it now, but they  
23 were able to do that, okay? They brought in pedal-  
24 assist electric bicycle. So, even we have like a  
25 bicycle buyback program, an exchange program or

1 something to really acknowledge the suffering of  
2 these immigrant delivery worker who's getting  
3 targeted, alright? And the city this whole year has  
4 not done anything. And meanwhile, you could see it  
5 from their face that all of a sudden they're hearing  
6 about all these other program, "Oh, the e-scooters  
7 are coming," and, you know, the private sector is  
8 getting their way, but poor hardworking New Yorkers  
9 are not getting the help from government. We got to  
10 find-- it's got to be some creative way. You know,  
11 give them the legal pedal-assist and buy back their  
12 illegal bicycle. Work with Motivate. Maybe they can  
13 help us.

14  
15 COMMISSIONER TROTTENBERG: I mean, again,  
16 happy to explore it. I think one of the problems we  
17 sort of grappled with in a buy-back program-- and  
18 again, happy to see if there's a solution-- is it  
19 was-- we were potentially worried that people could  
20 frankly just go on the internet, get really cheap  
21 bikes and trade them in for nice pedal-assist bikes,  
22 and it just was hard for us to sort of figure out how  
23 to make a program like that work. Again, we're open  
24 to creative ideas, but it looked challenging, and I  
25 want to say again, we're not sitting here today



1  
2 we could find a creative way to make them legal  
3 through a conversion program and do education to make  
4 sur they follow the rules. And enforcement, I mean,  
5 confiscating their bike is their livelihood.

6 THOMAS CHAN: Councilwoman, we certainly  
7 understand your concerns in this area. In 2018 I had  
8 an opportunity to meet with groups and workers and  
9 some of the advocates in reference to the e-bikes on  
10 those particular issues, but ultimately we tried to  
11 make it safer for all the users of our roadways, both  
12 our motorists, our pedestrians and our bicycles out  
13 there. Last year in 2018 we issued 76,000-- over  
14 76,000 summonses to vehicles that are blocking bike  
15 lanes, and again-- but what happened is the Police  
16 Department, we take a look at the issue, we see the  
17 violation, it draw our attention and we are looking  
18 to work without communities our immigrants and all  
19 communities. Neighborhood Policing is about working  
20 with our citizens in New York City. The Community  
21 Affairs Unit within the NYPD under Chief Hoffman has  
22 an Immigrant Outreach Unit, and we have many, many  
23 programs. As a former Chief of Community Affairs, we  
24 set up cricket games for immigrants and other groups  
25 and things that are nature. They are part of our



1 community. We understand their concerns, but safety,  
2 safety in terms of following the rules of the road  
3 and that our bicyclists, our e-bikes and any vehicle  
4 that are on our roadway have to follow the rules.  
5 Last year-- and we don't want any fatalities. We  
6 don't want any injuries. The number, I believe, it  
7 was 10 fatalities last year by bicyclist compared to  
8 24 the previous year, it was down 58 percent. Some  
9 of the enforcement does have an effect, and it does  
10 change the behavior of the individuals who are  
11 operating on our roadways. So, as Director  
12 Chernyavsky mentioned before, we issued over  
13 1,064,000 summonses, moving violations, last year.  
14 Of that directed toward our e-bike users is only  
15 1,362, 1,362 compared to the over million summons  
16 moving violations that were issued, and I would say a  
17 majority of those moving violations went to motor  
18 vehicles. But therefore, we had 200 fatalities, the  
19 lowest number since 1910. We don't want any. The  
20 Model-T Ford came out in 1908. Our records only go  
21 back to 1910. So, we're going to continue to strive  
22 to reduce further, and it's not just the NYPD. It's  
23 the DOT, our partners, our elected officials, the  
24 speed cameras, it's a combination, but again, the  
25

1  
2 officers are out there doing their enforcement, and  
3 we are not targeting and we're not looking for any  
4 particular group in reference to the enforcement.

5 CHAIRPERSON RODRIGUEZ: [off mic] We  
6 live in a city of the two tales, and yes, the Mayor  
7 was elected with that mandate to address it, and our  
8 children-- I have to little beautiful one-- they  
9 still will be living in the city of two tales. Like,  
10 200 years from now we will still continue living in  
11 that reality. We try to do the best we can to  
12 address it. But reality is that we cannot deny that  
13 that's a reality. If a particular group of  
14 individuals in this particular case, those-- they  
15 don't have the money to pay a big law firm to  
16 represent them. Those whose income only rely on that  
17 mode of transportation are the target. Come on. How  
18 can we go to sleep not understanding that that's  
19 where we live [sic]? Like, I got mail this morning  
20 from someone who say, "I've been living in this  
21 building for three years complaining about noise  
22 above my apartment." You think that would happen in  
23 the Upper East Side and the Upper West Side, that  
24 would be the reality? It would be resolved. So,  
25 yes, as the immigrant that I am, that, those group of

1  
2 people who are there, they are the voice of the  
3 voiceless. And I'm not blaming you as an individual.  
4 You need to do your job. I believe it is important.  
5 I would like to be calling for the City to put on  
6 hold the enforcement against the men and women's that  
7 use the assisted pedal bike to work. And we have  
8 done it in other situations. The DA help make  
9 decision on where to enforce and where to put on hold  
10 enforcement. As the Chairman of this committee, I  
11 will never say no to enforce of someone is driving 40  
12 mile per hours. I would never say not to enforce if  
13 someone is crossing the red light or a stop sign, but  
14 to be selective when someone is using the pedal  
15 assisted bike waiting in a corner, and getting a  
16 ticket, I call for those cases to put on hold, and I  
17 hope that the Mayor can work with us.

18 COUNCIL MEMBER CHIN: Chair, not the  
19 pedal assist, okay. It's the one-- the throttle one  
20 that is illegal. The pedal assist is legal right  
21 now. The Citi Bikes are. They have the pedal assist  
22 electric, and that's why we need the conversion  
23 program--

24 CHAIRPERSON RODRIGUEZ: [interposing] I'm  
25 sorry.

1  
2 COUNCIL MEMBER CHIN: or some program to  
3 help legalize them.

4 CHAIRPERSON RODRIGUEZ: So, I mean, the  
5 conversion one. I mean, those bikes used by  
6 especially the delivery workers, and that, you know,  
7 what I will be adding my voice, calling today to put  
8 on hold until we've made a decision on these two  
9 bills. Can we can you bring back that request? Can  
10 we agree with that?

11 EXECUTIVE DIRECTOR CHERNYAVSKY: I'm  
12 just-- I'm sorry, I'm not clear exactly what you're  
13 asking. You want to put a hold on--

14 CHAIRPERSON RODRIGUEZ: [interposing] I  
15 would like to ask-- let me as you.

16 EXECUTIVE DIRECTOR CHERNYAVSKY: Sorry.

17 CHAIRPERSON RODRIGUEZ: I would like to  
18 ask for the City of New York to put on hold  
19 enforcement against delivery immigrant workers who  
20 use the bike that they're using today, those who were  
21 the 1,200 in 2018, that unless they are involved on a  
22 speeding, on crossing red lights, on passing going up  
23 the stop sign, that the City of New York should not  
24 enforce on them until we decide these two bills we  
25 have in front of us.

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EXECUTIVE DIRECTOR CHERNYAVSKY: Well, a couple of points. I mean, to distinguish individuals in that way would be illegal for us to do. So, we can't--

CHAIRPERSON RODRIGUEZ: [interposing] If you make it general.

EXECUTIVE DIRECTOR CHERNYAVSKY: But speaking--

CHAIRPERSON RODRIGUEZ: [interposing] So anyone using.

EXECUTIVE DIRECTOR CHERNYAVSKY: But looking at the data, and this is the data I was giving to you at the beginning of the hearings. That's what you're talking about is what we're actually doing, right? So, if you take a look at the number of summonses issued for e-bikes, these are the civil summonses, the OATH summonses. You're looking at 1,321 summonses issued in 2018, okay? The moving violations are 1,362. There were 40 more moving violations which include whether it's red light, wrong way, failure to yield, writing on the sidewalk, speeding, wrong-- you know in proper terms.

CHAIRPERSON RODRIGUEZ: But I--

EXECUTIVE DIRECTOR CHERNYAVSKY:

[interposing] But these are--

CHAIRPERSON RODRIGUEZ: [interposing] Are they the same people, or does the data can distinguish if they are the same people, different people?

EXECUTIVE DIRECTOR CHERNYAVSKY: It doesn't-- and that's what I was saying in the beginning of the hearing. We have it anecdotally, and what we don't do is say one for one, okay this an e-bike summons and this e-bike summons got a red light summons, right? So we have the aggregate data. So the aggregate data when you look at it, I mean, the numbers are almost identical, right? You're talking about 40-- a 40 difference. So, 1,321 summons for e-bike, operating an e-bike, and 1,362 summonses for moving violations which include the dangerous conditions that you were talking about that you're in favor of us enforcing. So, the numbers align. I mean, the numbers are pretty aligned. This is anecdotal, obviously. We're not keeping a tally sheet one for one, but when you have numbers that almost mirror one another, I mean, what that shoes is that there is no targeted of delivery individuals.

1  
2 What that shoes is there's a targeting of dangerous  
3 operation of a vehicle, right? So, that's what these  
4 number bear out. What they don't bear out is okay, I  
5 see you in possession of an e-bike, and therefore let  
6 me stop you and give you a summonses for possession  
7 of an e-bike. What these numbers tend to show is  
8 we're looking at dangerous operation, and that's why  
9 we're stopping that individual.

10 CHAIRPERSON RODRIGUEZ: So, I just made  
11 the recommendation that you guys go back, look back  
12 at whatever you can do too continue addressing, you  
13 know, how based on what you heard from our colleagues  
14 here and from other delivery workers here that you  
15 can try to see, you know, if there's anything that  
16 you can do to alleviate the situation without putting  
17 in risk the safety of anyone. Council Member--

18 COUNCIL MEMBER KOO: Thank you, Chair.  
19 Thank you, Commissioner Trottenberg and Chief Chan  
20 and Mr. Chan. Thank you for your dedication and your  
21 leadership. So, I must say I have to concur and  
22 agree with Council Member Chin and our Chair on being  
23 the [inaudible] in the past year been selectively  
24 enforced in areas of people of color. Now, can you  
25

1  
2 tell me of the 1,300 summons or tickets you gave, the  
3 geographic locations?

4 EXECUTIVE DIRECTOR CHERNYAVSKY: Council  
5 Member, that's the number that we said. We had  
6 totals for the city, the borough by borough and if  
7 possible precinct by precinct.

8 COUNCIL MEMBER KOO: Yeah.

9 EXECUTIVE DIRECTOR CHERNYAVSKY: What we  
10 promised the committee is I'll be sent-- I'll go back  
11 to One Police Plaza after the hearing. I'll try to  
12 see if we can break down the number of seizures by  
13 borough and by precinct, and I'll see if I can break  
14 down the number of summonses by borough and by  
15 precinct. If it's possible, I'm going to a-- I'll  
16 share it with the entire committee.

17 COUNCIL MEMBER KOO: Because when the  
18 Mayor ran for office he ran on a promise that this is  
19 the "people's city." No, we want to try to help the  
20 poor people, the under privileged people. The  
21 delivery people are the bottom people. I mean, who  
22 want to ride a bike on a Monday, minus 10, 20 degrees  
23 delivering meals no" And they don't even make 100  
24 dollars a day or less. So, we have the mission. We  
25 take care of these people, and this-- we don't have



1 to wonder [sic] or use the law to fight against it,  
2 you know, to ticket them, to confiscate their bikes,  
3 and meanwhile the City, you know, because of lobbyist  
4 come to lobby the Mayor's agencies and they approve  
5 electric scooters, electric bikes, you know, and we  
6 forgot about the real problems of the bike use. It is  
7 for transportation and help the people to deliver  
8 things. Not only restaurants use it. A lot of  
9 delivery companies they use it, bicycles or electric  
10 bicycles to deliver, because it is much faster.  
11 Imagine everybody has to drive to deliver stuff. The  
12 City has no room for it. So, this is one form of  
13 transportation which will encourage people to use.  
14 Look, they harassing them, "Hey, why come you're  
15 riding a bike that's not legal?" And we are a city  
16 of 10 million people. We should develop the policy  
17 and use regulations to help these people to make sure  
18 they can do the job easy. Commissioner, can you  
19 answer on that, yeah?

21 COMMISSIONER TROTTEBERG: I mean, I'm  
22 going to let PD speak about the legality. I mean, I  
23 think the-- I mean, there's a question about how it's  
24 enforced, but the full throttle electric bikes aren't  
25 legal under New York State Law. The City is not

1 pushing for scooters or anything else. That is a  
2 proposal that's now come out of the state, and I  
3 think you're hearing today we're-- all we're saying  
4 we're not-- we're diving into what the state is  
5 proposing, and should that become state law, we'll  
6 work with you all to flesh out the details of it.  
7 But I think in terms of sort of the legality  
8 enforcement, again, I have-- it's not really DOT.  
9 It's really a PD issue.

11 COUNCIL MEMBER KOO: I mean, I'm saying  
12 that we should take the initiative to legalize, to  
13 take steps to legalize electric bikes so that people  
14 can use it to-- for transportation or for recreation.  
15 It's not for exercise [inaudible]

16 COMMISSIONER TROTTENBERG: I mean, again,  
17 I think it's not something the City can legalize at  
18 the municipal level. We have to get authority from  
19 Albany, and now the Governor has put a proposal on  
20 the table. I can assure you, I'm sure the City will  
21 be engaged in those discussions. Once we have a path  
22 to legalization potentially from the state, then we  
23 can figure out how we will handle things at the City  
24 level. I think the Law Department and I think the  
25 Council legal experts are in agreement that we need

1  
2 action up in Albany first to legalize both the e-  
3 bikes and e-scooters should Albany choose to do so.  
4 The City is not today pushing a position either way.

5 COUNCIL MEMBER KOO: So, one more thing I  
6 hate to say is I want to remind the Chief that I  
7 suspect there is selective enforcement in your city.  
8 in Flushing neighborhood, seven o'clock in the  
9 morning I see hundreds-- and [inaudible] hundreds,  
10 almost a hundred traffic agents they come to Flushing  
11 and they starting writing tickets, and I don't see in  
12 other neighborhoods.

13 THOMAS CHAN: I'm just going to just  
14 follow up as you mentioned before. Having an  
15 opportunity to meet with some of the advocates  
16 before, DOT has done it. They have literature and  
17 hand-outs even for bicycles. We had informationals  
18 [sic] that kind of had a little hook. We hooked it  
19 on bicycles to inform the responsibility of the  
20 bicyclists what in terms of the laws and the movement  
21 through traffic and things of that nature, and we  
22 certainly encourage whether any programs the  
23 advocates have and also elected officials have in  
24 terms of just targeting these individuals so that  
25 they are in compliance of the law, that they operate

1 in a safe manner, if they stop at red lights and  
2 don't go on the sidewalks and things of that nature.  
3 But again, we've mentioned some of the behavior or  
4 the actions is what draws the attention of our  
5 officers to those individuals. We're not out there  
6 looking for throttle bikes and things of that nature  
7 and issuing them summonses solely for that particular  
8 violation. But our agents are out there. We have  
9 lots of vehicles out there. They are doing  
10 enforcement out there. There are lanes, dedicated  
11 bus lanes that go through Flushing and things of that  
12 nature, and they are doing enforcement, and we get it  
13 both from the community asks sometimes for more  
14 enforcement. And again, we're trying to get a  
15 balance to make sure that we have movement of  
16 traffic.

17  
18 COUNCIL MEMBER KOO: Thank you.

19 CHAIRPERSON RODRIGUEZ: To the second  
20 round, we're putting in three minutes. Council  
21 Member Cabrera followed by Council Member Menchaca.

22 COUNCIL MEMBER CABRERA: Thank you so  
23 much, Mr. Chair. Let me just bring up point of  
24 clarification. Our staff at the Council, they when  
25 they drafted this bill, they drafted with the idea

1 that in the City we do have the right and we do not  
2 need state approval. However, having said that, let  
3 me just say that I'm happy and we see it at the state  
4 level that the Governor put it in his budget, but  
5 just to-- I wanted to bring a point of clarification.  
6 I know my colleague asked a question. I was eager to  
7 answer your question. Our colleague, our staff here  
8 at the Council who draft all of our bills here, they  
9 are under the conviction that we do not need state  
10 approval. Regarding the second question that my  
11 colleague rightfully asked, the difference between  
12 these two, between e-scooters and e-bikes, first let  
13 me just say that I hope we don't fall into the  
14 thought pattern that there has to be a dichotomy here  
15 in terms of having either/or. I think they're both  
16 good forms of transportation, but the difference from  
17 my studies of these is that the e-bikes, we're  
18 talking about 250 watts versus e-bikes-- e-scooter,  
19 I'm sorry, 250 watts versus e-bike, 500 watts. E-  
20 scooters will go 15 cap-- cap. Let me just be clear  
21 here, cap at 15 miles per hour versus the e-bikes,  
22 you know, they go 20-25 miles per hour, and so I am  
23 fully confident, Commissioner. I've gotten to know  
24 you, been in meetings with you, and same thing with  
25

1  
2 the NYPD Chief and Oleg, you know, our work for years  
3 now. I am fully confident that alongside with the  
4 Council we could figure out a strategic, and let me  
5 just say, safe. I'm into safety. I don't want to--  
6 and this is why I'm in full support. I didn't  
7 mention this before. Let me just share this in the  
8 last 20 seconds. I am in full support of a pilot  
9 program. It makes sense. Let's take one step at a  
10 time, but we got to take steps to get there, and so  
11 with that, I'll give it back to the Chair. Thank you  
12 so much.

