

From: [Diana Quast](#)
To: [Maura Weissleder](#)
Subject: FW: Yorktown Unregistered Self-Propelled and Limited-Use Off-Road Vehicles Change
Date: Thursday, March 21, 2024 3:13:30 PM
Attachments: [moped 1.png](#)
[ebike 1.png](#)

From: Laura Kelly <unlimitedmpg@gmail.com>
Sent: Thursday, March 21, 2024 3:08 PM
To: Ed Lachterman <elachterman@yorktownny.org>; Sergio Esposito <sesposito@yorktownny.org>; Luciana Haughwout <lhaughwout@yorktownny.org>; Patrick Murphy <pmurphy@yorktownny.org>; Diana Quast <dquast@yorktownny.org>
Cc: Daniel Flanzig <DFlanzig@flanziglaw.com>
Subject: Re: Yorktown Unregistered Self-Propelled and Limited-Use Off-Road Vehicles Change

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Hello,

Thank you for the opportunity to speak at the public comment on this draft law. I am encouraged to hear the board is exploring aligning e-bike and ATV definitions with the state.

I have copied Dan Flanzig, who is on the Executive Committee for the New York Bicycling Coalition (NYBC) and is an accomplished trial lawyer representing cyclists and pedestrians. Dan is open to having a conversation about how these two types of vehicles are categorized differently and may have insights on how to craft an improved law.

Dan also sent the attached images outlining the legal definitions of e-bikes and mopeds.

Thank you again,
Laura

On Mon, Mar 18, 2024 at 8:38 AM Laura Kelly <unlimitedmpg@gmail.com> wrote:

I'm attaching a few photos of the damage caused by ATV and dirt bike riders on Woodlands Legacy Field trails and Granite Knolls. These photos show where dirt/moto bikers and ATV riders have roosted (spun on the back wheel in circles) or decided to tear through the woods without regard to whether they are on an approved trail. Trail construction involves many steps, including environmental assessment, to ensure trails are located in an environmentally responsible way.

As a volunteer trail maintainer, it's very difficult to keep up with this damage - especially near the bridge over Hunter Brook in Woodlands. ATV and dirt bike riders drive directly through the brook,

blowing out the wetland and causing more environmental issues, such as increased erosion, in a DEC designated protected brook.

Notably, state law restricts ATVs and dirt/moto bikes to areas where they are explicitly allowed, meaning any Yorktown resident riding or allowing their child to ride these motorized vehicles on town land knowingly engages in an illegal activity ([linked here](#), On Public Land). I applaud the Town Board for seeking to strengthen its laws, however appropriate categorization of ATVs/dirt bikes (and a separate category for bicycles and electric bicycles) is required.

Understanding the frustrations of the ATV/dirt/moto riders, the Town may consider locating a suitable parcel of land and working with the ATV/moto community to create a space specifically for their use.

Thank you,
Laura

On Sun, Mar 17, 2024 at 11:46 AM Laura Kelly <unlimitedmpg@gmail.com> wrote:

Hello,

I am writing to ask the Board to revise the existing draft of the Unregistered Self-Propelled and Limited-Use Off-Road Vehicle law.

The change to Yorktown's Vehicle laws is poorly written because the town's proposed change puts ATVs and bicycles in the same classes of vehicles – Unregistered self-propelled vehicles and Limited-Use Off-Road Vehicles. **(Section § 275-27. Definitions)**

The state already has defined ATVs/off-road vehicles as separate and distinct from e-bicycles and trail bicycles.

- **NYS Bicycle Definition**
(<https://www.nysenate.gov/legislation/laws/VAT/102>)
- **NYS Electric Bicycle Definition**
(<https://www.nysenate.gov/legislation/laws/VAT/102-C>)
- **NYS Rules for ATVs/Dirt Bikes** (<https://dmv.ny.gov/brochure/atvs-information-owners-and-operators>)

The proposed revision offered by the NY NJ Trail Conference in partnership with the Yorktown Trail Town Committee (attached) ensures that this vital distinction is made between bicycles and ATVs, dirt bikes, and limited off-road use vehicles. ATVs and dirt bikes have a far more damaging impact on the trails than trail bicycle and electric bicycle use. Further, it aligns the town's laws with the State's definitions and requirements.

As a trail bicycle rider and volunteer trail maintainer with the NY NJ Trail Conference and Westchester Mountain Bike Association on Yorktown's trails, I encourage the Town Board to adopt clear definitions for each vehicle category to ensure the law is effective and enforceable.

Thank you!
Laura Kelly

LIMITED USE MOTORCYCLES (MOPEDS) (CAN BE ELECTRIC OR GAS POWERED)



- VTL 121-b Limited Use Motorcycle- defined as “2 or 3 wheels with a seat or saddle for the operator”
- Requires registration for all devices VTL 2261(1)
- To be registered, requires a VIN
- Class A – 30-40 MPH requires a motorcycle endorsement
- Class B – 20-30 MPH requires a drivers license only
- Class C - top speed of 20 MPH requires a drivers license only
- Class B and C can only be ridden right lane or right hand shoulder

THE 3 CLASSES OF E-BIKES

(VTL 102-C)



- **Class 1**- Pedal assist, 750 watt, 20 MPH (no throttle, must pedal for motor to engage)
- **Class 2**- Throttle Bike, 750 watt 20 MPH Max
- **Class 3**- (illegal outside NYC) 25 MPH Max
- No requirement for a license for any class.