

**NEW YORK CITY DEPARTMENT OF TRANSPORTATION
HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON TRANSPORTATION
SEPTEMBER 6, 2012**

Good morning, Chairman Vacca and members of the Transportation Committee. My name is Kate Slevin and I am the Assistant Commissioner for Intergovernmental and Community Affairs at the New York City Department of Transportation (DOT). I am joined by my colleague Leon Heyward, Deputy Commissioner for Sidewalks and Inspection Management. Thank you for the opportunity to testify on proposed legislation related to commercial cyclists. We are pleased to be working with the Council on this important issue.

The commercial cyclists who make deliveries for businesses and restaurants, either directly or through a messenger service, have been a fixture on New York City's streets for some time. These hardworking men and women are from the communities you represent throughout the five boroughs and provide a valuable service. But if they fail to obey traffic rules or lack necessary bicycle safety equipment they pose danger to themselves and to others.

We share the concerns of Council Members and communities who are eager for better compliance with traffic laws by commercial cyclists. Partnering with other agencies, we have worked hard to address these concerns. Before I get into the details of our commercial cyclist education program, I'd like to put it in context as part of a broader safety initiative at the Department to cut traffic fatalities in half by 2030. We are working

diligently in every way possible to meet that goal and protect all people on our roadways, regardless of whether they are walking, driving, or riding a bike or bus.

We have already made substantial progress in improving safety on our streets, with traffic fatalities at their lowest levels since records were first kept in 1910. Our popular Safe Routes to School, Safe Streets for Seniors and Safe Routes to Transit programs are being implemented throughout the city. We received over 90 applications for our Neighborhood Slow Zones program this year and have selected 13 new areas for implementation this year and next. We run education programs on traffic safety, tailored for children, parents, educators and senior citizens. We also utilize a broad toolbox of traffic calming measures, selected to meet the unique needs of an intersection or corridor's safety needs. These may include signal timing changes, daylighting, and pedestrian islands. Our popular countdown pedestrian signals are no longer a rarity at our intersections, with 1,850 intersections already signalized and a contract for another 1,500 intersections to start within the next three months. Additionally, we have launched safety ad campaigns, like "Heads Up," to remind New Yorkers to pay attention and follow the rules of the road while walking, riding or driving.

Our commercial cyclist education program, which started this summer, is our latest safety program. It is the largest program ever implemented in any city to educate businesses on requirements for commercial cyclists. A new unit within the agency was created to conduct this outreach and, following NYPD special patrolman designation and training, the Commercial Bike Unit now has the authority to enforce the current

provisions of the New York City's commercial cyclist law, such as requirements to provide a bicycle safety poster and equipment such as helmets. This unit has already gone door-to-door to over 1350 businesses to discuss these requirements and leave literature in multiple languages on safe cycling.

We are also hosting a series of neighborhood forums to educate business owners and shift managers in detail on commercial cyclist laws and safe riding. These forums have been extremely well-attended with businesses voluntarily participating. We have provided these businesses with over 500 packets containing bells, lights and upper body apparel for their delivery cyclists. DOT has hosted four forums already and at least eleven more are scheduled for 2012. I want to thank Chairman Vacca and Committee Members Brewer, Garodnick, and Lappin for their support of this program.

Our efforts to date have focused on the west side of Manhattan from 181st Street to Canal Street, but we plan to move to other parts of the City – by the end of December we will cover the entire East Side of Manhattan as well as all of Lower Manhattan and Sunset Park in Brooklyn. After that, we will continue hosting educational forums and will expand the program to other neighborhoods where the local community and Council Members are interested in partnering with us.

It's worth reiterating that this program is focused on education, not enforcement, at present. We expect that our comprehensive educational outreach to businesses will result in better compliance with the law and reduce the enforcement burden on both

DOT and NYPD. However, we have told businesses that after a six month period, which started in July, DOT will start issuing fines to businesses for violations such as not displaying the commercial cyclist safety poster or not providing employees with proper identification, helmets, or bike equipment such as bells, lights and brakes.

The Department is also enhancing communication with the public and key stakeholders within the restaurant and delivery industries. New Yorkers can now call 311 to report delivery cyclists associated with a particular business that are not obeying the law, and DOT's inspection unit can include these reported businesses in their outreach. DOT is working closely with the restaurant industry groups, such as the Restaurant Association, as well as the New Business Acceleration Team in City Hall, to communicate commercial cyclist laws and requirements directly to businesses and to answer questions.

As you can see, DOT is undertaking education and outreach efforts on a variety of fronts to enhance safety in general, and improve compliance with commercial cyclist laws specifically. Yet these steps can only take us so far. To achieve better behavior by these cyclists and better compliance with the requirements, revisions to the existing laws must be pursued. These existing laws for commercial cyclists were established in the 1980's and later amended by Local Laws 76 of 1995 and Local Laws 9 and 10 of 2007, which mandate that businesses make an effort to provide for safe operation by their delivery workers.

While these laws provided a framework for enforcement, there is a need to enhance them in ways that clarify responsibility, lessen unnecessary administrative burdens on businesses, and enhance the City's ability to enforce against illegal and unsafe behavior. DOT has partnered with the NYPD and the Law Department to identify ways in which the law can be improved to effect better cycling behavior, and we are pleased to be working closely with the Council to make these necessary revisions.

