



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

May 1, 2017

James P. O'Neill
Commissioner
New York Police Department
One Police Plaza
New York, NY 10038

Polly Trottenberg
Commissioner
New York City Department of Transportation
55 Water Street
New York, NY 10041

Lorelei Salas
Commissioner
NYC Department of Consumer Affairs
42 Broadway
New York, NY 10004

Dear Commissioners O'Neill, Trottenberg, and Salas:

I write on behalf of Mr. Rigoberto Fernandez Estevez, a Manhattan resident who is the owner of the Capri restaurant at 903 Columbus Avenue. Mr. Fernandez is upset because he received a summons on March 29, 2017 for riding a motorized scooter, commonly known as an "e-bike," while making deliveries for his restaurant, and his vehicle was confiscated.

In fact, he tells us this was the third summons and confiscation of three e-bikes he purchased from Willis Electrical Bicycle shop, 366 Willis Ave. in the Bronx. (The other summonses were issued to his employees).

Mr. Fernandez, who is not fully comfortable in English, says that he never received any notice from the retailer about the e-bikes' illegality-- or any outreach about their illegality from the local precinct whose officers gave him the summons.

As you may be aware, Sec. 19-176.2 of the New York City Administrative Code prohibits the use of these vehicles within the city. However, Sec. 20-762 of the Administrative Code also prohibits their sale.

Mr. Fernandez is justifiably frustrated that he and his business appear to have fallen into a trap: he purchased his electric scooters, priced at \$650 each from a retailer, and now as a result has suffered both confiscation and a \$500 fine per violation, in addition to removal and storage fees. Yet while I am aware of “e-bike” enforcement crackdowns on users, I am not aware of any similar enforcement against merchants.

Is my impression mistaken? Or are restaurants and other small businesses being targeted for being the most visible violators of the law? If so, Mr. Fernandez and others in his situation should be forgiven for assuming a vehicle purchased from a New York City business was legal to use.

By reply letter, I would appreciate if your agencies could provide me with information on any outreach and public education efforts you have conducted, among both e-bike users and retailers, with respect to Administration Code Sections 19-176.2 and 20-762, and a summary of ongoing enforcement activities related to both sections.

In particular, since so many of these bikes’ users are immigrants from various nations, I would like to know if any multi-lingual outreach has been (or can be) conducted.

I understand this administration is committed to treating small businesses as an important pillar of our economy, not as a revenue source through constant fees and fines. I deeply appreciate the recent work the NYC Office of Administrative Trials and Hearings (OATH) has done with my office and others, participating in neighborhood town halls to educate businesses and residents on how to respond to summonses issued by city enforcement agencies. So I hope we can work together on proactive steps to ensure small business owners like Mr. Fernandez and their employees are not unnecessarily victimized by this law, and that our enforcement priorities foster fairness.

I look forward to hearing from you on how we can work together to solve this problem. If you have any questions, please contact Rosalba Rodriguez, Interim Director of my Northern Manhattan Office.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style.

Gale A. Brewer

Enclosure

cc/rr: Rigoberto Fernandez