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Title: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of active transportation and an active transportation advisory board

Sponsors: Carlina Rivera, Ydanis A. Rodriguez, Ben Kallos

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Attachments: 1. Summary of Int. No. 1812, 2. Int. No. 1812, 3. November 26, 2019 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 11-26-19, 5. Minutes of the Stated Meeting - November 26, 2019, 6. Committee Report 12/16/19, 7. Hearing Testimony 12/16/19, 8. Hearing Transcript 12/16/19

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Int. No. 1812

By Council Members Rivera, Rodriguez and Kallos

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of active transportation and an active transportation advisory board

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. Office of active transportation. a. Definitions. For the purposes of this section the following terms have the following meanings:

Advisory board. The term “advisory board” means the active transportation advisory board.

Active transportation. The term “active transportation” means all non-vehicular methods of

transportation that use a wheeled device propelled by human power. Such term also includes electric bicycles, electric skateboards and electric scooters.

Director. The term “director” means the director of active transportation.

Office. The term “office” means the office of active transportation.

b. The mayor shall establish an office of active transportation. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against active transportation. Such office shall be headed by a director of active transportation, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency, or if the mayor has established an office of pedestrians, the director of such office shall be the director of active transportation.

c. Powers and duties. The director shall have the power and duty to:

1. Serve as a liaison to active transportation users in relation to policies and procedures affecting active transportation in the city and, in such capacity, shall:

(a) Conduct outreach to active transportation users and provide information and assistance to such users in relation to existing city policies and procedures for responding to complaints, violations and other enforcement actions, and assist in the resolution of conditions that lead to enforcement actions;

(b) Serve as a point of contact for active transportation users and ensure adequate access to the office for users of active transportation;

(c) Work with other city agencies to grow and improve cycling and other methods of active transportation by coordinating infrastructure and policy initiatives;

(d) Work with other city agencies to develop educational materials and programs about using active transportation, observing rules and best practices; and

(e) Work with other city agencies to refer active transportation users to city services that exist to help them apply for relevant licenses, permits or approvals from city agencies;

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to the use of active transportation, including, but not limited to, the department of transportation, the police department, the fire department, the department of consumer affairs, the department of city planning, the department of parks and recreation, department of small business services, department of sanitation, economic development corporation, the office for media and entertainment and the department of buildings, on issues relating to active transportation;

3. Develop a plan, in conjunction with the other city agencies and the office of management and budget, on future capital planning for active transportation infrastructure;

4. Review information obtained from 311 or city agencies on complaints regarding and violations issued to active transportation users and develop recommendations to address recurring problems or trends, in consultation with industry representatives, advocates, city agencies, community boards and residents;

5. Serve as an intermediary between active transportation users, local residents and city agencies, including law enforcement agencies, to pursue, through policy recommendations, long-term solutions to issues related to active transportation;

6. Review and convey to the office of labor standards information about workforce conditions for businesses that utilize active transportation and, upon request, assist such office in developing recommendations to address common issues or trends related to such conditions;

7. Promote a robust active transportation community to further the city's interests in health, environmental sustainability and efficiency of transportation, while accounting for the best interests of the city and its residents; and

8. Perform such other relevant duties as the mayor may assign.

d. Report. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency and post on its

website, a report that shall include, but need not be limited to, the activities of the office, information received by the office and any recommendations for legislation or policy developed by the director pursuant to this section or section 19-199.1 of the administrative code.

e. Active transportation advisory board. 1. There shall be an active transportation advisory board to advise the mayor and the council on issues relating to active transportation. The advisory board shall identify and study common issues and trends relating to active transportation and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that affect active transportation users. The advisory board shall examine the following:

(a) The regulatory structure affecting active transportation users;

(b) Common complaints regarding active transportation users;

(c) Public safety concerns related to active transportation users;

(d) The enforcement of active transportation-related laws and rules;

(e) Zoning and other community development concerns related to active transportation;

(f) Equitable access to active transportation resources and integration of active transportation into the city's various neighborhoods;

(g) Active transportation users' workforce conditions, including but not limited to, wages and workforce safety, where such work duties make the use of active transportation a requirement or practical necessity;

(h) The availability and responsiveness of the office of active transportation to the concerns of active transportation users;

(i) The efficacy of bicycle share programs and complaints related to such programs; and

(j) Any other issues the active transportation advisory board finds are relevant.

2. The advisory board shall consist of 12 members, of whom eight members shall be appointed by the speaker of the council and four by the mayor. Such board shall provide reasonable notice of its meetings to the director, who may attend such meetings and may coordinate the attendance of relevant agency heads or their

designees.

3. All members shall serve for a term of two years and may be removed by the appointing official for cause. Upon appointment of all the members, the advisory board shall elect a chair from its membership by a majority vote of such advisory board. Any vacancy on the advisory board shall be filled in the same manner as the original appointment.

4. The advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the advisory board shall be convened within 120 days after the effective date of the local law that added this section.

5. The advisory board shall meet quarterly and review the city's capital and infrastructure plans for active transportation at an annual meeting. Such advisory board meetings shall be open to the public.

6. Within 18 months of the effective date of the local law that added this section, the advisory board shall submit recommendations to the mayor, the speaker of the council and the director. After such date, the advisory board may submit additional recommendations to the mayor, the speaker of the council and the director as appropriate.

g. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.

§ 2. Within 1 year after the effective date of this local law, the director of active transportation, established pursuant to section 20-h of the New York city charter, as added by section one of this local law, shall hold at least one public hearing in each borough and shall notify members of the active transportation advisory board of such hearing, at which public comments and testimony shall be received. A summary of such comments and testimony shall be included in such director's first report to the mayor and the speaker of the council pursuant to subdivision d of section 20-h of the New York city charter.

§ 3. This local law takes effect 60 days after it becomes law. The mayor and any affected city agency may take

any steps necessary for the implementation of this local law before such effective date.

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