13 CHAIRPERSON RODRIGUEZ: Council Member  
14 Menchaca?

15 COUNCIL MEMBER MENCHACA: Thank you.  
16 Okay, I guess where I want to start is maybe where  
17 you left off, Council Member Cabrera, and say that I  
18 think there's questions about the pilot, too. I have  
19 a lot of questions about the pilot. I think there's a  
20 lot of-- beyond the legality, which I really disagree  
21 with my colleagues about that, and so we need to  
22 figure that out and give you what I think you've  
23 already presented as it's illegal, we can't do it.  
24 Somehow there's discrepancy here, and I think it's  
25 important that we figure that out as soon as

1 possible, one. Two, there are questions about the L  
2 Train shutdown, which is really I think the impetus  
3 for a lot of this. It's like, wow, that's the  
4 answer. King-- I mean, Governor Cuomo was like, "Yo,  
5 it's not going to happen anymore." So now we can kind  
6 of rethink things through. I have questions about the  
7 bill allowing for the e-scooter anywhere in New York  
8 City including in Central Business Districts of  
9 Manhattan or Downtown Brooklyn. Does the bill limit  
10 in any way the number of e-scooters that will end up  
11 on the city streets? Do you think it would be safe  
12 for e-scooters to ride in traffic? You kind of  
13 answered that, that they should be in their bike  
14 lane, but it's going to get crowded. So there's a  
15 real analysis that we need to think about because  
16 they're not bikes. They're very different. It's  
17 safe-- is it safe for e-scooters to ride on the  
18 sidewalks? That's how other cities are allowing  
19 right now. I was just in San Antonio. It's like  
20 kind of crazy out there. How will the scooter  
21 companies be vetted in the permit process? Just a  
22 lot of questions before we can move forward. We are  
23 in different stages of these two vehicles. They're  
24 not the same thing and they have different-- I think  
25





1  
2 legalizing LPIs, let's get that done. Let's move  
3 through some of the innovation stuff that we're  
4 already working on. We know bikes. We know Citi  
5 Bike. We know bike lanes. Let's focus on that and  
6 really ensure that before we move forward, and that's  
7 why I want to decouple these things and really talk  
8 about them in different ways. I don't know if you  
9 want to respond to any one of those things, but I'm  
10 hoping my colleagues can shed some light if you have  
11 it on any one of those things, because I think  
12 there's some fundamental disagreements here, and as a  
13 member of this committee those are incredibly  
14 fundamental, and I think we should solve those before  
15 we even move forward.

16 COMMISSIONER TROTTENBERG: Look, I think  
17 you've made some very important comments, and I just  
18 want to be clear, I mean I-- we hear the frustration  
19 and the emotion, again, count the Administration in  
20 as wanting to figure out a solution. Given at least  
21 how we interpret our legal restrictions, and I  
22 understand there may be different views on the  
23 Council. You know, we're ready to continue the  
24 dialogue. I guess part of my testimony here today  
25 was just to let you know we aren't being-- we're not



1 from point A to point B using those same bikes lanes  
2 that, to be honest with you, yeah, you can even look  
3 at the Grand Concourse. You don't see a lot of people  
4 utilizing the bike lanes. University Avenue-- I  
5 could go on and on, which I wish we had more, and I  
6 think now we have an opportunity here. But I would  
7 love, Council Member to continue the dialogue.  
8 You're asking some great questions and we'd love to  
9 continue with that dialogue.  
10

11 CHAIRPERSON RODRIGUEZ: Thank you,  
12 Commissioner. I just have two, three more questions,  
13 and thank you for your patience. Thank you for  
14 working with us. I [inaudible] room for giving all  
15 the time, the whole panel [sic] here. One is how do  
16 you see electrical scooters and electrical bike  
17 adding to the solution of-- again, I'm not taking  
18 for-- I'm not saying that City Hall is supporting  
19 this already, okay? Alright. But how do you see if  
20 we get there to the finish line and they are legal,  
21 how do you see as part of the solution to the problem  
22 of transportation deserts that we have in New York  
23 City?

24 COMMISSIONER TROTTEBERG: Again, I think  
25 I want to emphasize, and you've heard it from PD and

1 we've heard it from Council colleagues today. You  
2 know, first thing we've got to figure out is make  
3 sure we've come up with a system that's safe. And  
4 you know, again, part of that does stem from if the  
5 state legalizes, what kinds of requirements they put  
6 on the city in terms of their operation, and then,  
7 you know, what the state might do then in addition to  
8 what we all collectively-- we want to do. you know,  
9 there are obviously-- I think we've done, you know,  
10 as-- we have tried to move somewhat methodically in  
11 parallel to working through obviously the big issues  
12 the MTA has right now. You know, Citi Bike has been  
13 a big success, but we've worked very carefully to  
14 make it a big success and to make sure that the  
15 equipment is safe and that the operator is meeting a  
16 lot of our performance targets, and that takes a lot  
17 of work. I have some of my team here. I have folks  
18 who devote many, many hours a day to making sure that  
19 that system is operating in a really safe and  
20 effective manner. This summer we moved onto  
21 dockless. And just so you know, that too is-- it's  
22 a-- takes up a lot of bandwidth. As you point out,  
23 Council Member, it's a heavy lift for the team to now  
24 be managing, sort of working with multiple dockless  
25

1  
2 companies and they present a whole new sort of set of  
3 technological challenges. So, I think if we're going  
4 to move on to other modes, it's a very fair point  
5 that, you know, just managing on the city side we  
6 need to do it in a thoughtful way. I mean, the tech  
7 rooms are sophisticated, and you know, for us to keep  
8 up with them and make sure that they're providing the  
9 kind of good, safe services we want to see on the  
10 street is something that takes some time to get  
11 right, but we really want to do it, and we don't want  
12 to-- I think our discussion here today is we're not  
13 saying we're endorsing a particular proposal, but  
14 we're certainly open-minded in not shutting doors.  
15 You know, you are hearing on our end there are  
16 practicalities to working through some of these  
17 issues if we're going to make sure we're doing things  
18 in a way that's really safe and is going to operate  
19 well on our very dense streets.

20 CHAIRPERSON RODRIGUEZ: But my question  
21 is how do you see electrical scooter/electric bike  
22 being part of the solution to transportation deserts  
23 in New York City?

24 COMMISSIONER TROTTEBERG: I mean, I  
25 don't-- I guess I don't have enough of a vision about

1  
2 how they might be deployed to say they're going to be  
3 a total solution yet.

4 CHAIRPERSON RODRIGUEZ: I'm not saying  
5 total--

6 COMMISSIONER TROTTEBERG: [interposing]  
7 You know, I--

8 CHAIRPERSON RODRIGUEZ: [interposing] No,  
9 no one can say it's the solution.

10 COMMISSIONER TROTTEBERG: Right, I mean,  
11 I think you're hearing from some members here today.  
12 I think they're sort of-- it's two different  
13 questions. E-bikes, obviously, people are using them  
14 for their livelihoods. It's not so much a, sort of,  
15 last mile transit desert question, I think, at least  
16 at present. People are using them full-time, you  
17 know, as part of their profession. I think with  
18 scooters, you know, we've heard anecdotal evidence  
19 that people could use them, you know, to get to that  
20 last mile to the subway. I guess one thing I will  
21 just put on the table kind of in equity  
22 consideration, the pricing at least we've seen in  
23 other cities with the scooters, it's a dollar to get  
24 on, and then it's 15 cents for every minute. So, if  
25 you go, you know, in a-- if you go that mile, which

1 is sort of the, you know, the average Citi Bike trip,  
2 that's going to cost \$2.50. So, if you're paying the  
3 \$2.50 on top of your subway fare, it's sort of the  
4 equivalent of a two-fare ride. So, you know, I think  
5 at least right now that's one difference in the  
6 pricing model between the scooters, and like Citi  
7 Bike you buy a membership and you can get unlimited  
8 rides. At least I don't-- and you may have scooter  
9 operators here today who will say otherwise, but at  
10 least from what I know in other cities, you don't  
11 have an unlimited ride model for scooters. You pay  
12 both a flat fee per trip, and then some distance  
13 payment. So, I just think that's also something to  
14 think about, and are they a solution particularly in  
15 low-income transit deserts? You know, you have to I  
16 think look at the economics of them about whether  
17 that's really going to work for folks. I think in  
18 some cases it will, but I'm not prepared to say it's  
19 going to work for everybody. I don't know that I  
20 know enough yet to say that.

22 CHAIRPERSON RODRIGUEZ: How serious--  
23 and putting scooter/bike aside. I know that we  
24 passed a law on DOT, of course like that's not  
25 included here. I don't want to-- I expect that we

1 added that right now, but we did address [sic] each  
2 [sic] about transit deserts in New York City. How  
3 can you evaluate transit deserts today compared to  
4 three years ago? How serious are transit deserts in  
5 New York City? And again, putting aside that we've  
6 been adding new ferry, and the ferry bring solution  
7 to some places, but it doesn't address issue in the  
8 South Bronx and places in Queens and [inaudible].  
9 How serious is transportation deserts today in our  
10 city?  
11

12 COMMISSIONER TROTTEMBERG: I mean, I  
13 think-- I certainly think that in the past few years,  
14 the "rise" of these new more nimble mobility  
15 solutions, dockless and obviously potentially  
16 scooters is on the horizon, can be a piece of the  
17 puzzle. And we, you know, we picked for example the  
18 Rockaways quite clearly as a place that's very much  
19 considered a transportation desert where obviously  
20 it's hard to get around. The peninsula is different  
21 to get around, and it's difficult to connect to the  
22 subway and the ferry there. And I think you heard  
23 from Council Member Richards and we've heard it from  
24 others, it's been pretty successful. So, you know,  
25 we want to expand dockless. We want to expand Citi



1  
2 Bike we're going to be talking to you all about that,  
3 and you know, maybe at some point scooters will also  
4 be a part of that dialogue. I just-- I think we're--  
5 since they're not legal yet and we don't really have  
6 a good sense of how their framework would be set up  
7 here in New York State. I just think it's a little  
8 harder for me to au pine on how that would look. I  
9 mean, one could say it might look something like the  
10 way we're trying to do dockless now, but again, I'll  
11 have to see what kind of, you know, legislative  
12 framework comes out of Albany.

13 CHAIRPERSON RODRIGUEZ: I just feel that  
14 again that as I reinforced before that's where-- and  
15 we have limited time, you know, when we serve, you  
16 know, in agency and government, and it's about how to  
17 continue making our city better, and especially  
18 transportation is like one of those equalizer that we  
19 have. And I feel that if you-- like, I remember my  
20 wife used to work in the Renewal School in the Bronx,  
21 and she was saying that I don't think that that  
22 situation has changed from three years ago to what it  
23 is right now. There's many teachers that would love  
24 to go and teach in some places, but they had to walk  
25 10 and 15 blocks from the train station to the

1 schools. So, I feel that, again, when we try to  
2 encourage and see how we can work together on the  
3 electrical scooter and electrical bike, for me, it's  
4 not about if the big company they see the 65 million  
5 tourists and thinking about only Midtown. I see as a  
6 potential solution to the transportation desert that  
7 we face today. This few weeks ago I was again in the  
8 A Train, and I-- and they [sic] in the train a while  
9 is a gentleman that he has his scooter, one of those  
10 that they can put it together, and he was telling me--  
11 - I was starting to wonder, you know, where was he  
12 using the scooter. And he say, "I live in Riverdale.  
13 So for me, using my scooter from Riverdale to the A  
14 Train to [inaudible] to Broadway. It has helped me a  
15 lot, because here I use it from top to the hill, to  
16 the A Train. I jump into the train, go to work.  
17 When I come back I do the same thing." So I feel  
18 that, you know, and-- and I know that we are open.  
19 From my end I see that. We have no one saying we  
20 will not be able to do it. Safety should not be as  
21 only-- I want-- I just want for no one to come and  
22 say or the big [sic] ones [sic] saying we cannot do  
23 it because we have issue with safety. Well, those  
24 that support the electrical scooter and electrical  
25

1  
2 bike been taking care, that's the issue of safety,  
3 are addressed. So no one here is saying let's throw  
4 the scooters in the street. We are saying let's plan  
5 together. Let's see as you did it with the Citi Bike  
6 and other, you know, project. How can we put things,  
7 you know, assembly? The best thing that they can  
8 work with whoever, that process of whoever will be  
9 the one who will be pilot, the pilot project. That's  
10 not our role. That's agency role. We just want for  
11 that process to be fair and to be sure again that  
12 those delivery workers are also included. And my  
13 last question is, in this process, assuming that--  
14 from my end again electrical scooters and electrical  
15 bike will be legal let's say very soon. Is DOT ready  
16 to put the structure together to work with whoever  
17 you select from the private sector and be sure that  
18 the number that will be allowed? Like, have you  
19 start putting some thought in that direction as  
20 planning if we make scooter, electrical scooter and  
21 electrical bike legal in New York City?

22 COMMISSIONER TROTTENBERG: I mean,  
23 obviously, given that the Council has had interest  
24 and enthusiasm, we have certainly of course looked at  
25 the question of, you know, should some combination of

1 what the Council is proposing and now what the  
2 Governor is proposing get enacted, what would the  
3 city do? And I think the good news is we very much  
4 have frameworks between Citi Bike and our dockless  
5 pilot program. We've learned a lot from those two  
6 programs. We've learned, I think, how to work with  
7 these private companies to make sure they're going to  
8 have safe equipment, to make sure they're going to  
9 have open data and consumer protections to make sure  
10 that they're going to meet the City's performance  
11 standards, to make sure they're going to have the  
12 proper safety standards, age limits, indemnification.  
13 So I think those kind of issues we've thought through  
14 very much. I think what we would really need  
15 particularly to think through with the Council as  
16 we're doing on Citi Bike and dockless' in terms of  
17 geography and numbers, what would potential pilots  
18 and deployments look like. And that I think when we  
19 come to talk to you all about dockless and Citi Bike,  
20 that's obviously a discussion we can have, but I  
21 think on sort of the technical and regulatory and  
22 oversight piece, now this department has a good  
23 amount of experience, you know, with our bike  
24 programs.  
25

CHAIRPERSON RODRIGUEZ: I end with this.

I end with saying that I just want to be clear that if we move along on those bills, I'm not creating yes a conditional [sic] situation for the worker [sic] one [sic] to be the only one that benefit with this, which is one of the challenge that we face in the model of Citi Bike. We know that the demand is there in the Midtown area, but for me as an immigrant that I am who live in underserved community who came here to wash dishes who know what it is to New York City putting billions and billions of dollars to develop Midtown to Disney [sic], I just want to be sure that in any model we put in place the underserved community should be included, not as we would look at it in the six [sic] stage. I want to be sure from day one we put a model together where the underserved community get the same attention and benefit and investment-- and for me, it's not only electrical bike and electrical scooter. Be ready, because that's going to be my next fight and to be sure that Citi Bike who I support 100 percent, and I believe that whoever come following bike shares who follow the same standard of safety, but I'm tired to be waiting for it. When will they go to Washington

1 Heights? Because northern Manhattan is not the  
2 number of employment-- unemployment where you look at  
3 Manhattan, it's not a cent [sic] above 96<sup>th</sup> Street,  
4 down to 96<sup>th</sup> Street, and here we when we look at  
5 those data we also have some input on how any entity,  
6 especially from the private side, look at it when  
7 will they move. So I just want to be sure that as  
8 for me this is about addressing transit deserts.  
9 This is about bringing everyone together, but  
10 inequality is real and they also have an impact when  
11 they put any new project together. So, I just want  
12 it since DOT I assume will be taking the lead.

14 COMMISSIONER TROTTENBERG: Right, totally  
15 agree, Mr. Chairman. I said in my testimony I think  
16 safety and equity were the first two things we  
17 mentioned as important lenses with these programs,  
18 and again, really looking forward to talking about--  
19 you know, we are going to be really growing the Citi  
20 Bike system and I think getting, you know, further  
21 and further from sort of the city core into a much  
22 more diverse set of neighborhoods and complementing  
23 that hopefully with dockless where we really tried  
24 with our pilot. We went to the Bronx. We went to the

1  
2 Northshore Staten Island and the Rockaways,  
3 communities that, you know, are not connected to--

4 CHAIRPERSON RODRIGUEZ: [interposing] You  
5 know what is happening now? This [inaudible] is the  
6 new place of major gentrification. So I just want to  
7 bring it to your attention. There's places in the  
8 Bronx where there's people that mostly student, they  
9 live in shelters. They have-- they don't have those  
10 services. So, I don't want for us to make the  
11 numbers saying we're going to here to this del [sic]  
12 barrio [sic], because del barrio [sic] is now  
13 expansion above 96<sup>th</sup> Street. We going to the Queens,  
14 but we're going to the Long Island City. We going  
15 to, you know, these places in the Bronx, but we're  
16 going to the south Bronx. So, I think that it is  
17 important, and I feel that with you and many others,  
18 we have ally but it's not enough, because we-- unless  
19 someone live that life, living underserved  
20 communities, it doesn't matter how much compassion  
21 you have, you will never understand why we have left  
22 so many New Yorkers behind, and they make 40 percent  
23 of New Yorkers living in poverty in our city. So, I  
24 just want to be sure that again as we plan, I'm tired  
25 [sic] [inaudible] been waiting, you know. Hopefully,

1  
2 your area will be included, and in my area is not  
3 just Washington Heights. My area is any poor  
4 neighborhood-- [speaking Spanish]. And before I--  
5 you will go, since Council Member Carlina Rivera has  
6 a bill, I would like to give her the opportunity to  
7 ask one or two questions.