Intro 910A would support these goals by amending the existing laws to clarify responsibilities of, and lessen unnecessary administrative burdens on businesses. For example, a business would no longer need to maintain a log book of all delivery trips or submit an annual report, but would instead be required to keep a roster of cyclists, making recordkeeping less cumbersome. We believe these revisions would greatly enhance the law, help create safer streets, and ultimately prove beneficial to businesses and the cyclists they employ. While the Administration fully supports the concepts behind this bill, we have some technical language concerns that we look forward to working with the Council on over the coming weeks to finalize a bill that achieves all of our goals and allows for appropriate enforcement.

Intros 896 and 683 are two other bills that would greatly improve commercial cyclist behavior, and we are happy to support them. Specifically, Intro 683 would require a bicycle operator to wear retro-reflective apparel while working, thus making the cyclists more visible to motorists, pedestrians and other cyclists. Intro 896 would clarify that authorized personnel of both the NYPD and DOT are empowered to enforce the

provisions of the commercial cyclist laws. This revision would provide the City with even greater flexibility to enforce the requirements and ultimately lead to better compliance with the law.

To be clear, even if Intro 896 were enacted, DOT personnel would only issue violations to businesses that fail to meet the requirements of the law. Enforcing against illegal cycling behavior, such as the failure to stop at red lights or riding in the wrong direction, will remain the responsibility of police officers. That being said, if adopted, these laws would further enhance traffic safety on city streets, and while the Administration has some suggested revision to the specific language of both bills, we look forward to the passage of the legislation.

In order to successfully integrate the commercial cyclist industry into the first class transportation network the City is building, education must go hand-in-hand with the enforcement provisions that Intro 910 and Intro 896 seek to provide. However, Intro 783, which would mandate that all commercial cyclists undergo a bicycle safety course with certification of completion, would be a significant administrative and financial burden on behalf of DOT and the delivery industry. Requiring commercial cyclists to carry and produce program certification upon request of a police officer may discourage a delivery worker from taking part in the education program, possibly leading to a forgery of certifications.

In addition, with an estimated 50,000 commercial cyclists operating in the city, it would be extremely onerous to locate, train and certify all of them, as the bill would require, and then continue to certify new employees on an on-going basis. While we are extremely invested in educating commercial cyclists and will continue our robust programs for voluntary safe cycling education, DOT cannot support this bill as written.

Instead, DOT is currently moving forward with what we believe will be a more effective way to educate, train and enforce commercial cyclists through the outreach program I outlined earlier in my testimony. As we work together on the revisions to Intros 683, 896 and 910 to create safer, more orderly streets, DOT looks forward to a continued partnership with the Council to maintain a focus on traffic safety, cyclist education, and to strengthen and streamline existing laws on enforcement. Thank you again for the opportunity to testify on this important topic. At this time we would be happy to answer any questions you may have.



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**Testimony of Rahul Saxena, Restaurant Opportunities Center of New York
before the New York City Council Committee on Transportation**

regarding Int. No. 683-A - In relation to the apparel used by operators of bicycles used for commercial purposes, Int. No. 783 - In relation to requiring commercial bicyclists to complete bicycle safety courses, Int. No. 896-A - In relation to the enforcement of commercial bicycle provisions, and Int. No. 910-A - In relation to the use of bicycles for commercial purposes.

September 6, 2012

Hello. My name is Rahul Saxena and I am Policy Organizer for the Restaurant Opportunities Center of New York (ROC-NY). ROC-NY organizes restaurant workers citywide for improved working conditions in the restaurant industry. We are a membership-led organization of restaurant workers, with approximately 5,000 members who reflect the diversity of New York City restaurants.

A number of our members are delivery cyclists, and we appreciate the City Council's interest in addressing safety concerns that arise out of this dangerous profession. However, the proposed bills, though well intentioned, will not get to the root of the problem. We believe the best way to ensure safety is to hold employers accountable for the cost of their employee's traffic violations.

Here's why: Delivery cyclists have it rough. They face pressure from customers who demand that their food be delivered quickly, and who often withhold tips for even the smallest delay.

They face pressure from their employers whose profits increase with faster, more frequent deliveries. Accordingly, employers often tell their employees to rush the deliveries in order to get to the customer and back as quickly as possible.

And they face pressure from the streets. Both the employer and the customer expect them to be quick. As a result, they don't have the luxury to choose the calmer and safer routes or the roads with bike lanes. Instead, delivery cyclists have to choose the most direct – and often less-safe – route in order to get the food, hot and fresh, to the customer.

The delivery cyclists themselves have little power to object to the pressures they face. Nearly all are paid poverty wages and experience wage theft. Many are undocumented and live in fear of having their immigration status exposed. This means they are afraid to speak up, even in the face of rampant exploitation and dangerous working conditions.

Just a few days ago I spoke to a ROC-NY member who has worked since December delivering sandwiches for a sandwich shop near Union Square. He told me that he was paid \$5 per hour in cash, and that tips varied day-to-day and hour-by-hour, so his income was unpredictable. He could not tell me if he

consistently received at least \$2.25 per hour in tips to bring him, as required by law, to the minimum wage, and he said that no one ever checked to make sure he was making at least \$7.25 per hour. He also revealed to me that he worked 60 hours each week, but he was never paid overtime for the extra hours.

