



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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October 16, 2023

Ed Pincar
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY 10038

Hon. Erik Bottcher
NYC Council Member
224 West 30th St, Suite 1206
New York, NY 10001

Hon. Brad Hoylman-Sigal
NYS Senator
322 8th Avenue, Suite 1700
New York, NY 10001

Hon. Tony Simone
NYS Assembly
214 W 29th Street, Suite 1002
New York, NY 10001

Re: “Pedestrians for Bike Safety” Coalition’s Initiative to Increase Pedestrian and Bike Rider Safety

Dear Commissioner Pincer, Hon. Bottcher, Hon. Hoylmna-Sigal, Hon. Simon:

Manhattan Community Board 4 at its October 4th Full Board meeting, by a vote of 40 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible, supports the goal of the “Pedestrians for Bike Safety” coalition to increase pedestrian safety, while also supporting increased safety for bike riders. Since this is a complex problem in a rapidly evolving environment, we request that the City and our elected officials vigorously pursue short- and longer-term solutions with a multi-faceted approach to make our sidewalks and bike lanes safer.

In the short term we recommend the following actions:

- (1) DOT should selectively install bike corrals at relevant locations);
- (2) NYPD should enforce the most basic rules (after a 3-6 months notification time);
and
- (3) DOT, local and Citywide non-profits should initiate a large-scale education campaign.

In the post-pandemic environment, due to the substantial increase in biking, the use of electric bikes and mopeds, and the explosion of app-based bike deliveries, complaints about cyclists have escalated. Many pedestrians are frightened by cyclists riding on the sidewalk. Cyclists complain about other cyclists going the wrong way, speeding commercial e-bikes, and mopeds being illegally driven in bike lanes. Certain behaviors that were tolerated during COVID—when there were many fewer pedestrians and cyclists—are no longer tolerable under this new normal with congested sidewalks and bike lanes.

The official number of 87 injuries¹ inflicted by bicyclists on pedestrians in the last five years in Community District 4 is challenged by some residents who point to unreported crashes that resulted in injuries, and data that does not reflect the types of bicycles causing injuries. Many of our most vulnerable residents—seniors and persons with disabilities—are fearful of non-compliant cyclists. Even other cyclists are complaining about current conditions, particularly about the large increase in commercial e-bikes as well as gas and electric mopeds, many of which operate illegally without a required license plate. Mopeds are not allowed in the bike lane, let alone the sidewalk.

While it is critical that these issues do not distract from the horrific human price both pedestrians and cyclists pay when hit by cars (21 fatalities and 1259 injuries in the last five years in Community District 4²), this situation must be addressed if we want to achieve a walkable and bikeable City. Micro Mobility is also essential to reducing our carbon footprint and helping make our neighborhood quieter and less polluted.

1. Background:

Many of our neighbors who testified³ are themselves former or current cyclists. Most report that cyclists—including a good number of Citibike, pedicab, and delivery cyclists—ride on the sidewalks, which are particularly narrow in our district. The variety of vehicles on the street has

¹ NYC Open Data, Crashmapper

² NYC Open Data, Crashmapper

³ The Change.org petition they initiated garnered 395 signatures in MCB4 and 2435 in the whole city.

exploded (pedal assist e-bikes, throttle e-bikes, mopeds etc.) with a hodgepodge of rules that are difficult to follow and enforce in and out of the bike lanes.⁴ There were many complaints of electric bikes and mopeds riding in the bike lane either at high speed and/or contra flow. Many testified that they support the services provided by the delivery cyclists while bemoaning the lack of traffic enforcement by the NYPD.

In our district with its many restaurants, the sheer volume of delivery workers makes them stand out. The rapid growth of the delivery cyclists' fleet (also called "deliveristas") is driven by the persistence of the COVID-era pattern of ordering for delivery instead of picking up at the restaurant as well as the massive influx of asylum seekers to our district, many of whom cannot find any work outside of delivery apps.