8 COUNCIL MEMBER RIVERA: Thank you so  
9 much. I was next door for a hearing on a park in my  
10 district, and you know what I like to do in the park  
11 is ride my bike. So, my bill Intro 1163 is to  
12 preserve bike lanes during street work, and I know  
13 that you testified that you're in support with some  
14 modifications and that you're open to having a  
15 discussion in terms of temporary alterations, and I'm  
16 happy to have that discussion. My question is, how  
17 does DOT coordinate with DOB on oversight over  
18 permits for street construction and on authorized use  
19 of city streets by construction crews?

20 COMMISSIONER TROTTENBERG: It's a good  
21 question. We touched on it earlier in the hearing.  
22 You know, our permitting office and our street  
23 inspectors work very closely with DOB. I mean, I  
24 personally work quite closely with Rick Chandler. I  
25 mean, this is certainly a problem we recognize as



1  
2 construction has boomed throughout the City. It has  
3 had a lot of challenging impacts on our roadways. It  
4 particularly came to the floor as we were preparing  
5 for the L Train, and when we took a look at the  
6 volume of permits on the streets that we thought were  
7 going to be affected, we saw that there were hundreds  
8 of permits, and you know, I think the two agencies  
9 are trying to work together to coordinate a lot more  
10 closely, and as you saw in the testimony we're going  
11 to come up with-- we're going to be proposing in  
12 March some tighter stipulations and really working to  
13 do a better job, both of educating the industry and  
14 of enforcing. We recognize it's an area where we  
15 need to do better.

16 COUNCIL MEMBER RIVERA: And I ask because  
17 you know just by in Manhattan alone and I know the  
18 outer boroughs the bike lanes are consistently  
19 obstructed, and if we're talking about legalizing a  
20 number of different kinds of vehicles, it's really  
21 important that we all share the lane equally, and I  
22 think that this legislation would help them. So you  
23 said in your testimony it's estimated thousands of  
24 permits are issued. Do you know how many fines DOT  
25

1  
2 issued last year for violations of street  
3 construction rules?

4 COMMISSIONER TROTTEBERG: WE will get  
5 that for you.

6 COUNCIL MEMBER RIVERA: Okay.

7 COMMISSIONER TROTTEBERG: A robust  
8 number, but let us-- maybe someone can even hunt it  
9 down while we're sitting here.

10 COUNCIL MEMBER RIVERA: And is-- this is  
11 my last question, Mr. Chair, and I thank you for the  
12 time. Is Dot able to issue a Stop Work Order if  
13 street construction or impacts are found to be done  
14 illegally?

15 COMMISSIONER TROTTEBERG: I think DOB  
16 does the Stop Work Orders.

17 COUNCIL MEMBER RIVERA: Do you think that  
18 DOT should be allowed to issue Stop Work Orders when  
19 it comes to this kind of dangerous construction?

20 COMMISSIONER TROTTEBERG: I think that's  
21 something I would want to talk to my sister agency  
22 about, but again, I think at least coming in March we  
23 are going to be proposing tighter stipulations and  
24 working to improve our enforcement. I think on the  
25 question of stop-- I have to admit, I don't know that

1  
2 I know enough about it to give you the right answer  
3 there. Something we can talk to DOB and come back to  
4 you all on.

5 COUNCIL MEMBER RIVERA: Yeah, I ask that  
6 you consider it, because you know, sometimes DOB even  
7 with the number of buildings that they have to worry  
8 about in terms of Stop Work Order doesn't seem like  
9 they're able to keep up, and I've said that to  
10 Commissioner Chandler before. So I think DOT in  
11 terms of your powers and whatever support you need  
12 for building capacity, we're happy to support because  
13 we do want to share the road. So, I thank you for  
14 your consideration, and Mr. Chair, thank you for the  
15 time.

16 CHAIRPERSON RODRIGUEZ: Thank you,  
17 Commissioners and Chief Chan for all your work and  
18 for being here today. Now going to be calling the  
19 next panels. We're limiting on two minutes knowing  
20 that for those who will need translations, we're  
21 going to be adding an additional minute. So what we-  
22 - again, thank you, and I can say that besides  
23 listening and hearing from the Administration how  
24 they feel on these bill, the most important part is  
25 one that is composed by those delivery workers. So

1 with that, we're going to be calling the panels now.  
2 And the time is going to be in two minutes, but in  
3 those cases for translations needed going to be  
4 double the time.  
5

6 COUNCIL CLERK: Eduardo Perez, Philippe  
7 Ramirez [sp?], Clemente Rodriguez [sp?], and  
8 Hermalindo Carrio [sp?]. Gui Chan Chen [sp?], Gin Wa  
9 Li [sp?], and Li Twa Chen [sp?].

10 CHAIRPERSON RODRIGUEZ: Another [sic]  
11 seat, let's go with this panel first, the last names  
12 that we called come and then this panel, okay?

13 HERMALINDO CARRIO: Mi nombre es  
14 Hermalindo Carrio [sp?]. [speaking Spanish]

15 TRANSLATOR: I'm just going to translate  
16 for him.

17 CHAIRPERSON RODRIGUEZ: [off mic]

18 TRANSLATOR: Whatever is convenient for  
19 you. Okay, I'll just go one by one. My name is  
20 Hermalindo Carrio, and I am a member of the Workplace  
21 Justice Committee at Make the Road New York. I'm  
22 married, have a 14 year old daughter and have lived  
23 in New York since 2014. I have worked in the same  
24 restaurant for four years as a prep cook, a cook, and  
25 in the last three years making deliveries. I work 47

1 and a half hours per week making 11 dollars per hour,  
2 and recently I received a raise to \$12.50 per hour.  
3 With that money I have to take care of my wife, my  
4 daughter and my parents, but this income is not  
5 sufficient for my family. Sometimes I have to do  
6 other work part time in order to make ends meet. As  
7 a delivery worker, I depend on tips to pay the bill.  
8 In order to do my job I use an electrical bicycle.  
9 Because of this, I think they should be legalized to  
10 help us stop having problems with the police and  
11 tickets since I already use all the required safety  
12 gear like my safety vest, lights, and a helmet. A  
13 while ago, the police stopped me and gave me a ticket  
14 for using an electrical bike, and this happens  
15 frequently, so much so that my coworkers are afraid  
16 of the police when they work. If these bills become  
17 law we finally will avoid the risk of having to pay  
18 tickets and having our bikes confiscated. I ask that  
19 you support us by regulating our way of working and  
20 getting around so that you continue helping our  
21 families and let us give a better service to our  
22 clients. Many of you Council Members use our  
23 services frequently, and for this reason I feel that  
24 you should support us by legalizing e-bikes.  
25

1  
2 EDUARDO PEREZ: Mi nombre es Eduardo  
3 Perez. [speaking Spanish]

4 TRANSLATOR: My name is Eduardo Perez. I  
5 worked as a delivery worker in Brooklyn for one year.  
6 For me and my coworkers, the fines that the police  
7 give us for using our electric bicycles are unjust. I  
8 want to share something that happened to me recently  
9 to help to explain why. To do my job I am required  
10 to use an electric bicycle. My work requires  
11 substantial physical exertion every day. My work  
12 shift are 11 hours per day, and each delivery  
13 requires traveling a distance of approximately 1.5  
14 miles each way. Because of this, without an electric  
15 bike I would feel exhausted and stressed. This leads  
16 me to need an e-bike as a tool for my job. Since I  
17 depend on tips, each delivery is very important to me  
18 in order to make a decent wage. Having an e-bike  
19 allows me to make more deliveries each shift. Thanks  
20 to this tool, my family and I does benefit by more  
21 income. Furthermore, my employer requires me to use  
22 an e-bike because it benefits him as well, but this  
23 past November 2018 I was parked momentarily during  
24 one of my work shifts, and police officer got out of  
25 his car, came towards me and asked me why I was using

1 the bike lane, and told me that I should have been  
2 using the car lane. I told him that it was because I  
3 was riding a bicycle, but ultimately, the officer  
4 gave me four tickets and confiscated my bike. Since  
5 the bike was a tool for my job, I saw the need to pay  
6 those tickets immediately and get my bike back. In  
7 total, the tickets amounted to 940 dollars. When I  
8 left the bank with the cash, a man pretending to be  
9 an officer asked for my-- asked to search my body.  
10 During that search the man took my cash and went  
11 running. Although I called the police, and to this  
12 day I haven't gotten much help. In the end, I was  
13 not able to recover my bike, because in addition to  
14 not having the money, the officers told me I needed  
15 to wait for a hearing with the court a few months  
16 later in order to resolve the ticket. Since I  
17 couldn't wait, I have to buy another bike in order to  
18 keep working costing me \$1,700 without any help from  
19 my employer, even though he required me to have one.  
20 As you can see, in the course of simply performing my  
21 job, I was labeled a criminal. Us workers are not  
22 criminals, and we don't-- we don't judge anyone. In  
23 fact, we need this city with our labor. After more  
24 than 10 years of being criminalized, the time has  
25

1  
2 come to stop it. Council Members, I ask you to  
3 finally listen to us and vote to legalize our work  
4 tools. Thank you.

5 PHILIPPE RAMIREZ: Buenos tardes. Mi  
6 number es Philippe Ramirez. [speaking Spanish]

7 TRANSLATOR: My name is Philippe Ramirez.  
8 I am a member of the Workplace Justice Committee at  
9 Make the Road New York. I've lived in New York for  
10 more than 17 years. I came in search of a better  
11 future for my family. I have two kids and my goal is  
12 to make sure they receive a better education than  
13 mine so that the same things don't happen to them. I  
14 work as a delivery worker in restaurants in Brooklyn.  
15 I've had to work very hard, sometimes 12 hours, six  
16 days per week. Sometimes on my only day free I work  
17 part time in order to meet my monthly expenses. I  
18 have to \$1,500 in rent, electricity, gas, and all the  
19 other utilities and bills for my family. For that  
20 reason, I ask that you support us by passing the  
21 electric bicycle law in order to have a decent  
22 quality of life. An electric bicycle is the most  
23 important tool that has helped me to perform my job  
24 as a delivery worker and be able to make enough tips  
25 to support my family, but over the years I've had to



1 pay several tickets, and the police are always  
2 harassing us and even taking our bikes. And then, I  
3 have to buy another one and pay those tickets, most  
4 of which are unjust. Members of the City Council you  
5 can change our lives and the lives of our families  
6 for the better by passing these laws that will  
7 benefit us delivery workers. We ask for your  
8 support. Thank you.

9 [applause]

10 CHAIRPERSON RODRIGUEZ: [speaking  
11 Spanish] So for me, again, as a guy who came here to  
12 wash dishes at O'Henry Restaurant on West 46<sup>th</sup>  
13 Avenue, now there's a Capital Bank, as a person that  
14 worked in a factory that was a livery taxi driver,  
15 I'm the person that-- it's not that I just have  
16 compassion for you guys, it's that I am you. So for  
17 me, whatever it take for me to lead this fight to be  
18 sure that we make it legal, this is something that we  
19 will do together, okay. Because you're raising your  
20 children and your children and my children they will  
21 be the next doctor ready to cure all of us, the next  
22 lawyer to defend us when we do civil disobedience or  
23 when someone is a victim of the criminal justice that  
24 we have in our society. So, let's keep organizing  
25

2 together until we make this bill pass, okay?

3 Gracias.

4 [applause]

5 COMMITTEE COUNSEL: Gui Chun Chen [sp?],  
6 Gen Wa Li [sp?], Li Twan Chen [sp?]. And by the way,  
7 I say [inaudible] motor transportation in my-- I live  
8 in the Caribbean when I was born and raised and I  
9 lived my first 18 years of my life.

10 GEN WA LI: [speaking another language]

11 TRANSLATOR: My name is Gen Wa Li, and I  
12 have been working as delivery cyclist since 1994.  
13 Right now I have retired for three years.

14 GEN WA LI: [speaking another language]

15 TRANSLATOR: Right now I am volunteering  
16 for American Delivery Workers Association.

17 GEN WA LI: [speaking another language]

18 TRANSLATOR: In my 20 years of work as a  
19 delivery cyclist I was law abiding and I served many  
20 New Yorkers.

21 GEN WA LI: [speaking another language]

22 TRANSLATOR: Last year, I borrowed my  
23 friend's e-bikes for some personal things, and I  
24 stopped my bike, my e-bikes, on 34<sup>th</sup> Street when  
25 there was red light.

1                   GEN WA LI: [speaking another language]

2                   TRANSLATOR: Police-- police officers

3                   found [sic] police vehicle number 4093 gave me

4                   ticket.

5                   GEN WA LI: [speaking another language]

6                   TRANSLATOR: Later I paid fine and took

7                   my bike back.

8                   GEN WA LI: [speaking another language]

9                   TRANSLATOR: Later in October, in the

10                  same month, on First Avenue I received a ticket again

11                  from the same police officer from same police car.

12                  GEN WA LI: [speaking another language]

13                  TRANSLATOR: Another 500.

14                  GEN WA LI: [speaking another language]

15                  TRANSLATOR: I requested to go into the

16                  court.

17                  GEN WA LI: [speaking another language]

18                  TRANSLATOR: I was disabled. I had SSI

19                  procedure, and I told the judge.

20                  GEN WA LI: [speaking another language]

21                  TRANSLATOR: The judge said you have to

22                  use other vehicles because it's illegal. He replied,

23                  what can I do?

24                  GEN WA LI: [speaking another language]

25

2 TRANSLATOR: Is it bad luck or was that  
3 intentional.

4 GEN WA LI: [speaking another language]

5 TRANSLATOR: If after retiring I want to  
6 speak out for my colleagues--

7 GEN WA LI: [speaking another language]

8 TRANSLATOR: As Council Member Margaret  
9 Chin mentioned, under 1914 [sic] [inaudible] they  
10 still have to work outdoor.

11 GEN WA LI: [speaking another language]

12 TRANSLATOR: Often time they receive  
13 tickets from police officers when they stopped for  
14 red light.

15 GEN WA LI: [speaking another language]

16 TRANSLATOR: He helped two friends to  
17 deal with two tickets in similar circumstances,  
18 stopped for red light, but still received ticket.

19 GEN WA LI: [speaking another language]

20 TRANSLATOR: Though retired for three  
21 years, I would continue to work in this situation to  
22 fight for the rights of my colleagues.

23 GEN WA LI: [speaking another language]

24 TRANSLATOR: Until I cannot move.

25 GEN WA LI: [speaking another language]

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COMMITTEE ON TRANSPORTATION

TRANSLATOR: Myself is a victim.

GEN WA LI: [speaking another language]

TRANSLATOR: The compensations for my disability is 700 dollars a month.

GEN WA LI: [speaking another language]

TRANSLATOR: And last year, I paid \$1,000 in fines.

GEN WA LI: [speaking another language]

TRANSLATOR: This really painful.

GEN WA LI: [speaking another language]

TRANSLATOR: This is why without any resolution I want to voice for my friends who are delivery workers.

GEN WA LI: [speaking another language]

TRANSLATOR: This is all I want to say.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: my name is Liu [sp?]. I'm the responsible person for Chinese workers' Association.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Because all the workers working in such cold weather, they still have to be here to participate this and rushing to their work.

LIU TWAN CHEN: [speaking Chinese]

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COMMITTEE ON TRANSPORTATION

TRANSLATOR: Nowadays, every day there are operations [sic] from precinct 17 and precinct 53.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: I think today Council Members and other elected officials said well.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Many people they are afraid to pay their fine because they are not documented.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Many protests and visit to Council Members and we're still seeking for result.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Today I see support and I'm very glad.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Each time 500 dollar fines is unbearable.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: They believe they might experience some discriminations because they do not speak English.

LIU TWAN CHEN: [speaking Chinese]

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COMMITTEE ON TRANSPORTATION

TRANSLATOR: The other days I was dealing with the case, several workers have their bikes, e-bikes, taken away from their store when those bikes were in the store.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: People from seventh precinct refused to meet me.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: The police was-- they were complaining to precinct 17 and the police officers was telling them, "We know where these work. Where are those worker working at?"

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Those-- some workers, they made complaints and later their bike were confiscated because they were identified by the police officers from the precinct 17.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: We believe there might be some discrimination with racial bias.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: I thank [sic] delivery worker before in such cold weather. Thank you for coming.

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COMMITTEE ON TRANSPORTATION

[applause]

UNIDENTIFIED: Thank you.

CHAIRPERSON RODRIGUEZ: Stay there, wait. Let's call the other two members of the panel, the Council Member has a question by. Want to be sure that the other two who are on the list, I also-- comments so that you can translate it to them, and then--

COUNCIL CLERK: Lijun Qa [sp?], Liu De Qwan [sp?].

