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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE INFRASTURCTURE DIVISION**

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**COMMITTEE ON TRANSPORTATON**

Hon. Ydanis Rodriguez, Chair

**May 12, 2021**

**INT. NO. 2061-A:** By Council Members Rodriguez and Louis

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to moped share systems

ADMINISTRATIVE CODE: Amends title 19 by adding new section 19-176.3

**INTRODUCTION**

On May 12, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, convened to conduct a vote on Int. No. 2061-A, a Local Law to amend the administrative code of the city of New York, in relation to moped share systems. This was the second hearing that the committee has had on this legislative item. The first hearing on Int. No. 2061 was held on October 27, 2020. At that hearing, the committee heard testimony from the New York City (NYC) Department of Transportation (DOT), transportation advocates and other interested parties.

On May 12, 2021, the Committee on Transportation passed Int. No. 2061-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

**BACKGROUND**

Mopeds

 The New York State Department of Motor Vehicles (DMV) defines “mopeds” or “motor scooters” as limited use motorcycles.[[1]](#footnote-1) As such, the requirements to operate “mopeds” or “motor scooters” on the streets of New York are similar to the State requirements for operating a motorcycle: a valid driver’s license and vehicle registration.[[2]](#footnote-2) Additionally, the DMV classifies mopeds into three classes of limited use motorcycles with each class having a set of requirements that are determined by its top speed.[[3]](#footnote-3) Mopeds that can travel over 30-40 miles per hour fall under the Class A category.[[4]](#footnote-4) Mopeds that travel over 20-30 miles per hour are considered Class B.[[5]](#footnote-5) Finally, the Class C designation is for mopeds that travel less than 20 miles per hour.[[6]](#footnote-6) Below is a chart of the various classes of limited-use motorcycles and their corresponding requirements as listed on the website of the DMV.[[7]](#footnote-7)

Limited-use motorcycle New York State requirements

|  |  |  |  |
| --- | --- | --- | --- |
| REQUIRED? | CLASS A, OVER 30-40 MPH | CLASS B, OVER 20-30 MPH | CLASS C, 20 MPH OR LESS |
| Driver license / permit | [M/MJ](https://dmv.ny.gov/registration/register-moped#footnote3_uuxemwb)[[8]](#footnote-8) | [Any license class](https://dmv.ny.gov/registration/register-moped#footnote4_crypn6d) | Any license class |
| Registration | Required | Required | Required |
| Headlight on when operating | Required | Required | Required |
| Helmet & eye protection | Required | Required | Recommended |
| May operate on | Any traffic lane | Right-hand lane or shoulder only (Except when making a left turn) | Right-hand lane or shoulder only (Except when making a left turn) |
| Insurance | Required | Required | [Recommended[[9]](#footnote-9)](https://dmv.ny.gov/registration/register-moped#footnote8_qml0wxq) |
| Inspection | Required | Recommended | Recommended |

Revel

Mopeds have recently gained traction as an alternative mode of transportation due to their mobility and convenience. In NYC, the company Revel operates an electric moped sharing service, which according to the company’s website are throttled at 30 miles per hour for safety reasons.[[10]](#footnote-10) Since mopeds are already allowed on public streets under New York State law, the company did not need any prior city approval to operate.[[11]](#footnote-11) In order to rent a moped with Revel, riders need to be at least 21 years of age, have a valid driver’s license, and must wear a helmet while riding.[[12]](#footnote-12) Passengers are allowed to ride along on the rear seat of the moped as long as they are at least 18 years old.[[13]](#footnote-13) The costs associated with renting a Revel include a one-dollar fee to unlock the moped and then forty-nine cents per minute to ride, with a one-dollar charge if an additional passenger rides along.[[14]](#footnote-14) In addition, Revel offers Ride Passes that allows users to pay a flat fee plus tax for unlimited rides for a set amount of time.[[15]](#footnote-15) For NYC, a half-hour pass costs $11 without tax; a one hour pass costs $20 without tax; and a day pass costs $39 without tax.[[16]](#footnote-16) Currently, in addition to NYC, Revel operates in Miami, San Francisco, Oakland, Berkley, Washington, D.C., and Austin, Texas.[[17]](#footnote-17)

The growth in popularity of mopeds has also created a number of safety concerns for New Yorkers. Some Revel riders have been accused of speeding, and weaving in and out of traffic.[[18]](#footnote-18) Others have been seen riding their mopeds in bike lanes or on sidewalks, running through red lights, or not wearing the required safety helmets.[[19]](#footnote-19) One local hospital in the Bronx has reported seeing an uptick in the number of patients, both riders and pedestrians, visiting their emergency department due to accidents involving Revel scooters.[[20]](#footnote-20)

