

February 28, 2020

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### A7431-B / [S5294-A](#) eBike legislation

Chairman Kennedy and Chairman Magnarelli:

The [Rockland Bicycling Club](#), 150 cycling enthusiasts and bike safety advocates from Rockland County, thank you for your efforts to clarify the status of eBikes across New York State. Also, thanks for your past support of the new Shared Use Path on the Mario Cuomo Tappan Zee Bridge between Rockland and Westchester counties. This transportation alternative promises to transform bicycle commuting and recreational cycling options in the Lower Hudson Valley.

**We have concerns about this legislation.** As it is currently written, these rules will effectively limit eBikes' usage as a green and healthy transportation alternative. **We are concerned about any legislation that lets villages and towns ban eBikes.** Having a patchwork system of rules for each locality in a county, with some of them outlawing e-bikes completely, is unworkable, and likely unenforceable, too. eBikes work well in other communities across the country and around the world. Why can't they work in New York State, too?

Based on its surface area, the **Bicycle and Pedestrian Shared Use Path on the \$4 billion Mario Cuomo Bridge is valued at \$260 million.** If adjacent municipalities can ban eBikes effectively blocking access to the bridge, NYS taxpayers will be denied a significant return on their substantial investment in this green, healthy, transportation alternative. **Please amend this legislation to permit unrestricted use of eBikes in all of the places that bicycles are welcome in New York State.**

Sincerely,

Mike Hays  
President, Rockland Bicycling Club

## Attachment

The enacted language of S. 5294-A goes far beyond the stated legislative intention and **would permit any community to ban e-bikes or restrict them so greatly as in effect to ban them**. The bill vetoed by the Governor would have amended VTL 1242 to add subsections. Below, we highlight the four provisions of amended VTL 1242 that, collectively and effectively, would give each community veto power over e-bikes:

3. The governing body of **any city, town or village may, by local law or ordinance, further regulate the time, place and manner of the operation of bicycles with electric assist, and may limit, prohibit the use thereof in specified areas, or prohibit entirely the use of bicycles with electric assist within such city, town, or village.**

4. (a) no person shall operate a bicycle with electric assist on any public lands or property, other than a highway exclusive of any greenway running adjacent to or connected with a highway, except that a bicycle with electric assist may be operated on any such lands that have been designated and posted for travel by bicycles with electric assist in accordance with the provisions of paragraph (b) of this subdivision. For the purposes of this subdivision, the term "greenway" shall have the same meaning as such term is defined by subdivision seven of section 44-0103 of the environmental conservation law and subdivision one of section 39.03 of the parks, recreation and historic preservation law.

(b) **a state agency, by regulation or order, and a city, town or village, by local law or ordinance, may designate any appropriate public lands and properties under its jurisdiction, other than highways exclusive of any greenway running adjacent to or connected with a highway, as a place open for travel by bicycles with electric assist upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of bicycles with electric assist on such public lands or property, such as travel on designated trails and hours of operation.**

5. (a) **no person shall operate a bicycle with electric assist unless such operation is in compliance with the provisions of this chapter, and any regulation or order or local law or ordinance adopted pursuant to subdivisions three and four of this section.**