

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND WORKER  
PROTECTION

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October 23, 2023  
Start: 11:05 a.m.  
Recess: 2:38 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Marjorie Velázquez, Chairperson

COUNCIL MEMBERS:

Shaun Abreu  
Erik D. Bottcher  
Gale A. Brewer  
Amanda Farías  
Shekar Krishnan  
Julie Menin  
Chi A. Ossé  
Julie Won

OTHER COUNCIL MEMBERS ATTENDING:

Oswald Feliz  
Jumaane Williams, Public Advocate

A P P E A R A N C E S

Carlos Ortiz, Assistant Commissioner for External Affairs at the Department of Consumer and Worker Protection

Andrew Schwenk, Associate General Counsel at the Department of Consumer and Worker Protection

Ligia Guallpa, Executive Director of Workers Justice Project and Los Deliveristas Unidos

Alejandro Guajales, Los Deliveristas Unidos

William Medina, member of Los Deliveristas Unidos and Workers Justice Project

Antonio Solis, member of Workers Justice Project and Los Deliveristas Unidos

Josh Gold, Uber

Alonzo Whitted, Door Dash Dasher and TaskRabbit

Toney Anaya, Door Dash

Amy Perlik Healy, Vice President of Government Affairs for Grubhub

Julian Kline, Head of Policy at Tech:NYC

Elizabeth Adams, Executive Director for Public Affairs at Transportation Alternatives

David Hammer, PopWheels

A P P E A R A N C E S (CONTINUED)

Christopher Leon Johnson

Raul Rivera, TLC driver and TLC driver advocate

Melinda Hanson, cofounder of the Equitable  
Commute Project

Eric McClure, Executive Director of Streets PAC

Adam Roberts, Policy Director for the Community  
Housing Improvement Program

2 SERGEANT-AT-ARMS: Good morning and  
3 welcome to the New York City hybrid hearing of the  
4 Committee on Worker and Consumers Affair.

5 Please silence all electronic devices.

6 If you have any questions, please raise  
7 your hand and one of us, the Sergeants-at-Arms, will  
8 kindly assist you.

9 At no time, please do not approach the  
10 dais.

11 Thank you for your kind cooperation.

12 Chair, we are ready to begin.

13 CHAIRPERSON VELÁZQUEZ: [GAVEL] Good  
14 morning. My name is Marjorie Velázquez, and I am the  
15 Chair on the Committee on Consumer and Worker  
16 Protection. Welcome to our hearing on lithium-ion  
17 battery, powered bicycle, and powered mobility device  
18 safety.

19 I'd like to recognize my fellow Committee  
20 Members, Council Member Bottcher, Council Member  
21 Feliz.

22 In 2020, New York City legalized the use  
23 of e-bikes and scooters. These devices have increased  
24 mobility and enabled thousands of workers to deliver  
25 food and groceries to our homes during the pandemic.

1  
2 However, they have also come with a cost. An  
3 exponential growth in deadly fires related to the  
4 lithium-ion batteries used to power mobility devices.  
5 In 2020, the Fire Department investigated just 44  
6 fires caused by lithium-ion batteries and e-bikes and  
7 e-scooters. That number more than doubled each of the  
8 subsequent years with 104 investigations into  
9 battery-related fires in 2021 and 220 investigations  
10 into battery-related fires in 2022. As of October 9,  
11 lithium-ion batteries used to power e-bikes and e-  
12 scooters have caused 208 fires in the city this year,  
13 leading to 14 deaths and 116 injuries. Just  
14 yesterday, a firefighter was injured after a three-  
15 alarm fire in a Sunset Park warehouse where dozens of  
16 e-bikes and scooters were found inside. While the  
17 cause of the fire is still under investigation, this  
18 may end up proving to be another example of the need  
19 and urgency for this Committee hearing. The fires are  
20 largely caused by the misuse and improper storage of  
21 lithium-ion batteries as well as the use of batteries  
22 that have not been tested or certified for safety.  
23 Some of the most hazardous environments are e-bike  
24 shops where many lithium-ion batteries are stored and  
25 charged at once. In March of this year, the Council

1 passed a package of legislation to protect consumers  
2 from dangerous products and increase public awareness  
3 regarding the fire safety risks posed by lithium-ion  
4 batteries in motorized bikes and scooters. At today's  
5 hearing, we hope to get an update from the  
6 Administration on the implementation of those laws.  
7

8 We will also hear several bills and  
9 resolutions that aim to further educate the public  
10 about the safe use of lithium-ion batteries as well  
11 as ensure only those batteries which meet fire safety  
12 standards are used on our streets.

13 Introduction 819 sponsored by Council  
14 Member Brewer would require all businesses that sell  
15 e-bikes, e-scooters, and other personal mobility  
16 devices powered by batteries to post lithium-ion  
17 battery safety information materials and guides.

18 Intro. 822 sponsored by Council Member  
19 Gutiérrez would require the Commissioner of the  
20 Department of Consumer Protection to establish and  
21 require a battery safety certification for mechanics  
22 of powered mobility devices including e-bikes and e-  
23 scooters. The Department would also maintain a list  
24 of certified mechanics.  
25

2 Intro. 998 sponsored by Council Member  
3 Nurse would create recordkeeping and reporting  
4 requirements for entities that purchase or accept  
5 second-use rechargeable lithium-ion batteries that  
6 power devices such as e-bikes and e-scooters. This  
7 would include reporting on a number and type of  
8 batteries purchased or accepted and the manner of  
9 disposal of such batteries.

10 Intro. 1163 sponsored by Council Member  
11 Brewer would require the Delivery Worker Bicycle  
12 Safety Course developed by the Department of  
13 Transportation to cover the safe and lawful operation  
14 of powered bicycles as well as lithium-ion battery  
15 and charging safety. In addition, it would require  
16 third-party delivery companies to ensure their  
17 delivery workers complete the bicycle safety course  
18 and provide their delivery workers with bicycle  
19 safety equipment including protective head gear, a  
20 lamp, a bell or other signaling devices, brakes, and  
21 reflective material.

22 Intro. 1168 sponsored by Council Member  
23 Oswald Feliz would require that any powered mobility  
24 device operated by a food delivery work on behalf of  
25 a third-party delivery service or third-party courier

1 service meet fire safety standards. Third-party  
2 delivery services or third-party courier services  
3 would be responsible for providing food delivery  
4 workers with such devices at no expense to the  
5 worker. Finally, responsibility for compliance with  
6 these provisions would fall on the third-party  
7 delivery service or third-party courier service,  
8 which would be subject to civil penalties for any  
9 violations.  
10

11 Finally, Intro. 1220 sponsored by Council  
12 Member Brewer would require e-bikes or e-scooter  
13 businesses to obtain a license in order to business  
14 in the city. In order to receive a license,  
15 businesses would need to have liability insurance and  
16 certify that they are in compliance with certain  
17 safety requirements. This would also enable the  
18 Department of Consumer and Worker Protection in  
19 coordination with the First Deputy to conduct  
20 inspections of these businesses to ensure that they  
21 are operating in a safe manner.

22 I look forward to hearing feedback on  
23 these bills, and now I'll turn it over to Council  
24 Member Feliz.  
25



2 COUNCIL MEMBER FELIZ: Thank you. Good  
3 morning, everyone. I'm Council Member Oswald Feliz. I  
4 want to thank you all for joining. I want to thank  
5 you, Chair Velázquez, for the very important hearing.

6 This year, we've already had over 210  
7 fires due to defective e-bike batteries. 14 New  
8 Yorkers have lost their lives due to these fires.  
9 This is a serious problem that we must resolve. This  
10 City Council has done a lot of work on this issue.  
11 Earlier this year, we passed legislation requiring  
12 that the sellers play a role in helping us resolve  
13 this. We passed legislation specifically requiring  
14 that batteries be certified in order to be sold. We also  
15 passed legislation creating a battery swap program, a  
16 City-run battery swap program wherein individuals can  
17 trade in their unsafe, uncertified batteries for one  
18 that is safe. Everyone must help resolve this issue,  
19 and that's why I'm proud to introduce and today we'll  
20 be hearing legislation requiring that the delivery  
21 companies also play a role by providing safe e-bikes  
22 to workers that don't have one. E-bike fires are  
23 dangerous, they escalate very quickly, they happen  
24 with very little to no notice, and they put all of us  
25 at risk. We've had too many e-bike fires, and we've

2 had too many New Yorkers risking their lives due to  
3 these defective batteries. We must finally put an end  
4 to these problems so I'm proud to have my legislation  
5 heard before this hearing, and I look forward to  
6 working with everyone to finally making it a reality  
7 in the City of New York and finally putting an end to  
8 the e-bike fires that we are seeing far too often.

9 CHAIRPERSON VELÁZQUEZ: I want to  
10 recognize Council Member Abreu just joined us, and I  
11 want to pass it over to Public Advocate Williams.

12 PUBLIC ADVOCATE WILLIAMS: Thank you very  
13 much, Madam Chair. As mentioned, my name is Jumaane  
14 D. Williams, and I am the Public Advocate for the  
15 City of New York. I would like to thank Chair  
16 Velázquez and the Committee Members for holding this  
17 hearing.

18 Because of the proliferation of micro-  
19 mobility devices across the city, lithium-ion battery  
20 related safety concerns affect all New Yorkers.  
21 Micro-mobility devices, which are human or electric  
22 powered small and low speed transportation devices,  
23 have the potential to significantly reduce New  
24 Yorkers' reliance on fossil fuels. However, citywide  
25 planning has gone so poorly that many are choosing

2 instead to utilize gas-powered mopeds for  
3 transportation. These mopeds are noisier and pollute  
4 as compared to electric powered micro-mobility  
5 devices. It should be the goal of the Council to make  
6 micro-mobility devices powered by lithium-ion  
7 batteries as attractive as possible to adapt.

8           Yet, we cannot allow unsafe practices to  
9 spring up to support the micro-mobility movement. As  
10 has been heard today, there have been many, many  
11 deaths, unfortunately, not to mention the loss of  
12 treasured items that I heard from one person just  
13 yesterday from the storage unit that burned as well.  
14 I recently heard from a landlord who stated his  
15 tenant operates a micro-mobility charging business  
16 and repair shop within his apartment. He reported the  
17 issue to FDNY. His claim is that FDNY told him there  
18 are no laws preventing the tenant unless a fire  
19 starts. Thus, the tenant is still able to continue  
20 charging multiple micro-mobility devices in a  
21 residential building. This is a huge fire risk to the  
22 whole building.

23           We must prioritize legal and safe  
24 infrastructure around the usage of micro-mobility  
25 devices, which is why Intro. 1220 is so critical. E-

2 bike repair shops should be as safe as any auto  
3 repair shop. Additionally, I would like to work with  
4 the Council to include in this bill language that  
5 would explicitly exclude residential areas from  
6 becoming e-bike repair shops and have limits on how  
7 many devices can be charged in one home.

8           Micro-mobility device users currently  
9 operate in an untenable situation. Owners have to  
10 navigate unclear regulations about their potentially  
11 hazardous vehicles. Furthermore, there is little  
12 public infrastructure that can accommodate micro-  
13 mobility devices. Ultimately, the state and federal  
14 government must develop standards and monitoring  
15 practices for lithium-ion batteries, which both  
16 resolutions today recognize. Through clear standards,  
17 the Council can make ownership of micro-mobility  
18 devices as simple as owning a car. Third-party  
19 delivery companies have a unique role to play in  
20 facilitating safe practices, and the legislation  
21 before us today does a great job at addressing third-  
22 party companies' responsibility to ensure delivery  
23 workers' safety.

24           Additionally, there must be more public  
25 information about best practices for lithium-ion

1 battery safety, which is why Intro. 819 is also  
2 important. Additionally, the legislation highlights a  
3 larger problem that New York City Council and the  
4 City as a whole has to grapple with. Bills in the  
5 Council are passed adding new regulations for  
6 business owners, but, like many of the bills, there  
7 is little to let business owners know about these  
8 requirements. Hopefully, bills such as 819 will also  
9 be added with new funding for outreach campaigns so  
10 that business owners can be informed about what they  
11 are required to post.  
12

13           Lastly, online retailers do not have the  
14 same burden placed on them when we just require  
15 physical posters to be displayed. This is a mistake  
16 as many e-bike customers in particular buy their e-  
17 bikes online. We must protect New Yorkers from future  
18 lithium-ion battery fires, and we must make sure  
19 everyone is aware of potential dangers. Through  
20 promoting micro-mobility device use, we will get more  
21 cars off of the streets and reduce both noise and air  
22 pollution. We also have to make sure that New Yorkers  
23 are safe with speed, which is another question, so  
24 I'm happy that the Council seems to be trying to find  
25 the right balance to make these available,

2 particularly for workers who need them, that fit a  
3 demand as New Yorkers want their things quicker and  
4 quicker, and we'll try to find the service that will  
5 provide that, but we have to make sure everyone is  
6 safe. Thank you so much.

7 COMMITTEE COUNSEL: Thank you, Chair  
8 Velázquez. Good morning and welcome.

9 Before we begin, I'd like to remind  
10 everyone who is joining us via Zoom you will be on  
11 mute until you are called on to testify, at which  
12 point you'll be asked to accept to be unmuted by the  
13 Host.

14 I'll be calling on public witnesses to  
15 testify after the conclusion of the Administration's  
16 testimony and Council Member questions so please  
17 listen carefully for your name to be called.

18 CHAIRPERSON VELÁZQUEZ: I'd like to  
19 recognize Council Member Brewer who will be making a  
20 statement.

21 COUNCIL MEMBER BREWER: Hi, I'm Gale  
22 Brewer of the City Council. I am here to talk about  
23 several bills. What I want to do is just go ahead,  
24 start the hearing, and I'll catch up. I'm next door,  
25

2 and I'm one of the Co-Chairs. It's a little too much  
3 for me so go ahead.

4 CHAIRPERSON VELÁZQUEZ: Okay, we got ya.  
5 Go ahead.

6 COMMITTEE COUNSEL: Please note, Council  
7 Members will have five minutes for questions, and we  
8 will be allowing a second round of questioning if  
9 needed.

10 We will now call on representatives from  
11 the Administration to testify. We will be hearing  
12 testimony from Carlos Ortiz, Assistant Commissioner  
13 for External Affairs for DCWP and Andrew Schwenk,  
14 Assistant General Counsel for DCWP.

15 At this time, I will administer the  
16 affirmation. Administration panelists, please raise  
17 your right hands.

18 Do you affirm to tell the truth, the  
19 whole truth, and nothing but the truth before this  
20 Committee and to respond honestly to Council Member  
21 questions?

22 ASSISTANT COMMISSIONER ORTIZ: I do.

23 ASSOCIATE GENERAL COUNSEL SCHWENK: I do.

24 COMMITTEE COUNSEL: Thank you. At this  
25 time, you may present your testimony.

2 ASSISTANT COMMISSIONER ORTIZ: Good  
3 morning, Chair Velázquez and Members of the  
4 Committee on Consumer and Worker Protection. My  
5 name is Carlos Ortiz, and I am the Assistant  
6 Commissioner for External Affairs at the  
7 Department of Consumer and Worker Protection, and  
8 today I am joined by our Associate General  
9 Counsel, Andrew Schwenk. Thank you for the  
10 opportunity to testify on legislation related to  
11 powered mobility devices and lithium-ion  
12 batteries.

13 The Administration is committed to  
14 protecting New Yorkers from dangerous fires caused  
15 by uncertified equipment, from unsafe and illegal  
16 equipment operating on our streets, and from  
17 exploitative work practices that impact some of  
18 our most essential workers. Earlier this year,  
19 Mayor Adams' Interagency Electric Micro-mobility  
20 Task Force released the "Charge Safe, Ride Safe"  
21 plan to protect New Yorkers from fires caused by  
22 lithium-ion batteries and to promote safe electric  
23 micro-mobility usage. This includes advancing  
24 innovative measures promoting safety in our city,  
25 and which enhance the quality of life for all New



2 Yorkers, including our workers, consumers, and  
3 businesses through, for example, access to safe  
4 equipment, outdoor charging stations, and a  
5 minimum pay rate for food delivery workers engaged  
6 as independent contractors.

7 In supporting Mayor Adams' priorities,  
8 DCWP has served New Yorkers who purchase and  
9 utilize these devices by ensuring that those  
10 products follow safe standards established by  
11 accredited testing laboratories and by  
12 facilitating delivery worker education on fire  
13 safety.

14 DCWP is the lead enforcement agency for  
15 Local Law 39 of 2023, which went into effect on  
16 September 16th, and prohibits businesses from  
17 selling powered mobility devices or batteries that  
18 are not certified to specific testing standards.  
19 Since the start of enforcement, DCWP has conducted  
20 close to 270 inspections, including 47 joint  
21 inspections with the New York City Fire  
22 Department, and issued summonses to 79 businesses  
23 for violating Local Law 39. Moving forward, our  
24 goal is to continue conducting proactive  
25 enforcement that builds on our multilingual

2 educational efforts that work toward creating a  
3 culture of compliance in our city. Additionally,  
4 pursuant to Local Law 41 of 2023, DCWP distributed  
5 fire safety materials developed by the Fire  
6 Department to our third-party app licensees, who  
7 are required to provide these materials to their  
8 delivery workers.

9           Turning to today's legislation,  
10 Introduction 819 would require all businesses that  
11 sell e-bikes, e-scooters and other powered  
12 mobility devices to post lithium-ion battery  
13 safety informational materials and guides. DCWP  
14 supports the intent of Introduction 819 and in  
15 educating New Yorkers purchasing or utilizing  
16 devices on fire safety and fire risks. As we have  
17 done with Local Law 38 of 2023, we plan to work  
18 closely with the Fire Department to identify the  
19 appropriate educational materials that could serve  
20 New Yorkers, given our lack of technical expertise  
21 in fire safety.

22           Introduction 822 would require DCWP to  
23 create new criteria for powered mobility device  
24 battery safety certification and require mechanics  
25 of powered mobility devices to have this

2 certification. DCWP would like to understand  
3 further from the Council how they intend for this  
4 bill to address powered mobility and battery  
5 safety. It is currently illegal to sell refurbished  
6 batteries in New York City, and the sale of used  
7 batteries must comply with Local Law 39. Moreover,  
8 many mechanics of powered mobility devices may not  
9 be working on batteries themselves but on other  
10 mechanical components of a powered mobility  
11 device. Generally, our agency lacks the technical  
12 expertise in this field to create and mandate a  
13 certification for mechanics in New York City.  
14 Without the requisite expertise, we cannot ensure  
15 that such standards would improve the safety of  
16 powered mobility devices.

17 Turning to Introduction 998, this bill  
18 would create recordkeeping and reporting  
19 requirements for entities that purchase or accept  
20 used batteries that power devices such as e-bikes  
21 and e-scooters. DCWP would make those records  
22 available to the Fire Department and the  
23 Department of Sanitation. DCWP supports this bill,  
24 and we look forward to working closely with the  
25 Fire Department and Sanitation to identify any

2 information that they believe is necessary to be  
3 included in the recordkeeping requirements.

4 Introduction 1163 would require the  
5 Department of Transportation to update their  
6 commercial cyclist safety course to include  
7 information on the safe and lawful operation of  
8 powered bicycles as well as guidance for lithium-ion  
9 batteries and safe charging. It would also require  
10 DCWP's third-party app licensees to ensure that their  
11 delivery workers wear helmets and complete the  
12 cyclist safety course developed by DOT. Lastly, app  
13 licensees would be required to ensure delivery  
14 workers' bicycles are equipped with safety equipment,  
15 including a lamp, a bell, and reflective tires. The  
16 Administration supports and shares Council's interest  
17 in e-bike safety and the safety of commercial  
18 cyclists. Our colleagues at DOT recommend ensuring the  
19 bill includes limited-use motorcycles and powered  
20 vehicles such as pedal-assist and throttle e-bikes in  
21 its scope. Furthermore, DOT recommends that new  
22 riders, as well as existing riders, take the updated  
23 course.

24 Introduction 1168 requires any powered  
25 mobility device used by food delivery workers on

2 behalf of third-party food delivery services and  
3 third-party courier services to comply with safety  
4 standards laid out in Local Law 39 of 2023. And our  
5 understanding is that the bill also intends for  
6 these app companies to provide workers with such  
7 devices at no expense to the worker. We applaud the  
8 Council for this legislation. As we have commented at  
9 previous hearings, the Administration strongly  
10 believes that businesses who engage delivery workers  
11 in our city bear a responsibility in ensuring that  
12 those workers have access to safe equipment and are  
13 dispatched safely. DOT has also been working  
14 diligently on this issue and looks forward to  
15 engaging with the Council in the legislative process  
16 to implement an effective plan in the near future  
17 that meets our shared goals. Other components DOT has  
18 been considering for this bill include requiring app  
19 companies to run a trade-in program for unsafe  
20 devices, requiring app companies to submit a safety  
21 plan and regular data to demonstrate their  
22 compliance with those plans, and linking adherence  
23 of these plans and adherence to Introduction 1168  
24 to each company's license.

2 Lastly, Introduction 1220 would create a  
3 new licensing requirement for businesses selling  
4 electric bicycles and scooters. The bill authorizes  
5 DCWP to issue civil penalties for violations under  
6 the law and deny, suspend, or revoke a license. While  
7 DCWP agrees that it is important to create stronger  
8 regulations for these businesses, we believe it is  
9 premature to implement a licensing regime at this  
10 point in time. Instead of licensing these businesses,  
11 we propose strengthening the City's authority to  
12 close down these businesses after repeat violations  
13 through a sealing authority. We also have  
14 recommendations for improving current local law to  
15 facilitate greater compliance. We welcome any  
16 discussions on how we can ensure the safety of New  
17 Yorkers with respect to unsafe and uncertified  
18 devices.

19 Thank you for the opportunity to testify  
20 before your Committee on today's legislation. The  
21 Administration looks forward to hearing from  
22 stakeholders on the impact of these bills for their  
23 constituencies and to collaborating closely with the  
24 Council during the legislative process. I welcome any  
25

2 questions you may have for further discussion. Thank  
3 you.

4 CHAIRPERSON VELÁZQUEZ: Thank you. I  
5 wanted to start off and ask you several questions.  
6 According to recent reporting, there have been 208  
7 battery-related fires across the city this year which  
8 resulted in 14 deaths and 116 injuries. This  
9 reporting does not include the most recent fire which  
10 happened yesterday afternoon at a storage facility in  
11 Sunset Park. Can you tell us about where the fires  
12 started and what they have in common?

13 ASSISTANT COMMISSIONER ORTIZ: Thank you,  
14 Council Member. I think with respect to the specific  
15 fires and the causes of them at these places of  
16 businesses, it's not something that we are involved  
17 with at DCWP. I will say, however, that the Mayor has  
18 tasked us along with sister agencies such as FDNY,  
19 NYPD, and DOT to work closely on enforcement measures  
20 that address the lithium-ion battery situation in New  
21 York City. For example, on the component of work that  
22 we are the lead enforcement agency, which is Local  
23 Law 39, we do have very detailed information sharing  
24 with FDNY to identify problem spots, to make sure  
25 that they go and conduct their own inspections, and,

2 as I mentioned in my testimony, we are also  
3 conducting joint inspections with FDNY too.

