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September 7<sup>th</sup>, 2023

Ydanis Rodriguez  
Commissioner  
NYC Department of Transportation  
55 Water Street, 9th Floor  
New York, NY 10041

Dear Commissioner Rodriguez,

I am writing to express my opposition to draft regulations released by the City Department of Transportation to authorize the use of larger pedal-assist cargo bicycles in dedicated bike lanes. If enacted, this proposed policy change will make our streets less safe and arguably violates the New York State Vehicle and Traffic Law.

On August 14<sup>th</sup>, the City Department of Transportation proposed rule changes that would expand the criteria used to determine which electric cargo bikes are allowed to use bicycle lanes in order to make deliveries. The new rules would enable four-wheeled, pedal-assisted cargo bikes of up to 48 inches in width to make deliveries. The current regulations are limited to allow cargo bikes of up to three wheels and 36 inches in width.

While the City's stated goal of incentivizing greener modes of goods delivery is admirable, I am concerned that this rule will do more harm than good. According to the City DOT's street design guide, a one-way protected bike lane is four feet (48 inches) wide, and a two-way protected lane is twice that, with a four-foot wide lane going in either direction<sup>1</sup>. A 48-inch wide cargo bike would thus take up an entire protected bike lane, making it impossible for other cyclists to pass safely without going out into the street or sidewalk and putting themselves or others at risk. At a time when bicycle and e-bicycle safety is an issue of great concern for New York residents, there is no justification for permitting wide cargo vehicles that will be impossible to pass and need to stop frequently to make deliveries. These vehicles will inevitably exacerbate congestion and reduce the safety of surrounding pedestrians and cyclists.

Additionally, the City's proposed rule change has been met with opposition from the cargo bike industry itself.<sup>2</sup> While increasing the width of allowable cargo bikes, the new rules would limit the allowable length to ten feet, which would effectively bar most of the cargo bikes currently in use in the city from operating. Many operators claim that the more important element in making a cargo bike a useful replacement for a delivery truck is length, as opposed to width. This seems to merit consideration by the DOT before passing a rules change.

<sup>1</sup> <https://www.nycstreetdesign.info/sites/default/files/2020-03/Bike-Lane-table.pdf>

<sup>2</sup> <https://nyc.streetsblog.org/2023/08/31/opinion-dont-screw-up-bike-freight-deliveries-by-drafting-bad-rules>

In addition to these concerns, it is my understanding that such rule changes would have to be approved by the New York State Legislature. The City Department of Transportation and Mayor's Office has repeatedly asked the State Legislature to change the State Vehicle and Traffic Law in recent years to permit the use of 48-inch cargo bicycles, and the Legislature has repeatedly refused to alter the law because of safety concerns. The fact that the State has not enacted the requested change does not give the City authority to implement such a policy change that contradicts the State law's definition of a motor vehicle.

I appreciate your prompt attention to this matter. Please feel free to contact my office with any questions or more information.

Sincerely,

Liz Krueger  
State Senator



CC:

Council Speaker Adrienne Adams

Council Member Selvena Brooks-Powers, Chair, City Council Transportation Committee

Council Member Erik Bottcher

Council Member Julie Menin

Council Member Keith Powers

Council Member Carlina Rivera

Mayor Eric Adams

Sylvia Hinds-Radix, Corporation Counsel of the City of New York