Further, his boss did not provide him with a helmet or any safety training, despite expecting quick deliveries. He was once stopped by a police officer and given a ticket for not wearing a helmet. Fortunately for him, the ticket was dismissed, otherwise he would have had to pay the ticket out-of-pocket. There was never any penalty against the employer for failing to provide him with the helmet, and even after being ticketed, his employer still did not give him one.

This particular ROC-NY member's story reminded me that delivery cyclists don't *want* to violate traffic laws, just like they don't *want* to have their wages stolen from them by their employers. The reality is, though, that the pressures working against them are too great, and their individual power is often too small. They need to be supported by sensible laws, laws that will mitigate the pressures against them.

The best way to do this is to change the law so that employers are responsible for paying the cost of traffic violations their employees earn on the job. This will ensure that employers provide their workers with helmets. And it will ensure that employers encourage their employees prioritize safety over speed.

REGARDING PROPOSED INTROS

Members of the city council and the public my name is Jack Brown former bike shop owner, cyclist and spokesman for The Coalition Against Rogue Riding. Nearly three years ago there was a similar hearing in the chambers of City Hall. Intros addressing the epidemic of scoflaw cycling that had acutely increased stress and a dangerous environment on the streets and sidewalks of the city were presented. Those intros had been held up sat on until then transportation committee chair John Liu and then eligible bachlorette Speaker Christine Quinn had realized their temporary political ambitions. They went nowhere. In the view of many what this city endured was three additional years ^{of what former} ~~of~~ Labor Secretary Robert Reich calls "radicalism at all costs". Three years of indifference to public safety by this administration. In my view this constitutes a radical distortion of the value of cycling in this city. An unbalanced and irresponsible application of the tools of responsible bike cultures established diligently over time in cities with diferent density and logistics.

These intros are necessary but not sufficient. And even more so now when the problem is more acute the laws will require effective enforcement. As it was three years ago these intros do not address the prevalence of rogue riding by recreational and commuter cyclists. A rigorous 2009 study by Prof. Peter Tuckel of Hunter College showed that commercial cyclists are more likely to break the law. But not by much. This study was ignored by DOT's commissioner. It is reasonable that fees and licensing for use of the road should apply evenhandedly There are no special class exceptions warranted or deserved.

Recently NYT writer David Goodman observed that Transporation Alt ernatives had basically taken over DOT. The commissioner openly acknowledges that she takes her direction from TA. TA functions as a well funded lobbyist organization while dictating public policy. Intro 783 states that any employee/cyclist must complete a bicycle safety course within 90 days of commencing work after the bill become law. Why not prior to starting work? Is this not putting the cart before the horse? Is this not more of the same from TA and DOT who are virtually one and the same? They ignored a 2001 study by the Rudin Center of NYU that concluded the only effective approach to establishing a responsible bike culture was a cooperative one. Operating from a presumption of moral and logistical superiority these organizations have lost control

of that which they never seemed to want to control in the first place. What about an accident victims ability to recover damages from a law breaking rider? Commercial or otherwise? These intros are necessary but not sufficient.

I leave you with a question: Does this city feel safer and saner to you since the appointment of Janette Sadik Khan as the Commissioner of the Dept. of Transportation in 2007?

Submitted Jack Brown
Spokesman for The Coalition Against Rogue Riding
Sept 6th 2012



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Testimony Submitted by Paul Steely White

City Council Transportation Committee Hearing of September 6, 2012 on:

Proposed Int. No. 683-A - In relation to the apparel used by operators of bicycles used for commercial purposes.

Int. No. 783 - In relation to requiring commercial bicyclists to complete bicycle safety courses.

Proposed Int. No. 896-A - In relation to the enforcement of commercial bicycle provisions.

Proposed Int. No. 910-A - In relation to the use of bicycles for commercial purposes.

Thank you Chair Vacca, and members of the Transportation Committee for convening this important hearing.

New York is famous for our delivery – the ability to get good food, fast, at any time of day or night. It's one of the defining aspects of the New York experience. It's also a massive source of income for New York's restaurants. And many of those deliveries, if not most, are brought to our doorsteps by a restaurant employee who rode a bike. Delivery bicyclists are as much a part of New York as yellow taxis, and just as prevalent.

Yet in certain neighborhoods, complaints about delivery bicyclists are also prevalent. Some Community Boards report that the way delivery bicyclists ride their bikes as one of their top quality of life complaints. Council Members are inundated with complaints about delivery bicyclists who ride through red lights, on the sidewalk or against the flow of traffic.

These bills are designed to improve the safety of delivery cyclists, and improve the safety of the public. They will certainly have a positive impact. We're grateful for the Committee's consideration on this important topic, and your commitment to making our streets safer and more orderly.

Given what we've learned from years of outreach to businesses that hire delivery cyclists; of conducting trainings with restaurant workers; of producing and distributing Rules of the Roads posters and Biking Rules pamphlets in English, Spanish and Mandarin; of participating in Community Board meetings; of reviewing and studying crash data and news reports; and

of simply hearing from New Yorkers every day... given all that we have come to the conclusion that this package has to be considered a first step. The Council must continue to push if we are to achieve our street safety goals.

Our recommendation is that the Council work towards a complete, permanent solution by changing the law so restaurants are held liable for the traffic violations of their delivery bicyclist employees.