4 CHAIRPERSON VELÁZQUEZ: What are those  
5 problem spots?

6 ASSISTANT COMMISSIONER ORTIZ: I think  
7 generally, under Local Law 39 businesses are required  
8 to sell batteries or powered mobility devices up to a  
9 certain standard. I think with respect to what we're  
10 observing and what we would refer to FDNY, let me  
11 pass it over to my colleague very quickly.

12 ASSOCIATE GENERAL COUNSEL SCHWENK: Thank  
13 you, Council Member. I would just add that some of  
14 the issues that we work closely with on a referral  
15 basis with FDNY are if we see batteries being charged  
16 in a business so a retail location that we'd be  
17 inspecting for Local Law 39 compliance, if we see  
18 issues like batteries being charged which is not  
19 something that falls necessarily directly under our  
20 enforcement, that's the type of information that we'd  
21 directly share with FDNY to follow up.

22 CHAIRPERSON VELÁZQUEZ: Thank you. I also  
23 want to recognize Council Member Menin has joined us.

24 Do you know what percentage of these  
25 fires have started in bike shops?



2 ASSISTANT COMMISSIONER ORTIZ: Thank you,  
3 Council Member. I'm not aware of the particular data  
4 details with respect to the fires, but I'm certainly  
5 happy to follow up with my colleagues at the Fire  
6 Department to gather more information for you on  
7 those pieces.

8 CHAIRPERSON VELÁZQUEZ: Are there any  
9 trends in the origin of lithium-ion battery fires?

10 ASSISTANT COMMISSIONER ORTIZ: Again, I  
11 think I would have to defer to the Fire Department in  
12 terms of their work in this space and their  
13 investigations into those fires. I know we have held  
14 many hearings together as well, and I've heard  
15 feedback from the Fire Department of the destructive  
16 nature of these type of fires, but, again, I think I  
17 would have to defer to them for more detailed  
18 specifics.

19 CHAIRPERSON VELÁZQUEZ: Okay, I'm going to  
20 take a moment to actually acknowledge my Colleague,  
21 Council Member Gale Brewer, who has a statement.

22 COUNCIL MEMBER BREWER: Thank you. I'm  
23 sorry. It's hard because I'm also Co-Chairing next  
24 door.

2 CHAIRPERSON VELÁZQUEZ: No worries. We're  
3 trying our best.

4 COUNCIL MEMBER BREWER: I apologize  
5 profusely.

6 Yesterday, when I was at a street  
7 festival, the number one is what we're talking about  
8 today, is the e-scooters, the e-bikes, and the fires.  
9 Nobody in the city is not aware of them, and I know  
10 there was a fire yesterday, and I really appreciate  
11 the Chair bringing these up.

12 I have four bills on the agenda. We have  
13 to figure out how to safely charge, we have to figure  
14 out how to safely store, we have to figure out how to  
15 make sure that people are able to operate for their  
16 work or pleasure the e-bikes and the scooters, and we  
17 have to have new rules and new resources.

18 Intro. 1220, as you probably know, would  
19 require businesses that sell or service e-bikes and  
20 e-scooters to obtain a City-issued license. The goal  
21 is to ensure businesses follow the Local Laws and  
22 Fire Codes intended to prevent the fires, and I guess  
23 maybe we should even include storage units because  
24 that came up yesterday with the storage unit fire. To  
25 obtain a license, retailers and repair shops must be

2 inspected by the Fire Department and show prove of  
3 liability insurance. The bill requires the City  
4 agency to conduct appropriate outreach in all City  
5 languages for a minimum of 90 days to alert retailers  
6 on the new requirement.

7 Intro. 1163 would require DOT to  
8 implement a safety course that covers the safe and  
9 lawful operation of powered bicycles as well as  
10 lithium-ion battery and charging safety. It requires  
11 third-party delivery companies to ensure that their  
12 delivery workers complete the safety course, and I  
13 think there are people here today representing the  
14 apps, and I think everybody is stating that they need  
15 to take much more responsibility than what they are.  
16 This bill would also require third-party delivery  
17 companies to provide their workers with bicycle  
18 safety equipment, protective headgear, a lamp, a  
19 bell, signaling devices, brakes, and reflective  
20 material.

21 Intro. 819 would require the posting of  
22 lithium-ion battery safety guides in places of  
23 business and online retail platforms that sale these  
24 powered mobility devices. We're all talking about  
25 point of sale. I think there's a similar bill in

2 Albany. Point of sale is an ideal opportunity to  
3 educate new riders.

4 Reso. 746 calls on the State Assembly to  
5 pass and the Governor to sign legislation that would  
6 prohibit the manufacturing, distribution, and sale of  
7 lithium-ion batteries or chargers that do not comply  
8 with UL standards. I know that the City Council,  
9 Council Member Oswald Feliz, has already passed such  
10 a bill locally, and we passed a bill on the City  
11 level that prohibits the sale of second-use  
12 batteries, although I understand that there are lots  
13 of loopholes that salespeople are finding, enabling  
14 the batteries still to be sold.

15 This is a really complicated issue. I  
16 thank you very much, Chair Velázquez, for holding  
17 this hearing, and I think we all need to work  
18 together because not working together is going to  
19 provide even more challenges than we already face.  
20 Thank you very much.

21 CHAIRPERSON VELÁZQUEZ: Thank you, Council  
22 Member.

23 Local Law 131 of 2023 enacted on October  
24 15, 2023, establishes a trade-in program for powered  
25 mobility devices and lithium-ion batteries used in

2 powered mobility devices. Do you have an update on  
3 this program?

4 ASSISTANT COMMISSIONER ORTIZ: Yes. I  
5 think the most recent important update is that the  
6 Department of Transportation will be the agency  
7 assigned to implement the program. I know they've  
8 been thinking very thoughtfully around the details of  
9 the City-administered trade-in. That's the most  
10 recent update I have.

11 CHAIRPERSON VELÁZQUEZ: Which agency is  
12 going to be responsible, you guys?

13 ASSISTANT COMMISSIONER ORTIZ: Department  
14 of Transportation.

15 CHAIRPERSON VELÁZQUEZ: Who is eligible  
16 for this e-bike trade-in?

17 ASSISTANT COMMISSIONER ORTIZ: I think  
18 those are still details that the Department of  
19 Transportation is working through. Obviously, I think  
20 we want to be very mindful of delivery workers in our  
21 city. They're here today as well. I'm sure have  
22 commentary too on these bills but also legislation  
23 that's already been passed. I think those specifics I  
24 would defer to the Department of Transportation.

2 CHAIRPERSON VELÁZQUEZ: How many non-UL-  
3 certified e-bikes and scooters are estimated to be in  
4 circulation across the city?

5 ASSISTANT COMMISSIONER ORTIZ: I think  
6 generally the agency doesn't have that information in  
7 terms of how many are in circulation.

8 CHAIRPERSON VELÁZQUEZ: Have an estimate  
9 at least?

10 ASSISTANT COMMISSIONER ORTIZ: I don't  
11 have an estimate on the bikes themselves. If we want  
12 to think about the full universe of workers, and some  
13 of these workers are definitely using certified and  
14 legal bikes, but our report identified about 60,000  
15 delivery workers per work who work on delivery apps.  
16 Now, I don't want to assume that is to say they're  
17 all noncompliant bikes, but I think that's a first  
18 picture I think for us to take a look at.

19 CHAIRPERSON VELÁZQUEZ: Okay. Local Law 39  
20 of 2023 prohibits the sale, lease, or rental of  
21 powered mobility devices that fail to meet recognized  
22 safety standards. Can you provide an update on the  
23 enforcement of this Local Law at retail locations  
24 across the City?

2 ASSISTANT COMMISSIONER ORTIZ: I'd love to  
3 actually. Let me actually go into the summer from  
4 what we were doing on the outreach side of things. We  
5 worked very closely with the New York City Police  
6 Department and DOT to educate hundreds of retailers  
7 across the city as well as online retailers on the  
8 requirements that they would have to be following  
9 under Local Law 39. Starting on September 16th when  
10 the law took effect, we began proactive enforcement  
11 measures with our inspectors team inspecting so far  
12 close to 270 businesses. We've issued about 79  
13 summonses for violations of Local Law 39. That's a  
14 little under 30 percent of the business that we  
15 encountered. The law, itself, as drafted has a 0-  
16 dollar penalty for the first violation. I think  
17 that's intentional to have a warning essentially  
18 there and make sure we're educating businesses  
19 besides coming down on them with an enforcement tool,  
20 but we plan to continue our proactive enforcement  
21 measures for subsequent actions, and those fines do  
22 escalate to up to 1,000 dollars.

23 CHAIRPERSON VELÁZQUEZ: Have you actually  
24 started fining businesses?

2 ASSISTANT COMMISSIONER ORTIZ: We've so  
3 far conducted the first I would say touch on all  
4 these businesses in terms of the first summonses.  
5 Now, again, those summonses do have to be adjudicated  
6 at the Office of Administrative Trials and Hearings.  
7 I think once we have the results from there, we can  
8 do another proactive enforcement action too.

9 CHAIRPERSON VELÁZQUEZ: Okay. FDNY  
10 Commissioner Kavanaugh recently wrote a letter to  
11 Amazon's General Counsel to remind the company that  
12 it is illegal to sell non-UL-certified e-bike and  
13 scooter batteries in the city. Do you have concerns  
14 about enforcing the provisions of Local Law 39 with  
15 online retailers like Amazon.

16 ASSISTANT COMMISSIONER ORTIZ: In the most  
17 general sense, no, we don't have concerns. We expect  
18 that online retailers must be compliant as well, and  
19 we've worked very closely with online retailers  
20 including Amazon, communicating over the summer what  
21 their obligations would be and, subsequent to  
22 September 16th, also ensuring that they have to move  
23 into compliance. I think as a matter of course of our  
24 work we're ensuring that kind of all sides of the



2 sales are being covered, both if you can say the  
3 brick-and-mortar and the online retailers.

4 CHAIRPERSON VELÁZQUEZ: How does the  
5 Department engage with online retailers that may be  
6 in violation of this Local Law?

7 ASSISTANT COMMISSIONER ORTIZ: For that  
8 question, let me pass it over to my colleague, Andy,  
9 to provide a response.

10 ASSOCIATE GENERAL COUNSEL SCHWENK: Thank  
11 you, Council Member. At the same time this law became  
12 effective and began our brick-and-mortar enforcement,  
13 we started an online sweep of retailers that we  
14 investigated for potentially selling noncompliant  
15 devices. We do that through a cease-and-desist  
16 process where we'll do research, determine potential  
17 compliance issues, send out a cease-and-desist, and  
18 then engage with the company about coming into  
19 compliance with the law, and ultimately, if need be,  
20 issue a summons if appropriate.

21 CHAIRPERSON VELÁZQUEZ: How long does that  
22 take from start to finish?

23 ASSOCIATE GENERAL COUNSEL SCHWENK: We've  
24 begun our sweep. We do have cease-and-desist letters

1 out, and we have also issued a few summonses to some  
2 noncompliant online retailers already.

3  
4 ASSISTANT COMMISSIONER ORTIZ: I think the  
5 number there is seven or eight summonses issued to  
6 online retailers for noncompliance, which does not  
7 include some of the companies mentioned such as  
8 Amazon and other companies, but I think generally  
9 this all speaks to the efforts that we recognize that  
10 online sales are a component here and we want to make  
11 sure that the agency is dedicating resources to  
12 ensuring compliance there.

13 CHAIRPERSON VELÁZQUEZ: How do we start  
14 off? Is it an investigation, does a consumer bring  
15 this issue up to you, or is it an elected, how does  
16 this start, and certainly how do we advocate for  
17 folks to reach out if they do see a retailer, whether  
18 online or brick-and-mortar.

19 ASSISTANT COMMISSIONER ORTIZ: Zooming  
20 out, I would say that the agency is taking a very  
21 proactive stance in terms of this work over the  
22 summer working with our sister agencies to identify  
23 these locations using our existing inspection routes  
24 to also identify locations so we work very  
25 proactively on that end. Likewise on the online

2 retailer piece as well. In many situations, we were  
3 already on the front foot so to speak when the law  
4 took effect. We've so far received about seven  
5 complaints from consumers. It's a mix of some  
6 constituents themselves but also elected officials,  
7 community boards. I think we always welcome consumers  
8 to bring complaints to us, and, even if it's a  
9 question, if it's I'm not sure but can you take a  
10 look at this, we're happy to take a look for  
11 compliance. Ultimately, this is about the safety of  
12 New Yorkers, and we want to do our part to ensure  
13 that safety.

14 CHAIRPERSON VELÁZQUEZ: As you began  
15 inspections, what are the trends you're seeing among  
16 retailers and resellers, and are most retailers in  
17 compliance UL-certification standards?

18 ASSISTANT COMMISSIONER ORTIZ: Yes, I  
19 think a large majority of retailers are in compliance  
20 right now. I think upwards of 70 percent based on the  
21 numbers I shared earlier. I think what we've seen  
22 mostly violations of Local Law 39 I believe are for  
23 uncertified powered mobility devices and, then  
24 subsequent to that, uncertified batteries.

2 CHAIRPERSON VELÁZQUEZ: I'd like to  
3 recognize Council Members Fariás, Won, and Ossé.

4 What kind of outreach has the Department  
5 conducted on UL certification requirements and the  
6 risks associated with noncertified mobility devices.

7 ASSISTANT COMMISSIONER ORTIZ: We try to  
8 leverage all the outreach tools in our toolbox so to  
9 speak. That includes social media but also direct  
10 hard mailings. We've also done in-person visits to  
11 locations. Likewise, we've worked very closely with  
12 Small Business Services and NYPD for them to conduct  
13 their own in-person outreach as well. I think in my  
14 experience on the Community Affairs side, typically  
15 the in-person work is very helpful in this particular  
16 situation, being able to sit down with somebody and  
17 communicate to them the expectations of a Local Law  
18 and being available for questions afterwards. Just to  
19 piggyback on an earlier part of your question from  
20 before, if folks do want to contact us, they can  
21 always reach out to [communityaffairs@dwcp.nyc.gov](mailto:communityaffairs@dwcp.nyc.gov).  
22 That comes directly to my team, and we help input  
23 those inspections on their behalf.

24 CHAIRPERSON VELÁZQUEZ: Just want to  
25 reiterate your last statement. If you could do it a

2 little bit slower and is there an 800 number or a  
3 direct number that folks can also call besides an  
4 email?

5 ASSISTANT COMMISSIONER ORTIZ: Yeah, I'm  
6 sorry. I do tend to talk too fast. It's  
7 communityaffairs@dcwp, David Charlie William Peter,  
8 dot.nyc.gov, and then we have a general intake line  
9 that is 212-436-0186.

10 CHAIRPERSON VELÁZQUEZ: How would Intro.  
11 1220 which would license e-bike and scooter retailers  
12 impact the Department's ability to enforce existing  
13 legislation relating to e-bike and scooter safety?

14 ASSISTANT COMMISSIONER ORTIZ: Council  
15 Member, as I mentioned in my testimony, we don't  
16 necessarily see licensing always as a panacea in and  
17 of itself. I think what would be really interesting  
18 for us as an enforcement body is to have a sealing  
19 authority for these businesses, and that's  
20 essentially an ability to close a place down if they  
21 are repeat violators. As an example in some other  
22 sectors of our work such as tobacco retail dealers,  
23 we've been able this past year to close down about 50  
24 illegal tobacco retail dealers and collect over a  
25 million dollars in penalties using an analogous

1 sealing authority, and I think that's particularly  
2 nimble as well because a sealing authority, we can  
3 use to really go after these bad actors, the ones  
4 that are continually violating the laws that are  
5 important to us versus a licensing scheme, while it  
6 might be something to consider in the future, right  
7 now we think it's premature because who knows if in  
8 two years' or three years' time do we really want to  
9 put on more burdensome regulations on the folks that  
10 are following the law. A licensing scheme is not just  
11 a licensing scheme for bad actors, it's for  
12 everybody, and so we should consider as well whether  
13 our mom-and-pop bike shop on the corner needs a  
14 license too to operate in New York City.

16 CHAIRPERSON VELÁZQUEZ: Does the  
17 Administration support A4938-B and A5310 which would  
18 set standards for lithium-ion batteries used in  
19 specific electric mobility devices and prohibit the  
20 sale of second-use lithium-ion batteries intended for  
21 use in a bicycle with electric assist and an e-  
22 scooter or a limited-use motorcycle?

23 ASSISTANT COMMISSIONER ORTIZ: Are those  
24 the resolutions?

2 CHAIRPERSON VELÁZQUEZ: Yes, those are the  
3 Resos. Sorry about that.

4 ASSISTANT COMMISSIONER ORTIZ: We don't  
5 typically comment on the resolutions but happy to  
6 connect with the Mayor's Office to get you a response  
7 on those.

8 I would say as a general matter of  
9 course, the Administration is committed to protecting  
10 New Yorkers and to engage with the Council, I know  
11 you all have passed amazing legislation over the past  
12 year to ensure consumer and worker safety so, along  
13 those lines, we're definitely supportive of whatever  
14 measures we need to put in place to protect New  
15 Yorkers.

16 CHAIRPERSON VELÁZQUEZ: Does the  
17 Administration support the setting of consumer  
18 standards for lithium-ion batteries act? That's  
19 another Reso. I'm just hitting you up with all these  
20 resos now.

21 ASSISTANT COMMISSIONER ORTIZ: I'm sorry.  
22 I might have to give a similar answer as well,  
23 although I think in the course of our work, being  
24 more and more involved in this micro-mobility space,  
25 I think certainly having standards we can look to

2 would always be helpful, and it certainly helps when  
3 you have experts across different fields providing  
4 input on that.

5 CHAIRPERSON VELÁZQUEZ: Can you provide an  
6 update on the Mayor's Interagency Electric Micro-  
7 mobility Task Force?

8 ASSISTANT COMMISSIONER ORTIZ: Yes, I'd  
9 love to. We are one of the constituent members of  
10 that task force. I think the two big pieces that we  
11 work on in that task force is enforcement and  
12 education. The enforcement I've discussed around  
13 Local Law 39 in terms of those inspections we've  
14 done.

15 On the educational piece, we work very  
16 closely with DOT now in terms of providing education  
17 to delivery workers. We have a suite of worker  
18 protections which we consider vital for them such as  
19 right to timely payments, right to set distances, and  
20 I know DOT also, their team is extremely committed  
21 obviously to cyclist safety in our city as well.  
22 Generally, the positions that I mentioned earlier for  
23 Intros 1168 and 1163, we've been in close  
24 communication with DOT on those positions. They are  
25 extremely interested in taking those up and, as I



2 mentioned in my testimony, have various  
3 recommendations that they'd love to discuss with the  
4 Council and legislative process.

5 CHAIRPERSON VELÁZQUEZ: Has the Task Force  
6 convened since publishing the plan?

7 ASSISTANT COMMISSIONER ORTIZ: I'm looking  
8 at my team member because I think she sits on those  
9 working groups every week or every other week so yes,  
10 we do convene as a team with these City agencies  
11 frequently.

12 CHAIRPERSON VELÁZQUEZ: Has the Task Force  
13 issued any new recommendations?

14 ASSISTANT COMMISSIONER ORTIZ: I don't  
15 believe we've issued any new recommendations in the  
16 format of a report, but certainly these  
17 recommendations that I have in here in terms of our  
18 bill positions are something that the Task Force has  
19 looked at as well.

20 CHAIRPERSON VELÁZQUEZ: Do you have an  
21 update on plans related to safe cycling  
22 infrastructure or safe riding public education?

23 ASSISTANT COMMISSIONER ORTIZ: In terms of  
24 the public education piece, I think some of the bills  
25 in here like Introduction 819 in terms of providing

2 consumers some educational materials is something  
3 that we're supportive of. On the infrastructure  
4 piece, I'd have to defer to DOT and their efforts.

5 Andy, was there anything you wanted to  
6 add?

7 ASSOCIATE GENERAL COUNSEL SCHWENK: No.

8 CHAIRPERSON VELÁZQUEZ: Actually, going to  
9 this infrastructure and we can be honest that the  
10 city is lacking infrastructure for this, where are  
11 these charging stations and the proper bike lanes and  
12 where are the hubs and Senator Schumer had promised  
13 two years ago?

14 ASSISTANT COMMISSIONER ORTIZ: I think in  
15 terms of those items of work, they're not something  
16 that our agency has been involved, and I think the  
17 hubs have been something developed with the Parks  
18 Department and the charging stations and bike lanes  
19 are within DOT. Again, I'm happy to touch base with  
20 them and get back to you on those answers that you  
21 need.

22 CHAIRPERSON VELÁZQUEZ: Definitely if you  
23 can because I understand that if we can implement  
24 this and if we could work with third-party app  
25 providers we can actually get them up and running

2 much quicker and assure the safety of drivers as well  
3 so this is a priority for everyone. Thank you.

4 How should consumers dispose of e-bike  
5 and e-scooter batteries?

6 ASSISTANT COMMISSIONER ORTIZ: I think in  
7 terms of the proper procedures for disposal, that's  
8 something we'd want to talk with the Department of  
9 Sanitation about for those batteries.

10 CHAIRPERSON VELÁZQUEZ: Does the City  
11 track the disposal of these items?

12 ASSISTANT COMMISSIONER ORTIZ: I'm not  
13 sure if the City tracks disposal of these items. It's  
14 not something that our agency would track in terms of  
15 I guess what a consumer is doing in their home with  
16 the disposal of products.

17 CHAIRPERSON VELÁZQUEZ: Finally, what do  
18 you think is the most effective way to get  
19 uncertified mobility devices off city streets?

20 ASSISTANT COMMISSIONER ORTIZ: Thinking  
21 about Introduction 1168 and certainly the provision  
22 of safe equipment to workers, I know that DOT has  
23 also had considerations of having a trade-in  
24 component of that. If you bring in your uncertified  
25 bike, getting a certified bike would be a way to

2 accomplish two goals, safe devices for workers and  
3 unsafe devices off the street. As I mentioned in my  
4 testimony, I think from the Administration's  
5 perspective we do believe business apps that are  
6 engaging these workers bear a responsibility in  
7 facilitating that and ensuring that their workers are  
8 operating with safe devices and that when they're on  
9 our streets as well that they're being dispatched  
10 safely.

11 CHAIRPERSON VELÁZQUEZ: Council Member  
12 Feliz.

13 COUNCIL MEMBER FELIZ: Thank you. Thank  
14 you, again, Chair, for this hearing. I want to thank  
15 all of you for joining us today. I also want to thank  
16 our deliveristas who have joined us. I want to thank  
17 them. They've been nothing but great partners every  
18 single step of this conversation. I have three sets  
19 of questions including about Local Law 39, including  
20 about the battery swap bill, and also about Intro.  
21 1168.

22 As was mentioned earlier, earlier this  
23 year we passed Local Law 39 which took effect mid-  
24 September requiring UL certification for batteries  
25 that are sold in the City of New York. I have a few

2 questions about that law, Local Law 39, UL  
3 certification. What educational outreach was done in  
4 preparation of this law and also the enforcement of  
5 it?

