



HARVEY EPSTEIN  
Assemblymember 74<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

**Testimony to the Department of Transportation on Proposed E-Bike Rules**  
**Office of Assemblymember Harvey Epstein**  
**5/29/2018**

Good afternoon, my name is Jackson Fischer-Ward and I am here representing the Office of Assemblymember Harvey Epstein from the 74<sup>th</sup> District which represents the neighborhoods East Side of Manhattan, including the neighborhoods of the Lower East Side, East Village, Alphabet City, Stuyvesant Town/Peter Cooper Village, Murray Hill, Tudor City and the United Nations.

I was heartened when the Mayor announced that the Department of Transportation would begin the rule-making process to clarify that pedal-assisted electric bicycles, or “E-bikes” were in fact legal to ride. Beginning this process now is critical to ensure that more people, especially older riders or those with mobility issues, are able to use cycling as a form of exercise and transportation. In my district, and across the city, commuters will need more ways to get around the city as they face the L train shutdown in 2019, and an increasingly unreliable subway.

While these proposed rules represent a step in the right direction, they miss an opportunity to address the reality of how many New Yorkers use e-bikes in their daily lives. In particular, these proposed rules ignore the fact that many e-bikes on the road are of the “combination” variety, meaning they have both pedal-assist and throttle functions. These combination e-bikes would remain illegal under the proposed rules, and as a result, delivery workers, who need to use these vehicles every day, are going to continue to be criminalized for doing their jobs.

We should not be in the business of criminalizing these estimated 40,000 workers for doing their jobs, which is what the proposed rules will do in their current form. Instead, DOT should work towards a commonsense solution that acknowledges the status quo and provides a pathway to making combination bikes comply with these proposed rules. To do this, the language in the proposed rules should be changed in order to allow owners of combination bikes the opportunity to “convert” their e-bikes in so that they can comply with the proposed rules. Transportation Alternatives, Make the Road, the Biking Public Project, and the Asian American Foundation have identified ways to appropriately govern the speeds of combination bikes as well as disable the throttle function—these options should be strongly considered and the implementation of any new rules should be done in consultation and conversation with the community of delivery workers that these rules will impact.

As a condition of this policy taking effect, we need to prioritize strict enforcement of the rules



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of the road and make safety equipment and training available to riders. Finally, when it comes to enforcement, individual delivery workers should not be bearing the cost of fines. That responsibility should fall to the businesses who are putting their employees in difficult situations. Thank you for the opportunity to testify today on this important issue.



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