COUNCIL MEMBER MENCHACA: Mr. Liu, how are you?

LIU TWAN CHEN: Thank you.

COUNCIL MEMBER MENCHACA: How long have you been organizing e-bike workers?

TRANSLATOR: [speaking Chinese]

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Since 2013 I have been working Margaret Chin in organizing workers.

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Before the fine was hundreds.

LIU TWAN CHEN: [speaking Chinese]



2 TRANSLATOR: Simply more and the more  
3 fines.

4 LIU TWAN CHEN: [speaking Chinese]

5 TRANSLATOR: Not without tool we cannot  
6 work.

7 LIU TWAN CHEN: [speaking Chinese]

8 TRANSLATOR: This fine we cannot make it  
9 back in even two days.

10 COUNCIL MEMBER MENCHACA: I hear you, and  
11 so I'm going to pause you there, because-- I know  
12 there's a lot of people that want to-- so my question  
13 is,-- well, that says a lot, 2013. That says a lot.  
14 There's been a lot of organizing around e-bikes,  
15 which is why we're calling for justice. The  
16 Department of Transportation spoke about conversion  
17 program and how they just couldn't get it together,  
18 or not-- I don't want to say that. That they just  
19 cannot find a solution. Is there a solution that you  
20 have presented to the Council about how to convert  
21 the bikes to pedal assist.

22 TRANSLATOR: [speaking Chinese]

23 LIU TWAN CHEN: [speaking Chinese]

24 TRANSLATOR: [speaking Chinese]

25 LIU TWAN CHEN: [speaking Chinese]

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COMMITTEE ON TRANSPORTATION

TRANSLATOR: The modification?

COUNCIL MEMBER MENCHACA: Yeah, the conversion to the modification for the pedal assist which is right now not illegal, and which is one of the bills. That's what I'm asking. If he has a plan that he's already presented and if he has not, will he present that to us?

TRANSLATOR: [speaking Chinese]

COUNCIL MEMBER MENCHACA: To convert the bikes in partnership with the City of New York.

TRANSLATOR: [speaking Chinese]

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: Mr. Liu said Commissioners from DOE was making a modification himself in his store.

TRANSLATOR: [speaking Chinese]

LIU TWAN CHEN: [speaking Chinese]

COUNCIL MEMBER MENCHACA: Oh, but there's a card to the Department of Trans-- there's a trans--

TRANSLATOR: [speaking Chinese]

LIU TWAN CHEN: [speaking Chinese]

TRANSLATOR: [speaking Chinese]

COUNCIL MEMBER MENCHACA: Okay, so I'm going to stop this and let everyone know that I'm

1  
2 very interested in understanding and honoring the  
3 work since 2013, which is essentially right before I  
4 became an elected official here, that you've been  
5 working, and so thank you for your-- everybody for  
6 your work. This has been a long time coming, and  
7 that's the pressure that we're all feeling, and if  
8 there is a solution that is coming from the workers,  
9 I want to understand that intimately. And we-- I  
10 know we've already had that conversation, but I'm  
11 really offering anyone in this room if you have  
12 opportunities-- no, if you have solutions to the  
13 conversion, now is the time. I want to hear it. I  
14 want to learn it, and that's the invitation.

15 CHAIRPERSON RODRIGUEZ: Thank you.

16 COUNCIL MEMBER MENCHACA: That's it for  
17 me, thank you.

18 CHAIRPERSON RODRIGUEZ: Thank you,  
19 Council Member Menchaca. So, with that, thank you.  
20 [speaking Chinese]. We want to be sure that we  
21 continue working together. Ninety-three I did my  
22 last semester in China, and there was bike lane there  
23 in Shanghai. So the best advice that I got was to  
24 get 450 Yuen and go and buy the bike. So, as I said  
25 before, those of us who are-- 38 percent of New

1  
2 Yorker born and raised in another countries. Many of  
3 us not only come to provide cheap labor, but also we  
4 come with a lot of experience about being cyclists  
5 and also use different mode of transportation. So,  
6 thank you. For the rest of the panels, we're going  
7 to be more-- top [sic] to the clock, two-minute. You  
8 are experts-- most of you are expert at testifying.  
9 So if it would take you more than two minutes, just  
10 summarize with that. We'd like to thank you to and  
11 the previous panel who bring the human part of this  
12 conversation. Thank you.

13 [applause]

14 COUNCIL CLERK: Marco Conner, Mel  
15 Gonzales [sp?], Steven Wasserman [sp?], Howard Shi  
16 [sp?], Nick Wong [sp?], and Do Lee [sp?].

17 CHAIRPERSON RODRIGUEZ: Thank you, and  
18 please be with me two minutes. Guys, it take more,  
19 summarize. Connor [sic] may begin, the rest of the  
20 panel.

21 MARCO CONNER: Thank you, Committee Chair  
22 Rodriguez. My name is Mark O'Connor. I am Deputy  
23 Director at Transportation Alternatives. Thank you  
24 for advancing today's legislation and for your sense  
25 of justice on behalf of food delivery workers and

1 your belief in equitable and sustainable  
2 transportation solutions for our city in the form of  
3 e-bikes and e-scooters. I want to commend you also,  
4 Chairman for calling for 100 miles of protected bike  
5 lanes annually. That is how we keep our vulnerable  
6 [sic] road users safe through predictable design on  
7 our city streets. The DOT has done much good work,  
8 but the City's vision for New York City streets needs  
9 to grow, and there is a troubling lack of urgency  
10 with New Yorkers who are dying preventable deaths and  
11 we are withholding the antidote. Shared-use mobility  
12 services like bike share that includes e-bikes and e-  
13 scooters share a part of our vision for human-  
14 centered, safe, equitable streets and transportation  
15 in New York City. Commissioner Trottenberg said that  
16 the DOT would like to explore the potential for small  
17 electric vehicles. Well, the potential is already  
18 here. The city needs to stop exploring and start  
19 testing these solutions on our streets now. Second,  
20 the city indicated a lack of local authority on the  
21 city's ability to legalize e-bikes and e-scooters.  
22 We are absolutely convinced that the City has the  
23 authority under current law, and what we heard today  
24 from the City were nothing more than excuses on  
25

1  
2 behalf of the Mayor. In 2004, the City made e-bikes  
3 illegal. In 2013, the City further regulated those  
4 laws. In 2018, the City legalized pedal assist e-  
5 bikes. I also want to speak to the enforcement of e-  
6 bike food delivery workers. I want to dispel the  
7 stubborn assertion by the Mayor and the NYPD who  
8 ticket and seizes e-bicyclists they say because their  
9 use is illegal and that their hands are tied,  
10 essentially throwing up their hands. This is  
11 disingenuous at best. Every day New Yorkers are  
12 committing traffic violations using multi-ton  
13 vehicles and those moving violations are chronically  
14 enforced. I'm going to hurry up quickly. We need to  
15 stop targeting New York City food delivery workers  
16 and stop holding back progress of these new e-bike  
17 and e-scooter solutions. Instead, we need to embrace  
18 these new technologies which can make our city safer,  
19 healthier, less congested, and more equitable. We  
20 need to encourage and not discourage their use. In  
21 my written testimony numerous recommendations to  
22 pedestrian safety are included, and I hope you will  
23 include those recommendations as you make this  
24 legislation as good as possible for the city. Thank  
25 you.

1  
2 STEVEN WASSERMAN: I'm Steven Wasserman  
3 with the Legal Aid Society. I've represented poor  
4 people accused of crimes for the past 40 years. For  
5 the past four months I've represented several dozen  
6 food delivery workers on e-bikes. Of all those I  
7 represented, there were perhaps only one or two who  
8 were committing traffic infractions while they were  
9 stopped. I mean, it seems to me that there is sort of  
10 a pattern of stopping them, but the police often just  
11 deploy themselves near the bicycle lanes and just  
12 wait for a passing bicyclist and confiscate their  
13 bikes. You know, often it claimed that they are in  
14 the process of delivering food when this is done.  
15 Look, all I can say is that these worker are really  
16 helpless. It is almost impossible for themselves  
17 within their economic situation to bring themselves  
18 into compliance with the law. I mean, they need the  
19 help of the government in order to get bicycles that  
20 are compliant so that they can do their work in  
21 peace.

22 DO LEE: thank you, Council Member  
23 Rodriguez. My name is Do Lee. I'm a volunteer  
24 member of the Biking Public Project and a visiting  
25 professor at Queens College. This testimony is based

1 upon our research on the conditions and experiences  
2 of hundreds of New York City's food delivery workers.  
3 New York City built on the sweat and sacrifice of  
4 immigrants has a tale of two e-bikes that ruins the  
5 lives of immigrant low-wage workers, while giving  
6 Citi Bike e-bikes to privileged commuters. This  
7 logic had been predicated on the supposed danger of  
8 delivery workers, yet, the data that we do have  
9 understands that from 2000 to 2017 New York City car  
10 drivers have caused over 2,800 deaths while New York  
11 City's e-bike riders have caused zero deaths. This is  
12 not about safety. This is a policy that has been  
13 racist, xenophobic, and anti-worker. From our  
14 research we know that many workers work a very  
15 physically taxing job as they've testified. Yet,  
16 when we look at the history of this law, we know that  
17 in 2004 the City banned e-bike, except they gave an  
18 exemption for e-bikes that were 15 miles an hour and  
19 below. And so this was primarily Segways, low-speed  
20 e-bikes; yet the city says now they can't legalize e-  
21 bikes. So, I think there's a strong discrepancy here  
22 based on the history of e-bikes law itself. In 2013,  
23 the City Council came back and removed that exemption  
24 specifically to target immigrant delivery workers,  
25



1 and so-- and now we had the situation where the city  
2 is now allowing pedal assist. So, I think when the  
3 City says they can't, I don't think that's true based  
4 on the history of this law itself. Our research  
5 itself found now statistical difference for workers  
6 experiencing crashes by vehicle type, whether  
7 bicycle, e-bike or moped. We did find that because of  
8 the public demonization workers that-- delivery  
9 workers who are not fluent in English are 11 times  
10 more likely to pay more than 250 dollars in fines.  
11 So, this is the hyper-criminalization of workers,  
12 especially those without English ability. So, I  
13 would applaud the City Council for bringing forth  
14 this legislation and we strongly support the passage  
15 of this. Thank you very much.

17 NICK WONG: Thank you. Good afternoon.  
18 My name is Nick Wong. I'm a volunteer member of  
19 Biking Public Project where I'm an advocate and also  
20 an e-bike subject matter expert. In my day job I'm the  
21 CEO of a Brooklyn-based manufacturer of pedal assist  
22 cargo vehicles. I have been working with e-bikes and  
23 e-bike technologies for the last seven years. I  
24 believe in e-bikes. I think they are a  
25 transformational technology, and it's nascent and

1  
2 it's growing. There's a lot of potential, and it  
3 will deliver many benefits to our city's  
4 transportation infrastructure for local economy and  
5 public safety and health. These are well-recognized  
6 by many of us in this room. I'm excited by City  
7 Council's efforts to bring clarity to the legal  
8 status of e-bikes. But I'm here today to speak  
9 specifically in support of legalizing e-bikes and  
10 assisting delivery workers with a subsidized  
11 conversion program. First, on the topic of delivery  
12 workers, in my eyes as an entrepreneur, as someone  
13 who is interested in the e-bike as a technology I see  
14 delivery workers as the voiceless champions for the  
15 e-bike. They are the early adopters, and they have  
16 proven to the rest of us of the e-bike's  
17 effectiveness as an efficient, accessible, and low-  
18 impact means of moving through this crowded city.  
19 Tens of thousands of delivery workers provide a  
20 thankless services to the City's businesses and  
21 residents with an economic value I estimate over a  
22 billion dollars annually. They have chosen the e-  
23 bike out of necessity and as a means to ease their  
24 daily burden, a daily burden that has been  
25 exacerbated by unclear regulations and heavy-handed

1 enforcement. They should be the first benefit from  
2 any rules legalizing e-bikes, and sadly us advocates  
3 are concerned that they will be continued to be  
4 marginalized by the new rules. So, the second topic  
5 is on conversion, and really quickly, one way to  
6 protect e-bike workers through this regulatory  
7 transition is by implementing a subsidized conversion  
8 program, and yes, it is technically feasible and  
9 possible to retrofit existing e-bikes to be complaint  
10 with regulatory specifications, and I'm looking  
11 forward to working with you guys on developing that.  
12 Thank you.

14 HOWARD SHIH: Hi, I'm Howard Shih. I'm  
15 the Research and Policy Director at the Asian  
16 American Federation. Thank you to the Chair  
17 Rodriguez for inviting us to submit our testimony on  
18 the intro bills. We have been part of the Delivery  
19 Justice Coalition for over a year now, and we are  
20 encouraged that the bills are being introduced and  
21 that we are going-- are finally in a position to  
22 develop solutions that will help delivery workers who  
23 depend on electric bikes for their livelihoods. Our  
24 priority has always been to find a way for delivery  
25 workers to do their jobs. Immigrant workers are

1 among those most impacted by this enforcement policy  
2 on e-bike usage, and they're losing hundreds if not  
3 thousands of dollars in fines and confiscations.  
4

5 Well, we also urge the council to do it. We're glad  
6 that you've taken the time to listen to the testimony  
7 of the workers as well. We want you go to continue  
8 to working especially on the implementation of the  
9 program. We want to make sure that when we do  
10 implement the program that we are working with  
11 organizations that have reached into those  
12 communities to the workers that are trusted voices  
13 among them, and that the outreach and training that  
14 is provided is done in language in the Chinese  
15 dialects that are spoken and in Spanish for the  
16 predominantly the languages that are spoken by those  
17 communities. We also urge the City Council to work  
18 with advocates and delivery workers to identify and  
19 develop a comprehensive plan that'll actually work in  
20 terms of implementation of these bills. We know that  
21 sometimes when laws are enacted and policies are  
22 created, doesn't mean necessarily that implementation  
23 will occur in a just manner. And finally, we want to  
24 stress that the workers have always been asking for  
25 clarity and for just to let-- they want the

1  
2 authorities to let them know what they need to do to  
3 comply, and most of them are-- all of them are  
4 seeking to be law-abiding and be able to earn a  
5 living and to their jobs. Thank you.

6 MEL GONZALES: Good afternoon. My name  
7 is Mel Gonzales and I'm an Equal Justice Works Fellow  
8 at Make the Road New York. Thank you for the  
9 opportunity to submit these comments in support of  
10 the legalization of e-bikes. This legislation would  
11 have a direct impact on workers who use e-bikes to do  
12 their jobs. Make the Road New York is a nonprofit  
13 community-based membership organization with over  
14 23,000 low-income members dedicated to building the  
15 power of Latino and working-class communities. We  
16 are submitting testimony based on our experience  
17 representing delivery workers and on behalf of the  
18 delivery workers we work with, we are deeply  
19 concerned about the criminalization of delivery  
20 workers using e-bikes, but who couldn't be here  
21 today. As part of our testimony we're also including  
22 around 600 postcards that we've collected from  
23 customers who are in support of e-bikes as well.  
24 Delivery workers are part of a food industry in New  
25 York City that now thoroughly depends on the use of

1 e-bikes. The proliferation of e-bikes arose as a  
2 response to intensely growing demand for food  
3 delivery. As a consequence, over 50,000 delivery  
4 workers, predominantly immigrants, now provide  
5 hundreds of thousands of deliveries of food daily in  
6 New York City. The industry has become so dependent  
7 on e-bike that delivery workers report that most  
8 restaurants require them to have an e-bike in order  
9 to get a job, and that their jobs are at risk when  
10 their bikes are broken, stolen or confiscated by the  
11 police. Year after year delivery workers routinely  
12 have their e-bikes confiscated by police and are  
13 ticketed millions of dollars in fines for using e-  
14 bikes to do their jobs. It's worth noting that under  
15 current law, a delivery worker using an e-bike can  
16 get up to four tickets in a single stop and have  
17 their bikes confiscated, totaling up to a thousand.  
18 So that number that's often cited, the \$1,300 number  
19 for a confiscation and summons is not really  
20 accurate. Workers can get DMV tickets for unlicensed  
21 operator, unregistered vehicle and no insurance, and  
22 that's how we get up to these numbers that we're  
23 talking about which is why criminalization is such a  
24 big issue. And these financial burdens caused by  
25

1 ongoing criminalization are significant for workers  
2 who are entitled only to sub-minimum wage and work in  
3 an industry rampant with wage theft. City Council in  
4 2004 started this problem and now have the  
5 opportunity to really fix this problem. And it's  
6 worth noting that in 2004 the Mayor vetoed this bill  
7 criminalizing workers, so we hope that City Council  
8 now is united and determined to really help workers.  
9 And the last point I'll mention is that we've had a  
10 pilot program as DOT keeps mentioning, "We need a  
11 pilot program. We need a pilot program." Workers  
12 have been using these e-bike for 10 years. We have  
13 them. They're here. So we should really turn to them  
14 as the experts they are in terms of what's safe, what  
15 they need and how to really make this work for the  
16 city. On behalf of many workers we represent, thank  
17 you for your consideration.

