



## Legislation Text

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Int. No. 1163

By Council Members Rivera, Lander, Rosenthal, Adams, Reynoso, Levin, Menchaca, Kallos, Ayala, Powers, Van Bramer, Richards, Levine and Chin

A Local Law to amend the administrative code of the city of New York, in relation to preserving bicycle lanes during street work

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

§ 19-160 Preservation of bicycle lane. a. Definitions. As used in this section, the following terms have the following meanings:

Bicycle. The term “bicycle” means a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by a child.

Bicycle lane. The term “bicycle lane” means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

b. Requirements. Any bicycle lane affected by work authorized by a permit issued pursuant to this subchapter must be preserved during the course of such work according to the following requirements:

1. The bicycle lane must maintain a width of no less than three quarters of its original width or four feet, whichever is greater;

2. The bicycle lane must be separated from motorized vehicle traffic by a barrier of such material and

dimensions as the department shall determine will best promote the safe use of the street; and

3. The bicycle lane may not be open to pedestrian traffic.

c. Exceptions. The department may make an exception to any requirement of this section where it determines that to implement such requirement is likely to cause significant disruption to traffic flow and where the bicycle lane may be preserved by alternative measures that do not substantially compromise the safe use of the street. In making any such determination, the department shall prioritize the safety of all users of the street. Any permit providing for an exception must state the department's determination that an exception applies and the required alternative measures.

d. Statement of compliance. Any permit issued pursuant to this subchapter that authorizes work affecting a bicycle lane must contain a statement of compliance with the requirements of this section and section 19-187 of this title.

§ 2. Subdivisions a, b and c of section 19-187 of the administrative code of the city of New York, as added by local law number 61 for the year 2011, are amended to read as follows:

§ 19-187 Community board hearings on the construction, alteration or removal of bicycle lanes. a. Definitions. For the purposes of this section, the following terms [shall be defined as follows] have the following meanings:

[1. “[Affected council member(s) and community board(s)]” shall mean]. The term “affected council member(s) and community board(s) means the council member(s) and community board(s) in whose districts a [proposed] bicycle lane is proposed or planned to be constructed, altered or removed, in whole or in part.

[2. “[Bicycle lane]” shall mean]. The term “bicycle lane” means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

b. 1. Except as provided below, at least ninety days before the construction, the alteration or the removal of a bicycle lane is to begin, the department shall post the proposed plans on its website, notify each affected council member and community board via electronic mail of the proposed plans for the bicycle lane within the

affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

2. If the affected community board accepts the offer made pursuant to paragraph one of this subdivision and holds such hearing within forty-five days of the department sending the notice required under paragraph one of this subdivision, the department shall make a presentation of the proposed plans at such public hearing to receive input on such plans and shall not construct, alter or remove such bicycle lane until forty-five days after such public hearing.

3. When notice is given under paragraph one of this subdivision between June 20 and August 6, the period for a public hearing under paragraph two of this subdivision shall conclude on September 20; provided that the department may construct, alter or remove such bicycle lane at the conclusion of the ninety day notice period provided in paragraph one of this subdivision or ten days following such hearing, whichever is later.

c. The department shall consider comments from such public hearings and may incorporate changes, where appropriate, into its bicycle lane plan or cancel plans for construction, alteration or removal of such bicycle lane where it determines such bicycle lane would be inappropriate.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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