6 ASSISTANT COMMISSIONER ORTIZ: For Local  
7 Law 39, I think our outreach was primarily based in  
8 in-person actions in partnership with SBS and I know  
9 NYPD did in-person visits to locations. I think what  
10 we also did on our end was we are able to reach out  
11 via mailer to all these locations as well to provide  
12 them some of the information they would need. That  
13 information was in multiple languages as well, and I  
14 think an added piece what we've done is we've put  
15 some new resources up on our website too, a plain  
16 language checklist. This is something that we  
17 frequently use for our businesses. It essentially  
18 helps a merchant or an employee understand did I put  
19 this thing in the right spot, did I put a sign here,  
20 did I check for the certification of this product,  
21 and just going down that checklist ensuring that you  
22 have compliance with our Local Law or with protocols  
23 that we have so those are also being developed for  
24 all the City languages too. It's a particular tool  
25 that we often utilize.

2 COUNCIL MEMBER FELIZ: Okay, very good.

3 All of you have done a great job. I know many of  
4 those businesses received the notices that you sent  
5 out so very good work with just notifying everybody  
6 of the new rules that apply.

7 Similar question to the one that our  
8 Chair mentioned earlier. Earlier this month, the Fire  
9 Commissioner sent over a letter to Amazon letting  
10 them know about the new rules that apply that require  
11 UL certification for batteries that are old. Do you  
12 have any concerns about enforcing the provisions of  
13 Local Law 39, not only with Amazon but also with  
14 other online retailers such as eBay which is a bit  
15 different and a little bit more messy or complicated?

16 ASSISTANT COMMISSIONER ORTIZ: I think for  
17 us this is something that we always want to be  
18 focused on in terms of where any gaps in enforcement  
19 could be in, and the online retailer piece is  
20 something we identified very early on as a  
21 significant component of our enforcement work. For  
22 that reason, we engage very closely with Amazon as  
23 well. We engage closely with other online retailers  
24 too. I think it's important to note that even private  
25 sales of these products have to follow compliance

2 with Local Law 39, it's something we want to stress,  
3 and if folks are not observing that or observe  
4 companies not to be following then please let us  
5 know.

6 COUNCIL MEMBER FELIZ: Okay, good. Also,  
7 last month we received good news. Always good when  
8 the manufacturers start playing a role as well,  
9 manufacturing not only e-bikes but specifically e-  
10 bikes that have gone through safety testing. Last  
11 month we hear really good news. Rad Power which is a  
12 big e-bike manufacturer said they would start only  
13 manufacturing e-bikes that are certified which is  
14 great. Obviously, we want to make sure we could only  
15 make these laws effective if our fleet is large  
16 enough for those 65,000 delivery workers that we  
17 have. If we don't have that 65,000 certified e-bikes,  
18 we're not going to go as far in assuring that only  
19 the safe e-bikes are sold.

20 On that point, any steps that we've taken  
21 to work with the manufacturers just so that they  
22 could also start playing a role in assuring that they  
23 either build e-bikes or, if they already have e-bikes  
24 that aren't certified, that they go through that UL  
25 process.

2 ASSISTANT COMMISSIONER ORTIZ: Thank you  
3 for that context, Council Member. I know some of the  
4 folks on the Micro-mobility Task Force themselves  
5 have been engaging in conversations with the  
6 manufacturers since before the Local Law too in  
7 place. Again, I think this I guess the  
8 Administration's approach to holistic solutions for  
9 the e-bike fires right now.

10 COUNCIL MEMBER FELIZ: Perfect. Before I  
11 move on to the swap program, based on the month and  
12 half of enforcement that you've done, any ways that  
13 Local Law 39 could be strengthened or is it good  
14 enough to be able to achieve its desired effect?

15 ASSISTANT COMMISSIONER ORTIZ: I think  
16 certainly with the Introduction 1220 that we were  
17 discussion earlier, there are ways that we can  
18 strengthen the City's hand for enforcement, and that  
19 could include a sealing authority for businesses that  
20 are repeat violators of Local Law 39 and also other  
21 laws that are significant for protecting New Yorkers.  
22 I think as well the 0-dollar penalties in the first  
23 instance has been very helpful as an educational  
24 measure right now, but, given all the work that we've  
25 put into education and enforcement, we could also



2 consider increasing those first-time penalties as  
3 well. Again, I think we're happy to work with  
4 Council. I think we're in an interesting moment right  
5 now for our enforcement, just finishing these initial  
6 actions, and I think we'll have a lot of feedback we  
7 can provide for the legislative process.

8 COUNCIL MEMBER FELIZ: Okay. Moving on to  
9 the questions about the battery swap bill... We'll pass  
10 it on to Council Member Julie Won for a quick  
11 question.

12 COUNCIL MEMBER WON: There are so many  
13 hearings happening right now. Thank you so much,  
14 Council Member Feliz.

15 Just really quickly, thank you so much to  
16 Assistant Commissioner Ortiz for being here. I thank  
17 you for coming to inspect some of the stores in my  
18 District. What we're currently seeing throughout the  
19 city as a proliferation of continued sales of illegal  
20 batteries in the motorcycle and scooter shops and e-  
21 bike shops. My question that I want to understand  
22 clarification on is for the sales themselves, as they  
23 continue to sell, I know that DCWP is doing  
24 inspection, but you are not able to confiscate the  
25 illegal batteries, only NYPD can, so can you help me

2 understand the process of where the handoff happens  
3 and in which part of the process that NYPD is  
4 notified and how that notification happens and what  
5 is the timeline for when they come to confiscate the  
6 illegal batteries as well as the bicycles that have  
7 no v-i-n numbers that are continuing to be  
8 proliferating our markets?

9 ASSISTANT COMMISSIONER ORTIZ: Thank you,  
10 Council Member. To start, I don't want to speak for  
11 NYPD's authority, but I can say we do not have  
12 authority to confiscate the batteries. What we have  
13 done for our enforcement measures, however, is do  
14 joint inspections with the Fire Department. We've  
15 done about 47 joint inspections with the Fire  
16 Department, and we also have an in-depth data sharing  
17 model right now as well where when we see a probably  
18 situation, batteries being charged in the shop, looks  
19 like refurbished batteries being sold, we refer those  
20 immediately to the Fire Department who I know are  
21 prioritizing this work on their ends. That's for the  
22 Local Law 39 enforcement.

23 I also do know that PD takes a greater  
24 role along the illegal motorized scooter sales, and I  
25 do know that've conducted point-of-sale education as

2 well as point-of-sale confiscations of a number of  
3 devices, but for those particular numbers on how many  
4 they've confiscated, I'm happy to follow up and get  
5 you that.

6 COUNCIL MEMBER WON: Does NYPD need DCWP  
7 to inspect first before they confiscate the illegal  
8 bicycles, scooters, and mopeds, or could they do it  
9 without the approval or the actual report first?

10 ASSOCIATE GENERAL COUNSEL SCHWENK: I  
11 think I would just add I don't think we can speak to  
12 NYPD's enforcement authority. Local Law 39 by itself  
13 does not impose or allow for any confiscation or  
14 seizure of property by DCWP or otherwise so I think  
15 NYPD might have to speak directly to their authority  
16 of...

17 COUNCIL MEMBER WON: Can FDNY confiscate  
18 the illegal batteries or seizure the illegal  
19 batteries because if we continue to say they're  
20 outlawed but they continue to stay on the market,  
21 that's a huge problem.

22 ASSOCIATE GENERAL COUNSEL SCHWENK: I  
23 believe, again, I don't think we can get into the  
24 details of FDNY's authority. I think we do know  
25 working closely with them on implementation of Local

2 Law 39 that for certain types of refurbished  
3 batteries, FDNY does have the authority to take  
4 action right away separate and apart from our  
5 enforcement tools under Local Law 39, but refurbished  
6 batteries are sort of a distinct problem from what  
7 Local Law 39 is dealing with just specifically the  
8 certification standards.

9 ASSISTANT COMMISSIONER ORTIZ: I want to  
10 add a piece. On the illegal motorized scooters,  
11 that's work that NYPD is conducting on its own so  
12 that's not something where they need us to be there  
13 necessarily.

14 COUNCIL MEMBER WON: Okay. I just want to  
15 say to Chair Feliz if we can follow up with FDNY  
16 because if DCWP can't confiscate the illegal  
17 batteries but they continue to proliferate the  
18 market, we're going to continue to have fires, and I  
19 know that you have authority and jurisdiction over  
20 them. Thank you so much.

21 CHAIRPERSON VELÁZQUEZ: Council Member  
22 Feliz.

23 COUNCIL MEMBER FELIZ: Thank you so much.  
24 Two questions, including one that I wanted to ask  
25 Chair Velázquez. When it comes to the delivery

2 system, it seems like my understanding is that  
3 delivery companies have the largest amount of  
4 business in the delivery business, but we do have  
5 smaller businesses, let's say grocery stores, small  
6 restaurants that employ their own workers that don't  
7 specifically work under, for example, Grubhub, Uber,  
8 Door Dash, etc., so do you think this legislation  
9 should be expanded to cover all deliveries or do you  
10 think as is will achieve the effect of removing the  
11 bad batteries off the streets?

12 ASSISTANT COMMISSIONER ORTIZ: Are you  
13 referring, sir, to Introduction 1168, that  
14 legislation?

15 COUNCIL MEMBER FELIZ: Yes.

16 ASSISTANT COMMISSIONER ORTIZ: Okay. I  
17 think just to zoom out very quickly, all businesses  
18 in New York City, whether they're apps or bricks-and-  
19 mortar locations, should be complying with the  
20 Commercial Cyclist Safety Law, and that includes  
21 certain courses that have to be taken, that includes  
22 making sure that workers aren't being dispatched on  
23 illegal motorized scooters, and also the provision of  
24 safety equipment. I think your point is well-taken in  
25 terms of if you're a business in New York City, you

2 have certain responsibilities to your workers, and  
3 that's essentially what the Commercial Cyclist Safety  
4 law is saying. I think under Introduction 1168, I  
5 think definitely the apps have a large responsibility  
6 as well. They are engaging with a large number of  
7 delivery workers, they're operating on our streets,  
8 and we need to make sure that for New Yorkers that  
9 streets are safe.

10 COUNCIL MEMBER FELIZ: Yep. Final  
11 question, Intro. 1168 has many parts including a part  
12 that requires that deliveries only be conducted with  
13 UL-certified batteries, a second part that requires  
14 that the companies provide a UL-certified battery or  
15 e-bike if the worker doesn't have one. We're  
16 obviously working to build a system, we're all  
17 thinking this through now, but how do you think  
18 enforcement of such law could be achieved? How do we  
19 check that whether a worker has a safe, certified e-  
20 bike battery and also whether the company is  
21 providing the bike?

22 ASSISTANT COMMISSIONER ORTIZ: Thank you  
23 for the question. I think there are a number of  
24 components that DOT has been considering and that we  
25 have been also working with them, advising them on,

2 that are designed to facilitate compliance. I think  
3 number one is requiring companies to submit a safety  
4 plan and, as part of that safety plan, a regular data  
5 reporting to the Department of Transportation. I  
6 think also something we've considered is linking  
7 adherence of these safety plans, which includes  
8 adherence to existing local laws like the Commercial  
9 Cyclist Safety law, linking adherence of these plans  
10 to their license if they're licensed by the  
11 Department of Consumer and Worker Protection. They  
12 way that would function is if DOT through the course  
13 of its work, if data reporting is able to identify  
14 violations of their laws, then they can let the  
15 Department of Consumer and Worker Protection know and  
16 we can begin an action on the license. It's an  
17 additional tool in our toolbox again. I think we have  
18 to keep up with the times in ensuring that our  
19 enforcement apparatus is meeting the needs of our  
20 communities.

21 COUNCIL MEMBER FELIZ: All right, perfect.  
22 Thank you so much.

23 CHAIRPERSON VELÁZQUEZ: Sorry about that  
24 y'all. Just had a couple of other questions.

2 According to DCWP's Minimum Pay Study, 40  
3 percent of deliveries are done by restaurants  
4 themselves and not without apps. In addition to  
5 focusing on apps, what are you doing to make sure  
6 that restaurant workers utilize proper e-bikes?

7 ASSISTANT COMMISSIONER ORTIZ: Thank you,  
8 Council Member. I think a law that's currently in  
9 place that I think the Administration would certainly  
10 be interested in strengthening if we could is the  
11 Commercial Cyclist Safety law that DOT has the  
12 authority over. That law applies to all bricks-and-  
13 mortar businesses, all app companies, and that really  
14 I think speaks to the question at hand in terms of  
15 making sure that our workers have safe equipment even  
16 if they're at a restaurant or if they're at an app  
17 and that they're dispatched on safe devices and not  
18 dispatched on illegal motorized scooter so I think we  
19 can certainly build off of that.

20 I also believe Local Law 39 has been I  
21 think has been essential in creating standards for  
22 the city as well, not only standards that we can  
23 begin identifying standards that are safe but also  
24 just the standard right now for our laws to focus on.  
25 I think that's also something that helps everybody.



2 It helps address in terms of from a point-of-sale  
3 perspective on what products are available.

4 Obviously, there are going to be violations of that  
5 law, but we will be on the lookout to make sure we  
6 follow up with those places and bring compliance to  
7 them.

8 CHAIRPERSON VELÁZQUEZ: It's my  
9 understanding that the minimum pay standard approved  
10 by DCWP considered expenses that workers have for  
11 their equipment, including e-bikes, batteries, and  
12 accessories like helmets. Is it correct that  
13 platforms paying workers for that type of equipment  
14 has already been calculated into the pay standard?

15 ASSOCIATE GENERAL COUNSEL SCHWENK: Thank  
16 you for the question, Council Member. I think it's  
17 hard for us to answer any questions about the Minimum  
18 Pay Study or minimum pay rate given ongoing  
19 litigation right now.

20 CHAIRPERSON VELÁZQUEZ: Are there enough  
21 UL-certified e-bikes available to replace all these  
22 uncertified e-bikes being used in the city right now  
23 or in the short-term?

24 ASSISTANT COMMISSIONER ORTIZ: I don't  
25 know if that's information that we have on hand with

2 us right now. I think what's encouraging to us and  
3 something Council Member Feliz mentioned earlier is  
4 the movement from businesses themselves, retailers,  
5 whether online or bricks-and-mortar, as well as  
6 manufacturers to produce more certified equipment  
7 that is compliant with Local Law 39. I think that's  
8 something we find very encouraging and obviously for  
9 the goals that we all share of getting safe devices  
10 to workers and getting unsafe devices off the street,  
11 that's something we need to have happen.

12 CHAIRPERSON VELÁZQUEZ: What are delivery  
13 workers supposed to do if their current e-bikes  
14 become illegal under Intro. 1168?

15 ASSISTANT COMMISSIONER ORTIZ: My  
16 understanding in Intro. 1168 is that the bill also  
17 intends for app companies to provide workers with  
18 legally compliant devices at no expense to the  
19 worker. I think, again, there are recommendations  
20 that the Department of Transportation has thought of  
21 to kind of address the situation, for example, a  
22 trade-in component of the unsafe devices, a one-for-  
23 one so to speak or also considering batteries as a  
24 possibility as well. Where we want to get to is a  
25 place where workers are being protected, or New

2 Yorkers are being protected from unsafe devices, and  
3 that means getting those unsafe devices off the  
4 street and getting safe devices onto the street.

5 CHAIRPERSON VELÁZQUEZ: With that being  
6 said, how hard are we going to go after the  
7 manufacturers?

8 ASSISTANT COMMISSIONER ORTIZ: In terms of  
9 the manufacturers, I know folks in the Micro-mobility  
10 Task Force have already been communicating with them  
11 about Local Law 39 and about moving into compliance  
12 ahead of the September 16th date, and we've been very  
13 encouraged to see them as well adjusting to the  
14 requirements of our local laws.

15 ASSOCIATE GENERAL COUNSEL SCHWENK: I  
16 would just add, Council Member, to the extent that a  
17 manufacturer sells directly to New York City, they  
18 would have to comply with the sales requirements in  
19 Local Law 39, and so that would be a part of our  
20 online enforcement as well.

21 CHAIRPERSON VELÁZQUEZ: Thank you. I'd  
22 like to acknowledge Council Member Krishnan has  
23 joined us.

24 Council Member Farías, I know you had a  
25 couple of questions.

2 COUNCIL MEMBER FARÍAS: Thank you, Chair.

3 Just a couple of quick questions. Is there an effort  
4 from the Administration to locate sufficient battery-  
5 storage spaces throughout the five boroughs?

6 ASSISTANT COMMISSIONER ORTIZ: I'm sorry.  
7 I just can't hear you because of the noise.

8 COUNCIL MEMBER FARÍAS: Sorry. This mic  
9 seems to be a little bit lower. Is there an effort  
10 from the Admin to locate sufficient battery storage  
11 throughout the five boroughs?

12 ASSISTANT COMMISSIONER ORTIZ: We engaged  
13 in a laborious process over the summer to identify  
14 these locations ahead of our enforcement actions. Not  
15 only working with PD and DOT to identify locations  
16 that were on their radar but also using our own  
17 inspector resources too during the course of their  
18 regular days to identify these locations. I think we  
19 ended up conducting close to 270 inspections across  
20 the five boroughs. We are still doing that work and,  
21 to the extent that you might be able to identify any  
22 places for us, we're happy to go out there as well.

23 COUNCIL MEMBER FARÍAS: Sure. I asked that  
24 question more specifically, was most of it on  
25 municipal land, can you give some ideas of where you

2 saw we could put some storage spaces? I do know some  
3 of my NYCHAs, for example, were reached out to to see  
4 if their parking lots could be used as battery  
5 storage, and I just want to get an idea of what the  
6 City's goal was. In that attempt, they were asked  
7 before, like it was just planted there, and I know  
8 one of my NYCHAs declined so I'm just trying to  
9 figure out what was our sourcing process and what was  
10 the denial/acceptance, etc.?

11 ASSISTANT COMMISSIONER ORTIZ: Sorry.

12 Before, I think I might've understood stores, and you  
13 might have said storage so I apologize if my  
14 question...

15 In terms of the charging stations and  
16 that work, that's something that DOT has been  
17 leading. I think they would have the requisite  
18 information on the storage themselves. From the  
19 stores' perspective, what we identified was mostly  
20 your bricks-and-mortar shops that were on avenues  
21 that we were able to go in and inspect as retail-  
22 facing entities.

23 COUNCIL MEMBER FARÍAS: Okay, thank you so  
24 much.

2 CHAIRPERSON VELÁZQUEZ: Council Member  
3 Krishnan, do you have questions?

4 Council Member Feliz, do you have  
5 questions for the Admin? You have more?

6 COUNCIL MEMBER FELIZ: A few more final  
7 questions. What is the Administration's position on  
8 Intro. 1168, and also obviously this is a bill that  
9 involves a lot of technical things so are there any  
10 ways that you've thought so far that we could improve  
11 the bill?

12 ASSISTANT COMMISSIONER ORTIZ: I think in  
13 the broadest terms the Administration applauds this  
14 legislation. It's something that I think we'll all be  
15 wanting to work closely on with you all in the  
16 Council to implement in the near future. I know DOT  
17 in particular has a number of recommendations  
18 including running a trade-in program, including  
19 developing safety plans and data reporting as well as  
20 linking licenses to violations of these  
21 aforementioned items. As I mentioned earlier, DOT is  
22 also going to be implementing what was Introduction  
23 949 so I think this is all exciting work for us to be  
24 closely collaborating on measures to improve the  
25 safety of New Yorkers.

2 COUNCIL MEMBER FELIZ: Final question.

3 There are some federal laws that apply to the sale of  
4 safe e-bikes, not UL, but just safety in terms of  
5 sales of e-bikes and their batteries. I know not too  
6 long ago I think it was the Fire Department sent over  
7 a letter to the federal government talking about  
8 those laws. What are federal laws that apply here  
9 that relate to the safety of the sale and the  
10 manufacturing of e-bikes, and also are they being  
11 enforced or do they have teeth?

12 ASSISTANT COMMISSIONER ORTIZ: My

13 understanding of that letter that the FDNY sent was  
14 that it was directed to the Consumer Safety Product  
15 Commission and asking them to develop a singular  
16 standard or standards for local municipalities to  
17 follow. With respect to New York City, the law that's  
18 in place for that is Local Law 39, which has UL  
19 standards in place that are verified by accredited  
20 testing laboratories, and that's what we're using  
21 here in New York City to protect New Yorkers.

22 COUNCIL MEMBER FELIZ: Thank you. Chair  
23 Velázquez had to step out, but she has a question.

24

25

2 Has DCWP surveyed to figure out exactly  
3 who is using e-bikes, e-batteries, and for what  
4 purposes, and how about commercial usage?

5 ASSISTANT COMMISSIONER ORTIZ: I believe  
6 some of that information is covered actually by the  
7 Micro-mobility Task Force, and I know that DOT has  
8 done some surveys with delivery workers as well to  
9 understand not just the usage of e-bikes but also  
10 where they're being purchased, so that's something I  
11 could certainly follow up on as well.

12 COUNCIL MEMBER FELIZ: All right. No more  
13 questions. Thank you so much for all the information.

14 ASSISTANT COMMISSIONER ORTIZ: Thank you  
15 very much, and we'll make sure to have folks  
16 following the livestream as well.

17 COMMITTEE COUNSEL: Thank you. We will  
18 give the Administration an opportunity to collect  
19 their things, and then we will turn to public  
20 testimony.

21 If you are in person, please come up and  
22 take a seat at the table and you may begin once the  
23 Sergeant has notified you that the time has started.  
24 You will have two minutes to testify so please begin  
25 once the time starts.



2 Council Members who have questions for a  
3 particular panelist should let me know, and I will  
4 call on you after the panel has completed all of  
5 their testimony.

6 The first panel will be an in-person  
7 panel. We'll have Ligia Guallpa followed by Antonio  
8 Solis followed by Alejandro Guajales followed by  
9 William Medina. You may come up to the table.

10 LIGIA GUALLPA: Thank you so much,  
11 Chairwoman and the Committee, for the opportunity to  
12 testify today on this crucial topic of legislation to  
13 promote e-battery safety.

14 As Executive Director of Workers Justice  
15 Project and Los Deliveristas Unidos, we're committed  
16 to making sure that we prevent e-bike fires and that  
17 there is more safety in our streets and our  
18 communities and particularly that we create a  
19 transition process that is equitable and affordable  
20 for 65,000 deliveristas who continue to rely on this  
21 job in order to provide to their families, especially  
22 to 65,000 deliveristas who continue to show up  
23 through the floods, the rain, the snow to ensure that  
24 communities across the city are fed and are safe at  
25 home.

2 The reality is that the dependency on e-  
3 bikes and e-scooters continues to grow as food  
4 delivery companies continue to recklessly widen the  
5 delivery radius, forcing delivery workers to travel a  
6 longer distance to fulfill the orders as quickly as  
7 possible. The reality is that the streets of New York  
8 City have become the workplace for thousands of  
9 deliveristas who have become the first responders in  
10 times of climate change just like in the recent  
11 events of floodings that our city has experienced.

