



TESTIMONY

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Proyecto Justicia Laboral

Presented to:

New York State Senate Committee on Transportation

Hon. Jeremy Cooney

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Good afternoon Chairs Krueger, Pretlow, Magnarelli and Cooney and committee members. Thank you very much for the opportunity to testify today. My name is Ligia Gualpa, and I am the Executive Director at Workers Justice Project, which runs the Los Deliveristas Unidos campaign - an effort to advocate for the rights of New York City's 60,000+ delivery workers. Workers Justice Project mission is to empower low-wage and immigrant workers to gain a voice in the workplace and build strong and economically sustainable communities through education, organizing, leadership development, and the growth of grassroots economic alternatives.

We're here to express our grave concern with your proposal to authorize New York City to implement speed limits in bike lanes in New York City (TED Art. VII Part H). We ask that you immediately remove this item from the budget, and meet with us to discuss more equitable solutions to ensuring the safety of pedestrians, bicyclists and other vulnerable New Yorkers.

While we of course support the purported intent to improve safety for pedestrians and other vulnerable road users, the proposal is flawed in two ways: 1. It is impractical (if not impossible) to implement, and 2. absolves from any responsibility to contribute meaningfully to safety the app companies that contract these workers, laying all the responsibility at the feet of individual workers. More importantly, it will lead to further discriminatory policing against Deliveristas - a marginalized group already scapegoated by politicians in an attempt to tackle far larger and more complex street safety issues. With Donald Trump's inauguration ushering in a dark age of mass deportation, any policy that would place our largely immigrant delivery worker community in the crosshairs of ICE has no place in New York laws and regulations.

To our first point, lowering speed limits in bike lanes beneath the existing laws and e-bike manufacturer settings is impractical and unnecessary. New York State already has adopted a national framework capping e-bike speeds. In New York State, like in dozens of other states, these speed caps are 20MPH for Class 1 and 2 e-bikes, and 25 MPH for Class III e-bikes. Manufacturers have adapted to these standards, and now cap e-bikes at these speed thresholds with technology built into the motor controllers of the bikes themselves. It is not possible to adjust these top speeds downwards in most cases, so it will be incumbent on the rider to guess their speed. Together with the fact that most e-bikes do not have speedometers, it is unrealistic to expect Deliveristas to obey a speed limit beneath the cap already built physically into their bikes, especially when delivery app companies hold them accountable for extremely tight timeframes for deliveries, and their earnings are dependent on how many they can complete in their shift.

Without serious regulatory reform of the app business model that would provide workers with the ability to push back without fear of retaliation, these reforms will needlessly target individual workers instead of engendering the more systemic change needed to address this problem. Far more pressing, enabling New York City to reduce speed limits in bike lanes will create a frenzy of discriminatory policing activity

against Deliveristas (Indeed, enforcement has already proven to disproportionately impact marginalized communities: More than nine in ten "Bicycling on Sidewalk" tickets issued in 2022 were given to New Yorkers of color). These workers already face grave threats to their personal safety and livelihoods from such policing, and that's before having to grapple with a new speed enforcement regiment with which it will be practically impossible to comply. Trump's election only heightens this risk for Deliveristas.

There are proven tools to improve safety for vulnerable road users, including physically protected bike lanes and pedestrian safety improvements, holding delivery apps accountable for untenable working conditions and enforcing the most dangerous driving infractions. Our workers face the most dangerous working conditions of any occupation in New York City, while providing a vital service for millions of New Yorkers every day. These alternative policy approaches will do far more to create the working conditions that will keep Deliveristas, and other vulnerable New Yorkers, safe. Further criminalizing e-bikes, especially for working cyclists who rely on these devices for their livelihoods, will do far less to achieve our shared goal of safety, while creating a material risk for workers' financial and personal wellbeing.

In addition, the proposal to require reclassification of Class 3 e-bikes will similarly penalize individual app delivery workers instead of dealing with systemic issues and root causes. Delivery workers – the vast majority of them low-wage workers of color – depend on these vehicles to try to meet demanding corporate performance benchmarks and keep their jobs. Meanwhile, our streets have not been adapted to handle the volume of New Yorkers who now rely on micromobility as a transportation alternative. Nor have we held accountable the app delivery corporations that set unsafe and unrealistic working conditions and then retaliate when workers seek to protect their health and safety. Delivery workers are not responsible for these systemic issues. Yet, the proposed licensing and registration plans would lay all the legal, financial, and bureaucratic responsibility for operating these vehicles on individual workers, who already struggle to pay all their own operating costs and receive no benefits from their employers. They will now incur additional fees and face a licensing process that will exclude many due to language barriers and lack of familiarity with navigating the appropriate bureaucracies. E-bike registration and licensing will also similarly provide another tool for the Trump administration to target immigrant workers.

We would welcome the opportunity to meet with you to discuss policies that do move the needle on street safety for pedestrians, while protecting one of New York's most vulnerable groups of workers. Please let us know your availability for a discussion on more productive legislative and regulatory approaches.

Sincerely,

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