18  
19 CHAIRPERSON RODRIGUEZ: [off mic] We will  
20 be, you know, continuing dialing in-- having the  
21 dialogue with you guys. You have a great team of the  
22 Committee of Transportation and this committee will,  
23 you know, have to do our work, and your input and  
24 your expertise will be very important as we continue  
25 having discussion with the other side of City Hall,

1  
2 and here and back there, you know, we will-- I just  
3 like to recognize that DOT is still-- you know, they  
4 have-- you can raise your hand so that people know  
5 that they've been here listening from the City Hall  
6 side also to be sure that from the workers who they  
7 advocate, and you guys that do a great job  
8 representing them or advocating for their research on  
9 their behalf. I think it's important that you know  
10 that we will-- you know, we will need you, because  
11 your expertise and your advice will be very important  
12 as also City Hall is also sitting here. But Council  
13 Member Menchaca I think had some questions.

14 COUNCIL MEMBER MENCHACA: Thank you,  
15 Chair, and I also want to say thank you, a note for  
16 them, the bottom of my heart the work that you're  
17 doing representing the voices of the workers is here  
18 present, and we hear it. The question that I have  
19 is-- Mr. Weissman [sp?], if you want to-- you're the  
20 law-- you're the legal mind here, but really anybody.  
21 There's a question in the room right now about  
22 legality, whether or not it's legal for the City of  
23 New York in this bill to actually allow for throttle  
24 scooters, and so is-- are you under the impression  
25 that it is our ability to legalize scooters? Because



1 I feel like I heard that, and I want to-- I want you  
2 to be able to kind of answer that. The questions  
3 already on the members of the Council and we're going  
4 to come back to you, but it'd be good to kind of hear  
5 from you. I'm just separating it to e-scooters, not  
6 the bikes, e-scooters. Do we have the power as the  
7 Council to legalize them? And can you speak to the  
8 mic, please, with the red-- sorry.

10 STEVEN WASSERMAN: The City Council has  
11 the authority to repeal or to amend, I mean, any  
12 provision within the Administrative Code, and I mean,  
13 the main, the real bane of the existence of people on  
14 e-bikes is the provision in the Administrative Code  
15 that provides for confiscation and for a 500 dollar  
16 fine.

17 COUNCIL MEMBER MENCHACA: Got it. So, but  
18 that's separate and apart from the state. So how  
19 does it interact with the state, and how we're all  
20 looking to the state for changes? Is that  
21 irrelevant?

22 STEVEN WASSERMAN: Well, the-- I mean,  
23 the infractions of the VTL that may be involved in  
24 this are really comparatively trifling, and generally  
25 speaking they're not enforced. I mean, the

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reasoning, the real anguish and the real suffering of these riders have to do with the Administrative Code over which you are completely sovereign.

COUNCIL MEMBER MENCHACA: Okay, what about the state? How are you in-- so hear-- what I'm hearing from you is that essentially the city code plus almost like the meat on the bones of the state to bring fines, and so we could change that and remove that, and then now, how does it interact with the state?

STEVEN WASSERMAN: I mean, suddenly their life gets a lot more livable.

COUNCIL MEMBER MENCHACA: Okay.

STEVEN WASSERMAN: And I mean, you certainly don't have the authority to--

COUNCIL MEMBER MENCHACA: [interposing]  
No, we're talking about e-bikes.

STEVEN WASSERMAN: you don't have the authority to legalize these bikes under the VTL you used, but the VTL is not their problem. Their problem is the Administrative Code. If you fix it, their life gets a lot better.

COUNCIL MEMBER MENCHACA: Got it. So, what I'm hearing from you is that the state will make

1  
2 them keep them illegal but we will essentially rip  
3 any enforcement from them at the NYPD side  
4 completely.

5 STEVEN WASSERMAN: The confiscation,  
6 there's no provision in the vehicle and traffic law  
7 for the confiscation or forfeiture of these bikes,  
8 and the 500 dollar fine is a whopping fine. It just  
9 far surpasses anything under the VPL.

10 COUNCIL MEMBER MENCHACA: Got it, okay.  
11 That's super helpful. I'm going to go back and do my  
12 own research on that, but thank you.

13 DO LEE: Yeah, I can just add, we're  
14 happy to share with you our memo clearly laying out  
15 the City's and the City Council authority to legalize  
16 and regulate e-bikes and e-scooters.

17 COUNCIL MEMBER MENCHACA: Separate them  
18 for me. Let's talk about e-scooters. Your memo kind  
19 of speaks to the fact that you can legalize e-  
20 scooters within local law.

21 DO LEE: Yes. So, it explicitly does  
22 that, and--

23 COUNCIL MEMBER MENCHACA: [interposing] So  
24 you're in-- contrast the Administration's belief and  
25

1  
2 potentially are conflicted, the nature in the  
3 Council, to that.

4 DO LEE: absolutely, yeah.

5 COUNCIL MEMBER MENCHACA: Okay.

6 DO LEE: So, we are convinced that e-  
7 scooter and e-bikes are considered limited use  
8 vehicles under state law, and the VTL-- essentially,  
9 the state law dictates what New York City can  
10 legislate on its own, and the VTL has a list of  
11 enumerated powers that the City has essentially home  
12 rule authority to legislate within, and one of those  
13 is to regulated ho limited use vehicle are used on  
14 our roads, and e-scooters and e-bikes can be  
15 considered limited use vehicles under the VTL. And  
16 so that's just on the statutory side. It's very  
17 clear, and beyond that the proof is in the pudding.  
18 We mentioned here 2004, 2013, 2018. The council and  
19 the DOT has already legislated and issued rules  
20 regulating and legalizing these devices.

21 COUNCIL MEMBER MENCHACA: Super helpful.

22 Thank you. And that's pretty fundamental. So we got  
23 to get that cleared as we move forward, and both of  
24 these discussions that I think are very separate. E-  
25 bikes and e-scooters are very separate in my mind.

1 I'll speak for myself. Last question is on the  
2 conversion program. And so a lot of you have  
3 knowledge of the conversion program and if anyone has  
4 very similar to what I asked earlier in the previous  
5 panel, a plan to convert bikes, e-bikes to pedal  
6 assist. Never mind the fact that if we can actually--  
7 - if we have the power to legalize e-scooters, why  
8 wouldn't we just legalize e-bikes? Why do we have to  
9 convert them? That's-- again, it's like I can't get  
10 passed that. But we're passed that in this  
11 hypothetical conversation and saying do you have a  
12 plan, does anybody have a plan for conversion that  
13 they've either already shared to the Administration  
14 or can share with me so I can get smart on that, the  
15 roll of the government, all that?

17 UNIDENTIFIED: Yes, first is I  
18 acknowledge the contradictions in the bills, but  
19 assuming the conversion is a useful aspect of this  
20 whole package, technically it's possible. So if you  
21 made a protocol on a single bike, the Arrow bike  
22 which is a more common, common-used version, and  
23 dropped the speed down to 20 miles an hour. Of  
24 course, and as noted by the DOT, and I've had a  
25 couple of preliminary conversations with them, there

1  
2 are-- you try to multiply that by the tens of  
3 thousands of e-bikes already existing, there are  
4 complications that I'm not fully equipped to solve,  
5 but I'm looking to educate and assist in that  
6 process.

7 COUNCIL MEMBER MENCHACA: Including  
8 outreach to get all the bikes?

9 UNIDENTIFIED: Outreach is-- excuse me--

10 COUNCIL MEMBER MENCHACA: [interposing]  
11 Yeah, the outreach.

12 UNIDENTIFIED: Yeah, I think that's a  
13 critical part of the plan, outreach to delivery  
14 workers, outreach to the manufacturers and the  
15 retailers, outreach to the businesses, and outreach  
16 to potential partners who would want to help assist  
17 implementing this. Look, the market for e-bikes is  
18 hot. You know, there are companies who would  
19 potentially be interested facilitating in this,  
20 because it's an opportunity as well.

21 COUNCIL MEMBER MENCHACA: Got it. Thank  
22 you. And let's follow up. I'll follow up with you.

23 UNIDENTIFIED: Just wanted to say that  
24 when the bill legalizing e-bikes also provides  
25 workers a cure period so that if they do get a ticket

1  
2 for having an illegal bike, they-- you know, just  
3 like in some places where if you don't have your  
4 license on you, if you don't have your registration,  
5 you could show that you actually do have one, you  
6 just didn't have it on you. This would also allow  
7 folks to go ahead, convert their bikes, show that to  
8 a court or a police district or however it's going to  
9 go down, and avoid the final together, which will be,  
10 you know, instead of fully criminalizing them--  
11 that's a large part of the outreach will be to  
12 actually-- if we want them to convert the bikes,  
13 let's help them do it.

14 CHAIRPERSON RODRIGUEZ: Thank you.

15 [applause]

16 COUNCIL CLERK: Phil Jones, Paul White,  
17 Siddharth Saxena, Chloe-Lynn Chartouni-Leporace,  
18 Brian Lozano, Sarah Koffman [sp?].

19 PAUL WHITE: Oh, thank you, Chair  
20 Rodriguez. I will be brief because I know we've all  
21 been here a long time today. I wanted to draw your  
22 attention to this map. We all know or think we know  
23 what might happen to the L Train. It seems day to  
24 day. We're not sure if it's actually going to be a  
25 shutdown or a partial shutdown or what, but

1  
2 regardless of what happens with the L Train, e-  
3 scooters are highly relevant to New Yorkers'  
4 transportation needs and to their transit access. On  
5 this map you can see in light purple the current 7.5-  
6 minute walk shed around our subway system. So, that  
7 light purple represents people who live within a 7.5-  
8 minute walk the New York City subway system. The  
9 dark purple represents the additional 1.5 million New  
10 Yorkers who would also have a 7.5-minute journey to  
11 the subway with shared e-scooters. So, what we're  
12 trying to show here is the additional access to our  
13 transit network that shared e-scooters can make  
14 possible. I don't mean to have my back to one of the  
15 only Council Members left, but I wanted to quickly in  
16 my remaining time address some of the questions about  
17 whether or not e-scooters replace car trips. Last  
18 week there was a study from the Portland Bureau of  
19 Transportation showing very definitively that e-  
20 scooters are in fact replacing car trips, 34 percent  
21 of e-scooter riders in Portland, after 700,000 e-  
22 scooter trips over four months, 34 percent of those  
23 trips were found to be replacing a car trip, Uber,  
24 Lyft or a private car. So that's a huge finding and  
25 it's a great report with a lot to dig into, which I



1 think definitely shows that e-scooters are much more  
2 than toys and are providing vital transportation for  
3 Portlanders, and that's been the case in several  
4 cities around the country where e-scooters I think  
5 because of their ease, their convenience, and their  
6 safety are providing an option that people didn't  
7 necessarily have with bicycling. There's something  
8 about scooters that seems to be more attractive to  
9 people and they're taking to them in greater numbers.  
10 Finally, that study also addresses safety, and what  
11 the Portland Bureau of Transportation found is that  
12 e-scooters pose no particular danger. They're just  
13 as safe as bicycling and other modes of travel, and  
14 that is what Austin and other cities are finding as  
15 well. So, stay tuned. More to come and more data,  
16 but I just wanted to like try to have a fact-based  
17 conversation as best we can. Thank you.

19 BRYAN LOZANO: Great. Thank you all. My  
20 name is Bryan Lozano with Tech NYC. I want to thank  
21 you, Chair and the Committee, for giving me the  
22 opportunity to testify today. My testimony today  
23 will be focused on Introduction 1266, 1264 and 1250.  
24 Tech NYC is a nonprofit coalition with a mission of  
25 supporting the tech industry in New York through

1 increased engagement between our 700 member  
2 companies, New York Government and the community at  
3 large. Tech NYC works every day to foster a dynamic,  
4 diverse and creative ecosystem ensuring New York is  
5 the best place to start and grow a tech company, and  
6 New York has proven itself a welcomed place for tech  
7 and a leader in the sector. One of the many reasons  
8 New York has become an international hub for  
9 technology companies is because of the city's  
10 transportation options. More than one-third of the  
11 local tech-- of local tech companies have cited  
12 access to transportation as their favorite thing  
13 about New York whether it is attracting entrepreneurs  
14 to Brooklyn or the growth of start-ups throughout  
15 Manhattan. A well-functioning transportation system  
16 is critical to cultivating talent in our city, and  
17 over the past several years it has become abundantly  
18 clear that connectivity improves innovation. While  
19 our public transportation system is certainly in need  
20 of improvement, the subway remains a key driver to  
21 the city's economic growth. New York's subway moves  
22 5.7 million people around each day, and in the past  
23 several years ride share companies have drastically  
24 increased people's access to all parts of the city,  
25

1 making clear innovation also improves connectivity,  
2 yet more work remains to be done. As the city's tech  
3 ecosystem continues to expand beyond the Manhattan  
4 Central Business District and grows throughout the  
5 five boroughs it is important as ever to improve  
6 citywide connectivity. Increased connectivity and  
7 accessibility will ensure a diverse range of tech  
8 entrepreneurs and workers, along with all New Yorkers  
9 have access to the sector and are able to succeed.  
10

11 In order to bolster the current cycle of innovation  
12 in citywide tech growth, the Council should pass the  
13 package of legislation allowing for the operation of  
14 electric bikes and scooters and establishing a pilot  
15 program for electric scooters. Recent advances in  
16 electric scooters and bike services will undoubtedly  
17 help improve connectivity throughout the city  
18 especially in the areas currently underserved by  
19 public transportation. Our city's' subway and bus  
20 system is currently a century old and it doesn't  
21 fully reflect where and how people work now.

22 Electric scooters and bikes provide a safe,  
23 affordable, and efficient means of last miles  
24 transportation. They can help fill the gaps in  
25 public transportation. When coupled with intelligent

1  
2 and adaptive policy, these renewed technology will go  
3 a long way toward improving the city's connectivity,  
4 and we applaud this council for taking the lead on  
5 this issue. Thank you so much.

6 PHIL JONES: Thank you, Chair. Thank  
7 you, Council Member Menchaca, and the Committee  
8 that's currently here. My name is Phil Jones. I am  
9 from Lime. Thank you for the privilege of speaking  
10 today to support several pieces of important  
11 legislation that are critical to New York City, the  
12 mobility of its residents, and the future local  
13 transportation system that serves all New Yorkers. I  
14 represent Lime, the country's leading smart mobility  
15 company. We service over 100 markets on five  
16 continents and have recorded more than 26 million  
17 trips. We are the only major provider of a fully  
18 modal fleet including dock-free scooters, electric  
19 bikes, and regular pedal bikes. We are also proud to  
20 already be serving New Yorkers through the city's  
21 dock-free program, and the Rockaways and in Staten  
22 Island. Since the program began in July we have  
23 completed over 95,000 trips with 20,000 unique  
24 riders. We have also successfully partnered with a  
25 number of local advocacy groups and organizations,

1 business and community groups to hire residents of  
2 New York, conduct safety workshops, and improve  
3 economic activity in the areas we operate. Our work  
4 in New York so far reflects our work around the world  
5 guided by principles that our communities deserve  
6 smart, affordable mobility. We are particularly  
7 proud of the work we do to connect lower income  
8 communities and communities of color with affordable,  
9 reliable transportation. Our record in New York City  
10 illustrates the effectiveness of dock-free  
11 technology. And in improving transportation equity  
12 about 70 percent of our Lime riders identify as not  
13 being white. Sixty-one percent of the city riders  
14 that we have earn under 50,000 dollars, and 40  
15 percent of Lime riders identify as female compared to  
16 25 percent of New York City's docked bike share  
17 riders. If the Council passes this legislation  
18 before them today, we believe citywide access to  
19 dock-free bike and scooter options for all New  
20 Yorkers will significantly improve the City's  
21 transportation equity crisis. Millions of New  
22 Yorkers are not within reasonable walking distance of  
23 subway lines, and those communities tend to be lower  
24 income, more diverse, and the communities with easy  
25

1 access to mass transit. The Pratts Center for  
2 Community Development concluded that 750,000 New  
3 Yorkers were-- who travel more than one mile to work  
4 each day, two-thirds of them make under 35,000  
5 dollars, and only six percent of them 75,000 dollars.  
6 Dock-free bikes and scooters can help close that  
7 distance, increase mobility and increase quality of  
8 life for stranded New Yorkers right now. So we see  
9 this legislation as being monumental for increasing  
10 access to transportation and building equity and  
11 ending transportation deserts. Thank you.