One highly publicized accident involving a Revel rental involved a 26 year-old reporter for CBS News who was killed in July 2020, when she fell off a moped while riding as a passenger after the driver “swerved for an unknown reason.”[[21]](#footnote-21) It was reported that neither she nor the driver of the moped were wearing helmets at the time.[[22]](#footnote-22) Several days after this accident, Revel posted a message on their Twitter account stating that they had shut down their NYC service until further notice to review and strengthen their “rider accountability and safety measures.”[[23]](#footnote-23) On August 27, 2020, NYC issued a press release indicating that Revel was relaunching their service after it agreed to enhance its safety requirements by implementing a new Safety & Rider Accountability Protocol.[[24]](#footnote-24) Some of the new protocols included a new mandatory safety training, steps to increase helmet compliance by requiring a “selfie,” and a new community reporting tool that allows the public to report dangerous driving.[[25]](#footnote-25)

Even with the new enhanced safety protocols, questions remain about moped safety. On September 29, 2020, an 82 year-old senior was killed when she was struck by a Revel scooter while in the crosswalk at the intersection of West 60th Street and Columbus Circle, in Manhattan.[[26]](#footnote-26) According to published reports, this is the fourth fatal crash involving Revel scooters and the first since the service was relaunched in August 2020.[[27]](#footnote-27)

Lime

Recently, the e-scooter company Lime announced that they were launching a moped-share in NYC on April 30, 2021.[[28]](#footnote-28) Lime launched with 100 mopeds in Queens, Brooklyn and Lower Manhattan with plans to raise its fleet to 500 vehicles within weeks and possibly expand even more during the summer of 2021.[[29]](#footnote-29) Lime currently operates their electric mopeds in Washington, D.C., and Paris, France.[[30]](#footnote-30) The electric mopeds rented by Lime can reach a top speed of 28 miles per hour and can travel for up to 87 miles on a single charge.[[31]](#footnote-31) In order to rent one of their mopeds, riders must be 21 years of age or older and have a valid driver’s license.[[32]](#footnote-32) Lime charges one-dollar to unlock the moped and then thirty-nine cents per minute.[[33]](#footnote-33)

In an effort to address some of the safety concerns, Lime has collaborated with the Motorcycle Safety Foundation to design a multi-chapter rider safety e-course.[[34]](#footnote-34) Riders must take the e-course and then pass a test before they can ride one of Lime’s mopeds.[[35]](#footnote-35) Similar to the safety procedures instituted by Revel last year after several accidents, Lime riders must also take a selfie of themselves wearing a helmet and must wear the helmet at all times while riding the moped.[[36]](#footnote-36) Additionally, to ensure helmet wearing compliance, Lime has embedded an infrared sensor in each helmet case to help identify if a rider has removed the helmet from the case and is in use.[[37]](#footnote-37)

**ANALYSIS OF INT. NO. 2061-A**

 Int. No. 2061-A would prohibit the operation of a moped share system without DOT approval. The bill would require moped share system operators to obtain a permit for each moped in their fleet. The bill would require DOT to promulgate rules on safety and rider compliance with local and state law, including measures to monitor helmet use. The bill would also limit moped share systems to mopeds incapable of exceeding 30 miles per hour, and creates penalties and provides for the impoundment of unauthorized mopeds.

**UPDATE**

On May 12, 2021, the Committee on Transportation passed Int. No. 2061-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

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Int. No. 2061-A

By Council Members Rodriguez and Louis

..Title

A Local Law to amend the administrative code of the city of New York, in relation to moped share systems

..Body

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Moped share systems. a. For the purposes of this section, the following terms have the following meanings:

Moped. The term “moped” means any limited use motorcycle as defined in section 121-b of the vehicle and traffic law.

Moped share system. The term “moped share system” means a network of self-service and publicly available limited use motorcycles, and any related infrastructure, in which a trip begins or ends on any highway, as defined in section 118 of the vehicle and traffic law.

Person. The term “person” means a natural person, partnership, corporation or other legal entity.

b. 1. It shall be unlawful for any person to operate a moped share system without authorization from the department issued in accordance with this section and the rules of the department. A fee for such authorization and for renewals thereof may be established by rule by the commissioner.