In the US, the market of app-based delivery grew four times between 2018 and 2022.⁵ In the last three months of 2021, zip code 10019 (West 48th to West 59th Street) in Manhattan District 4, ranked second highest in New York City with 627,808 orders.⁶ GrubHub has the largest market share in New York City. Even though customers are paying up to a 40% premium on the cost of their actual meal, 59% of millennials' restaurant orders in the US are for delivery rather than dining in.⁷ Neither our infrastructure nor our institutions have been adjusted to this new reality. Our senior citizens, who are often on fixed incomes and do not rely on restaurant delivery, and the people with disabilities are bearing the brunt of the negative effects of this new trend.

2. Information

Without data, proper reporting and tracking it is difficult to evaluate the scope of the problem:

- **Collect and document instances of illegal behavior:** Today there is no quantification of the number of bicycles riding on the sidewalk, riding against the flow or the number of mopeds riding in the bike lane. The data provided by NYPD (897 civil summonses in 2022) seems to under-report these occurrences. We recommend that DOT begin collecting such data at specific locations and publish them semi-annually. The sampling locations would be selected where there is a concentration of complaints or a high volume of cyclists and deliveries. Create new complaints on 311 or provide a dedicated website for crowdsourcing.
- **Collect data on hit and run crashes involving bicyclists:** Create a website where pedestrians can report hit-and-run crashes with cyclists, which are not currently reported to NYPD or reflected in the Open Data portal.

⁴ <https://www.nyc.gov/html/dot/downloads/pdf/ebikes-more-english.pdf>

⁵ <https://www.mckinsey.com/industries/technology-media-and-telecommunications/our-insights/ordering-in-the-rapid-evolution-of-food-delivery>

⁶ <https://nyc.streetsblog.org/2023/05/08/thats-rich-some-neighborhoods-order-lots-of-deliveries-but-dont-want-to-help-the-workers/>

⁷ <https://www.fundera.com/resources/food-delivery-statistics>

- **Require accurate data collection:** The form used by NYPD for recording accidents does not currently provide a consistent way to categorize the type of vehicles, bicycle or moped involved in crashes with pedestrians. The form should include a drop-down menu that allows NYPD to differentiate among types of bicycles, whether human-powered, pedal-assisted, or otherwise.

3. Infrastructure

There are 180 miles of bike lanes in New York City. Even though the built environment is a work in progress, much more needs to be done immediately to channel the various street users in their respective new boundaries.

- **Install selectively bike corrals in the floating parking lanes** at the most relevant locations on short blocks and on long blocks along the parking-protected bike lanes. Every effort should be made to install corrals at the corners in order to advance the ‘Daylighting’ initiative. If an installation becomes problematic, DOT should be willing to promptly relocate it. With bike parking in the roadway, we have seen significant reductions in sidewalk riding. (see the attached list of locations that should be equipped in priority)
- **Install signs** on bike lanes and on the surface of super sidewalks to clearly delineate who can use what areas, especially with brand new facilities. These signs would use the universal graphic language to be understood by all.
- **Reduce the speed limits (instead of currently 20 MPH) on bike lanes.** For example, the shared micro-mobility operators. Bird, Lime, Spin and Super-pedestrian recently recommended that local governments limit shared e-bike and e-scooter speeds to 15 MPH.⁸ This would reduce the speed differential between traditional bikes and electric bikes and dissuade mopeds or high-speed bikes from illegally using the bike lanes. This is the current speed of Whole Foods cargo bikes.
 - **Change the signal timing** to give a green wave to bicyclists (while cars continue to enjoy their 25 MPH green wave as is currently the norm for the main arterials) This would be a big incentive for most cyclists to stay within the specified speed in order to avoid putting a foot down at every intersection. It also would reduce

⁸ <https://www.smartcitiesdive.com/news/bird-lime-spin-superpedestrian-ebike-escooter-recommendations-regulation/650233/#:~:text=Limiting%20shared%20e%2Dbike%20and%20e%2Dscooter%20speeds%20to%2015%20mph.>

the running of red lights. DOT has already tested such technology in New York City.