13 CHLOE-LYNN CHARTOUNI-LEPORACE: Good  
14 afternoon Mr. Chairman and members of the  
15 Transportation Committee of the City Council. My  
16 name is Chloe-Lynn Chartouni-Leporace, and I'm the  
17 Director of Government Relations at White Fox  
18 Scooters, the first docked e-scooter solution for  
19 walkable cities. WE are the planned and safe solution  
20 that accounts for the sidewalk space and dockless  
21 problems by providing organized safety, decreasing  
22 vandalization [sic] and accounting for all the needs  
23 of all pedestrians disabled in transit desert  
24 communities. With me today is Siddharth Saxena, the  
25 CEO and Founder of White Fox, and on behalf of our

1 team we appreciate this opportunity to submit  
2 testimony in support of the pending bills related to  
3 e-scooters. The spirit of these bills to bring  
4 sustainable transit solutions is a goal that White  
5 Fox believes we here today all share. So, let's be  
6 honest here. Why is there controversy? We believe  
7 for two reasons: One, a fear of disorganization, and  
8 two, that e-scooters are viewed as a nice-to-have,  
9 but a need-to-have. And while it is instinctive to  
10 hesitate in embracing new technology, we at White Fox  
11 believe that these concerns while natural will not  
12 withstand the test of time. Moreover, the data under  
13 three points affirms our supporting position. For  
14 additional information, please view our circulated  
15 testimony. One, e-scooters add tremendous value in  
16 three significant ways. A., they're incredibly  
17 efficient, cutting car and public transportation time  
18 in half, especially when moving throughout the city  
19 from east to west. B., e-scooters reduce the carbon  
20 footprint. And finally, C., e-scooters have the  
21 potential of democratizing transportation. White Fox  
22 is committed to addressing the needs of the seven  
23 percent of New Yorkers plagued by transit deserts  
24 such as in East Flatbush. These are communities  
25

1  
2 consisting mainly of minorities and lower income  
3 populations disproportionately impacted by poor  
4 access to quality transportation, and studies have  
5 shown time and again that transit access is one of  
6 the most crucial factors in determining upward  
7 mobility. Now, two, e-scooters have actually proven  
8 to be successful in many different cities of  
9 different traffic topography. From the vast and  
10 congested road of L.A. to the hilly cobblestone  
11 streets of Providence, Rhode Island. Sixty-seven  
12 percent of New Yorkers have positively viewed  
13 electric scooters. Now, of course, there are  
14 examples of certain externalities, but we at White  
15 Fox believe that through the first docked e-scooter  
16 solution is to avoid the problems related to a  
17 dockless solution by placing a dock adjacent to the  
18 side of our partner buildings on private property  
19 near sidewalks, or on public streets. And third,  
20 with the average commuting speed of e-scooters of  
21 11.2 miles per hour, comparable to bikes at 13.6, the  
22 safety concerns of e-scooters do not greatly defer  
23 from those of bicycles and are minimal in contrast to  
24 motor vehicles. Taking these considerations, we can  
25 and should overcome this fear of the new. The



1  
2 passing of these bills is good for New York. Thank  
3 you for this opportunity to share with you White  
4 Fox's effort in bringing a promise of the first  
5 docked electric scooter solution into every New  
6 Yorker's reality. We look forward to working with  
7 the City on finding an optimal legal solution.

8 COUNCIL MEMBER MENCHACA: Thank you,  
9 Chair. Thank you for being here today, and for--  
10 it's been a long day, but it's important. This is  
11 democracy in its finest, and I'm really happy that  
12 you're still here and we're talking. SO, the first  
13 thing I want to say is or ask are about the  
14 demographics. I think all of you kind of spoke to  
15 this idea that there's an adoption in other place  
16 sand here, but for the law it's not happening. So,  
17 can you talk a little bit about the demographics if  
18 you can? If there's paper-- I don't think I saw it  
19 in the testimony, but it'd be great. Demographics,  
20 who are the riders of these things, these scooters  
21 that I'm calling toys. Thank you for reminding me,  
22 Paul.

23 UNIDENTIFIED: I think--

24 COUNCIL MEMBER MENCHACA: [interposing]  
25 But really, just tell me who's riding.

1  
2 UNIDENTIFIED: Mr. Jones had some of that  
3 in his testimony, so maybe we could repeat that.

4 COUNCIL MEMBER MENCHACA: Repeat that,  
5 but I want to hear from all of you. Are all of you  
6 the same? So if I hear from you then I hear from  
7 everybody?

8 UNIDENTIFIED: Well, I think it's  
9 probably fair to say that Bird and Lime has a similar  
10 ridership these days. We're in--

11 COUNCIL MEMBER MENCHACA: [interposing]  
12 That ridership.

13 UNIDENTIFIED: same city-- many of the  
14 same cities. But I think rather than talk  
15 specifically about our respective companies, there  
16 was a great populist survey--

17 COUNCIL MEMBER MENCHACA: [interposing]  
18 But I'm asking about your companies so--

19 UNIDENTIFIED: [interposing] We--

20 COUNCIL MEMBER MENCHACA: [interposing]  
21 Who are-- from your company, who are riding? Who are  
22 the demographics?

23 UNIDENTIFIED: Okay, I don't have the  
24 precise racial, you know, gender, age demographics at  
25 my fingertips right now, but I can tell you that--

2 COUNCIL MEMBER MENCHACA: [interposing]

3 Want to know economic. So, you're coming to a  
4 hearing--

5 UNIDENTIFIED: [interposing] Yeah.

6 COUNCIL MEMBER MENCHACA: I just want to  
7 understand. You're coming to a hearing without data  
8 that you could have and not ready to answer that  
9 question.

10 UNIDENTIFIED: I'm about to answer your  
11 question.

12 COUNCIL MEMBER MENCHACA: Go for it.

13 UNIDENTIFIED: Not in a specific  
14 percentage-wise, but--

15 COUNCIL MEMBER MENCHACA: [interposing]  
16 Okay, whatever you have.

17 UNIDENTIFIED: I'll just tell you that  
18 our ridership tracks more closely to the general  
19 population than bicycling does. So, we have better  
20 gender parity, and we have across the--

21 COUNCIL MEMBER MENCHACA: [interposing]  
22 That's not--

23 UNIDENTIFIED: board, and we're also  
24 serving more low income people than your average bike  
25 share system. I'm happy to follow up--

1                   COUNCIL MEMBER MENCHACA: [interposing] I  
2  
3 want numbers.

4                   UNIDENTIFIED: I'm happy to follow up with  
5 more specific data, but maybe Mr. Jones can help save  
6 the day here.

7                   COUNCIL MEMBER MENCHACA: I hope so.

8                   PHIL JONES: Sure, I'm happy to answer  
9 your question. So, as I mentioned in my testimony,  
10 70 percent of Lime's ridership identify as not being  
11 white. Forty percent of our ridership--

12                   COUNCIL MEMBER MENCHACA: [interposing]  
13 How does it look, by the way? Maybe I don't have  
14 your testimony, maybe.

15                   UNIDENTIFIED: I can--

16                   COUNCIL MEMBER MENCHACA: Yeah. Can we  
17 give the Sergeant of Arms, I want to see it. Maybe I  
18 don't have a copy that's why I don't-- I can't. But  
19 tell me a little bit about your demographics, who's  
20 riding--

21                   PHIL JONES: Yeah.

22                   COUNCIL MEMBER MENCHACA: gender,  
23 socioeconomic, all that.

24                   PHIL JONES: Of course, yeah. So as I  
25 mentioned previously, 70 percent of our ridership for

1  
2 LIME identifies as not being white. Most of our  
3 riders actually make under 35,000 dollars. A small  
4 percentage is over 75,000 dollars. And if you look  
5 at the neighborhoods that we're going into, most of  
6 them are actually underserved communities that exist  
7 in transportation deserts. So, at our current pilot  
8 programs we're in Staten Island and we're in Far  
9 Rockaway. We only have 600 platforms on the ground  
10 there. That's e-bikes and pedal bikes. It's about  
11 80 percent to 20 percent, slanting towards e-bikes.  
12 But in that--

13 COUNCIL MEMBER MENCHACA: [interposing]  
14 Great. Would you be open to sharing some of the raw  
15 data that kind of created some of this?

16 PHIL JONES: Of course, yeah, yeah, yeah.  
17 I'd be happy to send that over to you--

18 COUNCIL MEMBER MENCHACA: [interposing]  
19 Thank you.

20 PHIL JONES: if you don't mind. But I  
21 also just wanted to state that with only 600 bikes on  
22 the ground we've seen over 20,000 unique rides.  
23 We've done 95,000 trips. These are in areas that are  
24 isolated, and the DOT actually mentioned to you that  
25 they did that on purpose so they could see the way



2 PHIL JONES: [interposing] Yes.

3 COUNCIL MEMBER MENCHACA: I'm assuming  
4 you are in other cities?

5 PHIL JONES: we are, yes.

6 COUNCIL MEMBER MENCHACA: So, I'd like  
7 some of that. I'd like that data from all the other  
8 cities as well just so we can get a sense of kind of  
9 full maturation of the concept--

10 PHIL JONES: [interposing] Yes.

11 COUNCIL MEMBER MENCHACA: that you want  
12 to see here.

13 PHIL JONES: I'd be happy to share--

14 COUNCIL MEMBER MENCHACA: [interposing]  
15 Right.

16 PHIL JONES: our national data with you,  
17 too.

18 COUNCIL MEMBER MENCHACA: I'll follow up.  
19 I'll follow with you.

20 PHIL JONES: I can send it to you after  
21 this.

22 COUNCIL MEMBER MENCHACA: Awesome. And I  
23 don't know if you want to-- if you have anything to  
24 compare.

25

1 CHLOE-LYNN CHARTOUNI-LEPORACE: Sure.

2 So, we're waiting for legislation to pass New York  
3 City to launch, but in the meantime our goal is  
4 primarily to target transit deserts effectively  
5 serving those communities which are significantly  
6 impacted by poor access to transit, and--

7 COUNCIL MEMBER MENCHACA: [interposing]  
8 Right. That's your target, but I'm asking for data.

9 CHLOE-LYNN CHARTOUNI-LEPORACE: We--

10 COUNCIL MEMBER MENCHACA: [interposing]  
11 In other places. Do you have-- are you-- are-- this  
12 is your first. Okay, welcome. Awesome, great.  
13 Thank you for that. Thank you. And maybe that's an  
14 anticipation of how you integrate data collection,  
15 and that's important.

16 UNIDENTIFIED: We also actually have  
17 accrued a bunch of the Citi Bike former heads of new  
18 launch strategy and, you know, kind of their head  
19 people back in the day when they were starting out,  
20 so we're actually learning from their data because it  
21 is obviously [inaudible] New York.

22 COUNCIL MEMBER MENCHACA: Awesome.

23 UNIDENTIFIED: Happy to share anything we  
24 have on that as well.  
25



1  
2 COUNCIL MEMBER MENCHACA: Yeah, they've  
3 been around the block. They can do a couple things  
4 there. Affordability, how do you define affordable?  
5 Who wants to go first, Paul?

6 PAUL WHITE: Well, I think, as we heard  
7 earlier today some I think substantial conversation  
8 about affordability. You know, Bird is proud. You  
9 know, we-- for people who are on public assistance,  
10 we waive the dollar initial fee per ride.

11 COUNCIL MEMBER MENCHACA: I'm going to  
12 pause you there.

13 PAUL WHITE: Yeah.

14 COUNCIL MEMBER MENCHACA: So, I kind of  
15 want a definition. Like, it is affordable, and this  
16 is what we mean. Maybe it's a price point.

17 PAUL WHITE: We, in negotiation and  
18 conversation with each of the cities where we  
19 operate, we, you know, work that out with the City.  
20 I mean, we try to be as responsive as we can to a  
21 city's equity objectives, sustainability objections  
22 and the rest. So we tailor our program to help meet  
23 the city's goals, so--

24 COUNCIL MEMBER MENCHACA: [interposing]  
25 So, do you have a goal?

1  
2 PAUL WHITE: we absolutely have a goal.  
3 We never want cost to be an obstacle for anyone who  
4 wants to use our service.

5 COUNCIL MEMBER MENCHACA: Is there  
6 anything you can point to that demonstrates  
7 affordability?

8 PAUL WHITE: I mean, our programs in  
9 Baltimore, Detroit, Los Angeles, I mean, we have a, I  
10 think, a very strong track record of helping people  
11 who need it get the assistance they need to avail  
12 themselves our service.

13 COUNCIL MEMBER MENCHACA: Okay.

14 PAUL WHITE: I mean, I'm happy to follow  
15 up with--

16 COUNCIL MEMBER MENCHACA: [interposing] So  
17 all I'm hearing is intention here, which is great,  
18 and I like to hear that. At least we have that,  
19 right, intention? So we can come back and-- I think  
20 we're going to set up a meeting so we can talk. I  
21 want to hear-- I want to hear a little bit more.  
22 Intention is not going to drive the understanding of  
23 where this is going to land.

24 PAUL WHITE: We've done tens--  
25

1 COUNCIL MEMBER MENCHACA: [interposing]

2 And so I appreciate--

3 PAUL WHITE: [interposing] of millions of  
4 trips in the United States so far, and so I can  
5 furnish you with some very specific numbers that--  
6 yeah.

7 COUNCIL MEMBER MENCHACA: Interested in  
8 defining affordability. Does anybody else have a  
9 sense of affordability?  
10

11 PHIL JONES: Yes, Council Member. So,  
12 Lime actually has a program that is national for us.  
13 It's Lime Access. So, if you're on any city, state  
14 or federal subsidy, we cut your ride cost in half.  
15 That would be 50 cents to unlock, and this is for our  
16 electric platforms, right? So, we cut that ride in  
17 half, and we also cut the time that it would cost you  
18 in half, also. So, if it was 15 cents, it would be  
19 7.5. What we want to make sure of is also if you're  
20 on any sort of utility subsidy, you also get this  
21 discount. What we try to push and make sure as a  
22 company is that this technology is for everyone. We  
23 want to make sure that it's something that everyone  
24 access to and they can see how it can change their  
25 everyday life. So as we're building out what

1  
2 affordable is, as Paul pointed out, we are looking at  
3 the communities that we're going into, but we also  
4 want to make a statement nationally, because we  
5 understand that people are using these things in  
6 their everyday life, right? They're not using it to  
7 joyride up and down the boardwalk. They're not going  
8 around the north horn of Staten Island. They're  
9 using them to get to their job, right? So we want to  
10 make sure that if people are doing this it's  
11 affordable. And just as an anecdote, if you don't  
12 mind, we actually have young people using our  
13 platforms for Uber Eats. So it's a cottage industry  
14 for them. They're making money using our platform,  
15 and we fully support that. We want them to have  
16 access to this. We want them to grow their own  
17 understanding of who they are and help their  
18 communities. So, that's very, very important that  
19 we're doing this work.

20 COUNCIL MEMBER MENCHACA: Sounds really  
21 exciting actually. I don't know if you guys have  
22 like affordability model of how low you're willing to  
23 go or what you're prepared to do that. Even though I  
24 know there's negotiations you might not want to  
25

1  
2 define it where you are, but they have track records,  
3 so.

4 CHLOE-LYNN CHARTOUNI-LEPORACE: Yes, so  
5 we haven't launched yet, but we actually do have  
6 plans on providing unlimited plans and providing low  
7 income and working with the NYC HRA and SNAP  
8 residences as well. Again, we see ourselves as a  
9 company doing a public service. We're not just  
10 innovating the transportation industry, but we're  
11 serving our society and communities. And cities that  
12 we intend on partnering with, we've provide or plan  
13 on providing a charitable contribution to take that  
14 money and reinvest it into the city.

15 COUNCIL MEMBER MENCHACA: Oh, I have three  
16 more questions. Okay, really quick, because this is  
17 important, because we need to understand it. Parking  
18 spaces or sidewalks, where do you plan? Second, e-  
19 bikes, you're ok-- I want to get a sense of  
20 decoupling these two things. E-bikes should go now,  
21 and then we could figure out scooters. There's this  
22 idea that they should all happen together, and I want  
23 to get a sense of how you think about that. If you  
24 could do it separate, do e-bikes now and keep  
25 talking? And then the final thing is the technology

1  
2 and what you would essentially need as a-- I call it  
3 a barrier, but essentially the opportunity to access  
4 these things. Do you need a phone? Can you just  
5 kind of walk up to it? And so I want to kind of  
6 sense of that, and then I'm done for the moment.

7 PAUL WHITE: So your first question was  
8 parking, or where do you park these things, is that--

9 COUNCIL MEMBER MENCHACA: [interposing]  
10 Yeah, Reynoso had a great idea, which I'm totally  
11 for, removing parking from our streets--

12 PAUL WHITE: [interposing] Yes.

13 COUNCIL MEMBER MENCHACA: Get the car  
14 out, put these things there and not on our sidewalks.  
15 I don't know if that's something that you guys have--

16 PAUL WHITE: [interposing] We've done that  
17 in a few markets already, parklets [sic], bike  
18 corral.

19 COUNCIL MEMBER MENCHACA: Right.

20 PAUL WHITE: It's for scooters, if you  
21 will, and that's really the preferred way to, you  
22 know, reduce or eliminate the clutter issue. You  
23 know, the Monetta [sp?] Transportaiton Institute did  
24 a study in San Jose on how many scooters were  
25 clogging up the public right-of-way and getting in

1  
2 the way of access, and they found that 97 percent  
3 were parked properly, and I think that's a result of  
4 a number of things that we're doing that even our  
5 competitors are also doing. Bird, I think, is doing  
6 a good job of requiring riders to prove that they  
7 parked a scooter properly. So, we now require that  
8 you take a photo. I've parked my scooter properly.  
9 So we're policing as best we can internally. We also  
10 employ "Bird Watchers" and chargers who place the  
11 scooters every morning in a proper place that  
12 encourages good behavior, and our Bird Watchers are  
13 employees who literally walk around and move scooters  
14 to where they need to be. So, I think, you know, the  
15 infrastructure solutions are those that do really  
16 work best. So, ideally we're designating those areas  
17 out of the public rights-of-way.

18 COUNCIL MEMBER MENCHACA: And then e-  
19 bikes, decoupling it. You're okay with us--

20 PAUL WHITE: [interposing] You know, we--

21 COUNCIL MEMBER MENCHACA: kind of moving  
22 forward.

23 PAUL WHITE: I'm-- you know, Bird is a  
24 scooter company solely but we could not be more  
25

1  
2 thrilled that this whole suite of legislation is  
3 moving forward.

