



THE COUNCIL OF
THE CITY OF NEW YORK

STEVEN MATTEO

MINORITY LEADER

COUNCIL MEMBER • 50TH DISTRICT
STATEN ISLAND

□ DISTRICT OFFICE
900 SOUTH AVENUE, SUITE 403
STATEN ISLAND, NY 10314
(718) 980-1017
FAX (718) 980-1051

□ CITY HALL OFFICE
NEW YORK, NY 10007
(212) 788-7159

smatteo@council.nyc.gov

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September 27, 2018

Assistant Chief Thomas M. Chan
Chief of Transportation
New York City Police Department
One Police Plaza
New York, New York 10007

Re: Motorcycles in the HOV Lane

Dear Assistant Chief Chan:

I hope this letter finds you well.

I have recently been contacted by motorcycle riders regarding the legality of motorcycles using HOV lanes in our city. My constituents believe that pursuant to federal law motorcycles are permitted in all HOV lanes unless a State has specifically overridden that provision.

According to the website of the United States Department of Transportation:

“Motorcycles are permitted by federal law to use HOV lanes, even with only one passenger. The rationale behind allowing motorcycles to use HOV lanes is that it is safer to keep two-wheeled vehicles moving than to have them travel in start-and-stop traffic conditions. States can choose to override this provision of federal law, if they determine that safety is at risk.”

Despite the above-referenced federal law, several of my constituents on motorcycles have been ticketed in HOV lanes. The DOT website does not provide clear guidance on this subject. The site specifically states that motorcycles are permitted in the Long Island Expressway HOV lane, but is silent on this topic with respect to the Gowanus HOV lane.

My constituents, therefore, are unclear as to whether motorcyclists are permitted in city HOV lanes or not. If the law does permit motorcyclists then it is clear they should not receive a summons simply for being in the lane.

I ask that you clear up the existing confusion on this subject so that I may advise my constituents. Please accord this request every consideration consistent with your rules and regulations. Thank you for your time, courtesy, and consideration.

Very truly yours,

Steven Matteo
Minority Leader, 50th Council District

SM/cd



POLICE DEPARTMENT

OCT 17 2018

Thomas Chan
Chief of Transportation
One Police Plaza
New York, New York 10038

Honorable Steven Matteo
Council Member
50th Council District
900 South Avenue
Staten Island, New York 10314

October 3, 2018

Re: Motorcycles in the HOV lanes

Dear Council Member Matteo,

Your letter was received by this office regarding Staten Island residents inquiring if motorcycles are permitted to utilize the HOV lanes on the Staten Island Expressway (I-278) and the Brooklyn Queens Expressway (I-278). Your assessment is correct that these vehicles **are permitted** to utilize HOV lanes. You can confirm to your constituents that your advisory was accurate.

I will also conduct training on this topic as well with members of the Police Department.

Should you wish or need to contact me in order to provide more information that may assist in this matter please do not hesitate to do so.

A handwritten signature in black ink that reads "Thomas M. Chan".

Thomas M. Chan
Chief of Transportation