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## Cuomo's budget bill would OK e-bikes, but not on many suburban roads

**Peter D. Kramer**, Rockland/Westchester Journal News    Published 7:53 a.m. ET March 24, 2020 | Updated 5:51 p.m. ET March 24, 2020

TARRYTOWN — A wrinkle in Gov. Andrew Cuomo's proposed budget could soon make Ed Busk an outlaw if he does what he has been doing every day for three years: commuting by e-bike between his Dobbs Ferry home and his Main Street e-bike shop.

Bike shops have been deemed essential businesses, akin to auto mechanics, during the coronavirus outbreak and, while Busk's shop has taken a hit — amid self-quarantines and the economic impact on discretionary spending — he sees the legislation as a threat to his business when things return to normal.

E-bikes are like conventional bicycles, with the advantage of a silent, less-than-1-hp, electric motor. In a time of talk about flattening the coronavirus curve, think of e-bikes as flattening the hills, adding electric muscle to the cyclist's pedal power.

Cuomo wants to legalize e-bikes but limit them to roads with 30 mph speed limits or lower.

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Edward Busk, owner of Sleek eBikes in Tarrytown, outside his shop on Main Street March 5, 2020. (Photo: Tania Savayan/The Journal News)

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Busk and suburban bike advocates say that is fine for New York City, with its 25 mph speed limit, but not for suburbs, where Route 9 can have a 30 mph limit when it snakes through a village and a 35 mph or 40 mph limit when it reaches a less-congested stretch.

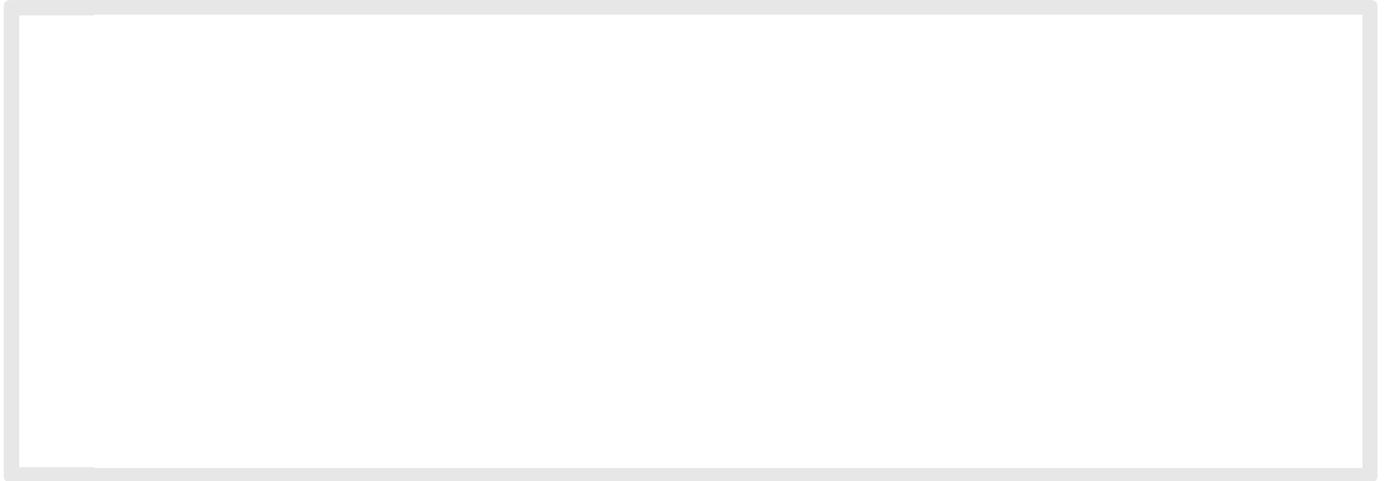
Busk says he's better off with no law than a flawed new one, and local lawmakers are vowing to make his case in Albany.

"You're allowed to use it in a town, but if I want to go from here to Dobbs Ferry, from a legal perspective, I can't because the 35 mph road that links the two is closed to me," he said.

## Big money

Globally, the e-bike industry racked up \$16 billion in sales in 2017, with sales projected to hit \$23.8 billion by 2025.

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Locally, e-bikes are popular among commuters and those in hilly rivertowns who use them to get to and from Metro-North stations. Prices at Busk's shop, [Sleek E-bikes](https://www.sleekrides.com/) (<https://www.sleekrides.com/>), range from \$1,500 to \$8,500, he said.

**CYCLIST PROTECTION: Feiner wants state to keep bikers safe on Route 119** ([/story/news/local/governor-mario-m-cuomo-bridge/2020/03/06/feiner-protect-cyclists-bound-bridge-bike-path/4974078002/](https://www.fox26.com/story/news/local/governor-mario-m-cuomo-bridge/2020/03/06/feiner-protect-cyclists-bound-bridge-bike-path/4974078002/)).

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"I live at the top of a hill in Dobbs Ferry so I physically couldn't (commute by traditional bike) every day because by day three, I'm in my 50s, my legs would just be like, 'Bite me,' unless I got much fitter," Busk said with a laugh. "And I'd be sweaty by the time I arrived, which I don't want to be, so I commute back and forth by e-bike, day in, day out."

Busk said he saves a gallon of gas and one Tarrytown parking space every day he e-bikes to work.

"If this rule goes through, in theory, I won't be able to, because I can't come down Route 9. But an ordinary bicyclist can."

## Legal limbo

For years, e-bikes have occupied a strange legal limbo in New York, which has failed to enact laws regarding their use. In the absence of state action, they've been covered by federal law.

Before he opened his shop three years ago, Busk said he spoke with Tarrytown's police chief.

"I said, 'This the federal law, here's the state law,'" Busk recalls. "He rang the DMV and the lower guy said they're not legal, but then he rang the senior guy at the DMV who said, 'Yeah, that's correct. Federal law supersedes.'"

**[E-BIKES MAY BE COMING TO NEW YORK AFTER ALL: What you need to know \(/story/news/politics/albany/2020/01/24/e-scooters-may-coming-new-york-after-all-what-you-need-know/4555736002/\)](#)**

**[NO E-SCOOTERS FOR YOU: Why Gov. Andrew Cuomo vetoed legalizing them in New York \(/story/news/politics/albany/2019/12/26/e-scooters-vetoed-by-gov-andrew-cuomo-new-york-legal-states/2750648001/\)](#)**

Cuomo — who took heat from New York City bike-delivery advocates when he vetoed an e-bike bill last December, over its lack of "basic" safety measures — tucked a new law, with speed-limit and helmet restrictions, into his must-pass 2021 state budget, which is due April 1.

"New transportation technologies like e-bikes and e-scooters pose exciting potential as a sustainable alternative to vehicles, but we need clear laws and regulations that put the safety of riders and pedestrians first," Cuomo said at the time.

But in opening one window to city bike-delivery firms, Cuomo has shut a door to suburban riders, says Dan Convisor, of the cycling advocacy group Bike Tarrytown.

"Basically, this is a New York City bill, and that's fine," Convisor says. "Make it a New York City bill and leave everyone else alone."

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**Ebikes at Sleek eBikes in Tarrytown March 5, 2020. (Photo: Tania Savayan/The Journal News)**

## Cuomo's proposal

The bill regulates e-scooters, which have no pedals, and three classes of e-bikes: Class 1 e-bikes must be pedaled for the pedal-assist motor to engage; Class 2 e-bikes have a throttle and require no pedaling, akin to a mini moped; Class 3 e-bikes have a 28 mph top-speed, higher than the 20 mph for classes 1 and 2.

Cuomo's e-bike and e-scooter laws would:

- Set a maximum speed limit of 20 mph on Class 1 and Class 2 e-bikes and 25 mph on Class 3 e-bikes, which can only be operated in cities of 1 million or more residents;
- Set a maximum speed limit of 15 mph for e-scooters;
- Prohibit e-bikes and e-scooter on sidewalks;
- Require e-bike and scooter users be 16 or older;
- Mandate all Class 3 e-bike riders wear helmets;
- Mandate all e-scooter riders under 18 wear helmets;

- Let localities mandate helmet requirements for Class 1 and Class 2 e-bikes; and
- Limit the use of e-bikes to roads with speed limits of 30 mph or less.

It's that last item that would land Busk in trouble for riding his e-bike to and from work on Route 9. The problem, Busk said, is there's no other route to take, besides the unpaved Old Croton Aqueduct Trail.

The ultimate result, Busk says, is to make e-bikes "practically illegal to use in a meaningful fashion."

## Lawmakers weigh in

Members of the local delegation to Albany, made aware of the issue by The Journal News/lohud, said they would raise the issue and its impact on their constituents.

The budget process is just that, a process, said state Sen. Shelley Mayer (D-Yonkers).

"This is a starting point for a thoughtful conversation about allowing e-bikes under state law and I'm very supportive of that," said Mayer, who added she is a member of the Yonkers Bike Club. "There may be some modifications we need to make to ensure that those who want to use e-bikes for light commute or going to a train station have the ability to do so."

State Sen. David Carlucci (D-New City) said he appreciates Cuomo's concern for safety, "but that obviously is not going to work for the entire state."

**WESTCHESTER ORIGINAL: The Old Croton Aqueduct** ([/story/news/local/westchester/2018/07/12/westchester-original-old-croton-aqueduct-trail/735249002/](https://www.lohud.com/story/news/local/westchester/2018/07/12/westchester-original-old-croton-aqueduct-trail/735249002/)).

He called the road-speed-limit issue "the exact example of why this would be a major problem if that were to be implemented statewide."

"I've made it clear that we need to have a regional approach to e-bikes, that what works in New York City isn't necessarily going to work in Westchester and Rockland and what works in Rockland isn't necessarily going to work in Ulster County. We have to get this legislation passed and make sure it works for everyone."

## 'What are you supposed to do?'

For Convissor, the 30 mph-road limit is a deal breaker, but there are other issues, including the stipulation that lets municipalities set their own rules on clothing, helmets and whether to allow e-bikes at all.



**Dan Convissor of Bike Tarrytown, who finds the governor's regulations on ebikes are great for New York City riders but in fact hurt suburban riders, discusses the topic at Sleek eBikes in Tarrytown March 5, 2020. (Photo: Tania Savayan/The Journal News)**

"A village could say: 'You can't e-bike here' in the middle of your 100-mile ride," he said. "Then what are you supposed to do?"

"Outside New York City, it ends up being a poison-pill bill, because most roads between municipalities are 35 mph," Convissor said. "Route 9 is out; Route 448 is out; Route 119 is out. I couldn't go anywhere. I could bike in town and that's it."

The proposed bill removes the potential of e-biking that Cuomo hailed in announcing it, he said.

"E-bikes are fantastic because they help conquer distances. I have friends who go long distances on their e-bikes to get to work and this would make it illegal for them to do," Convissor said. "Bikes give you freedom. Why limit that?"

## How pedal-assist works

Ed Busk, owner of Tarrytown's Sleek E-bikes, describes how pedal-assist works on an e-bike: "You get different levels of assist: One through six. Think of the level of assist as adding muscle power to your leg. You pedal, it assists. If you put it in level 1, it gives you gentle assist and the assist bleeds away at 12 mph. You put it level 2, it gives you a bit more assist and assist bleeds away at 14 mph. Beyond that, you're doing all the pedaling. So it just kind of gets you up to speed."

## Classes of e-bikes

Not all e-bikes are created equal. There are three classes, each of which has a motor that is less than 750 watts, or 1 hp. Each has usable pedals. They typically weigh about 50 lbs.

Class 1: It has usable pedals and a top speed of 20 mph. You must be pedaling for the motor to assist. You can't coast and have the motor move you along.

Class 2: It's Class 1, but with a throttle. With the throttle on, you can coast along like a mini-moped and not pedal at all. Top speed is 20 mph.

Class 3: It's Class 1, with pedal assist, but with a top speed of 28 mph. Under Cuomo's proposal, Class 3 e-bikes are limited to cities of more than 1 million residents.

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