4 COUNCIL MEMBER MENCHACA: And you're okay  
5 with e-bikes going forward, or--

6 PAUL WHITE: [interposing] Absolutely.

7 COUNCIL MEMBER MENCHACA: without the  
8 scooters, and we can kind of work on the scooters.

9 PAUL WHITE: We see e-bikes as being  
10 brothers and sisters with e-scooters and all forms of  
11 micro mobility.

12 COUNCIL MEMBER MENCHACA: Got it. So we  
13 should do it together.

14 PAUL WHITE: Yes.

15 COUNCIL MEMBER MENCHACA: Thank you.

16 CHAIRPERSON RODRIGUEZ: So with that, I--

17 COUNCIL MEMBER MENCHACA: [interposing]  
18 Well--

19 CHAIRPERSON RODRIGUEZ: [interposing]  
20 Hold up, give me one second. With that I just hope  
21 that you take all those questions, all the concern--  
22 there's still like a large numbers of people here,  
23 and we have hundreds of questions.

24 COUNCIL MEMBER MENCHACA: Going to write  
25 it.



1  
2 CHAIRPERSON RODRIGUEZ: So, of course,  
3 like you know, Council Member Menchaca and I we work  
4 very close. His concern, his question is also  
5 concern for me, but for the purpose of time to call  
6 the other people in the public in there. Thank you  
7 guys, and we will continue to be in conversation,  
8 okay? Thank you.

9 COUNCIL CLERK: Liam Blank? Daniel  
10 Flanzig, Lawrence Acre [sp?], Paul Devlin [sp?],  
11 Christine Burte [sp?]. Alan Hoster [sp?]? Tom Greik  
12 or Grek [sp?]. Erica Bates?

13 LIAM BLANK: Good evening. My name is  
14 Liam Blank. I'm the Advocacy and Policy Manager for  
15 Tri-State Transportation Campaign, which is a  
16 nonprofit organization fighting to improve transit  
17 and mobility options in New York, New Jersey, and  
18 Connecticut. New York City has a population of eight  
19 million people with the majority moving around the  
20 city by car and public transit. Over the last few  
21 years, though, transit has become unreliable and  
22 traffic congestion has gridlocked the streets. To  
23 help relieve this problem, the City needs to  
24 legalize-- or city and state-- need to legalize e-  
25 bikes and e-scooter and begin to build a proactive

1 platform around these newer modes of active  
2 transportation. Any discussion around the safety of  
3 scooters and bicycles must first recognize that the  
4 most dangerous vehicles on the road are cars. Every  
5 year in the United States 40,000 people die in car  
6 crashes, and there are over 450,000 bicycle-related  
7 visit to the emergency room, more than 96 percent of  
8 them linked to collisions with cars. If we're going  
9 to be a city that continues to grow, if we're going  
10 to be a city that diversifies its transportation  
11 landscape, and if we're going to keep pace with other  
12 cities around the world that are embracing new trends  
13 in transportation, then we have to be proactive about  
14 making sure that we make the use of-- that we make  
15 the use of e-scooters and e-bike safe and legal for  
16 everyone. Part of that safety and legality means we  
17 need to make sure that we have lanes that are  
18 dedicated to those uses and that those lanes are safe  
19 and protected. It is time for the city to rethink  
20 its transportation to shape a 21<sup>st</sup> century transit  
21 and transportation network and that work needs to  
22 start now. This starts with a commitment from the  
23 city that streets are for everybody, not just for  
24 cars. For every person we take out of a car, that's  
25

1  
2 one less car contributing to our city's congestion  
3 crisis, and that needs to be a top priority for  
4 transportation in this city. Thank you.

5 DANIEL FLANZIG: Good evening Chairman  
6 and members of the committee. My name is Daniel  
7 Flanzig [sp?]. I'm a Board Member of the New York  
8 Bicycle Coalition, New York State's only statewide  
9 bicycle advocacy group. I'm also a partner at the  
10 law firm of Flanzig and Flanzig where we've represent  
11 the interest of New York cyclists. I'm here to  
12 express the support of NYBC for the legalization of  
13 these classes of e-bikes. NYBC believes the package  
14 of bills before your committee further supports e-  
15 bikes and e-scooters and are a positive step towards  
16 a greater green transportation in our city. Our  
17 organization for the last five years has been working  
18 diligently in Albany to get e-bike legislation  
19 passed. The growing use of e-scooters is also on our  
20 radar. NYBC sees terrific benefits of e-bikes both  
21 for an environmental perspective, allowing aging baby  
22 boomers to get on bikes and stay active as well as  
23 the ability for people with certain disabilities to  
24 be more easily-- ride a bike. Additionally, the  
25 membership of NYBC supports those delivery workers

1  
2 whose bicycles have been confiscated for using Class  
3 2 throttle e-bikes in New York City while attempting  
4 to make a living. On this note, we support the  
5 legalization of these new classes of e-bikes. Along  
6 with our support, I'm also submitting the support of  
7 our friends at the People for Bikes Coalition as well  
8 as the Bicycle Product Suppliers Association. I  
9 encourage you to consider their comments in your  
10 discussions and deliberations on this package. Thank  
11 you.

12 ALLEN OSTER: Good evening, Chair. Good  
13 evening, Council Member. My name is Alan Oster  
14 [sp?]. I'm a 22-year resident of West Chelsea,  
15 President of the 400 Block Association, 21<sup>st</sup>, 22<sup>nd</sup>,  
16 23<sup>rd</sup> Street, a member of Community Board Four, and a  
17 Board Member of Chelsea Waterside Park Association.  
18 Today I'm speaking as a concerned resident and a  
19 community volunteer at Hudson River Park for the past  
20 four years. I'm opposed to allowing any motorized  
21 vehicles, skateboards, scooters, or bikes within the  
22 boundaries of the park. During the time that I have  
23 been involved with helping to maintain this  
24 magnificent asset in our community, the number of  
25 these motorized vehicles has steadily increased, and

1 along with the increased number of vehicles has been  
2 increased recklessness on the part of these vehicle  
3 operators. I have personally witnessed and come to  
4 the aid of victims of accidents between these  
5 motorized vehicle, bike riders, and pedestrians.  
6 Though these motorized vehicles make up a smaller  
7 percentage of the total riding population using the  
8 park, my observation of working there is that they  
9 are more likely to leave the designated bike path and  
10 ride on the pedestrian walkways along the waterfront.  
11 In addition, they seem to be less inclined to stop in  
12 order for pedestrians to cross the bike lane. Perhaps  
13 by now being in the park and not on the city streets,  
14 they feel no longer constrained by the normal rules  
15 of the road. There seems to be to be a heightened  
16 daredevilness [sic] in the manner of which they  
17 maneuver along the bike way and with the recent  
18 addition of bollards and concrete barriers,  
19 congestion along the bike way has increased. More  
20 funding would be needed to provide additional  
21 enforcement personnel and burdening resources needed  
22 by the trust to maintain the park. In conclusion,  
23 these motorized vehicles are unsuited to share the  
24

1  
2 bike path with the bicycles and other non-motorized  
3 vehicles. Thank you very much.

4 CHRISTINE BERTHET: This is-- my name is  
5 Christine Berthet. I'm going to try to cover two  
6 testimonies since the other person had to leave. So  
7 I am speaking as the Co-Chair of Manhattan Community  
8 Board Four Transportation Committee. We have many,  
9 many bike lanes in our neighborhood and many delivery  
10 people. And the first thing I want to say is that  
11 the stories we heard today, I definitely object to  
12 the treatment of delivery workers by the NYPD. I  
13 think we have a major issue there, and no one is  
14 talking about it. And whatever we legalize, if the  
15 NYPD continue to have biased treatment of people,  
16 then we are going to have a problem, and legalization  
17 is not the solution. We think that-- talking first  
18 about 1264, we believe that every electric or not  
19 bike in the bike lane should be limited to 15 miles  
20 per hour with a governor, and then second, we are not  
21 sure-- we don't understand why the Class Two or Three  
22 should be legalized, and the reason we're saying that  
23 is that there is an impression that on our part that  
24 these are essentially mopeds, and mopeds, nothing  
25 prevent a moped to be an electric moped. It's

1  
2 already in the list of vehicle approved by New York  
3 State. And so the only thing that legalization is  
4 going to do is avoid license and registration, and in  
5 a time where we are at the same time saying we need  
6 more education, I want to remind you that the  
7 licensing exercise is really an education exercise.  
8 It's to say well, people have to learn. So if you're  
9 going to have a bike that goes at 20 miles per hour,  
10 you know, I think you should get a training and you  
11 may want-- not to call that a license, but you should  
12 a training, because it's getting to be pretty high  
13 speed. So, again, think about the moped. Everybody  
14 could go and get a moped, get a license,  
15 registration, and that's it. You have everything you  
16 need. So, this being said, we also believe that the  
17 conditions of work for the workers are horrible, and  
18 we should really put a law to increase their salary,  
19 their compensation to 15 dollars per hour and to  
20 include some compesory [sic] tipping into their  
21 deliveries, because many of them said, "You know, the  
22 first problem we have is NYPD, and the second problem  
23 we have is we can't make a living." So between those  
24 two things we should be able to do that. As far as--  
25 if you indulge me-- as far as e-scooters, we really

1 believe that this is a good option. It needs to be  
2 carefully rolled out and really testing, and did  
3 nothing on the sidewalk. It should be limited to 15  
4 miles per hour. I don't think it should be on the  
5 greenway because there is so much on the greenway  
6 already. It's an issue of congestion, right? And  
7 deployment in areas which have long distance, and  
8 poor transit should be a priority. We need the  
9 parking zone. We need also charging station, because  
10 what happened now is there's a lot of trucks going at  
11 night and taking those scooter to a central location,  
12 charging them and putting it back. I don't think we  
13 want all these, you know, trucks at night going back  
14 and forth. And ensuring education and enforcement  
15 which is very important. And finally, the legal  
16 framework need to be clarified, like the user  
17 agreement with e-scooter today doesn't allow the user  
18 to sue the company if the brakes break. So, I think  
19 they need to be brought in comply-- in consistent  
20 with other vehicles saying if the scooter is not  
21 right it should be-- a lawsuit could be brought. And  
22 finally e-scooter and e-bike companies should be  
23 clearly defined at transportation providers, and not  
24 technology platforms so that we avoid the issue we  
25



1  
2 have had at Uber and we really have transportation  
3 mode there and then we need inspection of the  
4 equipment. These are my recommendations. Sorry to  
5 have taken a little--

6 [applause]

7 ERICA BATES: Hi, my name is Erica Bates,  
8 and I run Corporate Communications and Community  
9 Relations for Chelsea Piers. I've been with the  
10 company for 18 years, and I'm here today to raise  
11 significant concerns about the use of e-bikes,  
12 motorized scooters, pedal assist bikes in the Hudson  
13 River Park bikeway and walkway area. Chelsea Piers  
14 opened in 1995, three years prior to Hudson River  
15 Parks' formation. Our facility covers nearly five  
16 blocks of the bikeway, with more than 2,000 people  
17 working at Chelsea Piers, including Chelsea Piers  
18 tenants who are the largest employer on the west side  
19 of the bikeway. In addition annual visitation to  
20 Chelsea Piers is approximately four million people.  
21 Needless to say, Chelsea Piers is one of the busiest  
22 hubs along the bikeway walkway. As you know, the  
23 bikeway walkway has grown in popularity over the  
24 years as sections of the park have been completed.  
25 The bikeway sees a tremendous amount of mixed use

1 traffic, bikers, runners, walkers, scooters,  
2 skateboards, approved-use golf carts, dog walkers,  
3 etcetera to accommodate many tourists, competitive  
4 cyclists, lunchtime business patrons, children's  
5 groups, neighborhood residence, recreational athletes  
6 and visitors. The number of businesses on the west  
7 side of the bikeway has also dramatically increased,  
8 as have the businesses and residential buildings that  
9 border the west side highway to the east. All these  
10 changes have drastically increased the usage of the  
11 bikeway walkway. More than 15 years ago, Chelsea  
12 Piers opted to station a guest services guard at the  
13 north end of our complex where the bikeway walkway  
14 23<sup>rd</sup> Street bus turnaround and our entrance road all  
15 met. The goal was to slow down the traffic at this  
16 important intersection. High speed accidents clearly  
17 create more dramatic injuries and even fatalities.  
18 While accidents still occur, they are usually not as  
19 serious. We have also received strong praise from  
20 park patrons and customers thanking us for trying to  
21 slow down the bikers that use the bike path to race  
22 and ignore other users and traffic rules. During the  
23 past years we've met many times with HRPT state and  
24 city DoT, community groups, elected officials to talk  
25

1 about initiatives to alert all users to the shared  
2 nature of the bikeway walkway specific crossing,  
3 safety issues, and steps to be taken to make the bike  
4 path less dangerous for pedestrians and casual users.  
5 We've lobbied for crosswalks, stop signs, group [sic]  
6 pavement, what have you. Even with signage,  
7 personnel, clearly painted crosswalks, and DOT lights  
8 for bicyclists, the problem just continues to get  
9 worse. The population of cyclist that will not  
10 follow traffic lights on the bikeway travel at high  
11 speed, are aggressive toward other populations on the  
12 bikeway. They seem to not be interested in sharing  
13 the roadway in a popular park. E-bikes, scooters,  
14 pedal assist forms of transportation increase the  
15 speed of conflicts and encourage the bikeway to be  
16 used as a highway for fast transportation versus  
17 recreational amenity in a popular and growing park.  
18 The pedal assist and e-bikes and scooters tend to  
19 also weight a lot more than a traditional bike, so  
20 the conflicts of higher speed with a faster moving  
21 vehicle that could sometimes way as much as 80  
22 pounds. Imagine the injuries that could cause.  
23 Chelsea Piers strongly believes that allowing pedal  
24 assist or any type of e-vehicle on the bikeway will  
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take an already crowded and dangerous situation and make it much worse. Sadly, if approved, it will prove more injuries and potentially death.

CHAIRPERSON RODRIGUEZ: [off mic]  
[inaudible]

UNIDENTIFIED: Thank you.

COUNCIL CLERK: Madelyn Wils, Tony Simone, Macartney Morris, Adriana Espinoza [sp?], Alex Roch [sp?], Toby Bosch [sp?], Joyce Snider [sp?]? Lola Finkelstien [sp?]? Karen Gourgey?

CHAIRPERSON RODRIGUEZ: [off mic]

MACARTNEY MORRIS: Macartney Morris, and I come here as a daily bike rider and a long-time bike advocate. I live in Astoria in Queens. I come here today to speak in solidarity with the working cyclists who spoke earlier. I come here today to add my own plea for better transportation options as a resident from a so-called "outer borough." I come here emphatically to urge this committee and this council to support Intro. 1264 and to legalize e-bikes in New York City. You can't say that you want to eliminate transit deserts in the outer boroughs and then not support e-bikes. You can't say that you're in favor of breaking car culture, but then

1  
2 vote against e-bikes. You can't say you're in favor  
3 of immigrants and workers, but then vote against e-  
4 bikes. You can't say you're in favor of street  
5 safety and then vote against e-bikes. And you  
6 certainly can't say that you want to fight climate  
7 change, but then vote against e-bikes. Legalizing e-  
8 bikes is good for transit deserts in boroughs, outer  
9 boroughs like Queens. Biking to Manhattan from those  
10 places is a tall order, but using an e-bike makes  
11 that journey possible for so many more. The first  
12 time that I rode a Citi Bike pedal assist, my first  
13 thought was, wow, who would this be if we had it in  
14 Forest Hills and people could ride in the Queens  
15 Boulevard bike lane. It would be even more vital  
16 transportation route than it already is. E-bikes are  
17 game changers. Legalizing e-bikes also is good for  
18 breaking car culture. Thirty-one states in  
19 Washington, D.C. already allow and encourage them,  
20 countless other countries. In these locals there's  
21 no safety crisis that's happened. It's just the  
22 beginning of a transportation revolution. Paris,  
23 France is giving its residents subsidies to buy e-  
24 bikes. New York City is sacking it's police officers  
25 and confiscating them. That's shameful and

1  
2 embarrassing. Legalizing e-bikes is also good for  
3 workers and immigrants as we heard earlier today.  
4 Police harassment of them has not resulted in safer  
5 streets. It's only resulted in lost and stolen wages  
6 for already underpaid immigrant workers. Working  
7 cyclists have told us over and over again what they  
8 need, and real progressives would listen to them,  
9 they wouldn't sack police officers after them.  
10 Legalizing e-bikes is also good for street safety.  
11 There's something on our streets that's killing and  
12 injuring New Yorkers, and ladies and gentleman it  
13 ain't e-bikes. In fact, according to public safety  
14 data, 200 people were killed last year due to traffic  
15 violence, and exactly zero of them were killed by e-  
16 bikes. Working cyclists on e-bikes aren't  
17 perpetrators of traffic violence, they are victims of  
18 traffic violence. They are the cyclists dying on our  
19 streets. The number one thing to do to make streets  
20 safer for cyclists is to have more people biking.  
21 Legalizing e-bikes would do that. The year is 2019  
22 and we are 12 years away from climate change ending  
23 the world as we know it. New Yorkers are counting on  
24 this committee, on the City Council and this Mayor to  
25 start acting like climate change is real. If you want

1  
2 to improve transportation options in the outer  
3 boroughs, if you want to break car culture in the  
4 city, if you want to support immigrants and workers,  
5 if you want to make the streets of New York safer for  
6 people, and if you want to fight climate change, the  
7 choice is clear and you vote in favor of Intro 1264,  
8 and to be frank, you also legalize class 3A bikes,  
9 and I think it's kind of silly that that's not even  
10 on the table at this committee, but for sure, you  
11 should make sure that you legalize e-bikes and you  
12 don't just listen to what the e-scooter companies are  
13 saying. Please pass these as a package. Thank you  
14 for your time.

15 ADRIANA ESPINOZA: Hi, I'm Adriana  
16 Espinoza. I'm the Director of the New York City  
17 Program at the New York League of Conservation  
18 Voters. Thank you to Chair Rodriguez for the  
19 opportunity to testify today and for Council Member  
20 Menchaca for still being here. I really appreciate  
21 it. So, one of NYLCV's top priorities is to increase  
22 access to sustainable low-carbon modes of  
23 transportation, especially where those modes can  
24 reduce reliance on cars or connect New Yorkers in  
25 transit deserts to the nearest public transportation

1 hub, and we believe e-scooters represents one such  
2 opportunity. However, embracing a new low-carbon  
3 mode of transportation must also come with a  
4 recognition that there's a similar mode that has been  
5 operating in a legal gray area for years, despite  
6 being part of the fabric of New York City, and that's  
7 e-bikes. Last year, DOT clarified legal status for  
8 pedal assist e-bikes, something we pushed for, but  
9 gave no resources to the many delivery workers who  
10 rely on these bikes for their livelihood. Instead,  
11 we've seen confiscation and fines levied against  
12 these workers. NYLCV supports Intro. 1265 to  
13 establish a conversion program and we believe this is  
14 a more constructive rather than punitive, the  
15 punitive status quo that disproportionately impacts  
16 low income immigrants in the city. This bill will  
17 appear on our City Council Environmental Score Card  
18 this year. We also support exploring new modes of  
19 transportation, but want to do so in a way that adopt  
20 the best of what other communities have experienced,  
21 and minimize its negative impact. A pilot program is  
22 the right approach to introduce e-scooters to New  
23 York City. we believe it's important for DOT to be  
24 able to study how the scooters are adopted and used  
25



1 by New Yorkers, which type of neighborhoods they make  
2 sense, and how and where charging is managed, and  
3 whether dock-based or dock-less models are the best  
4 fit. For these reasons we support Intro. 1266. It is  
5 also including this bill in our upcoming  
6 Environmental Score Card. However, instead of only  
7 focusing on areas impacted by the reconstruction of  
8 the L Train tunnel, all communities lacking easy  
9 access to public transportation should be considered.  
10 We also recognize that Intro's 1266 and 1250 must  
11 pass as a package for the pilot to commence, so we  
12 offer support for 1250 provided that the full  
13 legalization of shared e-scooters are subject to  
14 rules and regulations promulgated by DOT and only  
15 broadly deployed following a successful completion of  
16 a pilot program. We also support Intro 1163. I'll  
17 skip that part, and just say that-- in closing, with  
18 access to alternative modes, safe and well-designed  
19 streets, and a connected network of bike lanes, New  
20 Yorkers can more easily pursue sustainable loads of  
21 transportation and reduce dependency on high  
22 emissions vehicles. Thank you.

24 UNIDENTIFIED: Good evening Chairman

25 Rodriguez and Council Member Menchaca. Thank you for

1  
2 your leadership on transportation issues and social  
3 equity. I'm here speaking on behalf of Madelyn Wils,  
4 the CEO and President of Hudson River Park Trust, and  
5 Connie Fishman, the Former CEO and President of  
6 Hudson River Park Trust. Our main issue is a  
7 reasonable request. We are not anti-e-bike or e-  
8 scooter, and we are not anti-delivery worker. I have  
9 come back-- I come from a union background. My  
10 grandfather was a union delegate. We're simply here  
11 about safety. I know both of you have been to Hudson  
12 River Park. Our bikeway is very narrow. It runs  
13 from Chambers up to 59<sup>th</sup> Street. If you ever visit  
14 the park on a busy, beautiful day, there are  
15 thousands of pedestrians, joggers, you name it,  
16 seniors, children. Our bikeway is very narrow.  
17 Following the terrorist attack of October 31<sup>st</sup> where  
18 several folks were injured and killed sadly, the NYPD  
19 Homeland Security it placed very, very thick bollards  
20 against our wishes, and even though many great groups  
21 that were here prior to us, Transportation  
22 Alternatives and others, said it was unreasonable to  
23 put these barriers in a bike lane. The bike lane has  
24 already been a problem for years. It was designed  
25 prior to e-bikes and e-scooters, and because of that,

1 pre-e-bike and e-scooters there's been many  
2 accidents, some deaths unfortunately. So we're only  
3 asking for a reasonable carve-out to the bills 250,  
4 264, and 266 to exclude the Hudson River-- I think  
5 legally it's called the greenway. Due to the fact of  
6 lack of enforcement, and one of the main issues is--  
7 and we realize it's not really the e-bikes or e-  
8 scooters that's the issue, it's enforcement. The PAP  
9 officers, the park police that actually work with the  
10 NYPD to enforce safety on the bikeway have limited  
11 resources, and they're on foot. Because of that,  
12 it's very hard to enforce e-bikes or e-scooters on  
13 the bike-way. I know there's probably a way with  
14 technology to fix that in the future, but I think  
15 there isn't right now unless Lime and them can  
16 convince us otherwise. We represent a constituency  
17 of several thousand folks, not only on the west side,  
18 but folks from around the five boroughs that use the  
19 park every day. We've heard from many parents, from  
20 the Hudson River Park Advisory Committee which is  
21 made of Community Board One, Two, and Four. Many  
22 constituents from Speaker Johnson's office that  
23 there's a safety issue now on the bike-way, which by  
24 the way, state DOT-- you probably already know this--  
25

1 run the bike-way, but do not enforce safety on the  
2 bike-way, pre e-bike and e-scooter. So our fear is  
3 if-- and we realize it's a pilot and it's going to  
4 start out around the L Train, we realize that, but as  
5 the bills move forward, while we're pro-e-bike and e-  
6 delivery-- delivery folks and working folks, we just  
7 what to emphasize safety on the bike-way. The way to  
8 carve it out to ensure that the bike-way is not even  
9 more crowded, more unsafe, and more un-enforceable  
10 safety laws. If it could be proven that it was safe  
11 and the police and NYPD work with the PEP officers to  
12 enforce those who are not following the rules, no one  
13 would be against e-bikes and e-scooters, but as of  
14 now, that's not the case. Bikes run the lights,  
15 regular bikes. Bikes have hit pedestrians. Chelsea  
16 Piers will tell you they have private security they  
17 pay lots of money for. If the City gave resources to  
18 provide more safety officers to the park or-- and I'm  
19 not saying NYPD-- maybe it would be reasonable. But  
20 as I request, if there could be a carve out for the  
21 bike-way until they figure out a safety measure so we  
22 can keep the park users safe within Hudson River  
23 Park. Thank you for your time. Good evening.

1  
2 CHAIRPERSON RODRIGUEZ: [off mic] too,  
3 please? Say your name, too, for the record.

4 TONY SIMONE: I'm sorry, Tony Simone,  
5 Hudson River Park Friends.

6 UNIDENTIFIED: I just want to make sure  
7 this blind woman speaks. I'll speak out--

8 UNIDENTIFIED: It's not her turn yet, I  
9 don't--

10 UNIDENTIFIED: Okay, it's my turn, great.

11 According to the Department of Transportation 315  
12 pedestrians were injured by bikes in 2017. Now, if  
13 you put this to a vote or referendum, what would the  
14 average pedestrian tax payer say? They would say we  
15 are terrorized by bikers, regular bikers, delivery  
16 bikers. I am terrorized by bikers. I live in  
17 Chelsea, and every day it's a near miss. They are on  
18 the sidewalks. They are running reds. They are to  
19 me a terror, and also to people who are seniors who  
20 are impaired with mobility impaired, blind, deaf,  
21 they terrorize us. They don't stick to bike lanes,  
22 and when they are in the bike lanes they are often  
23 going the wrong way. They're often on the sidewalk.  
24 They should be licensed. They should be insured.  
25 The money from licenses could go to hire more cops.

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The tickets issued by the bike cops could go to the MTA. Now, there has been this Intro. 1463 which provides a reporting system for pedestrians hit by cars, I'm wondering if there is any such provision for bikes and scooters. Many tourists come to New York City to rent Citi Bikes. A lot of them don't know how to ride bikes. They don't know what a one-way street is. A lot of bikers, not just delivery bikers, are lawless. They need to be reined in, not supercharged. The only people who are going to be excited by e-bikes are class action attorneys who are going to be circling looking for cause when more people are injured. And my friend who came with me, Toby Bush [sp?] left because her leg was hurting her. She has a steel rod in her leg. She was hit by a delivery bike going the wrong way. Thank you.

KAREN GOURGEY: Hi, my name is Karen Gourgey-- It's still not my turn. I'm speaking before we leave here. I'm telling you that.

JOY SNIEDER: Joy Snieder [sp?]. Thank you.

KAREN GOURGEY: Now it's my turn? So, one more time. My name is Karen Gourgey, and I represent the PASS Coalition. PASS is Pedestrians

1 for Accessible and Safe Streets, and we represent the  
2 blind and low-vision population of New York City, and  
3 maybe you didn't know, but there's more than 175,000  
4 people who are blind and low-vision, and some also  
5 are deaf/blind. And we have concerns, and mostly  
6 what we really want to make sure of is that if these  
7 bills are implemented, that our needs are taken into  
8 account, that our side of equity also becomes a part  
9 of what we're talking about. So, I wanted to just  
10 mention a couple of things. One thing that's a big  
11 concern to us is the importance of sound. We travel  
12 by listening. We travel safely by listening to  
13 traffic, and accessible pedestrians signal that we  
14 will know when to cross the streets safely. In  
15 general, e-scooters and e-bikes are silent. This is  
16 very frightening to us, and I can even tell you just  
17 regular bikes, I don't hear a regular bike 'til it's  
18 within inches of me. That is a frightening way to  
19 live, and as the new technologies comes forth, they  
20 definitely have the ability to have some sound  
21 associated with them, so that we will be safe around  
22 these things. Another aspect we need to mention is  
23 the whole idea of enforcement. We certainly don't  
24 want to be against delivery workers and etcetera and  
25

1 etcetera, but when there are issues and when people  
2 go the wrong way, which they do on one-way streets,  
3 when they run traffic lights, these things also put  
4 us in danger. So, we need to-- we need to have that  
5 also taken into account. We want to make sure that  
6 as these bills are implemented, there are regulations  
7 dealing with these that take us into account, that  
8 take our issues into account. And, what do I want to  
9 make sure I told you. The Department of  
10 Transportation did a fairly effective training thing  
11 for people who ride regular bikes. It was called  
12 Cycle Eyes, and one thing we really would like to  
13 strongly, strongly suggest is that that very quick  
14 but very smart post card and video training regimen  
15 be updated and be given to any person and it be-- any  
16 person who's using an e-bike or an e-scooter needs to  
17 take advantage of this, look at it, and implement it  
18 into what they do. I really-- we also believe that  
19 this training should be translated into all languages  
20 that are used, particularly used by delivery people  
21 so that they'll have the possibility to just be  
22 reminded that there are people who don't get around  
23 quite as quickly as they do, but we are also  
24 citizens, and we also have the right to travel safely  
25



1 on our streets. So, I would be very much happy to be  
2 of help or our Coalition would very much be happy to  
3 be of help, but we are not willing to stand by and  
4 see these laws implemented where our needs once again  
5 are not taken into account. Thank you.

6 [applause]

7 CHAIRPERSON RODRIGUEZ: Thank you, and  
8 you know, continue conversation. We've been working  
9 for years to be sure that we improve safety for  
10 everyone, including any New Yorkers who need support-  
11 - information or supportive device, and so for me  
12 again as the Chairman of this committee we will  
13 continue working with all of you to be sure that  
14 safety is the top one if we decide, if we move ahead  
15 with any new changes. So there's no question there.

16 COUNCIL MEMBER MENCHACA: Can I have one  
17 question, Chair?

18 CHAIRPERSON RODRIGUEZ: Short please.

19 COUNCIL MEMBER MENCHACA: Short.

20 Adriana, did you hear earlier that the companies, the  
21 DOT's understanding understand that the scooter's  
22 lifespan-- thank you so much by the way. The  
23 scooter's life span was only a month or two, and that  
24

1  
2 they would essentially have to buy new ones and just  
3 cycle thousands of bikes. Did you hear that?

4 ADRIANA ESPINOZA: I missed that somehow  
5 in the seven hours--

6 COUNCIL MEMBER MENCHACA: [interposing]  
7 Oh, my God. My skin crawled, and I'm like really?

8 ADRIANA ESPINOZA: One month?

9 COUNCIL MEMBER MENCHACA: Every one or two  
10 months they would have cycle these scooters out.  
11 Anyway, question mark, flag, let's talk about it. I  
12 think that's a real environmental concern, and let's  
13 keep talking.

14 ADRIANA ESPINOZA: Yeah, I think we  
15 should follow up to talk about that. That would be  
16 adding a lot of waste to our waste stream to like-- I  
17 mean, a lot of the components would be recycled,  
18 metal, but I'm wondering if maybe the batteries die  
19 and they could be replaced or if it's the whole  
20 thing.

21 COUNCIL MEMBER MENCHACA: I have a lot of  
22 questions, too. So, let's work together on those  
23 question. Thank you. That's it. Thanks, Chair.  
24 [inaudible] Chair Rodriguez, I'm done.

1  
2 COUNCIL CLERK: Thomas Neringer [sp?],  
3 Henry Rinehart.

4 HENRY RINEHART: I just want to say that  
5 I've closed better bars than this. My name is Henry  
6 Rinehart. I was the owner of Henry's Restaurant on  
7 105<sup>th</sup> and Broadway for the past two decades, and safe  
8 street reg-- and thank you very much for your passion  
9 and also your stamina. This is my first time hearing  
10 you speak publicly, and I'm very impressed with your  
11 focus and your questions. Safe streets and updated  
12 regulations that support electric mobility are  
13 essential for the health and prosperity of all New  
14 Yorkers. As I said, I owned and operated Henry's on  
15 the upper west side for two decades, and my testimony  
16 today is an experienced New York City businessman  
17 supporting these proposed bills on e-mobility. I'm a  
18 longtime New York City businessman. I am the son of  
19 parents aging in place on the upper west side, and  
20 the parent of a teenager in a New York City public  
21 school. I'm a member of the New York City  
22 Hospitality Alliance, Wellness in the Schools,  
23 Transportaiton Alternatives, and an active  
24 participant in my local Community Boards, including  
25 serving on a Community Board taskforce to revision

1  
2 Broadway. All parts of my life advocate for your  
3 continued efforts to enhance safe streets, Vision  
4 Zero legislation along with robust efforts to educate  
5 all street users on how best to share our most  
6 valuable public spaces, our streets. Our streets are  
7 in a period of rapid transformation not seen since  
8 the beginning of the 20<sup>th</sup> century in the introduction  
9 of the automobile. The public and our elected  
10 officials see the electric-- see that electric  
11 powered transportation alternatives are exploding and  
12 that these innovations need your regulatory  
13 attention. Electric powered mobility is as  
14 revolutionary to transportation as the cell phone has  
15 been to communication. The proposals in front of the  
16 council today are the right initial steps to address  
17 these changes to our streetscape. I owned and  
18 operated a restaurant in New York City running a  
19 delivery service for 19 years. I was never able to  
20 use electric transportation because it was illegal. I  
21 cannot stress to you enough how important this is as  
22 an economic driver for business. And as we're at the  
23 end of a very long day, I'll cut the rest of my  
24 testimony short. It is in this printed copy to you.  
25 I thank you again, and I really just want to say the

1  
2 one thing I did not hear in our council today is that  
3 our business community is not sufficient leaned in to  
4 how important an economic driver transportation is,  
5 electric mobility is, and how important it is to  
6 address the crisis in our retail businesses.

7 CHAIRPERSON RODRIGUEZ: [off mic]  
8 [inaudible] coming to the end of this hearing. Thank  
9 you everyone, especially our staff here, James,  
10 Emily, and Rick [sic], and the rest of the  
11 Transportation Committee staff. And Carlos Menchaca,  
12 Council Member Menchaca, thank you also for your good  
13 questions and concerns. One thing that we haven't  
14 covered is that we've been fighting for social  
15 justice, you know, our whole life. So for us it's  
16 not only about how a new tech company can take  
17 advantage, it's about how the workers, how services  
18 that we are bringing to the City will represent  
19 changes, but good changes for especially working  
20 class and middle class New Yorkers. So, with that,  
21 thank you Council Member Menchaca and everyone, and  
22 this hearing is adjourned. Hopefully, tomorrow night  
23 everyone is invited to be at the MTA and say no to  
24 any new fare hike proposal. Thank you.

25 [gavel]

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COMMITTEE ON TRANSPORTATION

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 12, 2019