

RAVIN  
DECLARATION

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FIVE BOROUGH BICYCLE CLUB,  
SHARON BLYTHE, JOSH GOSCIAK, )  
KENNETH T. JACKSON, MADELINE )  
NELSON, ELIZABETH SHURA, LUKE )  
SON, )

Plaintiffs, )

- against - )

THE CITY OF NEW YORK; RAYMOND )  
KELLY, Police Commissioner of the New )  
York City Police Department; JAMES )  
TULLER, Commanding Officer, Patrol )  
Borough Manhattan South; Lt. John Doe, )  
and Captain Jane Doe, New York City )  
Police Department, )

Defendants. )

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07 Civ. \_\_\_\_\_

I, EDWARD RAVIN, hereby declare as follows:

1. I am a resident of New York City. I make this declaration in my capacity as an At-Large Member of the Executive Board and ride leader for the Five Borough Bicycle Club ("5BBC"), in support of Plaintiffs' Motion for Preliminary Injunction in this action.

2. I have bicycled regularly in New York City and the surrounding area for the past 22 years. I have been a member of the 5BBC since its inception in 1991, and was previously a member of the Bicycle Committee of Metropolitan New York Council of American Youth Hostels, the 5BBC's predecessor organization, since 1987.

3. I have served as a leader of group bicycle rides for 5BBC (and other bicycle clubs) since 1988. During this period, I have led at least 200 group bicycle rides.

#### **5BBC DAY TRIPS**

4. 5BBC calls itself “New York’s friendliest bike club.” The club uses its Day Trip program to make the club accessible to the broadest possible spectrum of New Yorkers. All day trips are open to the public at no charge. The starting place and time of each ride is listed on the publicly accessible pages of our website. The club welcomes beginning riders with limited skills, and offers some day trips that are specially designed to introduce beginners to group cycling at a modest pace.

5. 5BBC day trips are designed not only to be safe and accessible to beginners, but also fun and educational for all participants. This improves participation, and also makes the program enjoyable for the leaders who design and lead the rides. When I undertake to design a new day trip, my goal is to expose participants to interesting and novel cycling, social and cultural experiences, within a cooperative and friendly group context that will fuel participants’ interest in continued bicycling, enjoyment of the outdoors, and appreciation of our urban environment. I enjoy the challenge of designing and leading rides that integrate these diverse objectives.

6. When riding on day trips, I have often had passersby, usually pedestrians and bicyclists but sometimes motorists, smile, wave, give a “thumbs-up” sign, or cheer our group on. This leads me to believe that a group of bicyclists proceeding together in New York City sends an unmistakable message in favor of bicycling to everyone who

encounters us. I will usually return the greeting in these circumstances and invite bicyclists we meet to join us.

7. If I am paused at an intersection, I may have a discussion with a passerby and give out a "cue sheet." A cue sheet is a set of written instructions and other information regarding the ride and 5BBC. I sometimes include "advocacy notes" in my cue sheets to raise awareness of issues affecting bicyclists and to encourage bicyclists to take political action.<sup>1</sup>

8. Whether riding alone or leading a group, I communicate with motorists in certain situations, such as at intersections controlled by stop signs, or when making a left turn on a multi-lane road. Sharing the road requires communication. Bicyclists must communicate their right to the road to motorists in order to stay safe, because some motorists do not want (or understand how) to share the road with bicyclists. I also use hand signals and eye contact to convey to motorists of the need to maintain a safe distance and speed.

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<sup>1</sup> For example, I designed and for many years led a 5BBC ride entitled "Raiders of the Lost Greenway" which was conceived as an exploration of portions of Manhattan's Greenway perimeter bike path that had fallen into disrepair. Participants received a cue sheet that aided them in navigating the various hazards, and urged them to write city officials to demand improvements. (Attached as Exhibit A). During the ride, participants took photographs, which were posted publicly on the internet to raise awareness of the City's neglect of its "Lost Greenways." I discontinued the ride when the City finally repaired and made accessible those "lost Greenways." 5BBC now runs a popular "Manhattan Perimeter" ride on these Greenways which is in part a celebration of this victory for New York City bicyclists.

9. In my experience, motorists are much more attentive to a group of cyclists than to single cyclists, and far more likely to be courteous and avoid maneuvers that endanger cyclists such as passing too closely or making unsafe lane changes. For example, when making a left turn across a busy avenue, which is always a difficult task for a cyclist, I have found that motorists will yield and allow a group to cross much sooner and without the aggressive and impatient honking that usually accompanies the same maneuver when attempted by a lone cyclist.