2. The commissioner may require a moped share system to obtain a permit for each moped used in the operation of such system. Where such permits are required, it shall be unlawful for a moped to be used in the operation of a moped share system unless such moped has such a permit issued by the department. A fee for such permit and for renewals thereof may be established by rule by the commissioner.

c. Only class B or class C electric powered limited use motorcycles that are registered in accordance with the vehicle and traffic law may be used in the operation of a moped share system.

d. Applications for authorization to operate a moped share system and, where applicable, permits for mopeds that will be used in the operation of such system, shall be submitted to the department in a form and manner and containing such information as the department shall prescribe in rules. The term of such authorization and, where applicable, the term of such permit, shall be set forth in the rules of the department.

e. Each person operating a moped share system shall comply with this section and rules of the department issued pursuant to this section, including but not limited to rules relating to:

1. Safety;

2. Vehicle maintenance;

3. Rider accountability;

4. Rider compliance with local and state law including, but not limited to, requiring riders to provide photographic or other evidence of rider helmet use;

5. Community outreach;

6. Equity;

7. Parking considerations;

8. Maintenance of insurance; and

9. Data sharing, recordkeeping and inspection requirements.

f. 1. Any person who violates any of the provisions of this section shall be subject to a civil penalty of not more than $25,000, which may be recovered in a proceeding before an administrative tribunal within the office of administrative trials and hearings in accordance with the rules of such office or in a civil action in a court of competent jurisdiction.

2. Any person who has obtained authorization from the department to operate a moped share system and who is found to violate the provisions of this section or rules of the department promulgated pursuant to this section may, after notice and opportunity to be heard, be subject to the suspension or revocation of such authorization.

3. Any moped found parked on a street and offered to the public as a part of a moped share system that is not authorized pursuant to this section, or that does not have a required permit, if such a permit is required, may be removed and taken to a place of safety by the department or by the police department. The agency that removes such moped or that has custody of such moped after removal shall provide notice of such removal within 30 days of removal to the registered owner of such moped. Such moped shall not be released until all removal charges and storage fees have been paid or a bond or other security for such amount has been posted. A moped that is not claimed within the time set forth in such notice may be disposed of in accordance with applicable law relating to the disposal of abandoned vehicles.

g. This section may be enforced by the police department, the department of transportation and by any other agency designated by the department of transportation. Any officers and employees of the police department, the department of transportation, or of any agency designated by the department, shall have the power to issue notices of violation, administrative summonses and appearance tickets.

h. Nothing in this local law shall be interpreted to prevent the department from granting approval for the operation of a moped share system through standards imposed pursuant to a procurement and contracting process.

