

Memorandum

Policy Addressing the Operation of Bicycles with Electric Assist and Electric Scooters on Public Lands Under the Jurisdiction of the New York State Canal Corporation

Effective Date: May 10, 2023

1. Purpose

This Policy addresses the use of Bicycles with Electric Assist and Electric Scooters on public lands under the jurisdiction of the Canal Corporation under a Pilot Program.

2. Authority and References

Canal Law

Public Authorities Law

Vehicle and Traffic Law

3. Summary

Chapter 58 of the Laws of 2020 (Part XX) amended the Vehicle and Traffic Law to address the use of Bicycles with Electric Assist and Electric Scooters on public roadways and other parts of the State. The enactment also authorizes State entities like the New York State Canal Corporation (“Canal Corporation” or “Corporation”) to authorize the operation of such devices on public lands under its jurisdiction.

This Policy addresses the use of Bicycles with Electric Assist and Electric Scooters on public lands under the jurisdiction of the Canal Corporation.

In addition, this Policy is intended to provide general guidance to Corporation staff to establish site-specific time, place and manner restrictions regarding the operation of Bicycles with Electric assist on Corporation Property as determined to be appropriate.

This Policy is subject to change as determined to be appropriate by the Corporation, including for the protection of public safety and Corporation Property.

4. Definitions

For purposes of this policy, the following terms have the definitions indicated:

“Authorized Electric Bicycle” means a (1) Class 1 Bicycle with Electric Assist, and (2) Class 2 Bicycle with Electric Assist. A Class 3 Bicycle with Electric Assist is not an Authorized Electric Bike under this Policy.

“Bicycle with Electric Assist” means a bicycle which is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements of a Class 1 Bicycle with Electric Assist, a Class 2 Bicycle with Electric Assist, or a Class 3 Bicycle with Electric Assist.

“Class 1 Bicycle with Electric Assist” means a bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.

“Class 2 Bicycle with Electric Assist” means a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.

“Class 3 Bicycle with Electric Assist” means a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

“Corporation Property” means public lands under the jurisdiction of the Canal Corporation.

“Electric Scooter” means every device weighing less than one hundred pounds that (1) has handlebars, a floorboard or a seat that can be stood or sat upon by the operator, and an electric motor, (2) can be powered by the electric motor and/or human power, and (3) has a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.

“Onewheel” means any self-balancing single wheel electric board-sport, recreational personal transporter, often described as an electric skateboard.

5. Prohibited and Permissible Uses

- a. The operation of Class 3 Bicycles with Electric Assist on Corporation Property is prohibited.
- b. The operation of Electric Scooters on Corporation Property is prohibited.
- c. The operation of Onewheels on Corporation Property is prohibited.

- d. Class 1 Bicycles with Electric Assist and Class 2 Bicycles with Electric Assist (hereinafter referred to as “Authorized Electric Bicycles”) may be operated on shared-use or multi-use trails and paths shared use paths/trails that are paved or improved with materials including, but not limited to crushed stone or asphalt, unless such use is expressly prohibited by sign, other directive of the Corporation, or directive of Corporation staff.
- e. The operation of Authorized Electric Bicycles is prohibited on any other Corporation property, including, but not limited to, locks, parking lots, sidewalks, open spaces, pavilions, etc. unless such use is expressly authorized by sign or other directive of the Corporation.

6. Additional Use Restrictions

The following time, place and manner restrictions apply to the operation of Authorized Electric Bicycles on Corporation Property where such use is otherwise authorized under this Policy.

- a. No person less than sixteen (16) years of age may operate an Authorized Electric Bicycle. No person sixteen (16) years of age or older shall allow any person less than sixteen (16) years of age to operate an Authorized Electric Bicycle.
- b. Authorized Electric Bicycles may be operated on shared-use or multi-use trails and paths up to a maximum speed limit of 20 miles per hour while the electric assist motor is engaged, unless otherwise indicated by sign or other directive of the Corporation, including notifications of steep hills, sharp turns, other relevant site conditions, etc.
- c. The operation of an Authorized Electric Bicycle with passengers is strongly discouraged.
- d. Operators of Authorized Electric Bicycle and any passenger must wear protective headgear while the Authorized Electric Bicycle is in motion.
- e. No person shall operate an Authorized Electric Bicycle in manner that is careless, reckless, hazardous, menacing or otherwise unsafe, or that is destructive of personal or Corporation Property, or determined by the Canal Corporation or Corporation staff to be inappropriate.
- f. Operators of Authorized Electric Bicycles shall yield the right of way to pedestrians and other users of shared-use or multi-use trails and paths.

7. Related Information

The Vehicle and Traffic Law does not require Bicycles with Electric Assist to be registered with the Department of Motor Vehicles, but requires by June 1, 2022 that all Bicycles with Electric Assist to have a manufacturer’s label affixed thereto identifying the device as either Class 1, 2, or 3 in accordance with Vehicle and Traffic Law.

8. Staff Guidance

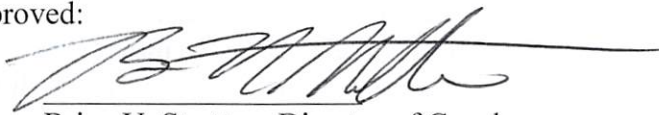
Canal Corporation staff shall have the discretion to set speed limits and other time, place and manner restrictions for the use of Authorized Electric Bicycles on specific portions of Corporation Property by sign or other communication.

9. Exceptions

- a. The Canal Corporation will consider exceptions to this Policy for use of Bicycles with Electric Assist by government employees, first responders and law enforcement officials while engaged in the performance of their official duties. Persons seeking exceptions for such purposes should contact the Canal Corporation Public Information Office at 1-800-4CANAL4 or (518) 449-6000 or public.info@canals.ny.gov
- b. The Canal Corporation will take reasonable steps to make exceptions to this Policy to accommodate members of the public with disabilities or pregnancy-related conditions to ensure they have an equal opportunity to enjoy the Canal Corporation's programs, services, and activities, subject to safety concerns. Anyone seeking such an accommodation should contact the Canal Corporation's designee for reasonable accommodations at (914) 772-5133 or accessibility@nypa.gov

Approved:

By:



Brian U. Stratton, Director of Canals

Date: May 10, 2023

History

05/10/23: Policy created and effective as dated.