12 We're here to urge to consider a  
13 comprehensive approach to safety. One of our  
14 priorities is investing not only in education but  
15 also we want an investment in a transition process  
16 that allows deliveristas to transition to e-bike  
17 batteries and e-bikes in an affordable and equitable  
18 way.

19 I just want to say something. We strongly  
20 support a package of legislation that is about  
21 preventing from manufacturers bring batteries that  
22 are not safe. We strongly support enforcement on  
23 retailers who are selling these e-bikes and motor  
24 scooters that are illegal irresponsibly. We strongly  
25 support enforcement on manufacturers who are not

1 doing the right thing. We strongly support  
2 legislation that mandates also the responsibility on  
3 the apps. But one of our biggest concerns that we  
4 want to bring to your attention is that all the  
5 legislations are coming in a very timely manner, very  
6 rapidly. Our concern is that legislation, actually  
7 the development of UL-certified and the approval of  
8 UL-certified in the market is not as fast as  
9 legislation. The biggest struggle that deliveristas  
10 are experiencing right now is that there are not  
11 enough UL-certified batteries that deliveristas can  
12 access. The few that are available in the market  
13 comes at a huge expense. We're talking about 3,000 to  
14 5,000 dollars so the transition cost is creating a  
15 financial burden on deliveristas, and we appreciate  
16 the initiative of Council Member Oswald Feliz and  
17 other Council Members on legislation that creates a  
18 swap program, but that's not enough, and we strongly  
19 support legislation that also holds the companies  
20 responsible because at the end of the day they're the  
21 ones who are profiting and benefiting from the labor  
22 of deliveristas. We want to also make sure that as  
23 we're thinking about transition and enforcement,  
24 we're also bringing manufacturers, workers at the  
25

1 table because when we're thinking about transition,  
2 we need to make sure that the market adapts to the  
3 new reality of our city and that this transition cost  
4 doesn't create a lot of burden on workers. Also, it  
5 doesn't push deliveristas from e-bikes to motor  
6 scooters. I think you all have seen more and more  
7 motor scooters in our streets. More deliveristas are  
8 transitioning to motor scooters because they're  
9 finding it really hard to afford and find UL-  
10 certified batteries. Our concern with motor scooters  
11 is that there is a huge range of motor scooters that  
12 are being sold illegally, and many of them are being  
13 sold without informing deliveristas that they need to  
14 register. We want to work with City Council, and I'm  
15 going to pass it on to the leaders who really will  
16 speak more on issues of what things they would like  
17 to see happening at City Council and see us as  
18 partners, we want to keep on working with City  
19 Council, but I think our concern is when we're  
20 thinking about this transition that it's not the  
21 workers who are paying the cost of this transition  
22 and that we're bringing deliveristas and  
23 manufacturers at the table to figure out what are  
24 those solutions. I'm going to pass it on to Antonio.

2 ALEJANDRO GUAJALES: (TESTIMONY IN  
3 SPANISH)

4 LIGIA GUALLPA: I will submit the  
5 translated version, but I think you all understand,  
6 right?

7 CHAIRPERSON VELÁZQUEZ: I think it was  
8 more or less in line with what you had said, and  
9 it'll be public record so we could also translate it  
10 for folks. Would you like to speak, sir? Thank you.

11 WILLIAM MEDINA: Hello, everyone. My name  
12 is William Medina. I'm a deliveristas and member of  
13 WJP. Thank you, Chairwoman Marjorie Velázquez and  
14 also Oswald Feliz, for the opportunity to testify on  
15 behalf of the Workers Justice Project and Los  
16 Deliveristas Unidos about the crucial topic of  
17 legislation to promote e-bike and e-bike battery  
18 safety.

19 As a delivery worker, I work on the front  
20 lines of the rapidly growing gig economy and have  
21 firsthand experience with the challenges and risks of  
22 micro-mobility devices and e-batteries. The future of  
23 transportation in our city is micro-mobility, not  
24 just for delivery workers but for everyone. While we  
25 support regulation that forces manufacturers and

1 retail stores to make safer e-bike and e-batteries,  
2 we are concerned about a lack of certified e-bikes  
3 and batteries available to delivery workers in the  
4 market and the lack of infrastructure options such as  
5 charging stations. We support policies proposed today  
6 including to regulate illegal scooters among other  
7 safety-focused policies. We are here to urge the  
8 Council to consider a comprehensive approach to  
9 safety, one that prioritizes education,  
10 collaboration, and empowerment rather than punishing  
11 workers for trying to earn a living. It is important  
12 that we invest in safety education, outreach  
13 programs, and more protection against these multi-  
14 billion-dollar corporations who are pushing to do  
15 more and more deliveries and paying us poverty wages.  
16 We need corporations to do their part too. We look  
17 forward to working with the Council to review and  
18 discuss the legislation being heard today to create  
19 the tools necessary to improve safety from delivery  
20 workers workforce just lens and throughout the micro-  
21 mobility market as well as to ensure that delivery  
22 workers have the support they need to adapt to the  
23 fast-evolving standards. The reality of deliveristas  
24 is that we are pressured to travel unrealistic  
25

2 distance in order to keep our jobs. For example, in a  
3 typical day, I have traveled more than four to five  
4 miles and many of these orders are between four to  
5 seven dollars per trip, risking my life and being  
6 exposed to traffic accessible, assault. Many of us do  
7 this job with non-UL-certification batteries because  
8 that's what was available in the market. Now,  
9 transition comes at huge costs that we still cannot  
10 afford because the apps have sued the City to avoid  
11 paying a minimum wage. For us, street safety is  
12 workplace safety. Safety education is the cornerstone  
13 of accessible prevention. We need access to  
14 comprehensive training programs that cover the  
15 operation of e-bikes, ride safety, traffic rules,  
16 (INAUDIBLE) making corporations cover a portion of  
17 our bike insurance, the apps responsible for creating  
18 unsafe working condition in the streets. We look  
19 forward to working with you to create more proactive  
20 solutions that address our day-to-day challenges and  
21 more protection from multi-billion-dollar  
22 corporations that do not care about our safety. Thank  
23 you.

24 ANTONIO SOLIS: Good afternoon. Thank you  
25 to Chairwoman Marjorie Velázquez and all the Members

1 of this Committee for the opportunity to testify on  
2 behalf of the Workers Justice Project and Los  
3 Deliveristas Unidos. My name is Alejandro Solis, a  
4 deliveristas (INAUDIBLE) Los Deliveristas Unidos.  
5

6 I have been doing deliveries for over  
7 eight years, and I have witnessed how many of us have  
8 been pushed to transition to e-bike batteries and  
9 motor scooters to be able to meet brutal schedules  
10 and travel long distances across the city because the  
11 apps still don't pay a living wage in New York City.  
12 The apps make us rely mostly on tips, forcing us to  
13 make as many deliveries as possible. More than 65,000  
14 app delivery workers depend on micro-mobility  
15 devices. We support safety-focused policies and those  
16 that aim to hold responsible micro-mobility vendors.  
17 We have been productively engaging in safety outreach  
18 and education for our members through our Safety and  
19 Bike Tune-Ups across the city. Beyond setting more  
20 safety standard regulations, we need solutions that  
21 make the transition accessible and affordable and  
22 hold the big apps accountable. We want to see the  
23 Council and the apps invest in charging stations,  
24 create a fund that will help delivery workers afford  
25 the transition to new certified batteries and partner



2 with us (INAUDIBLE) outreach initiatives such as  
3 community workshops and online campaigns to reinforce  
4 safety messages. We need more protections against the  
5 apps that are using deactivation and rating system to  
6 put pressure on us to deliver fast and pay us  
7 (INAUDIBLE) wages. Criminalizing us is not the  
8 solution to our safety concerns. We rely on this job  
9 to make ends meet and support our families. Instead  
10 of punishing us, we need the City to focus on  
11 empowering us through education, more labor  
12 protections, and financial support. Imposing fines  
13 and penalties will impact our families financially.  
14 Let's invest in us and ensure we are equipped with  
15 the knowledge and skills necessary to operate e-bikes  
16 safely. We look forward to working with you all to  
17 create a policy that addresses our reality and hold  
18 app delivery companies accountable and build a better  
19 infrastructure that meets the needs of 65,000  
20 delivery workers. Thank you so much.

21 CHAIRPERSON VELÁZQUEZ: Thank you.

22 (SPEAKING SPANISH) I have Council Member Krishnan who  
23 has a couple of questions for you.

24 COUNCIL MEMBER KRISHNAN: Thank you so  
25 much, Chair Velázquez. Good afternoon and thank you

1 so much for your testimony. (SPEAKING SPANISH) You  
2 all are the most essential workers in our city, and I  
3 certainly appreciate the fight that you all waged to  
4 get a minimum wage and now, of course, unfortunately  
5 the big fight with DCWP and this Administration has  
6 been to actually set the wage at the wage that you  
7 all need and deserve so thank you for your efforts  
8 every single day.

10 I just wanted to clarify one thing from  
11 your testimony. It's all very clear that we're all on  
12 the same page in terms of making sure that the bikes  
13 are safe, that we have proper standards to make sure  
14 there is safety for everyone, yourselves included who  
15 rely on the e-bikes and all New Yorkers around us so  
16 I know we're all in agreement on that point.

17 My one question was it seems like what  
18 you all is saying is that in the implementation and  
19 the transition to adapt to these standards for e-  
20 bikes that, one, the cost of compliance and the  
21 burden of compliance is borne by the food delivery  
22 and app companies which I think is absolutely  
23 correct. I think they have the resources to ensure  
24 the safety and security of the equipment that you all  
25 as their workers depend on every single day so I just

2 wanted to confirm that point, that I had the  
3 understanding right, and number two is that the  
4 legislation itself, do you see an issue there with  
5 the bills currently as written or is it more about as  
6 they're implemented ensuring that the burden does not  
7 fall on the delivery workers?

8           LIGIA GUALLPA: That is correct. We  
9 strongly support the idea that apps should be held  
10 responsible as well in covering the cost of the  
11 transition and should play a big role in the  
12 transition as well. We're very supportive of the  
13 legislations that are proposed today. What we want to  
14 make sure is that in the implementation process is it  
15 doesn't impact directly the workers and it doesn't  
16 lead for major deactivation or forcing deliveristas  
17 to do this work more recklessly. I'm just going to  
18 give a quick example. Right now, the biggest  
19 challenge that deliveristas in this transition,  
20 especially in the timeline that the City has set, is  
21 that many of the manufacturers in our city haven't  
22 been able to get the UL certification yet, right.  
23 There are few actors in the market that are selling  
24 UL-certified batteries or UL-certified bikes. That  
25 increases the cost of those few bikes and who has to

1 pay it right now? Deliveristas, without even having a  
2 minimum age. We strongly support the idea of actually  
3 putting the cost on the delivery companies. We  
4 strongly believe that the apps should be paying for  
5 these UL-certified batteries, but we want to make  
6 sure that as we're implementing and enforcing,  
7 actually the apps are not using to retaliate or force  
8 workers to do this, a quick example could be we don't  
9 want these apps to say we're going to give you a  
10 battery or a bike but, in order to get it, you have  
11 to like now be our top Dasher and being able to  
12 comply with 200 deliveries, putting restrictions that  
13 make this works more dangerous. We heard today on  
14 enforcement, we want to remove e-bike batteries, and  
15 we strongly support that it starts at manufacturers  
16 and retailers, but we don't want criminalization or  
17 all of a sudden seeing FDNY and the police going  
18 after a deliverista who's trying to earn a living, is  
19 probably struggling the transition progress because  
20 they cannot afford a UL-certified battery. Transition  
21 takes time. That's what we want, Council, and FDNY  
22 and all these agencies to do, and transition requires  
23 to understanding the reality of workers and that if  
24 we want 65,000 deliveristas to transition to UL-

2 certified batteries, that comes at a cost, and we  
3 need to figure out who's going to pay it and how  
4 we're going to help the deliverista transition in a  
5 safe way that doesn't criminalize them or doesn't  
6 make it even harder for them to do this work. We want  
7 to work. We have shown here that we are partners. We  
8 work very closely with DCWP. We're working with DOT,  
9 and it takes time and it takes an infrastructure to  
10 built in a city and partners, and we strongly believe  
11 that in this transition process, it's the companies,  
12 it's workers, it's manufacturers, it's City agencies  
13 to figure out how we make this transition happen  
14 without putting a cost or criminalizing workers.  
15 That's what we want to see.

16 COUNCIL MEMBER KRISHNAN: Thank you. I  
17 think these are really important points, and my last  
18 question is just have you had any conversations with  
19 DCWP on the legislation or on these points in  
20 particular, whether it's about enforcement or about  
21 who would bear the burden of the costs and  
22 compliance? Have there been any conversations and, if  
23 so, how have they gone so far?

24 LIGIA GUALLEPA: Yeah, we have had  
25 conversations with DCWP and other agencies on

2 ensuring that when we're doing enforcement, it's not  
3 targeted to workers. The agencies have been very  
4 supportive to the idea. I think it's about cost, how  
5 we make the transition happen, and the other one is  
6 who's going to pay for it.

7 COUNCIL MEMBER KRISHNAN: Thank you. Thank  
8 you, Chair.

9 CHAIRPERSON VELÁZQUEZ: Okay, I have  
10 several questions just because you're impacted.

11 Let's talk about the earning standard. As  
12 mentioned previously, it does include about \$2.26 per  
13 hour for bikes and batteries so can you explain to me  
14 the outreach that the Administration has had with you  
15 with regards to this and the earning standard and how  
16 it's supposed to be implemented?

17 LIGIA GUALLPA: Can you repeat again?

18 CHAIRPERSON VELÁZQUEZ: The earning  
19 standard, it has a component for bikes and batteries.  
20 It's \$2.26 so how is this supposed to be implemented  
21 by your drivers essentially, and have they like sat  
22 with you, what's the guidance been so far, that  
23 experience?

24 LIGIA GUALLPA: DOT, FDNY are doing their  
25 own outreach on their own. DCWP has been joining to

1 our Bike Tune-ups to inform workers more about the  
2 labor protections. I think we haven't really sat down  
3 with the agencies about the enforcement and  
4 education, especially on these new legislations that  
5 are coming up which is part of our concern as well as  
6 about how not only education but the enforcement is  
7 going to happen. I think there is openness, but we  
8 want to make sure that not only the agencies bring us  
9 to the table, we also want to make sure that they're  
10 bringing the manufacturers because the concern that  
11 we have is the manufacturers need to get on the same  
12 page because deliveristas rely on these manufacturers  
13 to get access to the batteries, to the e-bikes that  
14 they rely on, and our biggest concerns to be honest  
15 is that seeing deliveristas transition entirely to  
16 gas scooters and electrical scooters which for us  
17 creates a whole new set of safety issues.

19 CHAIRPERSON VELÁZQUEZ: Thank you for  
20 that. I think where we want to know is what has been  
21 the education piece from the Admin so far from any of  
22 the agencies, right, because, as you understand, you  
23 guys are our priority. We definitely want to make  
24 sure that we're protecting both consumers and workers  
25 through this because at the end of the day everyone's

2 impacted by this, right, and no one wants to see  
3 anyone else get hurt or let alone any other life lost  
4 due to these batteries and so we're in it with you,  
5 but we want to also understand what has been done to  
6 date.

7                   LIGIA GUALLPA: With us, I'm just going to  
8 say there is a lot more to do when it comes to  
9 education. That's why William mentioned that there  
10 needs to be a critical investment in education beyond  
11 just posting fliers and social media and on the  
12 website. The community, what we're doing is we've  
13 been doing actively Bike Tune-ups and street  
14 outreach. We want to see more of that, and in order  
15 for that to happen we need the agencies to do their  
16 part but we also need the City Council to make a  
17 critical investment to education and outreach to our  
18 communities.

19                   CHAIRPERSON VELÁZQUEZ: From your  
20 testimony, it sounds like you're concerned that  
21 workers won't be able to obtain UL-certified e-bikes  
22 or batteries immediately. If workers can no longer  
23 use their existing uncertified e-bike, how do you  
24 expect their work would be impacted?



2                   LIGIA GUALLPA: The way we're already  
3 seeing workers being impacted is that they're moving  
4 into scooters so many deliveristas are actually  
5 struggling to find a place where to charge their  
6 batteries so many deliveristas, those few that were  
7 charging at some of these shops, now are taking their  
8 batteries at home so that creates another set of  
9 issues. The other issue that we're seeing is that  
10 deliveristas are actually transitioning out from  
11 delivery and trying to find other jobs while bringing  
12 a new workforce into the industry who, instead of  
13 using e-bike which should be the right way to do it  
14 in our city, now they're moving into gas scooters.  
15 Others are struggling financially. How are they going  
16 to make that transition. It is creating a lot of  
17 anxiety and stress about what does that mean. Would I  
18 be criminalized or would I get any fines for not  
19 being able to transition right away? So it's creating  
20 a lot of stress, concern, and economic burden among  
21 workers and making us work even harder because now  
22 one of the big things that we have happen in  
23 Manhattan is that many of the places where  
24 deliveristas used to charge or park, they have lost  
25 access to those spaces. The few spaces that maybe

2 were illegally created to meet the needs of  
3 deliveristas are gone so there are few solutions, and  
4 this is I think what we're discussing about. Yes, we  
5 want to see more regulation, but we also want to see  
6 more solutions to how we're going to make this  
7 transition a reality, and that doesn't just come with  
8 enforcement but that comes with creating  
9 infrastructure, that comes by helping the  
10 manufacturers move into developing new safe UL-  
11 certified batteries. We're a big supporter of the  
12 swap program, right. We're a big supporter of making  
13 Uber, Grubhub who are sitting right behind me also  
14 pay part of that cost. Maybe creating a fund because  
15 we're all responsible and I think deliveristas have  
16 been taking that responsibility for a really long  
17 time, and there is a commitment to do it and we are  
18 committed to educate workers and that's why we're in  
19 the streets every single week to make sure workers  
20 know about safety. We know there's a lot to do with  
21 safety as well, and there is a huge commitment to  
22 work with City Council and work with the City  
23 agencies.

24 CHAIRPERSON VELÁZQUEZ: You were here  
25 earlier when I was asking the Administration

2 specifically about we were all here at a rally with  
3 Senator Schumer talking about these hubs, what's  
4 happened since then from your experience? The one hub  
5 that you did get going within a couple of months, how  
6 did that help and certainly would it be better to  
7 have more of those pop up throughout the city to  
8 enable you to have a location to charge?

9           LIGIA GUALLPA: As you might not be  
10 surprised, bringing different agencies to work  
11 together, it's a process so we have already, at least  
12 WJP has already submitted our designs and our plans  
13 of how these hubs should look like. Our designers  
14 have already submitted to Department of Parks and  
15 Recreation and we're hoping that the agencies approve  
16 the plan so we can start the development of these  
17 hubs soon so now it is on the agency's corner to make  
18 the approvals happen. Even if hopefully we have these  
19 hubs develop very soon, we're talking about just two  
20 of them for 65,000 deliveristas. We want to see more  
21 of those.

22           CHAIRPERSON VELÁZQUEZ: Where are those  
23 locations?

24

25

2 LIGIA GUALLPA: They're going to be at  
3 City Hall so you all will get to see it once it's  
4 built, and the other is in the Upper West Side.

5 CHAIRPERSON VELÁZQUEZ: So clearly not the  
6 outer boroughs?

7 LIGIA GUALLPA: Yes, correct.

8 CHAIRPERSON VELÁZQUEZ: Where most of us  
9 live.

10 LIGIA GUALLPA: Yeah, exactly.

11 CHAIRPERSON VELÁZQUEZ: Just wanted to  
12 point that out.

13 LIGIA GUALLPA: Yeah, and we need more,  
14 and this is what I was referring to, infrastructure,  
15 right. I feel like New York City and the  
16 Administration owns a lot of properties that are  
17 being unused that can be repurposed for charging  
18 stations and an infrastructure that really meets and  
19 could be spaces where we educate, connect workers  
20 with resources and also maybe help them transition  
21 through the swap programs.

22 CHAIRPERSON VELÁZQUEZ: After Local Law  
23 39, how easy is it for delivery workers to get non-  
24 UL-certified e-bikes or scooters?

25 LIGIA GUALLPA: It's very hard.

2 CHAIRPERSON VELÁZQUEZ: It's harder for  
3 them? Okay.

4 LIGIA GUALLPA: Yeah. It's very hard  
5 because in the market, there is only few companies  
6 that UL-certified bikes and batteries. We have been  
7 talking to some of the...

8 CHAIRPERSON VELÁZQUEZ: Right. I'm saying  
9 non-UL-certified.

10 LIGIA GUALLPA: Oh, non-UL-certified. I'm  
11 sorry.

12 CHAIRPERSON VELÁZQUEZ: Just to be clear,  
13 yeah.

14 LIGIA GUALLPA: Yeah. It used to be easy.  
15 Now, it's becoming harder because we do hear from a  
16 lot of workers that many of the shops where they were  
17 buying, they're no longer selling so right now what  
18 deliveristas are doing is buying the used ones that  
19 are available on the market or many of them are  
20 transitioning to motor scooters.

21 WILLIAM MEDINA: (SPEAKING SPANISH)

22 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)

23 WILLIAM MEDINA: (SPEAKING SPANISH)

24 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)

25 WILLIAM MEDINA: (SPEAKING SPANISH)

2 CHAIRPERSON VELÁZQUEZ: Okay.

3 WILLIAM MEDINA: (SPEAKING SPANISH)

4 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)

5 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

6 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)

7 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

8 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)

9 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

10 WILLIAM MEDINA: (SPEAKING SPANISH)

11 CHAIRPERSON VELÁZQUEZ: Oh my god, yes.

12 This is what happens when you're bilingual that we  
13 need to translate stuff for folks. This is going to  
14 be interesting. That was a very long conversation  
15 between us, and it is about the battery life, it is  
16 also about the infrastructure that we were discussing  
17 with DCWP, and also the point taken on the earning  
18 standards since it forces workers to work 12 to 14  
19 hours which essentially makes them carry around two  
20 batteries, one that's on the bike and an extra  
21 battery just because the battery lifespan is about  
22 six hours and so carrying two batteries is basically  
23 a requirement and so it has been harder for folks to  
24 purchase certified batteries and also, thankfully,  
25 it's been harder for folks to purchase uncertified

2 batteries, which is our ultimate goal. I think I  
3 summarized that. That came from his testimony that he  
4 basically said because the earning standard hasn't  
5 been set that they are working now longer hours to  
6 obtain a livable wage and so with that being said  
7 they are forced to carry an extra battery which makes  
8 them work 12 to 14 hours and so they need to be  
9 covered by that.

10 Am I missing anything, and I know I  
11 summarized a lot of that conversation.

12 WILLIAM MEDINA: And we have to charge our  
13 batteries for the entire in.

14 CHAIRPERSON VELÁZQUEZ: For the entire in.  
15 There you go.

16 WILLIAM MEDINA: That's why the incidents.

17 CHAIRPERSON VELÁZQUEZ: Which is why,  
18 going back to the concern and let me know just  
19 agreeing to this, a) it's important to have more of  
20 these hubs, the infrastructure that are outside so  
21 that way folks are not forced to charge at home,  
22 that's one, b) that it's in a place other than  
23 Manhattan, it's at the outer boroughs where most of  
24 us actually live, and then c) making sure that we are  
25 talking about what is really included in the earning

2 standard and actually knowing when it's  
3 implementation will take effect, right? Am I missing  
4 any points there?

5           LIGIA GUALLPA: Yeah. I think the other  
6 one is working with manufacturers to produce the  
7 batteries that need to be available because the  
8 biggest concern that deliveristas have right now is  
9 we're making it impossible and eliminating e-  
10 batteries that are not UL certified, but deliveristas  
11 are like okay, you take out my battery at the shop,  
12 my battery for my bike, so what battery am I supposed  
13 to use, because the few ones that are available are  
14 very expensive. We're talking about 4,000 to 5,000  
15 dollars.

16           CHAIRPERSON VELÁZQUEZ: For the bike?

17           LIGIA GUALLPA: For the bike, so for many  
18 of them without infrastructure solutions, that's why  
19 you will see many deliveristas saying it's not even  
20 worth using an e-bike anymore, let's start moving  
21 into motor scooters.

22           CHAIRPERSON VELÁZQUEZ: Okay. A question I  
23 have for you is is a powered mobility device or a  
24 moped essential for doing your line of work and, if  
25 so, why?



2 LIGIA GUALLPA: (SPEAKING SPANISH)

3 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

4 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)

5 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

6 LIGIA GUALLPA: He was saying that many  
7 deliveristas are transitioning to motor scooters  
8 because they're having a hard time getting UL-  
9 certified bikes or batteries and also because they  
10 don't have, even if they buy them, there are few  
11 charging stations where they can charge them so  
12 that's why they're moving more and more to gas  
13 scooters, and he said the reason more people are  
14 using these types of motor scooters is because of the  
15 long distance that they have to travel. Sometimes  
16 they have to travel up to five to six miles for five,  
17 seven dollars of deliveries that they have to travel,  
18 and the other one is that if they don't take those  
19 deliveries, usually these apps penalize them.

20 WILLIAM MEDINA: (SPEAKING SPANISH)

21 LIGIA GUALLPA: So this is why we use two  
22 batteries or moving into gas scooters. It's because,  
23 look at this, maybe you cannot see it but this  
24 delivery is from Door Dash. It's five dollars for 6.4  
25 miles, almost 28 minutes of traveling, and these are

2 the type of deliveries that we have to do throughout  
3 the day so imagine for this type of delivery, 6.4  
4 miles, is almost a quarter of my gas tank of my e-  
5 bike in order just to do one delivery, and you  
6 imagine how many deliveries in order we have to do of  
7 these every single day.

8 CHAIRPERSON VELÁZQUEZ: Would you also be,  
9 and this is just a random question, but would you be  
10 supportive of charging consumers an additional 5 to  
11 10 cents on all food deliveries in New York City to  
12 fund trade-in programs for your workers?

13 LIGIA GUALLPA: Absolutely. We strongly  
14 believe everybody should contribute to a fund from  
15 apps, consumers because workers are already doing  
16 their part. I think we want to see a fund program  
17 where we see the consumers and the apps supporting.  
18 What we would be against is having the apps control  
19 the fund and decide who gets this equipment because  
20 our biggest concern is that apps usually use this  
21 retaliate or force workers to take more risks on the  
22 road.

23 CHAIRPERSON VELÁZQUEZ: How many app  
24 companies as drivers, how many apps do you work with  
25

2 actually? Do you work with all of them? (SPEAKING  
3 SPANISH)

4 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

5 CHAIRPERSON VELÁZQUEZ: Okay. (SPEAKING  
6 SPANISH)

7 WILLIAM MEDINA: (SPEAKING SPANISH)

8 CHAIRPERSON VELÁZQUEZ: Wow. (SPEAKING  
9 SPANISH)

10 ANTONIO SOLIS: (SPEAKING SPANISH)

11 CHAIRPERSON VELÁZQUEZ: Wow. (SPEAKING  
12 SPANISH) Can you work with all these apps at the same  
13 time?

14 ANTONIO SOLIS: (SPEAKING SPANISH)

15 CHAIRPERSON VELÁZQUEZ: He said yes, he  
16 said two, this gentleman said about four (SPEAKING  
17 SPANISH) so he was four and then this gentleman at  
18 the end was six.

19 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

20 CHAIRPERSON VELÁZQUEZ: (SPEAKING SPANISH)  
21 Go ahead, Ligia, and then I'll say my (INAUDIBLE) in  
22 English.

23 LIGIA GUALLPA: He was saying many of us  
24 want to work multiple apps, but right now it's almost  
25 impossible because of delivering for more than one

2 consumer, especially because many consumers'  
3 expectation is that the food arrives on-time and  
4 warm.

5 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

6 LIGIA GUALLPA: It puts a higher risk on  
7 the workers because having to deliver two, three  
8 meals at the same time means you have to ride faster  
9 and travel so you can deliver on time which creates a  
10 safety risk.

11 CHAIRPERSON VELÁZQUEZ: But you could  
12 potentially work for multiple apps at the same?  
13 There's preventing that, right?

14 WILLIAM MEDINA: (SPEAKING SPANISH)

15 LIGIA GUALLPA: It used to be a practice  
16 that was common before, but now it's less and less  
17 likely because right now most workers are kind of  
18 using only one app because it becomes really hard.

19 I just want to add to that I think what  
20 we're seeing is the apps pushing workers to a  
21 scheduling structure which means the apps are asking  
22 workers to do their scheduling in order to commit  
23 time to work for them, which makes it even harder for  
24 a deliverista to try to commit their time to three,  
25 four apps, and then also the reason it's becoming

2 harder is because the apps are becoming more strict  
3 about making sure the food arrives on time which  
4 means that a deliverista having to deliver two  
5 deliveries at the same time, one of them is going to  
6 get there late, and the biggest concern is that apps  
7 are getting more stricter and penalizing workers when  
8 that happens, which makes it even harder or  
9 impossible for deliveristas now to work for more than  
10 two apps, which means reducing the wages of workers.

11 CHAIRPERSON VELÁZQUEZ: I guess that leads  
12 me to just a process question where if you have the  
13 ability to work for five different third-party apps,  
14 then, in your mind, who should be responsible in  
15 purchasing the bike and/or the e-batteries so do you  
16 get five different batteries and five different  
17 bikes, and then does that come out of what money? I  
18 think walk me through that and how do you see that  
19 working out?

20 LIGIA GUALLOPA: This is why I think what  
21 we're proposing that this fund is not managed by the  
22 apps and letting the apps decide who gets it and who  
23 doesn't get it. The reason I want to say that is  
24 because usually the percentage of workers working for  
25 the app changes depending on the season, like the

2 summer is the slowest season so, of course,  
3 deliveristas are going to work less for certain apps  
4 in the summer, work picks up, so we strongly believe  
5 that a fund should be created across the city and any  
6 worker who's working on these apps should get access  
7 to transitioning to safer batteries and that it  
8 should be equitable, accessible to everybody, and it  
9 should not be decided about whose app you get to work  
10 with. It gets to be decided, like we have some of  
11 them that work five, six days, actually six days a  
12 week sometimes or seven days a week for all these  
13 apps.

14 CHAIRPERSON VELÁZQUEZ: Who in your mind  
15 would manage this fund?

16 LIGIA GUALLEPA: DOT who already has  
17 created a program and is going to be doing the swap  
18 program which I strongly believe will gain a lot of  
19 experience on how to run this program, which is the  
20 agency that actually understands better also the  
21 technology of these batteries and even partnering  
22 with different tech groups to make sure that UL-  
23 certified batteries are available in the market.

24 CHAIRPERSON VELÁZQUEZ: So you would  
25 require DOT to purchase the bikes and essentially

2 lease the bikes to the drivers so that way then the  
3 onus would be on the City to maintain not only the  
4 bikes, right, to make sure that they are in  
5 compliance but also that the batteries that they are  
6 using are safe and at the end of the day the drivers  
7 are not taking the bikes home to charge it, that they  
8 have a centralized location, the infrastructure hubs  
9 as we had discussed before, and that ultimately all  
10 will be managed by DOT? You see that...

11           LIGIA GUALLPA: Yeah, and I think our  
12 recommendation to DOT has been instead of buying is  
13 providing some sort of coupons or funds to help  
14 deliveristas swap their battery with some of the  
15 providers of the worker's choice because, let's  
16 remember, workers use different types of devices  
17 whether it's an electrical motor scooter or whether  
18 it's an e-bike, and providing the ability for workers  
19 to have the financial support to be able to  
20 transition and let the worker decide based on the  
21 device that they're using. It's critical.

22           WILLIAM MEDINA: (SPEAKING SPANISH)

23           LIGIA GUALLPA: Pretty much saying that  
24 they've been proposing that it should be the apps  
25 along with DOT creating a program to help workers

2 afford the transition so the worker is not the only  
3 one who is assuming all the cost of the transition  
4 and these batteries that can cost 500 to 700 dollars.

5 CHAIRPERSON VELÁZQUEZ: Okay, and in your  
6 experiences as drivers, have you used the swapping  
7 system under DOT, and, if so, what's the program's  
8 name and has it been effective if you have used it?

9 (SPEAKING SPANISH)

10 WILLIAM MEDINA: (SPEAKING SPANISH)

11 LIGIA GUALLPA: He was saying that the  
12 program hasn't really started yet. Right now, what  
13 we're working is on the deliveristas hubs that we're  
14 building with the support of Senator Schumer in  
15 partnership with Department of Parks and Recreation.

16 Just adding to that, I don't think DOT  
17 has started the implementation of the program yet,  
18 and we haven't been reached out to yet as part of  
19 this process.

20 CHAIRPERSON VELÁZQUEZ: Okay, and what  
21 will take for you to do the battery swap?

22 LIGIA GUALLPA: What would it take?

23 CHAIRPERSON VELÁZQUEZ: What would it  
24 take?



2 LIGIA GUALLPA: Well, it would take a lot  
3 of education to make sure that we bring deliveristas  
4 to understand what the swap program is, the benefits.  
5 At least from us, we have a number of deliveristas  
6 who have come to our office who said I'm ready to  
7 swap, where do I go, so we're already building that  
8 list of workers who are desperately looking for their  
9 batteries, and we're talking to also some vendors  
10 about the possibility of adapting possible new  
11 technology into the current bikes that exist, but  
12 workers are ready so we are already building that  
13 list of workers who have said where do I go, when is  
14 DOT going to start the swapping program. We're hoping  
15 to hear soon that they will start rolling their  
16 program.

17 CHAIRPERSON VELÁZQUEZ: All right. I think  
18 my Colleague who has been super patient and being a  
19 leader in all of this so I want to turn it to him and  
20 his questions, and I'm sorry I went super long with  
21 mine.

22 COUNCIL MEMBER FELIZ: Thank you so much.  
23 Just one question on the same topic, on the swap  
24 program. Last month, we created a City-run e-bike  
25 swap program or battery swap program. There have also

2 been other swap programs created by many different  
3 players. There's one of them that was created by the  
4 Equitable Commute Project. Just wondering what you  
5 thought about it, was it a good one, was it a  
6 successful one? If not, why, and what could we do  
7 better in the future to create a swap program that  
8 actually works? The one with the Equitable Commute  
9 Project.

10           LIGIA GUALLPA: I think the biggest  
11 challenge has been about the cost. Unfortunately,  
12 that swap program only I think covers like 20 or  
13 maybe 30 percent of the cost of the battery or less  
14 so deliveristas have been doing their math, right. I  
15 already invested on a bike that cost me 5,000 dollars  
16 and in order to swap my entire bike I will get a  
17 credit of 1,000 dollars to invest another 4,000  
18 dollars so financially it doesn't work out for a  
19 deliverista, swapping many of them their bike that  
20 cost them almost close to 5,000 dollars for a coupon  
21 of 1,000 dollars so economically hasn't really made  
22 sense to many deliveristas, and others haven't really  
23 been wanting to swap their entire bike. That's why  
24 we're looking into swapping the batteries because  
25 it's at a lower cost, it's more affordable, and it's

1 affordable to the City and it's affordable to the  
2 deliverista. It's easy to chip in 400 dollars than  
3 3,000 or 4,000 dollars into buying an entirely new  
4 bike so this is why, when we're thinking about  
5 swapping, we strongly believe it just can't be the  
6 entire bike. We need to think about tech solutions  
7 that allows deliveristas to transition only their  
8 batteries because many deliveristas made a 4,000 or  
9 5,000 investment and asking a deliveristas to swap  
10 their 5,000-dollar bike and forcing them to make  
11 another 3,000-dollar investment in a time when  
12 they're not even making 100, 220 dollars a day,  
13 financially it's not reasonable so that's why we have  
14 been very strong advocates with the City making sure  
15 that there is flexibility about when we're thinking  
16 about the swap program, but it goes back to  
17 technology again. Until technology doesn't get ahead  
18 and many of these manufacturers don't come up with  
19 the technology that is needed to adapt and help  
20 deliveristas transition, we're going to be in the  
21 same issue right now, which is only a few e-bikes  
22 available and those available in the market that are  
23 UL certified come at a really high cost for many  
24 deliveristas.  
25

2 WILLIAM MEDINA: (SPEAKING SPANISH)

3 COUNCIL MEMBER FELIZ: Okay, and to your  
4 knowledge, was it a battery swap program or an e-bike  
5 and e-bike battery swap program?

6 LIGIA GUALLPA: It was an e-bike.

7 COUNCIL MEMBER FELIZ: E-bike? Okay, got  
8 it.

9 LIGIA GUALLPA: So a deliverista had to  
10 swap the entire e-bike to be part of the program, and  
11 the challenge was that the deliverista will get a  
12 1,000 dollar sort of coupon for a 4,000 dollar or  
13 3,000 dollar bike so the worker will have to come up  
14 with 2,000 or 3,000 dollars just to cover the rest of  
15 the cost.

16 COUNCIL MEMBER FELIZ: Okay, so one of the  
17 takeaways is that in order to have a successful  
18 trade-in program, the math needs to work.

19 LIGIA GUALLPA: Yeah.

20 COUNCIL MEMBER FELIZ: No one wants to  
21 trade in a 5,000-dollar e-bike for let's say a  
22 voucher or 30 percent off a 3,000-dollar e-bike.  
23 Obviously, our goal is to get the unsafe batteries  
24 off the streets, get the safe batteries and e-bikes  
25 in the hands of our delivery workers so just curious,

2 do you think the program would be much more  
3 successful if the trade-in is at absolutely no cost?  
4 Let's say you trade in the uncertified e-bike and  
5 battery, you get a safe, certified e-bike and battery  
6 at zero cost. Do you think that would make the  
7 program much more successful?

8 ALEJANDRO GUAJALES: (SPEAKING SPANISH)

9 LIGIA GUALLPA: We strongly believe that  
10 that would be very successful if a deliverista could  
11 bring their old battery and swap it for a new one  
12 that is UL-certified battery, of course, absolutely.

13 COUNCIL MEMBER FELIZ: Okay. Also, what do  
14 you think, I know there have been many different  
15 ideas floating around, do you think a voucher program  
16 would also be successful, giving delivery workers a  
17 voucher to purchase an e-bike, voucher that would  
18 cover let's say partial of the cost or do you think  
19 the swap program..

20 LIGIA GUALLPA: The voucher will work, it  
21 depends how much we're talking about. Again, I think  
22 going back to what you said, the math needs to work,  
23 and based on what the requirements will be. We have  
24 been very strong advocates of swapping the battery,  
25 not the entire bike. An entire bike will work for

2 deliveristas who maybe have a really old bike that  
3 it's really old and it's nonfunctional for them,  
4 yeah, of course, but for those deliveristas that  
5 already made a 5,000-dollar investment, swapping or  
6 getting a voucher for 1,000 dollars and still having  
7 to come up with additional cost, it's not going to  
8 work, and many deliveristas will resist because of  
9 the financial burden that they will have to acquire.  
10 This is why we have been big advocates of trying to  
11 figure out solutions in which deliveristas only have  
12 to swap their battery because it's cheaper for  
13 consumers, whoever is going to pay for it or help pay  
14 for it, it's cheaper for the worker, and it's more  
15 accessible. We want to, also through the charging  
16 stations, we want to be a source of education and  
17 support to help deliveristas transition to the new  
18 batteries, and we have seen workers interested in  
19 changing the battery already and asking us what are  
20 the solutions to change their batteries, is there a  
21 UL-certified battery that can be adapted to my bike.

22 WILLIAM MEDINA: (SPEAKING SPANISH)

23 COUNCIL MEMBER FELIZ: Okay.

24

25

2           LIGIA GUALLPA: It will be better to swap  
3 the battery pretty much he said rather than the  
4 entire bike.

5           ALEJANDRO GUAJALES:

6           COUNCIL MEMBER FELIZ: Yeah, not an expert  
7 on the issue but if we could find the technology that  
8 would be great, but I know based on what I've heard  
9 from the Fire Department and different agencies could  
10 be very dangerous to put a UL-certified battery in a  
11 non-UL bike, but, again, not an expert. If that's  
12 technology that could be done, something we should be  
13 explore, but obviously not an expert.

14           LIGIA GUALLPA: This is why we strongly  
15 believe that we need to talk to people who are  
16 designing and the manufacturers who are designing  
17 this type of technology. We're talking to one vendor  
18 that actually said that they could adapt the  
19 technology to our bikes. We're hoping to test it out,  
20 but, hey, things said that it was not possible in the  
21 past, people figure it out, I mean technology is  
22 super advanced. I think this is why we need to make  
23 sure that we're bringing manufacturers and the people  
24 who are making these batteries to the table to make

2 sure that they understand that the City desperately  
3 needs solutions that are safer.

4 COUNCIL MEMBER FELIZ: Yeah. Okay, well, I  
5 don't have any more questions, but I just want to  
6 thank all of you for doing such a great job just  
7 amplifying the voices and the needs and the  
8 challenges of delivery workers. All of you have been  
9 super duper clear on many issues including on the  
10 transition. I agree 1,000 percent. We could only make  
11 our objectives a reality if we have the capacity  
12 first. For example, 65,000 delivery workers. That  
13 means at a very minimum we need 65,000 UL-certified  
14 e-bikes so we look forward to working with all of  
15 you. I know recently, what's the name, Rad Power  
16 Bikes, that's one manufacturer, they basically said  
17 that they would only start manufacturing UL-certified  
18 e-bikes, and I think we need to make sure that the  
19 other manufacturers are taking the same steps. If we  
20 don't have the capacity for the 65,000 UL-certified,  
21 how far can we go, so look forward to working very  
22 closely with all of you and it's going to be a big  
23 priority and look forward to making that a reality  
24 but just want to thank you all. (SPEAKING SPANISH)  
25 Back to the Chair, Marjorie Velázquez.



2           LIGIA GUALLPA: Just wanted to say thank  
3 you so much for giving us the space to talk about the  
4 reality and what's happening in the industry. Thank  
5 you, Chairwoman, for all your questions and really  
6 your support and your partnership and the same thing  
7 to you, Council Member Oswald.

8           CHAIRPERSON VELÁZQUEZ: Thank you. Thank  
9 you for coming out, and it's very important that you  
10 understand that we understand the difficulties you  
11 were all placed in, especially during the pandemic,  
12 and we want to make sure that we're doing this the  
13 right way so thank you all for coming.

14           COMMITTEE COUNSEL: Thank you. Our next  
15 panel will be in person. It will be Joshua Gold  
16 followed by Toney Anaya followed by Alonzo Whitted  
17 followed by Amy Healy. You all may come up to the  
18 table.

19           JOSH GOLD: Good afternoon, Council  
20 Members, and thank you for the opportunity to  
21 comment. I'm Josh Gold, and I work for Uber. While  
22 Uber is submitting written comments on specific  
23 pieces of legislation before you, I wanted to focus  
24 today's comments mostly on general concerns.

1                   There is no doubt New York City faces a  
2 serious crisis with the proliferation of non-UL-  
3 certified e-mobility devices. While this Council has  
4 taken important steps like passing Local Law 39, it  
5 is clear more must be done. While Local Law 39 tries  
6 to ensure that lithium-ion batteries and e-mobility  
7 devices on the market are in compliance with  
8 recognized safety standards, it is abundantly clear  
9 that the City cannot do this alone. As we speak,  
10 there are listings for thousands of non-UL batteries  
11 and devices on Amazon and Alibaba and you can still  
12 regularly find improper batteries at retail  
13 establishments. That's why Uber strongly supports  
14 Resolutions 718 and 746. Both the federal and state  
15 governments play a significant role in reducing the  
16 availability of non-UL-certified e-powered devices  
17 and promoting safer transportation choices. No matter  
18 what other pieces of legislation the Council passes,  
19 New York City will not be able to stop the flood of  
20 dangerous devices and batteries and effectively  
21 promote safer devices without leadership at the state  
22 and federal levels. Putting forth workable solutions  
23 to create a safer atmosphere around e-bikes and e-  
24 bike batteries is not an easy task, and one which  
25

2 should involve all those who are involved in the  
3 industry with a top-down approach instead of a  
4 piecemeal passage of laws related to different parts  
5 of the industry. Uber has and continues to urge the  
6 City to form a task force with representatives from  
7 numerous stakeholders. Earlier this year, we  
8 established partnerships with Zoomo and Equitable  
9 Commute Project that allowed delivery workers  
10 multiple options for accessing UL-certified bikes  
11 through trade-in programs and discounted rentals.  
12 Lessons from those programs can be examined by such a  
13 task force.

14 I did also want to highlight some  
15 specific concerns with Intro. 1168. Intro. 1168  
16 completely ignores the City's delivery worker minimum  
17 pay law. While portions of how the City is choosing  
18 to implement the law are currently being litigated,  
19 the existence of a law requiring minimum pay that  
20 factors into account worker expenses is not under  
21 dispute. In creating the pay standard, the agency  
22 took into account the cost of e-bikes, batteries, and  
23 helmets and factored them into the expense formula so  
24 that workers earn money towards the new bikes and new  
25 batteries with every delivery they take, no matter

1 which of the more than 30 third-party delivery  
2 services or third-party courier services they work  
3 with. Since according to the City, most workers use  
4 more than one app, this solves the problem of how to  
5 logistically determine which company would be  
6 responsible for the equipment. DCWP's approach also  
7 makes sure workers who remain in the industry are  
8 receiving compensation unlike legislation passed in  
9 2021 which required third-party delivery services to  
10 provide insulated bags to workers. That insulated bag  
11 law has such a low threshold to be sent a bag that a  
12 year and a half after it was implemented, more than  
13 half of the workers who were sent a bag no longer  
14 used the Uber platform. Intro. 1168 bizarrely  
15 excludes restaurants and grocery delivery services  
16 from this requirement, even though the City notes  
17 that 40 percent of restaurants facilitate their own  
18 deliveries without relying on apps. Unlike with apps,  
19 the City has no mechanism to ensure restaurant  
20 delivery workers, close to half the industry, are  
21 properly compensated for obtaining UL-certified  
22 equipment and, yet, that is the exact portion of the  
23 food delivery industry this bill ignores. Intro. 1168  
24 also ignores there is no way to ensure that workers  
25

1 are using UL-certified equipment when making  
2 deliveries. Unlike cars, there are no license,  
3 registration, or insurance requirements for e-bikes.  
4 Additionally, there is no clear way to demonstrate an  
5 e-bike and battery is UL certified. If the Council  
6 requires companies to verify that bikes are UL-  
7 certified, the City must first create a licensing  
8 regime for workers and the vehicles they operate,  
9 similar to how the TLC regulates all pieces of the  
10 for-hire industry. Intro. 758, which is not being  
11 heard today, or State Senate bill 7587 would create a  
12 licensing regime for electric devices with unique  
13 identifiers. Only with that level of certification  
14 could companies set up processes to track the  
15 vehicles workers are using. We would actually  
16 encourage the Council to adopt the Senate bill's  
17 requirement that registration take place at the point  
18 of sale. I believe Council Member Brewer pointed out  
19 that the point of sale was a better opportunity than  
20 putting the onus on the workforce.

21  
22 I'd also note, it's not in my remarks,  
23 but I'd also note that the centralized fund that the  
24 Workers Justice Project talked about that could be  
25 centrally controlled by the City or a vendor of the

2 City's choice and funded with fees on all delivery  
3 orders, whether they come from the apps or  
4 restaurants, is a possible solution and one that we  
5 would love to work with the Council on and the  
6 Workers Justice Project on. I wish the Administration  
7 had brought more members. They deferred many question  
8 to I think seven different agencies, which is really  
9 frustrating I think for both the companies, the  
10 Council, and the deliveristas, but I think there's an  
11 opportunity based on their testimony and our  
12 testimony to come together and have a solution that  
13 takes into account the needed pace of transition. I  
14 think 1168 is a six-month timeframe. We don't believe  
15 there are enough bikes out there on the market to  
16 allow that to happen. On the funding mechanism, the  
17 deliveristas are absolutely right, the funding  
18 mechanism should come from consumers and the  
19 companies, and it needs to be centralized so that  
20 we're not sending five bikes out to the same  
21 individual worker and that workers who are actually  
22 using the bikes are the ones who are taking advantage  
23 of that fund. Thank you so much.

24 CHAIRPERSON VELÁZQUEZ: Thank you for  
25 that. It feels like we're making headway here.

2 JOSH GOLD: It's too bad the Admin left.

3 CHAIRPERSON VELÁZQUEZ: Exactly. Sorry, I  
4 went out of turn. Go ahead.

5 ALONZO WHITTED: Thank you to the  
6 Committee for offering me a chance to share my  
7 perspective on how delivery workers can safely use e-  
8 bikes to earn income in the city. My name is Alonzo  
9 Whitted. I've lived in New York City for all my life  
10 and used to work for the New York City Parks  
11 Department. Now, I spend time delivering food with  
12 Door Dash as well as doing plumbing jobs with  
13 TaskRabbit. I love how easy it is to get started with  
14 my e-bike and hit the road. It's the only mode of  
15 transportation I used to Dash. Being able to use an  
16 e-bike to start Dashing was important to me so I can  
17 make money. I could not afford a car. While there are  
18 many bills in place to discuss today, I am  
19 particularly concerned about Intros 1163 and 1168,  
20 which together would make it more difficult for me to  
21 keep using my e-bike for deliveries. I want to make  
22 it clear. I share many concerns that the City has  
23 around making sure e-bike batteries are safe to use  
24 for all city workers. However, these bills create  
25 more questions than answers. For example, if Intro.

2 1168 is passed, it would effectively ban me from  
3 delivery work until I can figure out how to get a  
4 vehicle. I worked hard to be able to get the bike  
5 that I use today, and now I'm worried that I won't be  
6 able to keep using it. The bills seem to expect  
7 either delivery workers will find a new certified  
8 bike as the platform provides everyone with a free e-  
9 bike. This just isn't realistic. It would be more  
10 like a ban on e-bikes altogether rather than a way to  
11 get safer ones. As a result, those of us whose e-  
12 bikes don't meet New York standards would probably be  
13 forced to use a car rather than gas-powered vehicle  
14 if we want to keep delivering. Targeting us with  
15 these requirements is also unfair and won't stop  
16 battery fires. Delivery workers aren't the only ones  
17 using e-bikes and plenty of others are using them as  
18 well for all sorts of reasons, but delivery workers  
19 will end up sidelined while everyone else with an e-  
20 bike keeps using them, riding them and charging them  
21 in their homes. Finally, these proposals don't take  
22 into account that a lot of delivery workers  
23 frequently use different platforms. If these bills  
24 pass, which platform is supposed to be providing us  
25 with the e-bike, helmet, and lights? Delivery will



2 never be affordable if every platform is supposed to  
3 provide everyone who signs up with thousands of  
4 dollars' worth of gear, and, if delivery isn't  
5 affordable, I won't be able to earn extra money. It  
6 seems like the Council should consider ways that both  
7 get the batteries off the street and easily replace  
8 them with affordable and safer versions for delivery  
9 workers while also ensuring that these items that are  
10 supposed to help delivery workers aren't abused. I  
11 respectfully ask the Committee to consider these  
12 bills and instead work on making sure that e-bikes  
13 remain a viable way to earn in New York City rather  
14 than take them away. Thank you.

15 CHAIRPERSON VELÁZQUEZ: Thank you.

16 TONEY ANAYA: Chair Velázquez and Members  
17 of the Committee, my name is Toney Anaya, and I work  
18 for Door Dash. Thank you very much for the  
19 opportunity to testify today. Door Dash is deeply  
20 concerned about the fires that are occurring in New  
21 York City. Simply put, no one's safety should be at  
22 risk when they use lithium-ion batteries. We commend  
23 the Council for the actions it has taken so far.  
24 Setting safety standards, creating a trade-in  
25 program, and focusing on education are crucial steps.

2 We also applaud the Council for pushing reform at the  
3 federal level. We've taken parallel actions by  
4 improving Dasher access to certified e-bikes,  
5 investing in education, and asking federal  
6 authorities to set national safety standards. To that  
7 end, we full support Resolution 718.

8           However, we oppose Intros 1163 and 1168.  
9 As written, these bills would prohibit workers from  
10 using uncertified e-bikes to make deliveries and  
11 either require or encourage platforms to provide  
12 workers with certified e-bikes and safety gear.  
13 Simply banning delivery workers that own uncertified  
14 e-bikes, which is almost all workers, without a clear  
15 plan to get them a new device is not a real solution.  
16 Unfortunately, these bills don't create a viable plan  
17 to provide workers with either e-bikes or safety  
18 equipment. A requirement to provide e-bikes or safety  
19 gear would contradict the minimum pay standard  
20 adopted by the Department of Consumer and Worker  
21 Protection. The pay standard for delivery workers was  
22 set substantially higher than New York City minimum  
23 wage in order to cover the cost of an e-bike and  
24 battery and the cost of accessories like helmets and  
25 lights. In short, the pay standard already

2 contemplates paying workers for all this equipment.  
3 The difficulty of administering these bills compounds  
4 the problem. Any New Yorker can sign up to Dash and  
5 they don't report to a designated location to start.  
6 Some people sign up, try a delivery or two, and  
7 decide Dashing isn't for them. Plus most workers do  
8 not work on a single platform. These are significant  
9 practical challenges. These bills provide no clear  
10 way to reasonably determine which workers should be  
11 eligible for equipment or which platform should  
12 provide it. Without a realistic plan to distribute  
13 certified e-bikes and safety gear, e-bike delivery  
14 won't be viable under these bills. This could have  
15 serious consequences for workers, businesses, and the  
16 City's other objectives. Based on the DCWP's  
17 estimates, there are approximately 56,000 workers  
18 using e-bikes. That means tens of thousands of  
19 workers could lose earnings opportunities. Merchants  
20 could also suffer as e-bikes account for about 66  
21 percent of the City's 124 million annual deliveries.

22 Finally, Intro. 1168 also leaves crucial  
23 gaps unfilled. It won't eliminate dangerous batteries  
24 from circulation because it does not require that old  
25 batteries be recycled. It also fails to include other

2 businesses that should be part of the solution,  
3 grocery delivery services, businesses that deliver  
4 themselves, and the retailers that have sold these  
5 dangerous products should also be at the table.

6 Door Dash is committed to working with  
7 the Council to help solve this problem and maximize  
8 the benefits that safe e-bikes can bring to the city.  
9 However, these bills are not the right answer. A  
10 world in which someone could sign up for three  
11 different platforms on Monday, get three new e-bikes  
12 and essential safety equipment, make a few deliveries  
13 then disappear with thousands of dollars of new gear  
14 by the end of the week, all without a getting a  
15 single bad battery off the streets.

16 Before I conclude, I would like to  
17 address the centralized fund and just a few points,  
18 and we will follow these up with some written  
19 submissions. The concept of a centralized fund is  
20 something I think Door Dash can support to help  
21 delivery workers and others swipe out unsafe e-bikes  
22 and batteries. However, all stakeholders need to be  
23 contributing. That includes the City, the  
24 manufacturers, retailers, and any businesses in the  
25 city that utilize e-bikes. I think the third-party

2 delivery contribution is to be determined because  
3 currently we're waiting on a minimum pay standard  
4 that does include some of the funding that we talked  
5 about. Any per-delivery fee that's added to pay for  
6 this needs to be seriously considered. It's a  
7 regressive tax on the entire city, and it would have  
8 a negative impact on Dasher earnings and merchant  
9 revenue. Any increases to price do have that impact.

10 Thank you very much for the opportunity  
11 to provide testimony, and we do look forward to the  
12 opportunity to help arrive at a solution for  
13 everybody.

14 AMY PERLIK HEALY: Good afternoon, Chair  
15 Velázquez and Members of the Committee. It is our  
16 pleasure to again be before the Committee on Consumer  
17 and Worker Protection to discuss pivotal issues  
18 facing the City, specifically regarding the safety of  
19 delivery workers in collaboration with the delivery  
20 industry including delivery app platforms like  
21 Grubhub.

22 My name is Amy Healy, and I'm the Vice  
23 President of Government Affairs for Grubhub. Again,  
24 thank you for the opportunity to testify today  
25 regarding the topic of lithium-ion batteries, powered

2 bicycles, and powered mobility device safety, and all  
3 the various pieces of proposed legislation pertaining  
4 to this issue that is not only important to us at  
5 Grubhub but to the many other companies, workers, and  
6 consumers that rely on this technology each day. The  
7 loss of life caused by fires related to faulty  
8 lithium-ion batteries is tragic, and Grubhub looks  
9 forward to additional collaboration on common sense  
10 proposals to address this issue as well as ongoing  
11 engagement with all stakeholders to ensure the safety  
12 of New Yorkers.

13           The dangers of unsafe e-bikes extend far  
14 beyond the restaurant industry as groceries,  
15 convenience products, cargo, flowers, and many other  
16 goods are now delivered via couriers on e-bikes.

17 While it may go without saying, it warrants emphasis  
18 that the safety of the delivery workers is a  
19 paramount priority. Their health and safety is  
20 essential to thousands of communities and businesses  
21 across New York City, including Grubhub's. Simply  
22 put, our business doesn't work without the right  
23 safeguards in place to protect delivery workers.  
24 Grubhub has recently expanded efforts to address  
25 creating a safer, more sustainable environment for

2 delivery workers that utilize e-bikes. Several months  
3 ago, we announced a pilot program with Joco, a  
4 leading delivery e-bike rental platform founded in  
5 New York City in 2021. The Joco partnership provides  
6 at least 500 delivery partners free access to more  
7 than 1,000 safety-certified e-bikes as well as more  
8 than 55 Joco hubs for continuous safe e-bike storage,  
9 battery exchange, and distribution of ride gear.  
10 Council Member Feliz, we were so glad you were able  
11 to come to one of the Joco hubs just last week.

12                   Additionally, Grubhub is working  
13 collaboratively with City leaders, Fire Department of  
14 the City of New York, and industry partners to  
15 advance the safety of the entire e-bike lifecycle.  
16 Key initiatives include a 100,000-dollar grant from  
17 the Grubhub Community Fund to the FDNY Foundation, an  
18 organization working to spread awareness and  
19 education about safe practices for using lithium-ion  
20 batteries. Grubhub has also called upon Congress to  
21 pass the Setting Consumer Standards for Lithium-ion  
22 Batteries Act, which has been introduced by  
23 Congressman Ritchie Torres and U.S. Senators Kirsten  
24 Gillibrand and Chuck Schumer. The legislation would  
25 require the Consumer Product Safety Commission to

2 establish a final product safety standard for  
3 rechargeable lithium-ion batteries used in mobility  
4 devices.

5           These are just a few examples of ways  
6 industry can partner on this pivotal issue, and  
7 Grubhub is committed to further dialogue on how we  
8 and our peers can optimize additional resources that  
9 will have a real meaningful impact. While we applaud  
10 the Council's focus on delivery workers' safety and  
11 ways to eliminate the fatal threats posed by illegal  
12 e-bikes, there are proposed bills that we can  
13 strongly report including requiring the posting of  
14 battery safety guides by all businesses that sell e-  
15 bikes, establishing a battery safety certification  
16 for e-bike mechanics, the creation of recordkeeping  
17 and reporting requirements for entities that purchase  
18 or accept secondhand batteries, requiring the DOT to  
19 establish a safety course to cover e-bicycles and e-  
20 batteries, and requiring e-bike businesses to obtain  
21 licenses in order to do business in the city.

22           However, we must point out some flaws,  
23 particularly with Intro. 1168 that are unworkable. I  
24 would encourage the Committee to acknowledge the  
25 following facts that make this legislation



impracticable, unworkable, and unenforceable.

Grubhub's delivery partners maintain their own equipment and certify that such equipment meets all industry and regulatory safety standards, similar to how for-hire vehicle service drivers do the same for their own cars. This responsibility is recognized in the proposed minimum pay structure for delivery workers as set forth by DCWP, which calls for \$2.26 cents of the hourly minimum rate to go toward worker expenses including purchase and upkeep of equipment.

Because delivery partners are independent contractors, platforms have no right to require them to use certain types of mobility equipment. Any legislation that forces platforms to impose this on our delivery workers is a direct violation of the Contract Clause of the United States Constitution.

While Grubhub and other delivery platforms already require that delivery partners certify that the equipment they use meets all laws and required safety standards, it's not possible for Grubhub or any other platform to enforce the law and prevent a delivery person from falsely certifying that they are following the rules. Such enforcement is already the legal responsibility of public safety authorities.

2 Delivery platforms are not a law enforcement entity.

3 If we were forced to purchased equipment for any  
4 worker and every worker on our platform, there still  
5 would be no way to ensure that that equipment was  
6 being used in making deliveries or that it wasn't  
7 being used to perform other services including for  
8 personal or to work for other companies.

9           Finally, we must remind the Council that  
10 our business continues to operate at a loss in New  
11 York City despite persistent myths about billion-  
12 dollar profits, and, while Grubhub is committed to  
13 significant investments in delivery worker safety as  
14 a critical part of its business model, imposing  
15 additional costs on the industry without new revenue  
16 sources is completely unsustainable.

17           These are just a handful of facts that  
18 have been overlooked in proposing this legislation  
19 that help illustrate why it is not an effective  
20 solution to the problem. The vast complexities of  
21 this issue call for a more comprehensive analysis  
22 involving all stakeholders who are part of the  
23 growing e-bike and public safety ecosystems. We very  
24 much encourage this dialogue and would be willing and  
25 active participants. Grubhub will continue to

2 strongly support and be receptive to additional  
3 measures we can collaborate on to further our  
4 commitment to delivery worker safety. Thank you for  
5 the opportunity to provide our perspective.

6 CHAIRPERSON VELÁZQUEZ: Thank you for that  
7 and thank you for your patience (INAUDIBLE) We have  
8 several questions, but I want to talk to you, sir,  
9 because we want to really hone in on delivery  
10 workers, their experiences, and ultimately to protect  
11 y'all, right, because you're delivering to us and we  
12 want to make sure a) the respect is given, especially  
13 how you all worked so well during the pandemic and  
14 you were our frontline workers essentially and, more  
15 importantly, to hear your experience and where can we  
16 facilitate this, right, so there was a lot of  
17 testimony, your e-bike, where did you purchase and  
18 have you heard about the difficulties in obtaining an  
19 unlicensed battery?

20 ALONZO WHITTED: I purchased my e-bike in  
21 Manhattan, City of New York. Yes, it's from the Whizz  
22 E-bike Store. They're very well-known. Have my  
23 receipt, bill of sale, and it's certified.

24

25

2 CHAIRPERSON VELÁZQUEZ: Have you heard  
3 from any other delivery workers on the difficulty in  
4 obtaining an e-bike that has a certified battery?

5 ALONZO WHITTED: I'm always passing  
6 people, and I hear them talking amongst each other  
7 about the current situation about bikes, and some of  
8 them actually share bikes amongst each other, three  
9 people for one bike or something like, or sometimes  
10 even a little more. Personally, I don't think that's  
11 a good idea because it could be my bike and now I'm  
12 letting two other people use, something happens, it's  
13 not good, so yeah.

14 CHAIRPERSON VELÁZQUEZ: I'm honing in on  
15 this because I'm a Bronxite, I'm an outer borough  
16 girl, and we need to talk about the lack of  
17 infrastructure and certainly the fact that there are  
18 two hubs potentially, right, and we talked about  
19 them, one on the Upper West Side and one down here in  
20 City Hall, but none of them in the outer boroughs.  
21 Would it impact you and your work if you had a hub to  
22 charge your battery and how would it facilitate in  
23 your deliveries?

24 ALONZO WHITTED: It would help a lot  
25 because most times when you're out there delivering,

2 a lot of places, they won't allow you to just come  
3 plug your battery up or your bike up outside, even at  
4 a gas station, there's an outlet there, because  
5 they're scare because they hear oh, there's a fire,  
6 there's a fire, it's going to cause a fire. Even if  
7 you have a certified bike with the battery charger,  
8 they won't allow you because of the hearsay of all  
9 the fires and, yeah, a charging station would  
10 definitely be very useful because a lot of people who  
11 can't make it home sometimes lock their bikes far  
12 away and have to take the battery and walk home with  
13 the battery and leave the bike locked up somewhere  
14 because there's nowhere to charge it.

15 CHAIRPERSON VELÁZQUEZ: What I'm also  
16 hearing is there's no way of someone like myself, an  
17 outsider or someone who has a business that can help  
18 you charge your battery, to know the difference  
19 between a certified and an uncertified battery.

20 ALONZO WHITTED: Correct.

21 CHAIRPERSON VELÁZQUEZ: Thank you for  
22 that. How much did your bike cost you?

23 ALONZO WHITTED: 1,500 dollars.

24 CHAIRPERSON VELÁZQUEZ: Do you think that  
25 it is necessary for you to have an e-bike? Does it

2 make it essential for you to deliver on time having  
3 that e-bike?

4 ALONZO WHITTED: It does because a lot of  
5 times a lot of people don't realize you can't do the  
6 same thing with a car that you could with a e-bike or  
7 bike period, and having a bike is very essential for  
8 just being a frontline worker period and getting the  
9 food there fast and while it's warm and also  
10 providing safety mechanisms for myself getting there  
11 so, yeah, it works out, it works out because  
12 sometimes you try to do deliveries in a car and  
13 you'll find yourself running out of gas, getting a  
14 ticket, I could just keep going. Sometimes nobody  
15 wants to get a car, even if you could get a car, it's  
16 not feasible.

17 CHAIRPERSON VELÁZQUEZ: Thank you for  
18 that.

19 Now to my third-party apps. DCWP  
20 published a report in November of last year  
21 indicating that there are about 61,000 food delivery  
22 workers working for apps in New York City in any  
23 given week, and about 46 percent of those are using  
24 e-bikes on the job. We've previously heard that 90  
25 percent of delivery workers using e-bikes are not

2 using certified batteries. Does this sound about  
3 right to y'all? Uber, Door Dash, Grubhub.

4 JOSH GOLD: Yes. From conversations with  
5 those in the industry, yes, I think it would be, I  
6 was hoping that DCWP would have come prepared with a  
7 survey to understand exactly the percentages.  
8 Anecdotally, that's the number that I hear as well.

9 CHAIRPERSON VELÁZQUEZ: Typically, what's  
10 the expected timeframe for a delivery worker to  
11 deliver an order in your apps?

12 JOSH GOLD: For Uber, there's no expected  
13 timeframe.

14 AMY PERLIK HEALY: There's so many factors  
15 that go into that. Obviously, distance from the  
16 restaurant, time of day, weather.

17 CHAIRPERSON VELÁZQUEZ: But is there...

18 AMY PERLIK HEALY: Not that I'm aware of,  
19 no.

20 TONEY ANAYA: We do estimate what the  
21 delivery time would be based upon a look into the  
22 equivalent of Google Maps based on the distance and  
23 then we build in a time on addition on that so rarely  
24 does the driver come into a situation where they're  
25

2 hitting that timeline unless something critical has  
3 happened or something unexpected has happened.

4 CHAIRPERSON VELÁZQUEZ: In what ways may a  
5 delivery worker benefit from reducing their delivery  
6 time from your perspective and how would you benefit  
7 with that?

8 JOSH GOLD: The delivery worker pay  
9 standard that may go into effect soon, the DCWP study  
10 actually requires delivery workers to deliver food  
11 quicker. It's paid for by an increase in productivity  
12 and an increase in the speed. Unfortunately, the  
13 earning standard promulgated by the agency actually  
14 depends on even faster speeds than currently exist in  
15 order to make it work for the industry.

16 CHAIRPERSON VELÁZQUEZ: Guide me through  
17 this one more time and just to verify, the earning  
18 standard itself, the number that has been floated  
19 around does include an expected timeframe?

20 JOSH GOLD: No, it includes a productivity  
21 increase of deliveries per hour. I don't have the  
22 numbers in front of me, but it's a pretty steep  
23 increase in how many deliveries an hour it expects  
24 delivery workers to perform.



2 CHAIRPERSON VELÁZQUEZ: What  
3 responsibilities do you think your companies setting  
4 the terms for this work, right, for the timeframe  
5 should have to ensure that these devices, these e-  
6 bikes that are going to increase the productivities  
7 the devices that the workers use are safe?

8 AMY PERLIK HEALY: I'll start. I'll go  
9 back to the pilot program that Joco and Grubhub  
10 entered into months ago. Even before that, Grubhub  
11 went to Senator Schumer's office, we went to the DCWP  
12 and said we want to be a part of the dialogue to help  
13 create these hubs that we know are so important,  
14 especially as you mentioned in the outer boroughs,  
15 and we were basically told, and I think my colleagues  
16 at these other companies were told the same thing,  
17 that the government was going to address this without  
18 industry's help. We have not seen the progress that  
19 the delivery workers demand and that they deserve,  
20 and so Grubhub, again, we reached out and found a  
21 partner in Joco, we're piloting it, we're learning  
22 about their 55 hubs versus 2. We know that they have  
23 plans to extend those hubs to outer boroughs which is  
24 so important so we are trying and working on and I  
25 don't think anyone has the right one solution. I

2 think it's going to take, as we've heard from  
3 everyone, the retailers, the distributors, the  
4 manufacturers, the charging infrastructure that is  
5 almost nonexistent, our apps, grocery, Instacart,  
6 Shipt, Gopuff, the list goes on about the different  
7 groups that have workers that utilize e-bikes, and we  
8 haven't even talked about consumers, the growing use  
9 of e-bikes by consumers and commuters in New York  
10 City has grown tremendously and we should expect that  
11 to continue.