§ 2. Moped share systems in operation on the date of enactment of this local law may continue to operate without the authorization required pursuant to section one of this local law, provided that such authorization is obtained within a period of time to be set forth in the rules of the department; and provided further that such operation does not endanger public safety.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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1. The New York State Department of Motor Vehicles, Registration, *Register a Moped*, Available at <https://dmv.ny.gov/registration/register-moped>. [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. *Id.* [↑](#footnote-ref-4)
5. *Id.* [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *Id.* Note: The chart has been slightly modified from its original form for the purposes of this report. [↑](#footnote-ref-7)
8. According to the New York State Department of Motor Vehicles in order to operate a motorcycle in New York State, you must have a motorcycle operator’s license (Class M) or a motorcycle junior operator’s license (Class MJ). *See* <https://dmv.ny.gov/driver-training/motorcycle-manual-motorcycle-licenses-ownership-special-rules>. [↑](#footnote-ref-8)
9. According to the New York State Department of Motor Vehicles, Class C mopeds used as a rental vehicle must be insured. *See* <https://dmv.ny.gov/registration/register-moped>. [↑](#footnote-ref-9)
10. Revel, *Mopeds*, Available at <https://gorevel.com/new-york/rules-of-the-ride/> . [↑](#footnote-ref-10)
11. Aaron Randle, *Now Crowding New York’s Streets: Rented Mopeds Going 30 M.P.H.*, The New York Times, August 9, 2019, Available at <https://www.nytimes.com/2019/08/09/nyregion/mopeds-nyc.html>. [↑](#footnote-ref-11)
12. Revel, *Mopeds*, Available at: <https://gorevel.com/mopeds/moped>. [↑](#footnote-ref-12)
13. *Id.* [↑](#footnote-ref-13)
14. Revel, Mopeds, Pricing, *How much does it cost to Revel?*, Available at <https://reveltransit.zendesk.com/hc/en-us/articles/360023871134-How-much-does-it-cost-to-Revel->. [↑](#footnote-ref-14)
15. *Id.* [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
17. Alicia Lee, *“CBS reporter Nina Kapur, 26, dies after rental moped accident in New York,”* CNN Business, Updated July 21, 2020, Available at <https://www.cnn.com/2020/07/20/us/cbs2-reporter-nina-kapur-revel-moped-accident-trnd/index.html>. [↑](#footnote-ref-17)
18. Post Staff Report, “*Electric scooters, mopeds causing more ER injuries in NYC,”* The New York Post, July 10. 2020, Available at <https://nypost.com/2020/07/10/electric-scooters-mopeds-causing-more-er-injuries-in-nyc/>. [↑](#footnote-ref-18)
19. Matt McFarland, “*Safety issues surge as Revel mopeds grow in popularity,”* CNN Business, July 22, 2020, Available at <https://www.cnn.com/2020/07/22/tech/revel-moped-safety/index.html>. [↑](#footnote-ref-19)
20. Post Staff Report, “*Electric scooters, mopeds causing more ER injuries in NYC,”* The New York Post, July 10. 2020, Available at <https://nypost.com/2020/07/10/electric-scooters-mopeds-causing-more-er-injuries-in-nyc/> [↑](#footnote-ref-20)
21. Alicia Lee, *“CBS reporter Nina Kapur, 26, dies after rental moped accident in New York,”* CNN Business, Updated July 21, 2020, Available at <https://www.cnn.com/2020/07/20/us/cbs2-reporter-nina-kapur-revel-moped-accident-trnd/index.html> [↑](#footnote-ref-21)
22. *Id.* [↑](#footnote-ref-22)
23. *See* <https://twitter.com/_gorevel/status/1288111979219976198?s=21> [↑](#footnote-ref-23)
24. “New York City Department of Transportation Announces Revel will Relaunch Today under a New and Strict Safety Protocol,” Official Press Release of the New York City Department of Transportation, August 27, 2020, Available at <https://www1.nyc.gov/html/dot/html/pr2020/pr20-035.shtml#:~:text=IMMEDIATE%20RELEASE%20Press%20Release%20%2320-035%20Thursday%2C%20August%2027%2C,Today%20under%20a%20New%20and%20Strict%20Safety%20Protocol>. [↑](#footnote-ref-24)
25. *Id.*  [↑](#footnote-ref-25)
26. Morgan Chittum and Clayton Guse, *“Manhattan woman, 82, killed by Revel scooter was an immigrant success story, son says,”* New York Daily News, October 25, 2020, Available at <https://www.nydailynews.com/new-york/nyc-crime/ny-revel-fatal-crash-columbus-circle-20201025-saj26mho3fhb5p7kjq2h3ly43u-story.html>. [↑](#footnote-ref-26)
27. *“NYPD Investigating New Fatal Revel Crash After Three Others This Summer,”* NBC News 4 New York, October 21, 2020, Available at <https://www.nbcnewyork.com/news/nypd-investigating-new-fatal-revel-crash-after-three-others-this-summer/2680721/>. [↑](#footnote-ref-27)
28. David Meyer “*Lime to launch NYC ‘moped-share’ to compete with Revel*,” The New York Post, April 29, 2021 Available at <https://nypost.com/2021/04/29/lime-to-launch-nyc-moped-share-to-compete-with-revel/>. [↑](#footnote-ref-28)
29. *Id.* [↑](#footnote-ref-29)
30. Andrew Hawkins, “ *Lime is bringing its electric mopeds to New York City*,” The Verge, April 29, 2021, available at <https://www.theverge.com/2021/4/29/22409409/lime-electric-moped-nyc-price-announce> [↑](#footnote-ref-30)
31. Christina Santucci, “*Lime Rolls Out Fleet of Electric Mopeds, Vehicles Now Available in Western Queens*,” LICPOST, May 4, 2021 Available at <https://licpost.com/lime-rolls-out-fleet-of-electric-mopeds-vehicles-now-available-in-western-queens>. [↑](#footnote-ref-31)
32. *Id.* [↑](#footnote-ref-32)
33. *Id.* [↑](#footnote-ref-33)
34. *See* “Introducing the Lime E-moped,” January 27, 2021, available at <https://www.li.me/second-street/introducing-the-lime-moped> [↑](#footnote-ref-34)
35. *Id.*  [↑](#footnote-ref-35)
36. *Id.*  [↑](#footnote-ref-36)
37. *Id.* [↑](#footnote-ref-37)