



January 30, 2024

Hon. J. Gary Pretlow, Chair
Committee on Ways and Means
New York Assembly

Hon. Liz Krueger, Chair
Finance Committee
New York Senate

Re: FY 2026 Executive Budget - Transportation - Part G: Electric Bicycles

Dear Chair Pretlow and Chair Krueger;

PeopleForBikes appreciates the opportunity to provide our views on the [FY 2026 budget bill](#) for Transportation, Economic Development and Environmental Conservation.

PeopleForBikes **supports** Part H, which would authorize New York City to establish speed limits for devices operating in bicycle lanes and paths.

PeopleForBikes **opposes** the proposed language in Part G and offers the following suggested amendments to that provision.

About PeopleForBikes

The PeopleForBikes Coalition is the sole trade association for U.S. manufacturers, suppliers and distributors of bicycle products, including electric bicycles. In 2019 PeopleForBikes merged with the Bicycle Product Suppliers Association (BPSA) to form a single trade association to represent the interests of the U.S. bicycle industry. We have over 300 members who produce goods in every segment of the bicycle market, from high-end competition bicycles to affordable kid's bikes. Our members produce the full range of components, parts, and accessories used for bicycling, as well as electric bicycles. Our membership is a true cross-section of the U.S. bicycle industry.

PeopleForBikes has been the leader in working state-by-state to create modern, harmonized standards for the regulation of electric bicycles throughout the United States. PeopleForBikes developed the Three-Class Model Law¹ to better define and regulate the various types of electric bicycles, which has now been adopted in whole

¹ <https://www.peopleforbikes.org/electric-bikes/policies-and-laws>

or part by 43 states and the federal government. PeopleForBikes also publishes an electric bicycle-specific Owner's Manual for use by the industry with new electric bicycles that includes content on safe and considerate riding behaviors. With our partner, Call2Recycle, PeopleForBikes created the first nationwide [program](#) for safe recycling of used or damaged batteries from electric bicycles. PeopleForBikes also created a Battery Owner's Manual to support compliance with New York [legislation](#) that requires sellers to provide important safety information to consumers in multiple forms and languages.

Part G: Reclassifying Ultra-Heavy Class 3 E-Bikes as Mopeds

Part G would amend subdivision (c) of [Section 102-c](#) of the vehicle and traffic safety law by changing New York's definition of a "class three bicycle with electric assist" as follows:

(c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle weighing less than one-hundred pounds with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

Part G would then include class three bicycles "weighing 100 pounds or more" within the definition of "limited use motorcycles" by adding a new subsection (b) to [Section 121-b](#) of the vehicle and traffic code:

(b) A class three bicycle with electric assist as defined in subdivision (c) of section one hundred two-c of this article, weighing one-hundred pounds or more.

Limited use motorcycles are motor vehicles that must be [registered](#) with and are subject to additional [equipment](#) requirements. Part G would apply those requirements to 100+ pound Class 3 electric bicycles.

There are a number of issues with this regulatory approach. First, it is definitionally inconsistent to require in the definition of a "class three bicycle with electric assist" that it *must weigh less than 100 pounds*, and then include a "class three bicycle with electric assist" that *weighs 100 pounds or more* within the definition of a limited use motorcycle. A vehicle is either a "class three bicycle with electric assist" (because it weighs less than 100 pounds) or it is not. It can't be both.

Secondly, Part G appears designed to address the use of certain heavier electric mopeds in New York City and the risks they pose to their operators, other cyclists and pedestrians. The use of illegal, often unregistered gas and electric mopeds in New York is a real issue, but not one that can be resolved through subdividing vehicles that are currently defined as Class 3 electric bicycles into two subsets, one of which is regulated like traditional bicycles, and the other which is treated as a motor vehicle. Because the root cause is the defective underlying definition of a “Class 3 electric bicycle.”

In 2020 when the Legislature passed Section 102-c and included a definition of “class 3 bicycle with electric assist” in subsection (c) that unwisely diverged from federal vehicle law (and the laws of other states) because it treated a vehicle that is capable of speeds up to 25 miles per hour on motor power alone as a bicycle.

Under federal law, a low-speed electric bicycle cannot exceed **20 miles per hour on motor power alone** (meaning by use of a throttle). [15 USC 2085](#). The bicycle safety regulations of the U.S. Consumer Product Safety Commission (CPSC) exactly track this statutory definition, and under those regulations an electric bicycle is also limited to a maximum speed of 20 miles per hour on motor power alone. [16 CFR 1512.2](#). The National Highway Transportation Agency (NHTSA) consistently treats the capability to travel more than 20 miles per hour on motor power alone as the [boundary](#) between motor vehicles and lower speed vehicles like electric bicycles that are not motor vehicles. Capable of going more than 20 miles per hour on motor power alone? Not an electric bicycle.

But under current Section 102-c(c), a class three electric bike in New York City can travel up to **25 miles per hour on motor power alone**. That makes New York City the only place in the world that defines a motor vehicle as a type of electric bicycle.

Because these vehicles are generally treated as motor vehicles elsewhere and the legality² of selling them to the public for use on public roads is highly questionable under federal law, most traditional US bicycle manufacturers do not make electric bicycles that would be defined as “class 3” under New York law. After the enactment of 102-c(c), a few manufacturers did take the risk of making and selling these unique

² A Class 3 vehicle under Section 102-c(c) does not meet the definition of a “low-speed electric bicycle” under 15 USC 2085 or CPSC regulations in 16 CFR 1512.2. While Section 102-c requires that electric bicycles meet “... the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission” by definition they cannot, and are therefore vehicles without any mandatory federal safety standards. Importantly, a Section 102-c(c) Class 3 electric bicycle would not be subject to mandatory federal safety standards for lithium ion batteries that may in the future be adopted by the CPSC.

“class 3 electric bicycles” that are now used extensively in New York City. Not unpredictably, their use has led to a number of unique problems in that city, including a hugely disproportionate number of [crashes, injuries and deaths](#).

At the same time, the Section 102-c(c) Class 3 definition recognizing these overly fast motor vehicles as electric bicycles also *excluded legitimate Class 3 pedal-assist* bicycles that are made and sold by reputable US companies, and used and enjoyed safely by consumers across the entire rest of the United States.

The solution to the problems created by the current definition of “Class 3” in section 102-c(c) is not to complicate matters by carving off a subset of “heavy” e-bikes and declaring them limited use motorcycles. ***Because many, if not most, of the vehicles currently defined as “Class 3 electric bicycles” by 102-c(c) should never have been considered to be electric bicycles in the first place.*** The solution is to amend Section 102-c(c) in Part G of the Executive Budget to make the definition of “Class 3” conform to both federal vehicle law and the laws of the vast majority of other states by adopting the Three Class system, as follows:

§ 102-c. Bicycle with electric assist. A bicycle which is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements of one of the following three classes:

(a) "Class one bicycle with electric assist." A bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.

(b) "Class two bicycle with electric assist." A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.

(c) "Class three bicycle with electric assist." ~~Solely within a city having a population of one million or more, a~~ Δ bicycle with electric assist having an electric motor that may not be used exclusively to propel such bicycle in excess of 20 miles per hour, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-~~five~~ eight miles per hour.

As as a result of these proposed amendments to Section 102-c(c):

- Class 3 pedal-assisted electric bicycles would become legal in New York
- Certain “e-bikes” that can travel more than 20 miles per hour on motor power alone would become Class B limited use motorcycles, not electric bicycles, and therefore subject to registration
- As redefined, Class 3 “bicycles with electric assist” would become subject to CPSC bicycle safety standards, including future battery safety standards

It should be noted that Part H of the FY 2026 Executive Budget for Transportation would authorize New York City to set speed limits for bicycle lanes and paths that could not exceed the speed limit for vehicles in adjacent traffic lanes. Additionally, the passage of Sammy’s Law allows New York City to adopt speed limits of 20 miles per hour (or less) on streets with less than three lanes. It therefore appears likely that the speed limit on many New York City bike lanes will soon be set at 20 miles per hour. Studies show that these reduced speeds reduce crashes and improve cyclist and pedestrian safety - and they would also obviate the need for throttle-actuated “Class 3” electric bicycles that can travel up to 25 miles per hour.

Importantly, amending the current definition of a Class 3 electric bicycle would bring vehicles meeting that description within the federal definition of a low-speed electric bicycle and therefore within the statutory jurisdiction of the CPSC. It is anticipated that the CPSC will soon be proposing new mandatory battery and electrical safety standards for electric bicycles that are within its jurisdiction. If Section 102-c(c) is amended to bring New York City’s “class 3” vehicles within the CPSC definition, their safety will be regulated by the federal government. If not, or if they are simply redefined as limited use motorcycles, they will not be regulated consumer products.

PeopleForBikes expects that other advocates may argue against a change to the definition of Class 3 electric bicycle because of the thousands of “e-bikes” meeting that definition that are currently in use in New York City by delivery workers. Various [efforts](#) are underway to replace those vehicles over time because many of them in service do not meet electrical safety standards. To accommodate that transition, the change to Section 102-c(c) could be made effective immediately for greater New York and new Class 3 electric bicycles sold in the state, while existing “former” Class 3 vehicles could be “grandfathered” in for a period of time in cities of over one million people.

With respect to the proposed weight limit on Class 3 electric bicycles, if the underlying definition is amended as suggested by PeopleForBikes, this would not be needed. Virtually all true electric bicycles intended for the consumer market (of all classes) weigh less than 100 pounds. Vehicles heavier than 100 pounds are likely to be excessively powerful and fast mopeds or motorcycles due to their larger batteries and motors. One possible exception is low-speed commercial delivery or “cargo bike” vehicles. The legal definition of these last mile commercial delivery vehicles is still evolving and will likely need to be considered by the legislature in the near future.

PeopleForBikes appreciates the opportunity to provide our comments on the FY 2026 Executive Budget for Transportation. We strongly encourage the Executive to remedy the above issues with Section 102-c by adopting widely accepted regulatory standards for low-speed electric bicycles in New York. We are available to discuss these comments and the issues raised herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matt Moore', written in a cursive style.

Matt Moore

Policy Counsel

matt@peopleforbikes.org