12 CHAIRPERSON VELÁZQUEZ: You almost think  
13 legislation in registering e-bikes and e-scooters  
14 would be helpful in this instance?

15 AMY PERLIK HEALY: It could. We have heard  
16 concerns from some of our driver advocates that  
17 registration could be a concern for them so we would  
18 want to make sure that we get their feedback.

19 CHAIRPERSON VELÁZQUEZ: Thank you. I don't  
20 know if you were here when I asked Ligia and her team  
21 about what if a consumer was asked to pay an  
22 additional 5 to 10 cents on all food deliveries in  
23 New York City to fund trade programs that would help  
24 delivery workers, would you guys be supportive of  
25 that?

1  
2           AMY PERLIK HEALY: We absolutely would be  
3 supportive of having that conversation. We just want  
4 to make sure that, as Josh Gold mentioned, everyone's  
5 included in that. Again, this isn't just about the  
6 restaurant industry and our industry. This is about  
7 the changing nature of how New Yorkers are getting  
8 goods, and so in order for us to be effective we need  
9 a holistic approach.

10           JOSH GOLD: I'll add that Uber called for  
11 such a fund I think in April of this year which a  
12 while ago, and the resources from such a fund, if  
13 it's assessed to every food delivery, I think  
14 everybody has talked about the need for everyone to  
15 be at the table, even DCWP referenced NYPD, FDNY,  
16 Sanitation, it sounds like a job for the Office of  
17 Special Enforcement in the Sheriff's Office as well,  
18 but everybody needs to be at the table to fund the  
19 needs because it's not just the bikes and the  
20 batteries. There's charging infrastructure that needs  
21 to be built, and there's also disposal of the  
22 batteries that the federal government has allowed to  
23 flood into our markets. It's a 2,000-dollar process.  
24 Things we learned from the Equitable Commute Project.  
25 Number one is that the cost was too high which is why

2 the cost was lowered to 700 dollars so it's 700  
3 dollars now for a battery and two bikes because, as  
4 the deliveristas pointed out before, it was still too  
5 high and so that cost was lowered, but, number two,  
6 it's extremely expensive to dispose of the bad  
7 batteries and bikes and so the need for a centralized  
8 fund that's funded by the manufacturers who put these  
9 bikes and batteries on the streets in the first  
10 place, the retail establishments, restaurants who are  
11 doing deliveries using these bikes, as well as third-  
12 party delivery companies and third-party courier  
13 services and third-party grocery services, all of us  
14 need to contribute, all of us need to be at the  
15 table, not just the three companies that are here  
16 today.

17 CHAIRPERSON VELÁZQUEZ: I appreciate that.

18 TONEY ANAYA: If I could, Chair, I think  
19 it's important as well, even though we're all three  
20 up here and we largely agree on most issues, our  
21 business models are all slightly different and that  
22 may influence our perspective on how you might fund  
23 that fee that we were talking about in terms of the  
24 centralized fund. Again, just kind of going back to  
25 my original testimony, I do think at Door Dash we

2 would support the concept of a centralized fund if it  
3 were to help delivery workers swap out unsafe e-bikes  
4 and batteries, but, again, it has to be all  
5 stakeholders. It's the City, it's the manufacturers,  
6 retailers. The minimum pay standard that's under  
7 consideration, I think that's going to have to be a  
8 component in terms of what we pay in as third-party  
9 delivery, and I do respectfully want to assert every  
10 additional fee that you place on a delivery has an  
11 impact and even though five cents or six cents may  
12 not sound consequential, when you start adding that  
13 onto the number of decisions that a consumer makes,  
14 we've seen how those fees can impact the number of  
15 orders that are placed. There always is, and we've  
16 seen this in other markets and we test this, so it's  
17 not without a price so every time you add a fee or a  
18 cost, you do have fewer orders so I do think that's  
19 an important component of it and I think why from a  
20 baseline perspective we would oppose the fee approach  
21 and would want to consider something else.

22 CHAIRPERSON VELÁZQUEZ: Thank you for  
23 sharing that. Just to be clear, when we're talking  
24 about expanding it, we're also talking about larger  
25 companies like Amazon that do share our streetscape

2 and do have their workers using bicycles and  
3 certainly our streetscape on a daily basis so we're  
4 also including them.

5 The other question I am seeing, who  
6 should manage this fund according to you and what  
7 your ideas are?

8 AMY PERLIK HEALY: Not us. I don't think  
9 the City wants these three apps managing something  
10 goes so far beyond our industry so we need technical  
11 experts, we need partnership with DOT, we need  
12 enforcement agencies involved, so many groups that,  
13 again, we're happy to be part of that conversation,  
14 but the companies here represent a portion of e-bike  
15 activity in New York City.

16 CHAIRPERSON VELÁZQUEZ: Also to drive the  
17 point home just because, once again, outer borough,  
18 and I certainly appreciate your perspective as now  
19 you've heard from so many delivery workers, only two  
20 spots are being considered and they're both in  
21 Manhattan, what are your thoughts in having better  
22 and more infrastructure throughout the city,  
23 especially in the outer boroughs of these hubs?

24 JOSH GOLD: I think the hubs are going to  
25 be really, really difficult. You want chargers to

2 match the battery, to match the bike, and a year and  
3 a half ago we started to talk to folks about building  
4 out the hubs, and the FDNY needs to be very involved,  
5 DOT needs to be very involved, DCWP needs to be very  
6 involved in order to make it a safe place for  
7 charging, and so two in Manhattan is clearly not  
8 enough. It needs to be across the whole city, but it  
9 needs to be done in a methodical, safe way so that  
10 we're not creating more risks, we're creating safe  
11 places for charging.

12 CHAIRPERSON VELÁZQUEZ: Got it. Lastly for  
13 me, how do you ensure the individuals working through  
14 your platform have proper equipment and operate in a  
15 safe manner?

16 JOSH GOLD: One thing I mentioned in my  
17 testimony was bills in front of the Council and State  
18 Senate. Senator Hoylman's bill requires point-of-  
19 sale. I think Council Member Brewer also mentioned  
20 point-of-sale requirements. Council Member Holden's  
21 bill does not have a point-of-sale requirement, but  
22 we would encourage a point-of-sale registration  
23 requirement. Once there's a unique identifier which  
24 is what Uber uses in the for-hire vehicle space, then

2 you can match that up to make sure that it's the  
3 proper equipment.

4 CHAIRPERSON VELÁZQUEZ: So we have it on  
5 the record, can you give us the numbers of those  
6 bills that you are mentioning so that way we can go  
7 ahead and go back?

8 JOSH GOLD: Yeah, State Senate bill is  
9 7587. For example, you can walk into a Fly E-bike, E-  
10 wing, I don't know the name of it exactly, you have  
11 about 20 franchises in the city, you can buy an e-  
12 moped or a gas moped and you don't have to register  
13 it and they put the onus on the delivery worker who  
14 may not know that you need to register it. The  
15 registration should happen at the point-of-sale under  
16 the Hoylman bill. Under the Holden bill, currently  
17 the registration doesn't happen at the point-of-sale,  
18 but the registration should happen at the point-of-  
19 sale rather than put the onus on the worker as well.

20 CHAIRPERSON VELÁZQUEZ: Perfect. Council  
21 Member Brewer.

22 COUNCIL MEMBER BREWER: Maybe you talked  
23 about this earlier because I was next door, but there  
24 is a company in Brooklyn that has the battery  
25 problem, sounded to me like it's making sense, the



2 delivery worker pays 50 dollars for I think the month  
3 and there's a box and you can switch in and out the  
4 batteries. The reason I mention that is, to be honest  
5 with you, the Upper West Side residents are not  
6 comfortable with the small space that is allocated to  
7 have the charging station so there's an uproar, and  
8 this particular location could be more versatile  
9 where you put the box and the batteries. I didn't  
10 know if that's something that the apps are  
11 comfortable with or even the delivery workers.

12 JOSH GOLD: Council Member, I appreciate  
13 the question. I've met with that company and a  
14 handful of others, but they're not FDNY-certified  
15 yet.

16 COUNCIL MEMBER BREWER: Correct.

17 JOSH GOLD: I think those are viable  
18 solutions, and there are other solutions in other  
19 parts of the world, a company called Gogoro, where  
20 it's essentially a subscription service, right, and  
21 so the batteries are all the same, and I think these  
22 are great medium-term, long-term goals that DOT,  
23 DCWP, FDNY should be looking at. We put out a report  
24 on this last year that talked about those types of  
25 battery lockers, and I think that's the way we should

2 be thinking about the future. I don't know if the  
3 technology is ready in New York City yet, and we have  
4 a crisis right now that needs to be solved so the  
5 trade-in program that was already passed, Council  
6 Member Powers' bill, the programs that we've been  
7 talking about need to happen quicker than that, but I  
8 do think that is part of the long-term solution, and  
9 I'm happy to send you the report Uber put out on  
10 that.

11 COUNCIL MEMBER BREWER: I'm just saying  
12 the two locations in Manhattan are not widely popular  
13 in terms of those that are suggested so would love to  
14 have some other solutions. Thank you.

15 CHAIRPERSON VELÁZQUEZ: Thank you, guys,  
16 and I'm looking forward to actually working together,  
17 all of us, with the Admin to make sure that we're  
18 working for our consumers and our workers so thank  
19 you.

20 AMY PERLIK HEALY: Absolutely, thank you.

21 COMMITTEE COUNSEL: Next panel will be in  
22 person. Julian Kline followed by Elizabeth Adams  
23 followed by David Hammer.

24 CHAIRPERSON VELÁZQUEZ: I'd also like to  
25 remind everyone that we do have a two-minute limit

2 for your testimonies. If you go over, we'll ask you  
3 to provide it to our team.

4 COMMITTEE COUNSEL: It's  
5 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). You can submit written  
6 testimony there up to 72 hours after this hearing is  
7 over.

8 CHAIRPERSON VELÁZQUEZ: I'd also like to  
9 remind everyone if you are testifying, that it will  
10 be on topic. Thank you.

11 JULIAN KLINE: Good afternoon, Chair  
12 Velázquez and Council Members. I'm Julian Kline, Head  
13 of Policy at Tech:NYC, a non-profit member-based  
14 organization representing over 800 technology  
15 companies in New York. As the delivery workforce has  
16 grown and New Yorkers look to e-bikes for commuting  
17 and personal use, the demand for e-bikes has also  
18 increased. Unfortunately, e-bikes and batteries of  
19 varying quality have been sold, resulting in some  
20 devastating circumstances. Tech:NYC applauds the City  
21 Council's quick and thoughtful response in  
22 establishing an e-bike and battery trade-in program  
23 and requiring safety certification and education.

24 For the proposals being discussed today,  
25 Tech:NYC supports Intros 819 and 1220 which will help

2 to increase education and requirements for e-bike-  
3 related businesses as well as Resolution 718 which  
4 calls for new national safety standards for  
5 batteries.

6           However, Introductions 1163 and 1168,  
7 while well-intentioned, are redundant to existing law  
8 and lack clarity. These bills require delivery  
9 platforms to provide safety equipment to delivery  
10 workers as well as safety-certified e-bikes and  
11 batteries. While Tech:NYC agrees with the goal to  
12 provide access to safety equipment and certified  
13 batteries, these proposals would place the cost on  
14 delivery platforms without determining which platform  
15 would be held responsible. This is inconsistent with  
16 the realities of delivery workers, 56 percent of whom  
17 have more than one account with delivery platforms,  
18 also known as multi-apping. Additionally, the  
19 delivery worker minimum pay law will include over 2  
20 dollars per hour for expenses which DCWP calculated  
21 to include the purchase of a new 1,800-dollar e-bike  
22 and 1.74 batteries per year. Given that the recently  
23 passed e-bike and battery trade-in law has not yet  
24 been implemented, we believe it is important to  
25 understand the effectiveness of this new law, and we

2 recommend that all current and future proposals be  
3 discussed holistically with delivery platforms,  
4 workers, battery manufacturers, retailers, and bike  
5 rental services. Thank you for your consideration.

6 CHAIRPERSON VELÁZQUEZ: Thank you, Julian.  
7 Next.

8 ELIZABETH ADAMS: Good afternoon. Thank  
9 you to Chair Velázquez and Members of the Committee.  
10 I am Elizabeth Adams, Executive Director for Public  
11 Affairs at Transportation Alternatives.

12 I want to raise another important end  
13 goal of the importance of addressing e-bike access  
14 and safety today. We just came off the hottest summer  
15 on record in New York, and it is clear that the  
16 climate crisis isn't just coming, it is already here.  
17 Transportation is the number two cause of greenhouse  
18 gas emissions in New York, and we need to prevent the  
19 very worst impacts of climate change by transitioning  
20 New Yorkers out of cars and toward walking, public  
21 transit, and e-micro-mobility. E-bikes are uniquely  
22 successful at transitioning out of cars and into more  
23 sustainable mobility options. On average, e-bike  
24 riders cut their car trips in half, improve air  
25 quality, and travel 340 percent further than on

2 traditional bikes, which you heard about a little bit  
3 earlier. As we prepare for the onset of congestion  
4 pricing, this is the exact type of mobility planning  
5 our city must be embracing. The bills discussed today  
6 offer solutions that regulate battery safety by  
7 retailers and put needed responsibility on companies  
8 rather than targeting consumers and workers. This is  
9 an immigrants' right issue that we appreciate the  
10 Council is taking on firsthand.

11 We appreciate Council Member Feliz's bill  
12 to require app companies to cover the cost of devices  
13 for workers as well as the proposed bills discussed  
14 to ensure retailers are selling devices safely.

15 I also want to note that one of the most  
16 important needs right now when it comes to safe  
17 battery charging and safe storage is the need to  
18 create citywide public battery charging and bike  
19 parking today. We need to make it easier for people  
20 to safely choose e-bikes and e-micro-mobility  
21 devices, not harder, yet because of a lack of support  
22 and resources, we're seeing attempts to actually ban  
23 even UL-certified e-bikes in our city. Bills like  
24 Council Member Holden's bill 758 lead to  
25 criminalization of workers. It is important that we

2 do not let the urgency of this moment outpace smart  
3 policy. Without new e-bike infrastructure and  
4 accessible affordable batteries, we will also see a  
5 shift to gas-powered mopeds which are faster,  
6 heavier, pollute our air and our bike lanes when they  
7 shouldn't be. Mopeds and motorcycles are not how we  
8 achieve a sustainable future so I want to echo the  
9 calls for the state level around Senator Hoylman's  
10 legislation of really addressing point-of-sale, going  
11 at the root of ensuring that we have safety  
12 regulations. Thank you.

13 DAVID HAMMER: Hi there, Chair Velázquez  
14 and Members of the Committee. My name is David  
15 Hammer. I'm a long-time New Yorker. I'm an  
16 entrepreneur, co-founder of a company called  
17 PopWheels. Over the last year, I've had the  
18 incredible opportunity to speak to hundreds of  
19 delivery workers and study this crisis in depth. One  
20 thing that's become clear to me is that there are two  
21 principles that the City Council and City Hall should  
22 consider.

23 The first is that this crisis will not  
24 abate until delivery workers do not have to charge  
25 their own batteries. Increasing the safety level of

2 the product with things like UL-certified batteries  
3 certainly helps but can't account for issues such as  
4 mismatched chargers, unsafe charging environments,  
5 and poorly maintained batteries. Delivery workers  
6 ride their bikes hard and heavy to meet the needs of  
7 New Yorkers every day, often in terrible weather, and  
8 they have to find secondary locations for charging in  
9 order to be able to work a full day. Even a UL-  
10 certified battery can and eventually could catch fire  
11 in such circumstances.

12           The second key I idea I think was  
13 emphasized well by the deliveristas here that any and  
14 all solutions must consider their economic needs.  
15 Solutions that increase the substantial burden they  
16 already bear don't produce the desired effects as  
17 we've seen time and again in this meeting, discussing  
18 the newly ubiquitous gas-powered scooters. This is  
19 especially critical now as the City finds its  
20 finances under such pressure.

21           We believe the good news is that there's  
22 proven technology ubiquitous in other cities that can  
23 rapidly extinguish this crisis, battery swapping  
24 networks. This is different than a battery buyback  
25 program although very related. Instead of owning



1 their own batteries, delivery workers subscribe to a  
2 service where they check out UL-certified batteries  
3 from a network of kiosks which can be placed  
4 discreetly in out of the way areas rather than high-  
5 traffic streets or plazas. These batteries are  
6 compatible with their existing bikes and are tested  
7 and maintained regularly. When a battery is used up,  
8 they return it to the nearest kiosk and check out a  
9 fresh battery ready to go so that they have no  
10 downtime and can continue working. This functionally  
11 eliminates all major battery fire hazards. A solution  
12 like this can be deployed quickly at minimal cost to  
13 the City while, and this is maybe most important,  
14 saving delivery workers hundreds of dollars a year.  
15 We've already observed this firsthand and seen that  
16 it's incredibly attractive to delivery workers who  
17 are hungry for solutions that make their lives  
18 easier. Because the technology is fairly mature, this  
19 can be deployed in months, not years, to assist with  
20 the transition. We've been grateful so far to hear  
21 support from many corners of the City Council, and  
22 we've been also grateful to be able to work with  
23 multiple key departments of the City towards  
24 realizing this future, and we hope to continue to see  
25

2 it as a central tenant of the City's solution to this  
3 crisis. Thank you.

4 CHAIRPERSON VELÁZQUEZ: Thank you. Before  
5 you leave, I have a quick question. What's the most  
6 important thing to make it possible to do this  
7 transition to have more effective e-bikes in our  
8 system? Elizabeth, if you can answer to that.

9 ELIZABETH ADAMS: Yeah, thank you. I think  
10 what we're seeing in our city right now is we're in a  
11 moment of transition. There is a lot that we can do  
12 to make it more accessible, make it work to have e-  
13 bikes and micro-mobility as a real solution. I think  
14 a real component is infrastructure. As we heard from  
15 delivery workers here today, things like the hubs,  
16 the safe charging around our city, people are looking  
17 for these options and looking to make it work, and  
18 right now our government is behind in meeting the  
19 need. I think what we see is the piece around  
20 accessibility and investing in e-bike rebates so it's  
21 possible people are able to choose the best solution.  
22 Right now, as delivery workers have said, folks are  
23 choosing actually mopeds because they don't have a  
24 place to charge, their battery doesn't last all day,  
25 and that they're sometimes now even more affordable

2 so I think what we're trying to do is say look, there  
3 are more sustainable options. We should be  
4 incentivizing it, making it easier for people to  
5 choose the best measure for our city.

6 CHAIRPERSON VELÁZQUEZ: When you're  
7 talking about accessibility and infrastructure, are  
8 you in agreement with what we've been discussing,  
9 especially with the workers, saying infrastructure  
10 should be across the city including, for me a  
11 priority, should be the outer boroughs, especially  
12 like the boroughs of Queens and Bronx?

13 ELIZABETH ADAMS: Exactly, yeah. Our  
14 streets are the workplace for a lot of New Yorkers,  
15 and I think that is critical for us to be thinking  
16 about how we make our streets as a workplace really  
17 work for people so that means things like hubs, that  
18 means thinking about how we're designing our streets  
19 to really take care of everyone, that are safe. We  
20 are right now, unfortunately, in our highest rate  
21 when it comes to people being killed on our streets  
22 while riding a bike, and we disproportionately see  
23 folks in outer boroughs being hit on streets that  
24 have not been invested in, that have not been  
25 protected, that are not safe, and oftentimes those

2 are folks who are working on our streets, right,  
3 because you don't get to pick the nice greenway or  
4 decide to take one route or the other, right, it's  
5 folks doing their job and so we as a City have a  
6 responsibility to make sure that the workplace that  
7 people are going through every day is safe and is  
8 taken care of for them.

9 CHAIRPERSON VELÁZQUEZ: Julian, just to  
10 ask you a couple of questions. In your testimony, you  
11 had said that there's a lot of redundancy in these  
12 bills that we are discussing today, and so how would  
13 you actually like to see a more effective legislation  
14 and certainly when we're talking about priorities and  
15 even funding some programs, where would you think it  
16 would be best to not only empower our delivery  
17 workers but also to make it easier on the third-party  
18 apps so we're not charging them double, triple costs  
19 and being just more efficient on both ways?

20 JULIAN KLINE: Thank you. I think, to  
21 reiterate, the bill language does not specify a  
22 platform or how to consider that delivery workers  
23 work with multiple platforms so that was a concern. I  
24 think the thing is that as the minimum pay law goes  
25 into effect, right, that would include the 2-plus

2 dollars an hour for expenses which was intended for  
3 e-bike and battery purchasing, and then there is also  
4 the trade-in program, right, which hasn't actually  
5 been rolled out yet so I think it's also important to  
6 understand as those proceed, right, how are they  
7 working and watch them in a really timely manner and  
8 then figure out what is missing from those or are  
9 they covering and being very productive programs and  
10 then understand where to go from there.

11 CHAIRPERSON VELÁZQUEZ: Thank you. David,  
12 I just wanted to pick your brain a little bit about  
13 comparing the costs of a buyback versus a low monthly  
14 fee.

15 DAVID HAMMER: Sure thing. The first thing  
16 to say is, look, I've had the chance to talk to a lot  
17 of delivery workers, I also welcome the voices of  
18 actual delivery workers in this conversation, so what  
19 we hear from delivery workers is that your everyday  
20 expenses include a minimum of two batteries that you  
21 have to buy. Your batteries if you're lucky last two,  
22 two and a half years. That's if they don't get  
23 stolen. In the winter, they're going to perform worse  
24 and you're probably past the useable lifespan by that  
25 second year. Each of those currently cost 400 or 500

2 dollars. That can go up to 750, 800 dollars post UL-  
3 certification. On top of that, they're then spending,  
4 let's say, used to be 50 dollars a month you'd pay  
5 your local bodega, your local e-bike shop to keep  
6 your battery charged there, so your average delivery  
7 worker was easily spending more than 1,000 dollars a  
8 year, easily more than 1,000 dollars a year just to  
9 be able to do their job as a delivery worker in New  
10 York City. Our belief was that by eliminating the  
11 upfront capital costs of having to buy batteries  
12 which are a depreciating asset, right. We've heard  
13 from deliveristas today that they've invested in  
14 their bikes. Those bikes are not short-term assets.  
15 Those are long-term assets. One of the kind of  
16 interesting little I think subtexts of the reason  
17 that Arrow bikes have exploded in popularity is  
18 because they're very easy to repair. There's a strong  
19 parts network around them, right, so there's all of  
20 these subtleties around why these have become the de  
21 facto standard for e-bikes in New York City. The  
22 point is that's an investment. Your battery is not an  
23 investment in the same sense. It's a depreciating  
24 asset that's going to be worthless in two, two and a  
25 half years, so moving to a service fee model that

2 actually net can save them 500, 600, 700 dollars  
3 because you don't have the pay 50, used to be 50, now  
4 it's up to 75 dollars to find an e-bike shop that'll  
5 keep your battery charged, and be able to limit your  
6 capital costs feels like a much stronger solution.  
7 That's why we're very excited about it.

