

New York City Department of Transportation

Notice of Adoption

NOTICE OF ADOPTION relating to pedal-assist bicycles.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Transportation (DOT) by Sections 1043 and 2903 of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that DOT hereby amends Sections 4-01 and 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York.

This rule was first published on April 27, 2018 and a public hearing was held on May 29, 2018. Written comments were received.

Statement of Basis and Purpose of Adopted Rule

The Commissioner of the New York City Department of Transportation (DOT) is authorized to promulgate rules regarding parking and traffic operations in the City by Section 2903(a) of the New York City Charter. The rules that DOT is amending are contained within Chapter 4 of Title 34 of the Rules of the City of New York, relating to the “Traffic Rules and Regulations.”

The purpose of this rule amendment is to clarify that pedal-assist bicycles meeting the requirements of these rules are legal to operate in New York City. This rule will recognize that pedal-assist bicycles are permissible, whereas throttle e-bikes, may not be legally operated on public highways, which include streets, under State and city law. Specifically, the amendments to the Traffic Rules are as follows:

- Section 4-01 adds a new definition for “pedal-assist bicycle” and clarifies the definition of “bicycle” to include pedal-assist bicycles. It should be noted that DOT does not interpret section 19-176.2 of the New York City Administrative Code to prohibit pedal-assist bicycles as defined herein.
- Section 4-12(p)(5) is a new paragraph that establishes the specific rules that apply to pedal-assist bicycles.

In response to the volume of comments received by DOT relating to the conversion, retrofitting, and labeling of pedal-assist bicycles, DOT will work with manufacturers to facilitate appropriate aftermarket compliance and will supplement or amend these rules in the future to further address these issues, where appropriate.

The following changes have been made to the proposed rule, which are reflected in the adopted rules:

- Clarify the definition of “pedal-assist bicycle” and remove the label requirement from the definition.

- Revise the label requirement to provide some flexibility so that the label could be placed on the electric motor of the pedal-assist bicycle or elsewhere on the bicycle.
- Revise the label requirement so that the original label could be provided by the manufacturer of the bicycle and/or the manufacturer of the electric motor.
- Add “motor-assisted” to the reference relating to maximum speed of a pedal-assist bicycle.

New material is underlined.

[Deleted material is in brackets.]

Section 1. The definition of “bicycle” in subdivision (b) of Section 4-01 of Chapter 4 of Title 34 of the Rules of the City of New York is amended and a new definition of “pedal-assist bicycle” is added to such subdivision to read as follows:

Bicycle. A “bicycle” shall mean every two-or three-wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. For the purposes of these rules the term bicycle includes a pedal- assist bicycle as defined in this section.

Pedal-assist bicycle. A “pedal-assist bicycle” shall mean a bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (one horsepower) whereby such electric motor engages only when the operator is pedaling and the rate of speed of the bicycle is less than 20 miles per hour, and disengages or ceases to function when (i) the operator applies the brakes, (ii) the operator stops pedaling, or (iii) the bicycle achieves a speed of twenty miles per hour. A pedal-assist bicycle shall not be equipped with any throttle capacity or have any additional motorized equipment affixed to it.

§2. Subdivision (p) of Section 4-12 of Chapter 4 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (5) to read as follows:

(5) Additional requirements for pedal-assist bicycles.

(A) No person shall operate or park a pedal-assist bicycle on any public highway in the city of New York unless such bicycle has permanently affixed in a prominent location on the electric motor of the bicycle or elsewhere on the bicycle a legible original label of the manufacturer of the bicycle and/or of the electric motor containing the maximum motor-assisted speed and motor wattage of the bicycle.

(B) All pedal-assist bicycles and their operators must comply with the provisions of Article 34 of the New York State Vehicle and Traffic Law relating to the operation of bicycles, except as provided in section 4-02(e) of these rules.

(C) A pedal-assist bicycle that has been modified in any of the following ways shall not be considered a pedal- assist bicycle and may not be operated or parked on any public highway:

1. Any modification that increases the output of such bicycle to seven hundred fifty watts or greater;
2. Any modification that prevents the motor from disengaging when (i) the operator applies the brakes , (ii) the operator stops pedaling, or (iii) the bicycle achieves a speed of twenty miles per hour; or
3. Any modification that accelerates the speed of the pedal-assist bicycle motor by means other than pedaling.