Int. No. 874

By Council Members Hanks, Ariola, Banks, Mealy, Louis and Hudson

A Local Law to amend the administrative code of the city of New York, in relation to establishing a pilot abatement program for unsafe operators of pedal-assist bicycles

Be it enacted by the Council as follows:

§ 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new subchapter 5 to read as follows:

Subchapter 5

Dangerous Pedal-Assist Bicycle Abatement Pilot Program

§ 19-199.8 Definitions. For the purposes of this section, the following terms have the following meanings:

Covered operator. The term "covered operator" means any pedal-assist bicycle operator who, in accordance with the records of the department of finance, has accumulated 3 or more finally adjudicated predicate violations, as determined by the department, within any 12-month period.

Predicate violation. The term "predicate violation" means the notice of liability issued for failure of a pedal-assist bicycle operator to comply with section 19-176 or 19-195.1, or such rules as promulgated by the commissioner to effectuate such sections.

Pedal-assist bicycle. The term "pedal-assist bicycle" means a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Safe pedal-assist bicycle operation course. The term "safe pedal-assist bicycle operation course" means a course approved by the department that educates pedal-assist bicycle operators about safe pedal-assist bicycle

operation.

§ 19-199.9 Information for pedal-assist bicycle operators. The department shall send by first-class mail, to all persons receiving a predicate violation, an informational letter stating that, pursuant to this subchapter, a pedal-assist bicycle operator who incurs 3 or more predicate violations within any 12-month period may be determined to be a covered operator, and that such person may thereafter be required to enroll in and complete a safe pedal-assist bicycle operation course pursuant to this subchapter and the rules of the department. Such informational letter shall also contain a warning that failure to enroll in and complete such course may result in the seizure and impoundment of any pedal-assist bicycle in the possession of such covered operator, pending completion of such course.

§ 19-199.10 Covered operator notice and safety course. a. The department may require a covered operator, pursuant to this subchapter, to complete a safe pedal-assist bicycle operation course in accordance with rules promulgated by the department and to certify completion of such course to the department within the time period set forth in such rules.

1. The department shall serve a notice of such requirement for completion by first-class mail to the covered operator.

2. Such course shall educate pedal-assist bicycle operators about the dangers resulting from pedal-assist bicycle operators failing to comply with traffic signals and operating a pedal-assist bicycle in an unsafe manner, including the potential to cause injury or death. Such course shall be conducted by utilizing a skilled facilitator to actively engage participants in self-reflection and discussion to identify and commit to specific safe pedal-assist bicycle operation practices. The goal of such course is to prevent pedal-assist bicycles from becoming dangerous instruments by educating operators about responsible pedal-assist bicycle operation.

b. A covered operator may request review by the department of a notice received pursuant to subdivision a of this section, within the time period set forth in rules promulgated by the department. The covered operator shall have the opportunity to contest such notice before the office of administrative trials and

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hearings. At a hearing, the operator may assert defenses, including but not limited to:

1. there are an insufficient number of finally adjudicated predicate violations for such covered operator notice; and

2. employment, health or family circumstances beyond the control of the covered operator would cause undue hardship and prevent them from completing the safe pedal-assist bicycle operation course within the time frame required by this subchapter.

c. If the office of administrative trials and hearings finds that such covered operator must complete the safe pedal-assist bicycle operation course, such covered operator shall complete such course within a period of time after such determination, as set forth in rules promulgated by the department.

§ 19-199.11 Seizure and impoundment. a. Where a covered operator fails to complete the safe pedal-assist bicycle operation course in accordance with this subchapter, any pedal-assist bicycle in the possession of such covered operator may be subject to impoundment in accordance with this section. Pedal-assist bicycles belonging to a bike share, as that term is defined in section 19-193, shall not be considered in the possession of a covered operator for the purposes of this subchapter.

b. The department shall serve an order by first-class mail upon the covered operator. Such order shall require the covered operator to complete the safe pedal-assist bicycle operation course and certify to the department completion of such course within a period of time to be set forth in such order, or appear at a hearing before the office of administrative trials and hearings at a time and place set forth in such order, at which such covered operator may present reasons why any pedal-assist bicycle belonging to such covered operator should not be seized and impounded until such covered operator completes the safe pedal-assist bicycle operation course. The determination of the office of administrative trials and hearings shall be a final determination for purposes of review, pursuant to article 78 of the civil practice law and rules.

c. If the office of administrative trials and hearings sustains the order of seizure and impoundment, the department shall direct the city sheriff, after 20 days have passed from the date of such final determination, to

seize and impound any pedal-assist bicycle in the possession of the covered operator. A pedal-assist bicycle in the possession of a covered operator may be immediately seized and impounded by a law enforcement officer if it is found to be used in the commission of another predicate violation. Such pedal-assist bicycle shall not be released until the covered operator provides certification of completion of the safe pedal-assist bicycle operation course, in accordance with rules promulgated by the department, and pays fees in the amount of the city's expenses for the seizure and impoundment of such pedal-assist bicycle that was in the possession of the covered operator.

§ 19-199.12 Successful completion of safe pedal-assist bicycle operation course. If within six months after completing a safe pedal-assist bicycle operation course a covered operator does not accumulate any additional predicate violations, any predicate violations accrued prior to the completion of such course shall not be counted as predicate violations for purposes of this subchapter.

§ 19-199.13 Program evaluation. The department shall publish on its website and report to the mayor and the speaker of the council on the implementation of this subchapter and the department's efforts to reduce dangerous pedal-assist bicycle operation, which shall contain, at a minimum, the following information:

a. no later than 13 months after the effective date of the local law that added this subchapter, and every year thereafter until the year following the expiration of the program established by the local law that added this subchapter, a report on the number of individuals who registered for the safe pedal-assist bicycle operation course and the number of individuals who completed such program, during the previous 12-month period;

b. no later than 13 months after the effective date of the local law that added this subchapter, and every year thereafter until the year following the expiration of the program established by the local law that added this subchapter, a report on the number of pedal-assist bicycles impounded pursuant to this subchapter, within the previous 12-month period;

c. no less than 3 months prior to the expiration of the program established by the local law that added this subchapter, an evaluation of the effectiveness of the safe pedal-assist bicycle operation course, including,

but not limited to, the number of individuals who completed such course who were later found liable for a predicate violation following completion of such course and the number of such violations;

d. no less than 3 months prior to the expiration of the program established by the local law that added this subchapter, a study of pedal-assist bicycle behavior to identify specific behaviors indicating a pattern of dangerous pedal-assist bicycle operation associated with traffic crashes, injuries, and fatalities, including, but limited to, and to the extent feasible, an analysis of police reports on hit-and-run accidents by pedal-assist bicycles, and convictions for traffic-related violations or crimes; and

e. no less than 3 months prior to the expiration of the program established by the local law that added this subchapter, changes in patterns of dangerous pedal-assist bicycle operation and any additional interventions undertaken by the department or another city agency designed to address dangerous pedal-assist bicycle operation.

§ 2. This local law takes effect 12 months after it becomes law and applies to predicate violations, in section 1 of this local law, committed on and after such effective date, and shall remain in effect for 36 months, after which it is deemed repealed.

Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any covered operator required to take a safe pedal-assist bicycle operation course pursuant to subchapter 5 of chapter 1 of title 19 of the administrative code of the city of New York, as added by this local law, prior to such repeal.

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