8 CHAIRPERSON VELÁZQUEZ: One of the  
9 questions I asked the Door Dash delivery worker was  
10 is there a way to identify a certified battery or  
11 noncertified battery at this moment for you? You work  
12 in it so...

13 DAVID HAMMER: Yes, very much so.

14 CHAIRPERSON VELÁZQUEZ: As a person like  
15 myself, is there a way that I can distinguish that?

16 DAVID HAMMER: Short answer is no. One of  
17 the core models of our business is we have full  
18 control of our batteries which is how we know. In  
19 theory, batteries are supposed to have a UL mark that  
20 identifies they're UL-certified. I can guarantee you  
21 that there will be a market in forged UL  
22 certifications going around New York City if it's not  
23 there already so, ultimately, the thing you have to  
24 do is identify who the manufacturer of the battery  
25 is, look up on one of the various UL-certifying labs,

2 did they actually do the test. These are not obvious  
3 things that you can do easily, and that's definitely  
4 a challenge.

5 CHAIRPERSON VELÁZQUEZ: Also, just echoing  
6 what I've been asking the Admin, certainly  
7 deliveristas and third-party apps, the benefit of  
8 having infrastructure or just the ability to recharge  
9 in other boroughs, I wanted to hear from your  
10 personal experience how quickly can you scale up  
11 battery swap cabinets across the borough?

12 DAVID HAMMER: Charging cabinets and  
13 swapping cabinets are obviously kind of first cousins  
14 so a lot of the same ideas apply. With charging  
15 cabinets, I think Josh Gold mentioned some of the  
16 potential challenges you run into around how you make  
17 there's charger compatibility, how you deal with  
18 battery security if you're leaving your battery  
19 overnight. When it comes to swapping stations, the  
20 good news is that firsthand what we've learned is  
21 these things are roughly the size of vending  
22 machines, right, and we're currently pursuing I'd say  
23 a strategy where we're able to deploy them post FDNY  
24 approval on private land in all sorts of  
25 unconventional places, turning pretty much any



2 unusual piece of land in New York City into a mini-  
3 charging hub. We understand that Con Ed is  
4 considering some changes that would actually really  
5 make that a lot more economical and affordable for  
6 us, we're obviously excited about that, but the truth  
7 is that if you're willing to kind of be constructive  
8 and creative, these are in some cases as easy to  
9 deploy as an ice machine in New York City and  
10 certainly you can see those in front of every bodega  
11 so we very much see them being placed certainly in  
12 the outer boroughs everywhere delivery workers live  
13 and finding good locations to be able to deploy them  
14 in Manhattan as well that don't necessarily create  
15 conflict between delivery workers and everyday  
16 pedestrians, which I don't think benefits anybody.

17 CHAIRPERSON VELÁZQUEZ: Thank you. All  
18 right. Thank you all.

19 COMMITTEE COUNSEL: Thank you. Our next  
20 panel will be in person. It's Christopher Leon  
21 Johnson and Raul Rivera.

22 Thank you, panelists. Just a reminder the  
23 public testimony will be two minutes and please  
24 remain on topic.

2 CHRISTOPHER LEON JOHNSON: Good afternoon.  
3 My name is Christopher Leon Johnson, and I want to  
4 talk about this non-profit right here, the little  
5 fake deliveristas that are leaving right now called  
6 Los Deliveristas Unidos that's led by Ligia Guallpa.  
7 Now, the issue I have is they're not being  
8 transparent about what they're trying to push with  
9 you guys. Now, they're funded through a third-party,  
10 like another non-profit that's based in Boston,  
11 Massachusetts, and the issue I have is they're  
12 pushing for these, they're acting like they're  
13 fighting for the delivery drivers with these so-  
14 called e-bike regulations and stuff like that, but  
15 they're not because if they were, a lot of things  
16 with them are just not adding up. The leader,  
17 herself, she's shady, she's worked on Trans Alt,  
18 she's the Latino bucket carrier for Trans Alt, that's  
19 all she is, nothing but the token for Trans Alt, the  
20 token Latino organization for Trans Alt, that's all  
21 she is, and the thing is she's not saying that we  
22 need to push for Intro. 758 that's held by Bob  
23 Holden. You know why she's not doing that? It's  
24 because she knows with that BS minimum wage law that  
25 she's pushing in our face and this happens with the

2 Intro. 758, she's going to fall on that sword and she  
3 knows she's going to fall on that sword, and I don't  
4 feel bad at all because she knows what she's doing,  
5 like she's gotta pick. If she really cared about the  
6 delivery drivers, she's going to push for Intro. 758  
7 which is really going to save these guys' lives and  
8 save our lives as pedestrians and drivers and other  
9 cyclists or she's going to be pushing this crappy  
10 bill that's championed by all you guys, not all you  
11 guys, but mainly you, the Chair, and the other Chair  
12 Shahana Hanif in the City Council, which is going to  
13 get rid of all these guys' jobs so I'm going to say  
14 right now, and I don't care, they need to be  
15 investigated, they're a fake organization,  
16 (INAUDIBLE), that little fat, little fat guy, he's a,  
17 wait, wait, wait, you gave her six minutes to speak,  
18 okay, I'm going to say something, you gave her six  
19 minutes to speak..

20 CHAIRPERSON VELÁZQUEZ: We are reminding  
21 you that any testimony over two minutes can be  
22 submitted in writing.

23 CHRISTOPHER LEON JOHNSON: Wait, wait, you  
24 gave her two minutes.

25 CHAIRPERSON VELÁZQUEZ: I hear you.

2 CHRISTOPHER LEON JOHNSON: You gave her  
3 two minutes. You gave her over two minutes. Let me  
4 say something more. He's a construction worker. He's  
5 not a real deliverista, okay, and that's all I gotta  
6 say, he's not a real deliverista, he's a construction  
7 worker, wait, wait, you gave her six minutes to  
8 speak. Let me get my, I'm, give me more time.

9 CHAIRPERSON VELÁZQUEZ: No, before you  
10 started, we advised and we gave everyone..

11 CHRISTOPHER LEON JOHNSON: Yeah, but you  
12 gave her six minutes to speak.

13 CHAIRPERSON VELÁZQUEZ: We're asking you  
14 kindly to wrap it up, and that's it.

15 CHRISTOPHER LEON JOHNSON: You gave her  
16 six minutes to speak, like this is ridiculous. How  
17 you give her six minutes to speak? You gave Trans Alt  
18 people five minutes to speak, but I only get two.

19 CHAIRPERSON VELÁZQUEZ: She got two  
20 minutes just like you.

21 CHRISTOPHER LEON JOHNSON: She got over  
22 two minutes.

23 CHAIRPERSON VELÁZQUEZ: She got two  
24 minutes.

2 CHRISTOPHER LEON JOHNSON: This is  
3 ridiculous.

4 CHAIRPERSON VELÁZQUEZ: You're already  
5 over two minutes so that's what I'm saying.

6 CHRISTOPHER LEON JOHNSON: Yeah, I  
7 understand, but I'm just saying like you gave, your  
8 captive to Trans Alt, your captive (INAUDIBLE) so you  
9 have to give them more than two minutes but regular  
10 people like me and this guy right here we get two  
11 minutes and you want to cut us, I understand, I  
12 understand, I'm done, vote Kristy Marmorato, I'm  
13 endorsing Kristy for City Council District 13.

14 CHAIRPERSON VELÁZQUEZ: Okay, that's off  
15 topic.

16 CHRISTOPHER LEON JOHNSON: Thank you.

17 RAUL RIVERA: Good afternoon. My name is  
18 Raul Rivera. I'm a TLC driver and a TLC driver  
19 advocate. I have over 23,000 trips with Uber, Lyft,  
20 and Juno. Before I speak about batteries, I just want  
21 to say that we are against the TLC and the Mayor  
22 forcing electric vehicles against the taxi driver,  
23 forcing the driver to have all electric by 2030. That  
24 is absolutely wrong. We say no to that. It is also  
25 very important that not only this Committee and not

2 only you, Chair, I'm a constituent of your District,  
3 that all Council Members know, and this is the fifth  
4 time I speak about, I'm pretty sure it's just going  
5 to go right over your head and everybody else's head  
6 but we document what we do and our advocacy is to  
7 expose what's happening when it comes to cobalt and  
8 the children in the Congo so we document everything,  
9 we put it out there, and nobody can say that we  
10 didn't bring up. You cannot say that you didn't know  
11 about it. You may not know what cobalt is. Do you  
12 know what cobalt is, Council Member, Chair, do you  
13 know what cobalt.

14 CHAIRPERSON VELÁZQUEZ: You have 43  
15 seconds.

16 RAUL RIVERA: I'll take that as a no. You  
17 don't know what cobalt. I'll tell you what cobalt is.  
18 Cobalt is one of the main minerals needed to make  
19 these electric vehicles, and we have children, and  
20 you're a mother, I believe you have children, we have  
21 children in the Congo digging for that mineral,  
22 they're using their bare hands to dig for that  
23 mineral so the Mayor, the TLC, so New York City can  
24 brag about being the first city in the U.S. that went  
25 all green. You're doing it on the backs of the

2 children in the Congo. We shared this information  
3 over and over again. This is the fifth time that we  
4 talk about it. I know you're going to ignore it. I  
5 know you're going to ignore it.

6 CHAIRPERSON VELÁZQUEZ: Thank you.

7 RAUL RIVERA: There you go. You're  
8 ignoring it, but we put it out there.

9 CHAIRPERSON VELÁZQUEZ: Your two minutes  
10 are up.

11 RAUL RIVERA: The children of the Congo  
12 and your legacy, the legacy of all the Council  
13 Members, the exploitation of children, don't forget  
14 that.

15 COMMITTEE COUNSEL: Thank you. Our next  
16 panel will be a Zoom panel. We're starting with  
17 Melina Hanson followed by Eric McClure followed by  
18 Adam Roberts followed by Sarah Lind (phonetic).

19 SERGEANT-AT-ARMS: Starting time.

20 COMMITTEE COUNSEL: Melina Hanson, you may  
21 begin your testimony now.

22 SERGEANT-AT-ARMS: Starting time.

23 MELINDA HANSON: Hi. Good afternoon. My  
24 name is Melinda Hanson, and I'm a cofounder of the  
25 Equitable Commute Project, the coalition of seven New

2 York City organizations working to expand economic  
3 opportunity through e-bikes. The ECP is currently  
4 running an e-bike trade-in program for delivery  
5 workers. Through the program, workers can exchange  
6 their non-certified bikes, mopeds, or scooters for a  
7 1,400-dollar subsidy on a UL-2849-certified e-bike.  
8 With this discount, our bikes cost between 700  
9 dollars and 1,900 dollars, and this includes two UL-  
10 certified batteries. Low-interest credit-building  
11 financing is available through our partner, Spring  
12 Bank. Our program launched in late summer with trade-  
13 ins beginning in September and happening every other  
14 Wednesday. A special vendor with special equipment  
15 comes and picks up the batteries and makes sure that  
16 they're sustainably recycled. We currently have more  
17 than 250 applicants and have exchanged about 20  
18 bikes.

19 Now, let me share a bit about what we've  
20 learned. About 60 percent of those who have applied  
21 for the program are full-time delivery workers, 25  
22 percent deliver part time, and 15 percent deliver  
23 occasionally. About 45 percent of applicants  
24 purchased their current vehicle at a shop in New York  
25 City while around 30 percent purchased them online.



2 90 percent of applicants currently charge their  
3 batteries at home, and 67 percent say they are  
4 applying to the program because they are concerned  
5 about battery safety. While we believe the program is  
6 succeeding, it's moving more slowly than we'd like.  
7 We're having a relatively time with enrollment but  
8 getting workers to agree to give up an asset they've  
9 already invested in and then spend between 700  
10 dollars and 1,900 dollars on a new, unfamiliar e-bike  
11 is a challenge. To help speed things along, we're  
12 partnering with community groups and enrolling  
13 participants to become ambassadors for the program.  
14 We're also working with manufacturers to customize  
15 the e-bikes to better meet worker needs, for example,  
16 by adding on racks to store the battery and extend  
17 the range.

18 As was mentioned earlier, there's a  
19 strong reluctance to give up Arrow bikes. For those  
20 folks who are interested in the program, many don't  
21 want to give them up. They have especially large  
22 batteries which helps with range. We've looked high  
23 and low, and there are currently no UL-certified  
24 batteries that work for these bikes. Furthermore,  
25 we've been advised by dozens of industry experts that

1 system level UL certification, meaning the 2849  
2 standard, is by far the safest option and that  
3 exchanging just batteries could introduce new  
4 hazards. Some program applicants have decided to not  
5 go with the program and have instead opted to switch  
6 to gas-powered mopeds, which are cheaper, faster, and  
7 can be conveniently refilled at gas stations. This is  
8 catastrophic for our city. We've heard some about the  
9 road safety risk which is enormous. We've also done  
10 some analysis and found that this could result in  
11 additional 51,000 metric tons of carbon emissions per  
12 year, and that would be the equivalent of adding  
13 about 11,000 new cars to New York City streets. We  
14 must do everything possible to reverse this trend,  
15 and trade-in programs that bring the costs of  
16 certified bikes is an essential component.

18           Regarding the bills today, we strongly  
19 support Resolution 718 and 746. We need state and  
20 federal action to stop the import of hazardous  
21 batteries and send a consistent regulatory message  
22 that will encourage innovation in UL-certified e-  
23 bikes.

24           We also support bill...

2 SERGEANT-AT-ARMS: Thank you. Your time is  
3 expired.

4 MELINDA HANSON: I'm sorry.

5 SERGEANT-AT-ARMS: Time expired.

6 MELINDA HANSON: Okay, I'll be like 20  
7 more seconds. We also support bill 1220 which would  
8 create licensing requirements for retailers. We've  
9 seen a lot of misinformation being spread. Some  
10 retailers are claiming that their devices are UL-  
11 certified when they're not, and others are telling  
12 their customers that mopeds do not require a license  
13 to operate. More must be done to reign this in.

14 Finally, we support bill 822 which would  
15 create a safety certification program for mechanics.  
16 The micro-mobility industry is expected to be a 440-  
17 billion-dollar market by 2030, and New York is poised  
18 to be a leader. In addition to creating a  
19 certification, the City should embrace and fund e-  
20 bike technician training as part of its broader  
21 workforce development initiatives. I will stop there.

22 CHAIRPERSON VELÁZQUEZ: Thank you so much  
23 and you could submit the rest of your statement via  
24 email to...

2 COMMITTEE COUNSEL:

3 [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).

4 CHAIRPERSON VELÁZQUEZ: Thank you so much  
5 for coming.

6 COMMITTEE COUNSEL: Next, we'll have Eric  
7 McClure.

8 SERGEANT-AT-ARMS: Time starts now.

9 ERIC MCCLURE: Thank you. Thank you, Chair  
10 Velázquez, Council Member Feliz, for the opportunity  
11 to testify. My name is Eric McClure. I am the  
12 Executive Director of Streets PAC.

13 E-bikes and electric scooters are  
14 powering the micro-mobility revolution. Sales of such  
15 devices skyrocketed at the start of the pandemic and  
16 are expected to double again in just the next five  
17 years. Half the trips made by any mode in New York  
18 City are under three miles, and many could be made  
19 easily on e-bikes. Their ability to extend range and  
20 to assist in climbing a bridge or hill is key to  
21 their soaring popularity among commuters, working  
22 cyclists, the elderly, and people of limited  
23 mobility. E-bikes are also central to the City's  
24 booming food delivery system which kept the

2 restaurant industry alive during the pandemic and has  
3 not subsided.

4 At the same time, the City is facing a  
5 tremendous safety challenge due to the proliferation  
6 of substandard lithium-ion batteries which have  
7 caused many fires, resulting tragically in numerous  
8 fatalities. It's essential we prevent unsafe  
9 batteries from ever entering circulation and that we  
10 work to remove dangerous batteries that are in use as  
11 rapidly as possible. Secure battery storage and  
12 charging infrastructure solutions exist, and the City  
13 should be investing in developing a robust network of  
14 such facilities including the rapid buildout of  
15 promised deliveristas hubs. It's also important to  
16 note that safe UL-certified lithium-ion batteries are  
17 more expensive than substandard or reconditioned  
18 batteries, and the cost differential drives their use  
19 by delivery workers. We urge the Council to push City  
20 Hall to ensure robust funding for Local Law 131  
21 passed last month which creates a low-cost or no-cost  
22 battery exchange program to provide safe batteries  
23 and powered mobility devices. Getting this right is  
24 essential as many delivery workers are switching to  
25 gas-powered mopeds, many of which are not street

2 legal due to fears about battery safety and the lack  
3 of adequate charging infrastructure. Gas-powered  
4 mopeds are dirtier and noisier and in most cases  
5 faster than e-bikes, and it's critical that the City  
6 work to reverse their growing adoption and make it  
7 easy, safe, and affordable for delivery workers to  
8 acquire and use e-bikes.

9 As to the legislation under consideration  
10 today, we largely support all of it. We will submit  
11 detailed testimony with our positions on each  
12 individual bill.

13 For Intro. 1220, we have not taken a  
14 position. We think more information is needed as to  
15 exactly how a licensing system should work.

16 We do support both resolutions and  
17 especially the need for the federal government to  
18 pass the Setting Consumer Standards for Lithium-ion  
19 Batteries act to help prevent the flow of substandard  
20 devices into the country and into New York City.

21 Lastly, on Intro. 1168 and 1163, we  
22 strongly support the creation of a fund. It's  
23 something that could be modeled on the Black Car  
24 Fund, an equivalent type of setup for deliveristas  
25 funded by the app companies and delivery surcharge.

2 We think that's absolutely necessary and a way to  
3 help make the entire infrastructure and ecosystem  
4 more sustainable.

5 Thank you.

6 CHAIRPERSON VELÁZQUEZ: Thank you. I have  
7 a quick question. What do you see as the biggest  
8 obstacle in ensuring all residents have UL-certified  
9 devices?

10 ERIC MCCLURE: I'm hardly an expert on  
11 batteries. I do think the cost differential is a real  
12 major concern for deliveristas. I know you heard  
13 testimony today about the costs and the difficulty of  
14 obtaining UL-certified batteries as things stand now  
15 so I don't have a simple answer to that, but I do  
16 think that a City program that would subsidize the  
17 purchase of UL-certified batteries and devices that  
18 are based on UL-certified batteries would certainly  
19 help tremendously.

20 CHAIRPERSON VELÁZQUEZ: I believe Council  
21 Member Feliz has a question for you.

22 COUNCIL MEMBER FELIZ: Thank you so much  
23 for your testimony. You mentioned a few terms  
24 including surcharge and also Black Car Fund. Just  
25 curious, what are ideas that you have in terms of how

2 we could make something like that work in this  
3 context?

4 ERIC MCCLURE: There's not a direct and  
5 complete correlation to the Black Car Fund. I think  
6 that's more of an insurance and benefits program for  
7 livery car drivers, but I think it's a model that  
8 would help tremendously with the delivery  
9 infrastructure and ecosystem in New York City. The  
10 app companies that testified earlier certainly seemed  
11 to be open-minded about paying into a fund. I do  
12 think a small surcharge on all deliveries to  
13 consumers would contribute to that fund, and,  
14 contrary to what the gentleman from Door Dash, I  
15 don't think it would have a tremendous impact on the  
16 number of orders being placed and deliveries being  
17 made. I think that kind of structure, which could be  
18 further subsidized by the City, to help provide for  
19 the delivery workers is certainly something that's  
20 highly doable.

21 COUNCIL MEMBER FELIZ: Thank you.

22 COMMITTEE COUNSEL: Thank you. Next, we'll  
23 hear from Adam Roberts.

24 SERGEANT-AT-ARMS: Time starts now.

25



2 ADAM ROBERTS: Thank you for holding this  
3 hearing today. I'm Adam Roberts, Policy Director for  
4 the Community Housing Improvement Program, also known  
5 as CHIP. We represent New York's housing providers  
6 including apartment building owners and managers. We  
7 are here to testify in support of stronger e-bike  
8 regulations, particularly regarding lithium  
9 batteries.

10 Lithium batteries are an increasing  
11 safety risk for tenants and apartment building  
12 workers. The fires they cause are often deadly and  
13 leaves survivors homeless. As we have seen, these  
14 fires most directly harm tenants and workers in  
15 affordable housing including rent-stabilized housing.  
16 Last week, an e-bike fire in Bushwick left five  
17 tenants, two of whom were children, seriously  
18 injured. These fires are also detrimental to the  
19 continued operation of the buildings themselves,  
20 depleting funds from maintenance and sending  
21 insurance rates skyrocketing. This comes at a time in  
22 which banks refuse to provide loans to buildings with  
23 rent-stabilized apartments and insurers charge  
24 exorbitant rates. Currently, the law places little  
25 responsibility on those using or distributing unsafe

2 batteries as well as the companies that benefit from  
3 e-bike deliveries. DEP and FDNY have increasingly put  
4 the onus on housing providers to remove these  
5 batteries, issuing substantial fines and requiring  
6 removal at their expense. Yet, housing providers and  
7 their workers do not have a legal right to enter  
8 occupied apartments and seize these batteries without  
9 permission or court order. None of these bills  
10 directly address the major safety risk this situation  
11 poses. Until liability for unsafe conditions is  
12 assigned to the businesses and individuals who are  
13 using lithium batteries, e-bike fires will continue  
14 to spread. Similar to legal short-term rentals, until  
15 enforcement targets those conducting illegal and  
16 unsafe business in apartments, those activities will  
17 continue. Legislation must be introduced to close  
18 this loophole. Until lithium batteries are regulated  
19 and enforcement is properly targeted, e-bike fires  
20 will continue to grow in number, and the dangers to  
21 tenants and workers will continue. We welcome the  
22 opportunity to work with the Council on drafting  
23 legislation that will address the lack of regular and  
24 enforcement. Again, thank you.

2 COMMITTEE COUNSEL: Thank you. If we have  
3 inadvertently missed anyone who has registered to  
4 testify today and has yet to be called, please speak  
5 with the Sergeant or, if you are remote, use the Zoom  
6 hand function, and you will be called on in the order  
7 that your hand has been raised. That includes Zoom  
8 registrant, Sarah Lind.

9 COMMITTEE COUNSEL: Not seeing any hands,  
10 I'll turn it over to Chair Velázquez for any closing  
11 remarks.

12 CHAIRPERSON VELÁZQUEZ: All right. With  
13 that being said, thank you, everyone, for coming out  
14 and have a great one.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 2, 2023