- **Equip bicycles with a speed limiter:** Electric bicycles could be required to be equipped with a speed limiter. As an example, New York City is including speed limiters on all new vehicles in the fleet, a practice that should be generalized. Those that do not would have to use the car lanes.
- **Install rumble strips in bike lanes** in the areas most highly trafficked by pedestrians and senior citizens.
- **Widen bike lanes:** in addition to building more “truly protected” bike lanes, on certain high-volume segments, DOT should widen the bike lanes as they recently did on Ninth Avenue in Chelsea. More space is needed to accommodate various widths of cargo deliveries that are promoted by the City in order to resolve last-mile truck delivery. In particular, the number and width of crosstown lanes is currently inadequate. Likewise, widened bike lanes would facilitate the eventuality of a “slower” lane closer to the sidewalk, and a “faster” lane closer to traffic.

4. Enforcement

- **Upgrade the apps to reinforce the rules:** Users of delivery apps and commercial e-bike rental companies (like JOCO) should be required to respond to three safety questions (offered in multiple languages) once a day when they sign on their apps or take out the bike out of the dock or the rental store (no riding on sidewalk, no riding against the flow, no speeding). Along the lines of when the Uber platform, during the pandemic, required passengers to affirm “Yes, I will be wearing a mask.”
- **Enforce and expand rules:**
 - Enforce current laws (no riding on sidewalk, riding in the direction of the traffic flow (see below for a proposed approach).
 - Enforce the current law that bars all mopeds from using the bike lanes. And while we support the use of cargo bikes as the future of last-mile delivery, for now, the 48-inch, 10-foot-high, four-wheeled, pedal-assist cargo bikes that the DOT hopes to legalize must be kept out of the bike lanes or the sidewalk as well.
 - Enforce the current law that requires all mopeds to have license plates. Focus enforcement on the point of sale and on companies that are renting mopeds without license plates. Put simply, mopeds should not leave the stores without valid license plates.

- Enforce the existing provisions of the law that requires delivery workers to wear a vest with the name of their employers or the apps and identification numbers legible from a distance. There were only two civil summonses issued in 2022 for improper / missing IDs on commercial cyclists.
 - The law should be updated so that civil fines and penalties are levied on the delivery apps for each violation, and not the delivery drivers. Fines should be significant enough to incentivize delivery apps to require safe and legal behavior from their delivery workers.⁹
- Expand the registration requirements to any electric vehicle that goes faster than 18 MPH, excluding bikes with operable pedals. Mopeds already require registration and Citibike includes a registration number.
- **Ticketing and Warnings:** Although MCB4 recognizes that more policing is often not the answer, we believe that the NYPD can take certain affirmative steps to enforce the rules described above and curb this dangerous biking behavior:
 - The NYPD should create a dedicated unit to issue tickets and fines to bicycles and mopeds (and as indicated elsewhere, for delivery workers associated with third-party delivery apps, fines should be levied on the apps directly);
 - The NYPD should solicit input from the community on specific intersections and times of day that would benefit from targeted policing; and
 - Officers should be posted at those identified locations where moped riders are illegally using bicycle infrastructure and all riders are illegally using the sidewalks. We advocate for an initial 3 to 6-months of warnings without ticketing, wherein violators are turned away from routes where they are not allowed, and informed of the laws. After the initial round of education, we advocate for ticketing continued violations.
 - We are against the police seizure and destruction of these vehicles, as we believe this confers undue hardship, acutely felt by the large population of working low-income New Yorkers who use these vehicles for their jobs.

⁹ MCB4 acknowledges that many delivery workers are recent migrants and asylum seekers, who have not been permitted to legally work in New York City. MCB4 is aware of reports that migrants will use false identification to register with the apps, or use someone else's registration, in order to make deliveries. This problem should be somewhat alleviated by President Biden's recent extension of Temporary Protected Status to Venezuelan migrants, who will now be eligible for work-permits.

The seizure of bikes or mopeds should come only after multiple violations, in accordance with the enforcement of vehicular traffic laws.

- We emphasize that all enforcement should be performed with respect for the people being penalized, and that enforcement does not disproportionately target people from marginalized groups. There should be no need for violent or physical encounters. Enforcement against this misuse should not be used as a conduit to increase police stops for unrelated issues, and should not result in coordination between the City enforcement and Immigrations and Customs Enforcement (ICE). We recommend that the results of the three to six-month notification period be subject to public review and evaluation to ensure that City enforcement is working as intended.
- While enforcing the rules, pursue a restorative justice approach with the Midtown Court. The offending cyclists would be provided training that could be substituted for fines. This approach should be designed to avoid placing unintended burdens on the Deliverista workforce.
- Finally, this enforcement does not supersede the urgent need for far more consistent and strict enforcement against vehicular drivers who violate existing traffic laws, and pose the greatest danger on NYC streets.
- **Use automation to enforce the rules:** No matter how much education is provided, a small percentage of the population will continue to ignore the law. It is no different for cyclists. Many speakers asked why in the early 2000s, the NYPD used to conduct sting operations on cyclists, even though there was no licensing or registration, whereas today they have stopped issuing tickets and enforcing the laws? Unfortunately, New York City Traffic Enforcement capability falls short for both vehicles and bicycles. Automation can be a better alternative to ensure that enforcement is consistent and uniform. We recommend:
 - Using existing GPS technology to track delivery personnel and Citibike riders who go against the traffic flow or ride on the sidewalk. Suspend the use of the bike for a certain period.
 - The use of GPS technology should extend to delivery apps themselves, putting the onus on them to ensure that their delivery workers have sufficient time to make deliveries without speeding or breaking the rules. New legislation should

require them to use this technology to set delivery time expectations with the customers.

- The use speed cameras to enforce the speed limit in the bike lanes.

5. Education and Advertising

We applaud Council Member Eric Bottcher’s initiative to ensure that the existing New York State requirement of bicycle education in all schools is funded and implemented. There is also a strong sentiment that we need immediate measures to make current users comply with the safety rules.

- **Start an education and advertising campaign:** Enforce the current legislation¹⁰ that requires commercial cyclists to take a bicycle safety course before starting on the job. The DOT should expand on their current curriculum and undertake a campaign of public service announcements on LinkNYC kiosks, Citibike kiosks, in the subway and in hyper local press, in all appropriate languages. It should debunk the belief that riding on the sidewalk is safer for riders: a 2020 IIHS study found that nearly 3 in 5 e-scooter riders were injured while riding on a sidewalk compared to about 1 in 5 riding in a bike lane, trail or other off-road location¹¹.
- **Provide on-site training to Deliveristas:** Deliveristas’ organizations, DOT and the NYPD should partner with local groups for on-site training, distribution of educational leaflets, and community building. We are pleased that Los Deliveristas Unidos are planning to participate in such efforts with the Pedestrian for Bike Safety Coalition. Los Deliveristas Unidos shared their plans to use Delivery Hubs to provide education and publish Public Service Announcements for the delivery cyclists. We urge the city to fund such hubs and install them in the parking lane to avoid further conflicts with pedestrians. Programs like “Red Hook on the Road” from the Brooklyn Workforce Innovations could provide a good template.¹²
- **Establish a certification:** All electric bike users beyond pedal assist should pass a certification in the rules of the road. Such certification would be easily accessible and offered in multiple languages.

