

New York City Department of Transportation
Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The New York City Department of Transportation (“DOT”) is proposing an amendment to section 7-04(a) of title 34 of the Rules of the City of New York to authorize the granting of a revocable consent to construct or maintain electric micromobility device battery swapping and charging cabinets on, over or under City streets.

When and where is the Hearing? DOT will hold a public hearing on the proposed rule online. The public hearing will take place on August 26, 2024 at 10 a.m.

Join through Internet:

- To join the hearing via your browser either click on the following URL link or copy and paste it into your browser’s address bar.

<https://zoom.us/j/91915980223?pwd=071xcOon9jxK3uGDDTQz63stUeBwhx.1>

Join Zoom Meeting:

- Meeting ID: 919 1598 0223
- Passcode: 972229

Then follow the prompts. If you have low bandwidth or inconsistent Internet connection, we suggest you use the phone option below for the hearing.

Join via phone only:

- To join the meeting only by phone, use the following information to connect:

Phone: 646-518-9805
Meeting ID: 919 1598 0223
Passcode: 972229

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DOT through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@dot.nyc.gov.
- **Mail.** You can mail comments to Will Carry, Assistant Commissioner for Policy, New York City Department of Transportation, 55 Water Street, 9th Floor, New York, NY 10041.

- **Fax.** You can fax comments at 212-839-7188.
- **Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing rules@dot.nyc.gov or calling 212-839-6500 by August 23, 2024 and including your name and affiliation. While you will be given an opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? Yes, the deadline for written comments is August 26, 2024 at 5 p.m.

What if I need assistance to participate in the Hearing? You must tell the DOT Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by e-mailing at rules@dot.nyc.gov or by calling 212-839-6500 by August 19, 2024.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments, and a recording of the hearing may be requested by emailing rules@dot.nyc.gov.

What authorizes DOT to make this rule? Sections 364, 1043 and 2903(a) of the New York City Charter (City Charter) authorizes DOT to make this proposed rule. This rule was not included in DOT’s regulatory agenda as it was not anticipated when the agenda was published.

Where can I find the Department of Transportation rules? DOT’s rules are in Title 34 of the Rules of the City of New York.

What rules govern the rulemaking process? DOT must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The New York City Department of Transportation (“DOT”) is proposing rules to authorize commercial property owners and tenants to apply for and be granted revocable consents for the installation of electric micromobility device battery swapping and charging cabinets on sidewalks within the public right of way in front of their properties. In recent years, ridership of electric micromobility devices, such as e-bikes and e-scooters, has increased dramatically. This includes increased ridership of uncertified e-bikes and illegal e-mopeds that use low-quality and uncertified lithium-ion batteries. The proliferation of these low-quality batteries combined with unsafe charging practices has contributed to an increase in fires started by lithium-ion batteries, which are now a leading cause of fires and fire

deaths in New York City. Electric micromobility device battery swapping and charging cabinets provide a safer way for e-bike users to charge and access Underwriters Laboratories (UL)-certified batteries.

The proposed rules would encourage the safe use of electric micromobility devices in order to address this urgent fire threat, as store owners, building owners, and battery swapping and charging cabinet providers are unable under existing rules to install these cabinets in the right of way. By amending section 7-04(a) of title 34 of the Rules of the City of New York (RCNY), DOT would authorize property owners or tenants to apply for a revocable consent in order to install an electric micromobility device battery swapping and charging cabinet on the sidewalk in front of a commercial business located in their property, where such cabinet would be accessible and usable to e-bike users. Such a revocable consent would be for a fixed term and would require annual compensation to DOT. Each such revocable consent and cabinet would be subject to the procedures and general conditions set forth in chapter 7 of title 34 of the RCNY for revocable consents.

In parallel to DOT review of applications for revocable consents for electric micromobility device battery swapping and charging cabinets pursuant to this proposed rule, the New York City Fire Department would review and approve each cabinet as part of their current Technology Management (TM) process to ensure that appropriate fire safety technology is utilized, such as ventilation, temperature control, and automatic shutoff if a battery is overheating. Additionally, such electric micromobility device battery swapping and charging cabinets would need to comply with the New York City Electrical Code, as applicable.

Specifically, the amendment proposed to be made to chapter 7 of title 34 of the RCNY is as follows:

- Section 7-04(a) is amended to add a new paragraph (38) to authorize the granting of revocable consents for electric micromobility device battery swapping and charging cabinets.

DOT's authority for these rules is found in sections 364 and 2903(b) of the New York City Charter and Title 19 of the New York City Administrative Code.

New material underlined.

Section 1. Subdivision (a) of section 7-04 of Title 34 of the Rules of the City of New York is amended by adding a new paragraph (38) to read as follows:

(38) Electric micromobility device battery swapping and charging cabinet.
(i) Standard. An electric micromobility device battery swapping and charging cabinet may only be installed adjacent to a property where the ground floor has a commercial or manufacturing use. The maximum height of each electric micromobility device battery swapping and charging cabinet shall not exceed eight feet, the maximum width shall not exceed four feet and the maximum depth shall not exceed three feet. No

revocable consent shall be granted for an electric micromobility device battery swapping and charging cabinet without the prior written approval of the New York City Fire Department.

(ii) Annual rate. \$25.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Revocable Consents for Battery Swapping and Charging Cabinets

REFERENCE NUMBER: 2024 RG 067

RULEMAKING AGENCY: Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: July 11, 2024

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Revocable Consents for Battery Swapping and Charging Cabinets

REFERENCE NUMBER: DOT-80

RULEMAKING AGENCY: Department of Transportation

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

July 12, 2024
Date