

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 105

Introduced by Council Members Rosenthal, Mendez, Rodriguez, Lander, Menchaca, Reynoso, Levin, Miller, Levine, Cohen, Vallone, Van Bramer and Kallos (by request of the Manhattan Borough President).

A LOCAL LAW

To amend the administrative code city of New York, in relation to foldable bicycle access in passenger elevators

Be it enacted by the Council as follows:

Section 1. Article 504 of chapter 5 of title 28 of the administrative code of the city of New York, as amended by a local law of the city of New York for the year 2016 amending the administrative code of the city of New York, in relation to bicycle access in office buildings, as proposed in introduction number 795-A, is amended to read as follows:

ARTICLE 504

BICYCLE ACCESS TO [OFFICE] BUILDINGS

§ 28-504.1 [Applicability] *Bicycle access to certain office buildings.* This [article] *section* shall apply to buildings[,] *that satisfy each of the following conditions: (i) the main occupancy of [which] such building is offices[,] that [(i)] are classified as occupancy group B, (ii) such building was in existence on [the effective date of this article] December 11, 2009, or [for which] a permit for such building has been issued on or before such date but [which have] such building has not yet been completed, [and (ii) have] (iii) such building has a freight elevator that either complies with ASME 17.1 with regard to the carrying of passengers on freight elevators, as referenced in chapter 35 of the New York city building code, or is operated by a freight elevator operator, and [(iii) are] (iv) is not subject to the bicycle parking provisions of section 25-80, 36-70 and 44-60 of the zoning resolution. It shall be presumed that if a freight elevator is available for carrying freight, it is available for carrying bicycles.*

§ [28-504.2] **28-504.1.1 Request for bicycle access.** The tenant or subtenant of a building to which this [article] *section* is applicable may request in writing, on a form provided by the department of transportation, that the owner of such building complete a bicycle access plan in accordance with section [28-504.3] **28-501.1.2** and provide bicycle access in accordance with such plan. Such request shall include a certification by such tenant or subtenant that there is sufficient space within such tenant's or subtenant's premises to store the requested number of bicycles in a manner that does not violate the building or fire code or any other applicable law, rule or code, or which would impede ingress or egress to such premises or building. Such request shall be sent to such owner by certified mail, return receipt requested, and a copy of the request shall be filed with the department of transportation.

§ [28-504.3] **28-504.1.2 Bicycle access plan.** *Bicycle access plans shall comply with sections 28-504.1.2.1 through 28-504.1.2.3.*

[1.] § **28-504.1.2.1 Owner requirement.** Where a request for a bicycle access plan has been submitted pursuant to this [article] *section*, the owner of such building shall, within 30 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] **28-504.1.3**.

[2.] § **28-504.1.2.2 Contents of plan.** A bicycle access plan shall be completed on a form provided by the department of transportation and shall include, at a minimum:

[2.1.] **1.** Provisions for at least one freight elevator to satisfy each of the following conditions:

[2.1.1.] **1.1.** Such elevator will be made available for bicycle access for each building tenant or subtenant, and employees thereof, during the regular operating hours of such elevator;

[2.1.2.] **1.2.** Bicycles will be allowed to be transported to and from such elevator along each route that is used to transport freight to and from such elevator, to the extent practicable and where such routes do not present substantial safety risks; and

[2.1.3.] **1.3.** No escort by building personnel will be required for a person transporting a bicycle to or from such elevator if no such escort is required when a person is transporting freight to or from such elevator;

[2.1.4.] **1.4.** A person transporting a bicycle to or from such elevator, and any package or other material in such person's possession, shall be subject to the same or substantially similar security measures applicable to other persons entering such building or such elevator;

[2.2.] 2. Provisions allowing bicycles to be brought in or out of such building using one or more designated passenger elevators at any time when no freight elevator satisfying the conditions of item 2.1 is operational;

[2.3] 3. The location of building entrances;

[2.4] 4. The route to freight elevators that accommodate bicycle access;

[2.5] 5. The route to a designated area for bicycle parking on an accessible level if such bicycle parking is made available;

[2.6] 6. A notice to tenants and subtenants informing them of their responsibilities in regards to bicycle storage; and

[2.7] 7. Such other information as the department of transportation may require.

[3.] § **28-504.1.2.3 Amendment of plan.** A bicycle access plan may be amended from time to time to accommodate requests from other tenants or subtenants to provide bicycle access pursuant to this article.

[4.] § **28-504.1.2.4 Limitations.** If an owner of a building is issued a violation of this code or the New York city fire code, or a rule promulgated thereunder, that results from storage of a bicycle, and such owner shows that such violation occurred in an area of such building that is under the control of a tenant or subtenant, such owner may restrict or limit bicycle access under the bicycle access plan for such tenant or subtenant.

§ **[28-504.4] 28-504.1.3 Exceptions.** Bicycle access need not be provided pursuant to this [article] *section* if the commissioner of transportation grants an exception for such building under this section. Such commissioner may grant such an exception if an owner of such building applies to such commissioner 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 15 days after such owner has received a request for a bicycle access plan, and certifies that either:

1. No freight elevator in such building is available for the use described in this [article] *section* because unique circumstances exist involving substantial safety risks directly related to the use of each such elevator. Such application shall include the reasons for such assertion and supporting documentation; or
2. There is sufficient secure alternate covered no-cost off-street bicycle parking or sufficient secure alternate indoor no-cost bicycle parking available on the premises or within four blocks or 1,000 feet (304.8 m), whichever is less, of such building to accommodate all tenants or subtenants of such building requesting bicycle access and that such off-street parking is accessible on a 24-hour basis. 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.

If an exception is sought pursuant to item 1 of this section, the department shall conduct an inspection of the building and each freight elevator and shall thereafter issue a final determination as to whether to grant an exception. If an exception is sought pursuant to item 2 of this section, the department, in consultation with the department of transportation, shall thereafter conduct an inspection of the secure alternate no-cost covered off-street bicycle parking, 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 20 days after 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] **28-504.1.4 Posting and availability of bicycle access plan or letter of exception.** *Bicycle access plans shall be posted and made available as provided in sections 28-504.1.4.1 through 28-504.1.4.3.*

[1.] § 28-504.1.4.1 **Posting of plan.** The owner of a building subject to this [article] *section* 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 after completion of such plan. Such posting or notice shall indicate that other tenants or subtenants are entitled to access according to the plan upon request, provided such tenants and subtenants will be responsible for storing bicycles brought into the building under such access plan in an area outside of shared spaces.

[2.] § 28-504.1.4.2 **Posting of exception letter.** The owner 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] *28-504.1.3*, or shall post a notice in the building lobby that such letter is available in the office of the building manager upon request. Either such posting shall be made within five days after receipt of such letter of exception.

[3.] § 28-504.1.4.3 **Location.** 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] 28-504.1.5 **Filing of plan.** The department or department of transportation may require that plans implemented pursuant to the provisions of this [article] *section* be filed with either such agency.

§ [28-504.8] 28-504.2 **Construction.** Nothing in this article shall be construed to require an owner 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.

§ 28-504.3 **Foldable bicycle access.** *It shall be unlawful for an owner of a building the main occupancy of which is offices that are classified in occupancy group B to bar a tenant or subtenant from transporting a foldable bicycle to or from such tenant or subtenants space on a passenger elevator, provided that such bicycle is fully folded. For purposes of this section, the term “foldable bicycle” means a bicycle designed to fold into a compact assembly not exceeding 20 inches (508 mm) by 36 inches (914 mm) by 32 inches (813 mm).*

§ 28-504.4 **Emergencies.** *In an emergency that requires an evacuation of all or part of such a building, the owner may limit or restrict bicycles and foldable bicycles from being transported through any means of egress.*

§ 2. This local law takes effect on the same date as a local law of the city of New York for the year 2016 amending the administrative code of the city of New York, in relation to bicycle access in office buildings, as proposed in introduction number 795-A, takes 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 on September 14, 2016 and approved by the Mayor on September 28, 2016.

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

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 105 of 2016, Council Int. No. 405-A of 2014) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel