

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 52

Introduced by Council Members Yassky, Brewer, Comrie, Gonzalez, James, Koppell, Palma, Mendez, Gerson, Felder, White Jr., Vallone Jr., Foster, Mark-Viverito, Garodnick, Weprin, Seabrook, Gennaro, Nelson, Fidler, Gioia, DeBlasio, Reyna, Gentile, Jackson, Barron, Crowley, Sanders Jr., Sears, Mitchell, Vacca, Arroyo, Ferreras, Ulrich, Liu and the Public Advocate (Ms. Gotbaum).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to bicycle access to office buildings.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 504 to read as follows:

ARTICLE 504

BICYCLE ACCESS TO OFFICE BUILDINGS

§ 28-504.1 Applicability. This article shall apply to buildings, the main occupancy of which is offices, that (i) are in existence on the effective date of this article, or for which a permit has been issued but which have not yet been completed, and (ii) have a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter thirty-five of the New York city building code, or is operated by a freight elevator operator, and (iii) are not subject to the bicycle parking provisions of sections 25-80, 36-70 and 44-60 of the zoning resolution of the city of New York. It shall be presumed that if a freight elevator is available for carrying freight, it is available for carrying bicycles.

§ 28-504.2 Request for bicycle access. The tenant or subtenant of a building to which this article is applicable may request in writing, on a form provided by the department of transportation, that the owner, lessee, manager or other person who controls such building complete a bicycle access plan in accordance with section 28-504.3. Such request shall be sent to the owner, lessee, manager or other person who controls such building by certified mail, return receipt requested, and a copy of the request shall be filed with the department of transportation.

§ 28-504.3 Bicycle access plan.

1. Where a request for a bicycle access plan has been submitted pursuant to this article, the owner, lessee, manager or other person in control of the building shall within thirty days after receipt of such request complete and implement a bicycle access plan or provide to the tenant or subtenant a copy of the request for an exception that has been filed with the department of transportation in accordance with section 28-504.4.

2. A plan shall be completed on a form provided by the department of transportation and shall include, at a minimum: the location of entrances; route to freight elevators that accommodate bicycle access; the route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available; and such other information as the department may require. The plan shall provide that bicycle access is available, at a minimum, during the regular operating hours of the freight elevator, if such freight elevator is used for bicycle access in such building. Bicycle access shall be granted to the requesting tenant or subtenant and its employees in accordance with such plan.

3. *The plan may be amended from time to time to accommodate requests from other tenants or subtenants to provide bicycle access pursuant to this article.*

§28-504.4 Exceptions. Bicycle access need not be provided pursuant to this article if an owner, lessee, manager or other person who controls a building applies to the commissioner of transportation for an exception, on a form provided by the department of transportation and sent to the department of transportation by certified mail, return receipt requested, within fifteen days of receipt of a request for a bicycle access plan, and certifies that either:

1. The building's freight elevator is not available for the use described in this article because unique circumstances exist involving substantial safety risks directly related to the use of such elevator. Such application shall include the reasons for such assertion and supporting documentation.

or

2. There is sufficient secure alternate covered off-street or sufficient secure alternate indoor no-cost bicycle parking available on the premises or within three blocks or seven hundred fifty feet, whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access. Such application shall include supporting documentation for such assertion, including proof that such alternate off-street or indoor parking is available to or under the control of such owner, lessee, manager or other person who controls the building.

If an exception is sought for the reasons set forth in subdivision one of this section, the department shall conduct an inspection of the building and freight elevator and shall thereafter issue a final determination as to whether to grant an exception. If an exception is sought for the

reasons set forth in subdivision two of this section, the department, in consultation with the department of transportation, shall thereafter conduct an inspection of the secure alternate covered off-street or secure indoor no-cost bicycle parking and the department of transportation shall thereafter issue a final determination as to whether to grant an exception. In either event, a letter of exception or denial shall be sent by certified mail, return receipt requested, to the owner, lessee, manager, or other person in control of the building. If the exception is denied, a bicycle access plan shall be posted within twenty days of receipt of such determination. Failure to timely post a bicycle access plan shall be cause for the issuance of a violation.

§ 28-504.5 Emergencies. In an emergency, whenever elevator use is prohibited, bicycles shall not be permitted to be transported through any means of egress.