¹⁰ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2598429&GUID=A16B0BEC-646B-4EC9-965D-1F233F663737&Options=ID%7cText%7c&Search=91>

¹¹ IIHS study

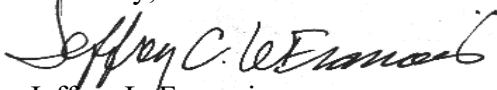
¹² <https://bwiny.org/bwi-programs/>

6. Incentives

- **Ensure Deliveristas receive the minimum wage per the law:** Hyper-competitive delivery apps play a major role in incentivizing speed over safety: unreasonable guaranteed delivery times, excessively large catchment areas, and a lack of livable wages all contribute to a race to the bottom and unsafe conduct. The City must vigorously fight the lawsuits filed by the delivery companies to avoid paying the minimum wage per the law from 2021/114 ¹³. The rules were supposed to be enacted in July 2023. It established a new minimum wage and gives the workers the option to limit their catchment area.
- **Expand labor protection laws:** Hyper-competitive delivery apps play a major role in incentivizing speed over safety: unreasonable guaranteed delivery times, excessively large catchment areas. The City must expand its labor protection laws to address unsafe practices by the delivery app companies such as setting unachievable delivery deadlines and using loopholes around limiting the catchment area. . In the long term, Deliveristas should be legally considered employees of the delivery apps, who would be responsible for their training, insurance and summonses.
- **Collect a delivery fee:** The City should collect a fee from the app companies for each delivery to help pay for increase in garbage collection, expansion of bike lanes, and the construction of hubs for delivery cyclists.

This set of wholesale culture changes will take many years to adopt. The administration and our elected officials must tackle this problem now so that walking and biking can be the safest and greenest mode of transportation for all ages in our city.

Sincerely,



Jeffrey LeFrancois

Chair

Manhattan Community Board 4



Christine Berthet



Jesse Greenwald

¹³ <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4927215&GUID=68592300-6B1D-40DC-9995-33D16088F98C&Options=ID%7CText%7C&Search=delivery>

Co-Chair
Transportation Planning Committee

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Transportation Planning Committee

Enclosure

cc: Hon. Gale Brewer, NYC Council Member
Pedestrians for Bike Safety
Community Assistance Unit
Edward A. Caban, Acting Police Commissioner, NYPD
Courtney Bryan, Executive Director, Midtown Community Court
Ligia Gualpa, Los Deliveristas
Vilda Vera Mayuga, Commissioner, Department of Consumer & Worker
Protection

Bike Corral Requested installations				
Closest Adress	Capacity	Where to install	Where to isntall 2	Notes
462 9th Avenue	10 bikes	adjacent to ped refuge	on floating parking lane	Existing bike corral (2009) was removed for roadway construction and never replaced - heavy concentration of delivery bikes
478 9th Avenue	10 bikes	in front of the address	on floating parking lane	concentration of delivery bikes
486 9th Avenue	10 bikes	adjacent to the ped refuge	on floating parking lane	heavy concentration of delivery bikes
528 9th Avenue	10 bikes	adjacent/ north of outdoor dining	on floating parking lane	Existing bike corral (2009) was removed for roadway construction and never replaced - heavy concentration of delivery bikes
331 W 38th street	10 bikes	in front of the address	on floating parking lane	Electric bikes repair - Heavy concentration of bikes
307 W 38th Street	10 bikes	in front of the Kitchen store address	on floating parking lane	Heavy concentration of delivery bikes
307 W 38th Street (east side)	10 bikes	in front of the address on striped area	on floating parking lane	City Bicycles store - Concentration of bikes
604 9th Avenue	14 bikes	adjacent to ped refuge or north of open dining	on floating parking lane	Very heavy concentraion of delivery cyclists
766 9th Avenue	12 bikes	in front of 764 to 768	on floating parking lane	concentration of delivery bikes
786 9th Avenue	8 bikes	in front of the address	on floating parking lane	concentration of delivery bikes
792 9th Avenue	8 bikes	in front of the address	on floating parking lane	concentration of delivery bikes
796 9th avenue	8 bikes	in front of the address	on floating parking lane	concentration of delivery bikes