The Safety Record

The City recently started to collect data on bike and pedestrian crashes. The first report of that data shows that during the last three months of 2011, 26 pedestrians were injured in crashes with bicyclists. In the same time, 3,607 pedestrians were injured by cars. During those three months, no pedestrians were killed by a bicyclist, while 43 pedestrians were killed by a car.

This comparison is, of course, incomplete: it does not indicate how many of those 26 pedestrian injuries were caused by a delivery bicyclist. And it does not capture the perception of risk, as reported by community residents. And the data does not include the tragic crash caused by a delivery bicyclist who rode the wrong way on 43rd street in Manhattan, needlessly taking Stuart Gruskin's life.

But what the data does show is that the delivery cyclists are likely at significant risk, due to the danger posed by cars - during the same three month period, 755 bicyclists were injured in such crashes. Again, we cannot know how many of those crashes involved delivery bicyclists. But we do know that delivery bicycling probably ranks as one of the most dangerous civilian jobs in New York City. According to news reports, at least four of the twenty four bicyclists who were killed in 2011 were delivery bicyclists. These deaths include Luis Torres, killed in a hit and run crash near Fort Hamilton Parkway in Brooklyn; an unnamed delivery person who was killed by a drunk driver who left the scene of a Midtown Manhattan crash; Ju Xiang Chen, killed in a hit and run crash on Gerritsen Avenue in Brooklyn; and an unnamed 41 year old delivery person killed by a drunk driver in Greenpoint.

Delivery Bicycling Pressures

Unlike other bicyclists, delivery bicyclists can't pick the route with the safest bike lanes and the calmest streets. They have to pick the most direct route, which invariably means riding on streets with traffic speeding past, car doors flinging open without warning and rumbling trucks with massive blind spots crowding their space. And in addition to these nerve-wracking work conditions, delivery bicyclists must also cope with pressures of a very demanding job. Delivery bicyclists are pressured by bosses who push them to rush through as many deliveries as possible, they are pressured by customers who demand

that their food arrive promptly and hot and they are pressured by the challenge of making a living on miniscule wages and tips.

Pressure from supervisors: This fluid, informal, cash industry tends to attract men who, perhaps in part because of their immigration statuses, do not feel as if they can complain about mistreatment. The pressure from their bosses is inevitably always the same - to work faster, harder, and for more hours. There is no job security. If a delivery bicyclist is sick or injured and cannot ride, he will probably lose his job. If a bicyclist complains about not receiving overtime, he will probably lose his job. If a delivery bicyclist takes too long to complete deliveries, he will probably lose his job. And when it rains or snows, the delivery bicyclist must work harder for the same pay since these are prime food delivery days.

Pressure from customers: Customers are liable to reduce their tip if their food delivery arrives more than a few minutes after they expect it or a few degrees colder than they believe it should be. And a complaint from a customer to the delivery bicyclist's boss can cost that delivery person their job. Delivery bicyclists are making a calculation, every day that they work: is it worth running a red light to get to this customer thirty seconds faster?

Pressure to make a living on low wages: State law mandates that a worker who collects money from tips make a base pay of five dollars per hour – but not every restaurant complies with the law. Indeed, the enforcement of this minimum wage requirement for delivery bicyclists has been lacking, and there have been very few instances of delivery bicyclists being able to provide enough pressure to force businesses to comply. A delivery bicyclist who works at a restaurant that follows the law would receive approximately \$30 to \$50 in tips a day and may make less than \$100 in a typical 10-hour shift. Delivery bicyclists who work at restaurants that do not follow the law make less.

Policymakers who aim to encourage delivery bicyclists to comply with traffic laws must acknowledge these pressures in order to arrive at complete and permanent solutions. How do we best achieve our goal of encouraging delivery bicyclists to comply with traffic laws, and to ride with their own safety in mind, while also acknowledging the realities of their profession that cause these delivery bicyclists to violate the law?

Solutions

We support a change to the law that holds employers responsible for the way their employees conduct their deliveries. Employers have control of their employees and their behavior. They are in the best position to remind employees to comply with the laws and to reinforce to the employee must ride with their safety and the safety of pedestrians in

mind. The employer is in the best position to fire non-compliant employees. Currently, they use their influence to push delivery bicyclists to make more deliveries, faster, and they may have no idea when their employee does violate the law.

The employers of delivery bicyclists make their money on volume- the more orders they complete, the better their bottom line. Under this business plan, compliance with traffic laws are not a concern. After all, it is the employee who is responsible for paying any traffic violations.

The law much be changed to align the interest of the restaurant owner, the delivery bicyclist and the public by making restaurant owners responsible for the cost of traffic violations their employees incur.

This alignment of interests is similar to other commitments restaurants have to meet. If a chef or cook doesn't wear their hair covering, the DOH violation goes to the restaurant owner, not chef. If a server doesn't wash their hands, the employer gets the ticket, not the server. This is because we realize the government inspectors cannot be in every restaurant, every hour they're open. So instead, we try and align the employer's incentives with that of the public. The restaurant's responsibility to the public does not end at their front door. They are as responsible for the worker who brings the food to your table as for the worker who brings it to your doorstep.

The first step in making employers responsible is to make sure that delivery bicyclists can be reliably identified as working for a particular employer – a problem that the Council will solve with the passage of Int. 896 and Int. 910. But delivery bicyclist employer responsibility must be the next step. Every business in New York is required to meet certain basic requirements. By making restaurants accountable for their delivery bicyclists, we can better protect delivery bicyclists and the residents of our city.

Bike Lanes

Other steps the City must take to encourage safe and orderly bicycling include striping more bike lanes. A survey conducted by a local resident found that 29 of the 38 restaurants which provide delivery on Fifth Avenue in Sunset Park, Brooklyn employed delivery bicyclists. The Sunset Park BID, based on this information, decided to support the inclusion of a bike lane along Fifth Avenue in order to protect those workers' safety. Bicycle lanes protect delivery bicyclists and they encourage lawful, respectful bicycling. Bike lanes reduce bicycling on the sidewalk by more than 80 percent following the installation of the Ninth Avenue, Grand Street, Columbus Avenue and Prospect Park West protected bike lanes.

Wage Enforcement

Delivery bicyclist working conditions and wages are often in violation of Federal, State and local law, but delivery bicyclists are often not empowered to challenge their employers. We hope the City Council encourages the development of an enforcement plan in order to clean up this industry.

Conclusion:

The delivery cycling industry must change, in order to better protect the public, protect workers, and protect a vital industry. There are steps that our government can take in order to effectuate these changes – we ask that the City Council take these steps immediately in order to create the change on the street that we all want to see.

EMPLOYERS / 雇主

BUSINESSES ARE RESPONSIBLE FOR THEIR BICYCLE DELIVERY PEOPLE.
業者須為其單車外賣員負責任

IF A DELIVERY PERSON HITS A PEDESTRIAN THE EMPLOYER MAY HAVE TO PAY.
若外賣員撞了過路人，業者須承担一切費用

GIVE YOUR DELIVERY PEOPLE BIKE HELMETS AND LIGHTS.
提供外賣員頭盔與車燈

IN NEW YORK CITY BUSINESSES MUST FOLLOW THESE LAWS OR PAY FINES:
在紐約，業者必須遵守法紀，否信會被罰款

BUSINESS NAME AND PHONE NUMBER ON EMPLOYEE CLOTHING AND BICYCLES.
商業名稱與電話號碼須印在雇員的工作服與單車上

FINE TO BUSINESS OWNER / 違者罰款: \$150

KEEP A LOGBOOK OF ALL DELIVERIES TO FILE WITH THE POLICE EACH YEAR.
保留一份所有的外賣紀錄以便在警局檔案庫存檔

FINE TO BUSINESS OWNER / 違者罰款: \$150

DELIVERY CYCLISTS MUST CARRY PHOTO ID WITH HOME AND EMPLOYER CONTACT information.
單車外賣員須攜帶印有住址與業者的联系方法的附照身份证

FINE TO BUSINESS OWNER / 違者罰款: \$150

KEEP A LOGBOOK OF ALL DELIVERIES TO FILE WITH THE POLICE EACH YEAR.
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NYC Admin Code 10-157
紐約市交通法 10-157

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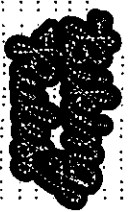
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WORKING CYCLIST / 道路规则

AC § 10-157 Bicycles used for commercial purposes. Working cyclists must wear business-identifying information on bike and body, including operator's identification number.
AC§10-157 适用于商业用自行车。骑自行车的工作人员必须在车上及身上展示有关业务的识别资料,包括工作人员的识别号码。

Business must provide working cyclist with a helmet according to A.N.S.I. or Snell standards. Working cyclists shall wear the helmet provided by business.
公司必须为骑自行车的工作人员提供符合A.N.S.I.或者Snell标准的头盔。骑自行车的工作人员应佩戴公司提供的头盔。

Working cyclist must carry and produce on demand a numbered ID card that included operator's photo, name, home address and business' name, address and phone number.
骑自行车的工作人员必须携带拥有编号的识别证,包括工作人员的照片、姓名、住家地址,和公司的名称、地址和电话号码,并在被要求时出示该识别证。

Working cyclist must abide by all equipment requirements stated in VTL § 1236.
骑自行车的工作人员必须遵守VTL § 1236规定的所有装备要求。

Business must maintain log book that includes the name, identification number and place of residence of each working cyclist, and the date of employment and discharge. The log book must also include information on daily trips, identifying the working cyclist's identification number and name; and name and place of origin and destination.

公司必须备有记录册将每位骑自行车工作人员的姓名、识别证号码和住家住址,以及其工作开始和结束日期记录在内。该记录册还必须包括每天骑车工作行程的资料,记录骑车工作人员的识别证号码和姓名,以及工作行程开始和结束的名称和地方。

Owner of business must file an annual report with the Police Department identifying the number of bicycles it owns and the identification number and identity of any employees.
公司的业主必须每年向警察局提交报告,列出其拥有的自行车数目及工作人员的识别证号码和身份资料。

WORKING CYCLIST / 道路规则

AC § 10-157 Bicycles used for commercial purposes. Working cyclists must wear business-identifying information on bike and body, including operator's identification number.
AC§10-157 适用于商业用自行车。骑自行车的工作人员必须在车上及身上展示有关业务的识别资料,包括工作人员的识别号码。