§ 28-504.6 Posting and availability of bicycle access plan or letter of exception.

1. Every owner, lessee, manager or other person in control of a building subject to this article shall either post in such building each bicycle access plan that is in effect, notifying the requesting tenants and subtenants of their right to bicycle access in accordance with such plan, or shall post a notice in the building lobby indicating that such plan is available in the office of the building manager upon request. Either such posting shall be made within five days of completion and implementation of such plan.

2. Every owner, lessee, manager or other person in control of such building shall post in such building any letter of exception granted by the commissioner or commissioner of transportation, including the basis or bases for the exception and, if applicable, the route to alternate off-street or indoor parking, as provided in section 28-504.4, or shall post a notice in the building lobby indicating that

such letter is available in the office of the building manager upon request. Either such posting shall be made within five days of receipt of such letter of exception.

3. Plans, letters of exception or notices of availability of either shall be posted in a prominent location easily visible to a building's tenants, subtenants and the building's employees, and shall be made available upon request by the department, the department of transportation or authorized representatives of any other city agency.

§ 28-504.7 Filing of plan. The department or department of transportation may require that plans implemented pursuant to the provisions of this article be filed with either such agency.

§ 28-504.8 Construction. Nothing in this article shall be construed to require an owner, lessee, manager or other person who is in control of a building governed by this article to provide space for bicycles brought into such building or to permit a bicycle to be parked in a manner that violates building or fire codes or any other applicable law, rule or code, or which otherwise impedes ingress or egress to such building.

§ 2. a. There shall be a temporary bicycle commuting task force to examine establishing partnerships with private entities to develop sheltered bicycle parking in public and/or private spaces. The task force shall be comprised of the commissioner of transportation or his or her designee, the commissioner of buildings or his or her designee, the commissioner of parks and recreation or his or her designee, the director of city planning or his or her designee and three representatives to be appointed by the speaker of the council. Upon the appointment of all of its members, the task force shall elect a chair from its membership at the first meeting of such task force. Members of the task force shall serve without compensation and shall meet when deemed necessary by the chair or upon the request of three members of the task force. The task force

shall issue a report to the mayor and speaker by December 31, 2010. Such report shall include, but not be limited to, recommendations on establishing partnerships with private entities to develop sheltered bicycle storage in public and/or private spaces. Such report shall be posted on the city's website within seven days from its submission to the speaker and mayor. The task force shall cease to exist three months after the issuance of its report.

b. At any time after the publication of the report required by subdivision a of this section, any group of geographically-related buildings that are subject to the provisions of section one of this local law may submit to the department of transportation a pilot project plan for a public/private partnership to provide sheltered bicycle storage in the vicinity of such buildings, which parking would be located within three blocks or seven hundred fifty feet, whichever is less, from each building in the group. Such plan shall be consistent with the goals and recommendations of the bicycle commuting task force. If the commissioner of transportation, in consultation with other relevant city agencies, determines that such pilot project plan is in the best interest of the city and the community and that the proposed sheltered bicycle storage can accommodate the bicycles of riders seeking access to such buildings, such commissioner may authorize the implementation of such pilot project. Upon such authorization, the commissioner of transportation shall recommend to the commissioner of buildings to suspend the applicability of section one of this local law to such buildings during the time that such pilot project is operational. If at any time during the operation of such pilot project the commissioner of transportation determines that such project no longer furthers the objectives of this local law, such commissioner may terminate such project, upon sixty days' notice to the buildings which are participating in such project, and the provisions of section one of this local law on bicycle access shall thereafter apply. Determinations made by the commissioner of transportation

pursuant to this subdivision shall be final.

§ 3. This local law shall take effect one hundred twenty days after its enactment, except that the commissioner of buildings and/or the commissioner of transportation shall take all actions necessary, including the promulgation of rules, to implement this local law on or before the date upon which it shall take effect.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onJuly 29, 2009..... and approved by the Mayor on ...August 13, 2009.....

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

~~CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27~~

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 52 of 2009, Council Int. No. 871-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 29, 2009:
46 for, 1 against, 0 not voting.
Was signed by the Mayor on August 13, 2009
Was returned to the City Clerk on August 13, 2009

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel