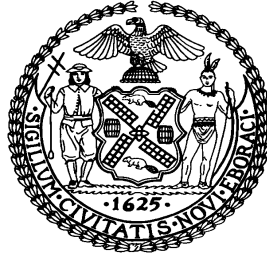


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THE COUNCIL

Committee Report of the Governmental Affairs Division

Robert Newman, Legislative Director
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COMMITTEE ON CONSUMER AFFAIRS

Hon. Dan Garodnick, Chair

November 23, 2011

Preconsidered Int. No. XX:

By Council Member Karen Koslowitz

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots.

I. INTRODUCTION

On Wednesday, November 23, 2011, the Committee on Consumer Affairs, chaired by Council Member Dan Garodnick, will hold its first hearing on Introductory Bill Number XX (“Intro. XX”), a Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots. Those invited to attend include the Department of Consumer Affairs (DCA), the parking garage industry, bike advocates, various chambers of commerce, consumer protection groups and other interested parties.

II. BACKGROUND

New York City is increasingly becoming a biker’s city. In its 2009 Community Health Survey, the Department of Health and Mental Hygiene (“DOHMH”) found that approximately 521,000 New Yorkers ride their bikes several times a month.¹ Additionally, bicycle commuting is experiencing an upward trend, doubling between 2006 and 2010, and increasing by 13% between 2009 and 2010 according to the Department of Transportation’s (“DOT”) Commuter Cycling Indicator.² Recognizing this increase in bicycle use, the City has made efforts to accommodate cyclists over the past several years. Starting with 220 miles of bicycle lanes in 2006,³ DOT has since added over 250 miles of new lanes with a goal of reaching 1,800 miles by 2030.⁴

Increased cycling creates a need for bike storage. DOT has worked to meet this

¹ “Community Health Survey, 2009,” *DOHMH*, Available at <https://a816-healthpsi.nyc.gov/epiquery/EpiQuery/CHS/index2009.html>, Accessed on November 16, 2011.

² “Bicycle Counts”, *DOT*, Available at <http://www.nyc.gov/html/dot/html/bicyclists/nycbicyclescrct.shtml>, Accessed on November 16, 2011.

³ Neuman, W., “City Hall Promises Major Increase in Bike Lanes on Streets,” *N.Y. Times*, September 13, 2006.

⁴ Ngo, E., “LANE CHANGE; City adds more bike paths to East Side but move triggers neighborhood debate,” *Newsday*, July 26, 2011, at A36.

need and in the Fall of 2010, installed its 10,000th bike rack.⁵ While the increase in bike racks is a positive development for the City's cyclists, adverse weather conditions and theft concerns increase the appeal of indoor bike parking and attended bike parking lots. Mindful of this, the City Council passed Local Law 51 of 2009, which required parking garages to reserve space for bikes, thereby providing additional secure parking spaces and promoting bike riding as a viable transportation alternative for many New Yorkers.

III. CURRENT REGULATIONS FOR BIKE PARKING IN GARAGES AND LOTS IN NEW YORK CITY

On August 13, 2009, Mayor Michael R. Bloomberg signed into law Local Law 51, which amended the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots. Local Law 51, which went into effect on November 11, 2009, requires all licensed parking lots or garages⁶ with capacity for 51 or more vehicles to create and maintain parking spaces for bicycles.⁷ Local Law 51 requires parking garages and lots to create at least one bicycle parking space for every ten authorized vehicle parking spaces in garages, up to one hundred car parking spaces. Thereafter, parking garages and lots are required to provide one bicycle parking space for every one hundred car parking spaces.

Local Law 51 exempts any parking garage or lot that is in compliance with the zoning text amendment pertaining to bicycle parking in new construction. Additionally,

⁵ "Rack 'Em Up," *NYC Cycles*, November 9, 2010, Available at <http://www.nyc.gov/html/dot/html/email/newsletter-bicycles-2010-11.html>, Accessed on November 15, 2011.

⁶ According to NYC Ad Code §20-231, all parking lots and garages in the City capable of holding five or more vehicles are required to be licensed by DCA.

⁷ At the time of enactment, Local Law 51 required only garages with 100 or more spaces to create and maintain parking spaces for bicycles. However, pursuant to §20-327.1(a)(1) of Local Law 51, this requirement was expanded on November 13, 2011 to include garages with 51 or more spaces.

the law permits garages and lots to apply for a waiver from DCA if compliance with the law would result in a violation of otherwise applicable zoning regulations. In order to obtain a waiver, a garage must submit certification from a design professional demonstrating that compliance as written would not be possible.

Local Law 51 requires an area of at least two by three by six feet in volume for each bike, to accommodate vertical bike storage. Parking garages that permit car owners to access their vehicles must also provide such access to bike owners. Local Law 51 also requires operators to provide secure and locked parking for all bikes, unless the bike parking spaces are located in an area not accessible to the public, in which case a rack or other secure system is not required.

Parking operators are required to file a schedule of bicycle parking rates with DCA and post the rates, hours of operation and the minimum capacity of bicycle parking spaces at the garage entrance. Bicycle parking rates cannot be changed without prior notice to DCA.

Finally, Local Law 51 mandates that DCA submit a report to the Council on the effectiveness of the legislation within twelve months of its effective date. DCA fulfilled this requirement, submitting its report (the “Report”) to the Council on November 12, 2010.⁸ According to the Report, DCA licenses 1,949 parking lots and garages. At the time of the Report, Local Law 51 applied only to garages or lots with one-hundred or more car parking spaces, which accounted for 939 facilities.⁹ Those 939 facilities were required to provide a total of 16,378 bike parking spaces by Local Law 51 parking

⁸ Dep’t of Consumer Affairs, *Report to the New York City Council Authorized by Local Law 51 of 2009*, November 2010.

⁹ *Id.*

requirements.¹⁰ The Report contained data derived from a survey by the Metropolitan Parking Association, which DCA reports is comprised of the largest operators in the industry. The survey was based on bike parking at all five-hundred of the Association's member facilities during February 2010 through September 2010. The survey revealed a utilization rate of only .48% for bike parking spaces.¹¹ On average, the survey showed that 27.7 bike parking spaces were used per day.¹² This average included both one-day bike parking spaces and monthly bike parking spaces.

In addition to DCA's November 2010 report to the Council, DCA provided the Council with a breakdown of violations received by licensed parking lots and garages from January 1, 2009 to September 8, 2011. According to DCA, parking facilities received 1,855 violations relating to bike parking during that time period. Bike parking violations were the second most common type of violation. Of the 1,855 violations, 1,005 were for what DCA referred to as "inadequate, improper or no bike parking." Of that 1,005 violations, 842 violations were issued for inadequate or improper bike parking spaces.

In light of both the low utilization of bicycle parking spaces and the number of violations issued for "inadequate or improper bike parking spaces," the committee today considers this preconsidered introduction.

IV. INTRO. XX

Intro. No. XX would preserve the core bike parking requirements of Local Law 51, while giving parking facilities more flexibility in how they park the bikes. Intro. No.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

XX would eliminate the requirement that a two by three by six foot area be maintained for each bike parking space, as well as the requirement that each space be protected by barriers.

Intro. No. XX would require parking facilities to maintain racks, hooks, poles or other devices to which bicycles can be secured as well as locks, chains or other devices with which to secure them. In keeping with the basic requirements of Local Law 51, such devices would be required to be sufficient to park no less than one bike for every ten car parking spaces. Additionally, Intro. No. XX would require that bicycles be parked at least two feet away from any motor vehicles.

Further, Intro. No. XX would generally require that bikes parked pursuant to Local Law 51 be locked to a rack, pole or other device capable of securing the bicycle, or hung on the wall from a securely anchored hook or rack to which the bicycle frame and at least one wheel shall be locked. These requirements for locking up the bikes would not apply to a parking facility that provides bicycle parking in a manner that prohibits any person other than employees of the facility from removing the bicycle from the facility garage or lot.

Preconsidered Int. No. XX

By Council Member Koslowitz

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 of the laws of 2009, is amended to read as follows:

b. Bicycle parking spaces in garages and lots.

1. The operator of every garage or lot subject to the provisions of this section shall [provide not less than] maintain racks, hooks, poles or other devices to which bicycles can be secured as well as locks, chains or other devices with which to secure them. Such devices shall enable the garage or lot to park and secure at least one bicycle [parking space] for every ten automobile parking spaces provided, up to two hundred automobile parking spaces. Thereafter, the garage or lot shall be equipped to park one bicycle [parking space shall be provided] for every one hundred automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be [considered] deemed to [be] require parking for one bicycle [parking space].

2. [The] A bicycle [parking spaces] parked in [garages and lots] a garage or lot that is subject to the provisions of this section shall be [enclosed to the same extent that parking spaces for automobiles are enclosed] parked at least two feet away from any motor vehicle.

3. [Each such bicycle parking space] Bicycles parked pursuant to this section shall [adjoin] be locked to a rack, pole or [similar system for] other device capable of securing the bicycle [and shall be located in an area secured by a lock or similar means], or shall be hung on the wall from a securely anchored hook or rack to which the bicycle frame and at least one wheel [can] shall be locked [without damage to the wheels, frame or components of the bicycle, unless the bicycle is parked in a]. Such requirements for racks, poles, or hooks and locks, chains or other securing devices shall not be required where a parking garage or lot provides bicycle parking in a location [not accessible to the public and bicycles are parked therein] that prohibits any person other than [only by] employees of the facility from removing the bicycle from the garage or lot.

[4. An area consisting of at least two by three by six feet in volume shall be provided for each such bicycle parking space.]

§ 2. Subdivision c of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is amended to read as follows:

c. Bicycle parking racks [or other devices shall be securely anchored so they cannot be easily removed and], hooks, poles or other devices used by garage or lot operators to secure bicycles shall be of sufficient strength and design to resist vandalism and theft.

§ 3. Subdivision d of section 20-327.1 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivision e of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision d and amended to read as follows:

[e]d. Bicycle parking [spaces] shall be accessible to bicycle owners/operators to at least the same extent as vehicle parking [spaces are] is accessible to vehicle owners/operators. The operator of a garage or lot subject to this section shall not refuse to provide parking for a bicycle unless there is no room for such bicycle at that time because the total number of bicycles required to be accommodated by paragraph one of subdivision b of this section has been met.

§ 5. Subdivisions f, g, i, and j of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, are re-lettered as subdivisions e, f, h and i, respectively.

§ 6. Subdivision h of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision g and amended to read as follows:

[h]g. The operator of each garage or parking lot subject to the provisions of this section shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules of the commissioner. Such sign shall set forth the rate to be charged by such garage or parking lot for bicycle parking [spaces], the hours during which such garage or parking lot will remain open for business and the minimum capacity of bicycles [parking spaces] of such garage or parking lot.

§ 7. This local law shall take effect 120 days after its enactment except that the commissioners of consumer affairs and/or buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

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