Business must provide working cyclist with a helmet according to A.N.S.I. or Snell standards. Working cyclists shall wear the helmet provided by business.
公司必须为骑自行车的工作人员提供符合A.N.S.I.或者Snell标准的头盔。骑自行车的工作人员应佩戴公司提供的头盔。

Working cyclist must carry and produce on demand a numbered ID card that included operator's photo, name, home address and business' name, address and phone number.
骑自行车的工作人员必须携带拥有编号的识别证,包括工作人员的照片、姓名、住家地址,和公司的名称、地址和电话号码,并在被要求时出示该识别证。

Working cyclist must abide by all equipment requirements stated in VTL § 1236.
骑自行车的工作人员必须遵守VTL § 1236规定的所有装备要求。

Business must maintain log book that includes the name, identification number and place of residence of each working cyclist, and the date of employment and discharge. The log book must also include information on daily trips, identifying the working cyclist's identification number and name; and name and place of origin and destination.

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September 6, 2012

Testimony related to

Int. No. 683-A - In relation to the apparel used by operators of bicycles used for commercial purposes.

Int. No. 896-A - In relation to the enforcement of commercial bicycle provisions.

Int. No. 783 - In relation to requiring commercial bicyclists to complete bicycle safety courses

Int. No. 910-A - In relation to the use of bicycles for commercial purposes.

CHEKPEDS is a coalition of over 1,500 businesses, individuals, and institutions dedicated to pedestrian safety in Clinton and Hell's Kitchen, on the West side of Manhattan.

In Hell's Kitchen some restaurants have more than 10 delivery bicyclists and their behavior is one of the top pedestrian complaints.

Concurrent with the extension of the bike lanes on 8th and 9th Avenues, we have implemented at 30 restaurants – with NYPD's help – an education program for all restaurants using bicycles for deliveries where we visit restaurant owners individually. I have enclosed the materials we leave behind. NYPD should be a partner in this initiative.

Int. No. 783 : Bicycle Safety course

We applaud the initiative to require training for the commercial bicyclists. However we believe that to be effective there need to be two different trainings - for the commercial owner and for the operators – and, most importantly, the penalties for lack of workers training should be levied against the commercial owner.

Our experience shows that the owners themselves are often ignorant of the laws: we were asked: “ is it the same law on the upper east side?” “ you can go against the flow on side streets”; with a high turnover population which speaks a variety of languages, the owners have the authority and the wherewithal to mandate the training in a timely manner.

Owners are making the financial decisions, including the trade offs between safety costs, delivery time and fines. Thus the owner should be tasked with the continuous self-enforcement of the rules and be responsible for providing equipment. They should also be responsible for paying fines related to lack of equipment, Id and training.

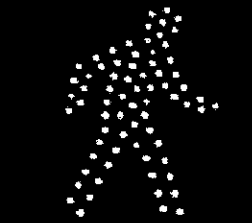
The amount of these fines should be substantial since safety issues are at stake both for the cyclists and the pedestrians. Lack of training certificate should call for a \$ 500 fine payable by the owner and a confiscation of the bicycle until the operator is certified.

It will be a prerequisite to develop an infrastructure where courses and examination are affordable and given out in many different languages.

If appropriate this certificate should be combined with the Operator Id already required.

CHEKPEDS is a coalition of over 1,500 businesses, individuals, and institutions dedicated to pedestrian safety in Clinton and Hell's Kitchen, on the West side of Manhattan and the sponsor of the 9th Avenue Renaissance project. excom@chekpeds.com

Clinton/Hell's Kitchen Coalition for Pedestrian Safety | 348 west 38th Street, New York, NY 10018 | (646) 623 2689 |



CHEKPEDS

OUR MEMBERS • 9th Avenue Association • 43rd Street Block Association • 44SW • 44th Street Block Association • 45th Street Block Association • 46th Street Block Association • 47/48th Street Block Association • 55th Street Block Association • 344-348 West 38th Street Tenants Corp. • Actors Temple Theater • American Home Hardware & More . • Baryshnikov Arts Center • Basilica • Brazil Brazil • Candlewood Suites Times Square • Chimichurri Grill • Clinton Housing Development Corp • Costa del Sol. • Cupcake Café • Delphinium Home • Domus • Econolodge • Empire Tailors & Cleaners • Times Square • Galaxy Diner • Hampton Inn Times Square South • Hartley House • Hell's Kitchen Neighborhood Association • HK5051 Block Association • Holiday Inn Times Square • Housing Conservation Coordinators • Hudson Crossing Tenants Association • International Foods • J. Seffens Studio • L'Allegria • Larissa Designs • Manganaro's Food • Manhattan Plaza • Metro Bicycle Stores • New Dramatists • Nice N Natural • Orion Condominium • Piccinini Brothers • Il Punto • PetsNYC.com • Poseidon Bakery • Project FIND • R/GA • Revolution Rickshaws • Rockrose Development • Sea Breeze • Sunnyside Records • Smiley's • Sonja Wagner Gallery • Costa del Sol • St. Lukes Theater • Studio LLC • Tagine • Tartare • The Ritz • The Piano Factory • Thrift & New Shoppe • Trattoria Pesce Pasta • Vintner Wine Market

www.chekpeds.com

Int. No. 910-A –

The definition of bicycle to include **Motor Assisted Devices** is of grave concern to the pedestrians in our neighborhood. Will it be construed as a de facto legalization of electrical or motorized bikes?

The motorize bicycles are illegal: they have not undergone product safety tests; they are parked on sidewalk – where no motorized vehicle is allowed - and consume a large proportion of the scarce pedestrian space. Giving to an untrained population a tool that is faster and more dangerous does not seem prudent.

The bill should make it very clear that while bicyclists - no matter what device they use - are subject to the rules, illegal devices, like motorized bicycles remain illegal, will be seized and the owner of the business will receive a meaningful fine (\$ 1,000). In addition, it is important to clarify that it is illegal to park motorized devices on the sidewalks.

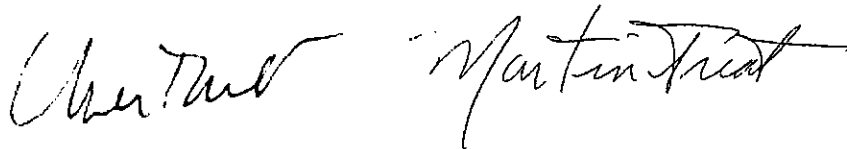
To streamline the administrative burdens on small businesses: the requirement for both an identification number on the back of the bicycle and the bicyclist seem redundant and impractical. The bicycle plates are very hard to read. Are both numbers to be in sync? Considering the fact that the numbers cannot be reused this is a lot of overhead for any given business for such a high turnover business and. We recommend removing this requirement from the law.

The commercial bicyclist log should be created on line in a city provided central database, this would remove the need for an annual submission.

We suggest the requirements to maintain a delivery log is removed from the existing law.

Int. No. 896-A –The addition of new personnel to enforce the laws is welcome. May we suggest that the **Health Department Inspectors** who already visit all the restaurants be educated and include the enforcement of commercial bicycles laws in their inspections.

Finally we expect the same requirements will be applicable to pedicabs who are by definition “commercial bicyclists”

Handwritten signatures of C. Berthet and M. Treat in black ink.

C. Berthet, co-founder, M. Treat, co founder,

NEW YORK ALLIANCE FOR PEDESTRIAN SAFETY
A leading voice for the rights of New York pedestrians

The New York City Council Committee on Transportation
Thursday Sept. 6, 2012, 10 a.m., 250 Broadway, 14th Fl

Testimony of Susan P. Siskind, Director of New York Alliance for Pedestrian Safety
Contact: Susan@nyaps.org or (917) 414-9008

My organization believes the local laws to amend the administrative code of the city of New York in relation to operators of bicycles used for commercial purposes are inadequate. Proposed int. no. 683-A, 0783-2012, 896-SA, and 910-A

These set of laws exclude the thousands of commuter bicycles and recreational bicycles who ride recklessly, run red lights, travel in the wrong direction and where's there's bike lanes – prefer to use the traffic and bus lanes. ~~Our~~ streets are bike chaos.

There is a research study conducted by Dr. Tuzkel at Hunter that provided equal numbers of pedestrian/bicycle accident incidents occurred between ~~pedestrians & bikes.~~ *commercial/recreational/commuter*

We do not fine commercial trucks, taxis, business cars any different than a private car owner. It's just not right and that's why the thousands of bicyclists must learn to be responsible and the only way to do that is with fines and penalties.

More and more accidents are taking place between pedestrians and recreational riders. On August 16 and 18, three high profile accidents occurred on the upper eastside which appeared in the News and TV.

Richard Bernstein, a blind triathlete and lawyer suffered broken pelvis and hip facial cuts and lost some teeth from a cyclist speeding on the Central Park 90th St. pedestrian path at 35 mph. on Aug. 16. Richard is still in Mt Sinai Hospital. Mt. Sinai Hospital has victims in the ER from Central Park every day, according to CP police. Richard thinks NY is the wild west. We know it's bedlam without education and enforcement.

Also, on the Central Park 90th St. pedestrian path on Aug. 16 Dr. Gerald Ginsberg, whom I know personally. Dr. Ginsberg was hit in the back and suffered head trauma. Doctor Ginsberg has been named one of NY's "Best Doctors" in the last ten years' issues of NY Magazine. He has also been named a "Top Doctor" in the NY Times Magazine. He spent 2 days in NY Hospital.

On August 16th, Lingo Shen, 52, was walking toward her Queens home on the pedestrian lane of the Queensboro bridge. Shen is a research analyst at Memorial Sloan Kettering Cancer Center. The cyclist crashed into here about 8:30 pm and she awoke at midnight and is being treated for for a cracked skull , broken collar bone and three fractured ribs. A hematoma was causing her to bleed from the ears.

These are just three high profile cases that were reported in a 2 day span. There are many more that go unreported or are treated by private physicians or clinics.

It is time for the city to provide tests for licenses, require insurance and pass effective laws to protect the millions of pedestrians who walk our streets and allow our police to do their jobs.

Now is the time to bring order to our streets before those 10,000 Alta uninsured bike shares with big financial debts arrive next year.

NEW YORK ALLIANCE FOR PEDESTRIAN SAFETY

A leading voice for the rights of New York pedestrians.

July 16, 2012

Councilwoman Jessica Lappin
330 East 63rd Street, Suite 1K
New York, NY 10065

Dear Councilwoman Lappin:

I am returning the the transportation survey I received in the mail and here are a few of my additional findings and comments.

CB8 pedestrians are encountering dangerous conditions where protected bike lanes have been installed from 61st-72nd Sts. And I also hear similar complaints from residents of CB6 about 48th-51st Sts. We can't avoid being hit by bicyclists riding in both directions of the bike lanes, running red lights and riding outside the bike lanes in the bus and traffic lanes. My neighbor who works at Sloan Kettering Memorial was hit by a car that is now forced to make a wide left turn into the center traffic lane.

62nd & 63rd Streets are heavily used traffic exits and entrances from the QB bridge and the FDR which now forces vehicles to make wide turns onto First Ave. making crosswalks all but impossible for pedestrians to cross and has traffic on these side streets constantly backed up, horns blaring. First Avenue is now almost always gridlocked into 2 lanes where delivery trucks have to triple park and vehicles are banned from the Select Bus lane.

As many as 2-6 storefronts still remain empty on First Avenue from 57th-72nd St. and the protected bike lanes is the number one reason for discouraging prospects in this high rent district.

At a CB8 meeting prior to bike lane installations, the DOT said they spoke to business owners and would address the concerns they had of accessibility. I spoke to one of those business owners at that meeting, John Krtil Funeral Home, whom they promised to address his particular concerns. Recently John told me, "They didn't do anything. They lied to me."

The situation gets worse by the day and I hope we don't have to lose a life before our pedestrians are protected and the ill-conceived reconfigurations of our traffic schemes are changed.

Thank you.

Contact:

Susan P. Siskind

NY Alliance for Pedestrian Safety

susan@nyaps.org; (917) 414-9008



Statement of Richard Conroy, Director of Education, Bike New York
To Members of the New York City Council Transportation Committee
Re: Commercial Cyclist laws
Date: September 6, 2012

Thank you for inviting Bike New York to offer its views on the proposed legislation regarding commercial cycling in New York City.

Bike New York's mission is to promote cycling and bike safety through events, our education program, and partnerships with public and private agencies. We believe that New York City needs more cycling, and that commercial bike delivery is good for New York. But we need more safe, legal, courteous cycling, not the other kind.

Since its inception in 2005, the message of Bike New York's education program to its students has been very clear: Cyclists can make a big difference on behalf of their own safety, and can influence public opinion about cycling by obeying city and state traffic laws. We teach our students what the traffic laws are and how to use the laws and the streets to interact safely and courteously with other traffic. We don't see how it can be taught any other way.

Providing more education to working cyclists is only one part of a solution to a complex problem. While much of the burden of improving commercial cycling falls on the businesses themselves, we think it is important that commercial cyclists know what the city and state traffic laws are. Most of the city's working cyclists are immigrants from other countries where traffic laws for cyclists may well be very different from the laws here. It is important for working cyclists to know the laws here; how to stay safe in traffic; and what the impact is for cyclists and for the wider community when rules of the road are flouted routinely.

Bike New York's education program stands ready to assist the city in whatever capacity we can to improve traffic safety for all street users. We have a network of dozens of instructors and have held more than 250 classes reaching more than 10,000 children and adults in 2012 alone.

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Thank you.

Contact:

Susan P. Siskind

NY Alliance for Pedestrian Safety

susan@nyaps.org; (917) 414-9008

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rich Conroy
Address: 475 Riverside Dr Rm 1300
I represent: Bike New York
Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 8/6/12

(PLEASE PRINT)

Name: Kim Wilay Schwartz
Address: 246 Wyckoff St, Brooklyn, NY 11217
I represent: DOT
Address: 55 Water Street NYC, NY 10028

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/6/2012

(PLEASE PRINT)

Name: BRIAN KAVANAGH
Address: 237 FIRST AVE STE 407
I represent: NYS ASSEMBLY DIST 74
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9/6/12

Name: Rahul Saksena (PLEASE PRINT)

Address: 275 7th Ave, 17th fl

I represent: ROC-NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Kate Stevin (PLEASE PRINT)

Address: DOT

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Leon Hayward (PLEASE PRINT)

Address: DOT

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: SEPT. 6, 2012

(PLEASE PRINT)

Name: SUSAN SISKIND

Address: 450 E. 63 ST., NYC 10065

I represent: NEW YORK ALLIANCE FOR PEDESTRIAN SAFETY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Sept 6, 2012

(PLEASE PRINT)

Name: Jack Brown

Address: 335 E. 6th ST. APT A NYC 10003

I represent: COALITION AGAINST ROOFE RIDGES

Address: _____

*Bicycle
education*

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nancy Gruskin

Address: Stuart C. Gruskin Family Foundation

I represent: Foundation

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Betal Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Bookman + Andrew Ryle

Address: 630 9th Ave Suite 311 NYC

I represent: N.Y.C. Hospitality Alliance

Address: same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 9-8-12

(PLEASE PRINT)

Name: ~~CHRISTINE~~ - C BERTHET

Address: 348 W 28th St

I represent: CHEKPLEDS

Address: 11

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: JUAN MARTINEZ (PLEASE PRINT)

Address: 107 W 26

I represent: Tenants

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Susan Petito (PLEASE PRINT)

Address: Assistant Commissioner Intergovernmental Affairs

I represent: MPD

Address: 1 Police Plaza NYC

◆ Please complete this card and return to the Sergeant-at-Arms ◆