10. Most 5BBC rides proceed single file or two abreast. As a 5BBC ride leader, I use the “point-drop-sweep” method to keep the group together. In this method, one leader (the “point”) leads the ride; another leader (the “sweep”) rides at the rear to ensure no one is lost; and the remaining riders take turns as “drop” by dismounting at intersections where the ride turns and waiting alongside the road to help guide those behind them.

11. It is important to keep a group together because a larger group usually has a more enjoyable group experience and because “lost” group members often have a miserable experience attempting to make their way home by themselves. On most rides, 5BBC uses cue sheets, the point-drop-sweep system, and “compression stops” (which allow stragglers to catch up) to keep the group together. However even a ride with a detailed cue sheet often will detour from the specified route in response to traffic patterns or obstructions, changes in weather, to make food and rest stops, and to visit places or

other attractions that participants wish to experience. This ability to spontaneously detour makes the rides more safe and enjoyable.

12. 5BBC also has some rides in which there is no fixed route and only the point-drop-sweep system and compression stops are used to keep the group together. For example, I lead a 5BBC ride that travels on the Old Croton Aqueduct Trail through the Bronx and Westchester County. The route goes through many off-road locations that cannot be easily described on a cue sheet, and has numerous transitions from roadways to off-street trails in mid-block or other unmarked locations. Another 5BBC ride without a pre-determined route is the Lincoln Tunnel ride.

#### **THE "SLAVES OF SLEEPY HOLLOW" DAY TRIP**

13. On Saturday, April 21, I am leading a ride I designed entitled "Slaves of Sleepy Hollow." I have designed this ride to impart an understanding of the role of slavery in 18th Century New York's economy, as indicated by the description on 5BBC's website.

Follow the scenic Hudson River up to Philipsburg Manor, an 18th century grist mill powered with slave labor. Now a museum, visitors will get an unvarnished appreciation of life on a colonial farm. We'll also see a special sheep-herding and wool-making exhibition on the museum grounds. Return route will use the car-free South County Trailway.

14. The ride will be conducted as a "traditional" 5BBC ride, using fixed routes, leaders, and destinations, and the point-drop-sweep system. I and the other leader of the ride will encourage participants to proceed as part of traffic and to use all

reasonable efforts to comply with applicable traffic rules. However the ride is open to the public and I do not have the power to control participants' behavior or to force participants to leave the ride.

15. The ride convenes at the Van Cortlandt Park-242nd Street Station of the IRT #1 line and proceeds up Broadway to the Westchester County line, and returns to New York City via the same route. The #1 station is an ideal meeting place because it allows participants who don't want to bicycle to the ride's starting point to take the subway, and there are stores and public restrooms nearby. The route up Broadway to Westchester is also ideal, because Broadway runs along the western perimeter of Van Cortlandt Park in this location, dramatically reducing the amount of cross-traffic with which bicyclists must contend. This stretch of Broadway is also relatively flat, unlike the alternatives to the west in Riverdale or to the east in Kingsbridge Heights or Norwood. Perhaps for these reasons, Broadway is a recommended bike route on the Department of City Planning's 2006 New York City Cycling Map.

16. I have selected the South County Trailway as part of the return route for several reasons. As noted in the description, it is free of cars and hence safer and more scenic. In addition, it has historical interest, in that it is a former railroad right-of-way dotted with historical markers. Moreover, as a former railroad roadbed in the process of being converted to a Class I bicycle path, it raises participants' awareness of the value of and need for car-free bicycling facilities. In fact, I find that even many bicyclists are not aware that this path exists. The cue sheet for the ride will include advocacy notes explaining this aspect of the South County Trailway.

17. I do not know how many people will show up for the Slaves of Sleepy Hollow ride. I plan to make efforts to encourage as many people as possible to attend, because a large ride is more fun and helps build the club. As with all 5BBC day trips, the actual number of participants will depend primarily upon the weather. If the weather is unusually fair, 50 or more participants may turn out for the ride, as has occurred on past 5BBC rides.

#### **IMPACT OF THE FINAL RULES ON THE SLEEPY HOLLOW DAY TRIP**

18. My understanding is that if 50 or more participants turn out for the ride, a permit is required under rules recently promulgated by the NYPD (the "Final Rules"), and that other restrictions would apply.

19. I am employed full time and I design and lead rides for 5BBC on a volunteer basis. I do not have the time to apply for a parade permit for the Slaves of Sleepy Hollow ride and there is no one who will do it for me.

20. My understanding is that in order to apply for a permit, I must state the width of every roadway the ride will use in New York City. I do not know the width of the portion of Broadway included in the route, and I do not know how I can find out without going there and measuring it myself, which would be time-consuming and dangerous.

21. My understanding is that the Final Rules would not allow me to detour from a route that was approved through the parade permit application process, unless a police officer gave permission. I have attended one 5BBC ride for which a permit was issued,

the February 25, 2007 "Frostbite" ride, and there were no police officers available during the ride who could have given permission to the group for a detour. As noted above, detours often are necessary for safety and other reasons. The Final Rules appear to remove this needed flexibility.

22. My understanding is that in order to apply for a permit, I must agree to serve as "Chief Officer" of the ride, which will mean that I "shall be responsible for the strict observance of all rules and regulations." 5BBC day trip leaders ordinarily are not held responsible in this manner for the conduct of the group members they lead, in part because such a policy would be unreasonable given our practice of welcoming members of the general public to our rides free of charge. I am not willing or able to assume responsibility for the conduct of whoever may show to the Sleepy Hollow ride. 5BBC's policy is that our riders are adults responsible for their own behavior, and that ride leaders are not authority figures, but rather guides that participants choose or choose not to follow.

23. As noted, the trip begins and ends at West 242nd Street and Broadway. Traffic in this area is often very congested because that is where the #1 IRT line terminates (there is an elevated subway station supported by columns above this intersection), and many people who live to the north travel by car, bus, livery cab and car service between this station and their homes. The congestion is enhanced by the traffic accessing the on- and off-ramps to I-87 located nearby. Adding to the congestion from these passenger vehicles and buses is the commercial traffic found on Broadway, which

is a local truck route. Finally, most of the buildings at 242nd Street and Broadway are businesses and other commercial structures.

24. These factors may qualify this portion of our route as a roadway that is “chiefly of a business or mercantile character” and is “ordinarily subject to great traffic and congestion” under N.Y.A.C. § 10-110(a)(2). If so, then my understanding is I would have to change my route in order to get a permit for the ride.

25. The restriction under N.Y.A.C. § 10-110(a)(2) affects a number of 5BBC rides. I co-led a ride on Saturday March 10, 2007 to a picture framing factory in Brooklyn called “Getting Framed.” As the meeting place for the ride, Grand Army Plaza at 59th Street and 5th Avenue in Manhattan was chosen because of its central location. The ride proceeded west on 59th Street and then south on Second Avenue (marked by the City as a “Greenway Connector” route) to 36th Street where the group entered the East River Greenway. A copy of the cue sheet is attached as Exhibit B. The portion of Second Avenue the group traveled is marked by the New York Metropolitan Transportation Council (“NYMTC”) as being “severely congested,” and is lined with various businesses. A copy of the NYMTC map is attached as Exhibit C. My understanding is that under N.Y.A.C. § 10-110(a)(2), this ride might well be unlawful to conduct with 50 participants.

26. The ban of “parades” on 5th Avenue without Mayoral Approval also affects me. I am planning a group ride which includes a segment from 110th Street and Lenox Ave in Manhattan to the Brooklyn Bridge entrance. The most direct and least

hilly route would be east on Lenox Avenue, south on 5th Avenue down to 23rd Street, then bearing left on Broadway down to Chambers Street. The portion of the ride on 5th Avenue alongside Central Park would be very pleasant on a weekend day: the lack of intersections along the Central Park side of 5th Ave provides a less stressful ride, and the presence of museums, mansions, and other buildings of interest is pleasing to the eye and provides a brief introduction to New York City architecture. However my understanding is that I will be unable to get a permit for my planned ride, unless I am able to convince Mayor Bloomberg that the ride falls within one of the following categories: “celebrations organized by the City honoring the armed forces; sports achievements or championships; world leaders and extraordinary achievements of historic significance.”

27. I believe that the NYPD’s Final Rules violate my constitutional rights, including my rights (*a*) to freely communicate my ideas through the specific route I have designed for the ride; (*b*) to freely associate with 49 or more other bicyclists for the purposes of exploring New York City and New York State; (*c*) to travel freely within New York City; and (*d*) to advocate on behalf of the value of and need for better accommodation of bicycling on public roadway facilities.

I declare under penalty of perjury that the foregoing is true and correct.



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Edward Ravin

25<sup>th</sup> day of March, 2007



## Raiders of the Lost Greenway (updated April, 1996)

An off-road ride in Manhattan? Without intruding on sensitive parkland or riding on the horse trails? Yes, it can be done, thanks to miles of abandoned waterfront paths in Upper Manhattan. Of course, being a Manhattan ride, instead of logs, rocks, and creeks, this route may have garbage, car parts, and gravel -- but it's also got river views that can't be beat. Call it an industrial strength Greenway ride.

But be forewarned -- this ride is not a Sunday stroll in the park. Some of these areas are isolated for long stretches, so ride with a friend. You'll need to carry your bike through a few tricky spots, some of them right by the East River with no guard rail -- so be careful. And there are stretches with tall weeds and overgrowth that are a blast to bike through, but it's definitely easier to do it during the long-sleeve seasons. And make sure you've got everything you need to fix a flat.

## Lost Greenway MTB / hybrid bike ride (approx 12 miles)

Start: Anywhere on East 96th St  
 go East on East 96th St to end  
 Left on East River promenade  
 Pass under wards Island Bridge (note 1)

Under Triboro Bridge, paved path bears left -- but stay to the right, along waterfront. Path turns to dirt.

Follow waterfront dirt road North --  
 past salt pile  
 through decrepit cement yard  
 across asphalt heap -- carry bike to NE corner (caution!)  
 through empty lot  
 under bridges  
 abandoned parkland (note 2)

Leave waterfront via 142nd Street pedestrian overpass  
 (just south of 145th Street Bridge -- further progress along waterfront blocked by chainlink fence and parking lot)

West on West 142nd Street (against traffic 1 block)  
 Right on Lenox Ave  
 Left on West 143rd Street  
 Right on Bradhurst Ave  
 Left on West 145th Street  
 Right on St. Nicholas Ave  
 Ahead on St. Nicholas Place

Ahead and right (North), downhill onto Harlem River Drive  
 (alongside Highbridge Park) On-ramp for "Harlem River Drive North" at bottom of hill -- take right lane  
 At bottom of ramp on northbound Harlem River Drive, hop Right as soon as fence ends (at merge with highway)

Harlem River "Speedway" Esplanade (note 3)  
 under High Bridge (note 4)  
 under I-95 and Washington Bridge  
 emerge onto paved plaza (amazing how nice this place looks when the city takes care of it!)  
 exit at Dyckman Street / 10th Ave

West on Dyckman Street, to end (food and bathrooms along Dyckman or Broadway)

lostgcue.txt

Open the gate on left by marina (its unlocked -- close it behind you)  
South on gravel / dirt road -- enjoy Hudson River views  
Path dead ends, go back to gate and Dyckman St (Note 5)  
Right (East) Dyckman Street  
Right on Staff Street  
Right Riverside Drive -- follow signs for Henry Hudson Pky South...  
Right onto sidewalk immediately after underpass, walk up abandoned stairs.

Riverside Drive Sidewalk Path (Note 6)

South on sidewalk path -- watch out for trenches and construction debris  
Pass Pergola (open air pavilion with columns). Check  
out great views of Hudson River

Follow path to intersection near GW Bridge.

Right into 180 degree turn (do not cross highway U-turn ramp), down  
through underpass under Southbound highway, to bridge over RR tracks,  
then path under GW Bridge by river.

Follow path South

Continue South until you reach Riverbank Park and the sewage plant  
Through gate, wander on street under viaduct, around parked  
garbage trucks, to 12th Ave and West 135th Street. South on 12th Ave.

Find the entrance to the Southbound Henry Hudson Parkway around  
west 129th Street.

Get on on-ramp for Southbound Henry Hudson Parkway, but dive  
off to the right onto a little thin jogging trail along the river  
BEFORE you get on the highway proper.

Trail connects to paved paths in Riverside Park around west 96th Street.

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Advocacy notes  
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Note 1: Pedestrian bridge is closed during the winter due to Parks  
Dept cutbacks and supposedly to "prevent crime" in the area. See  
also note 4.

Note 2: The City has plans to convert this stretch of waterfront from 125th  
to 145th St back into parkland, to be called "Harlem Beach" ISTE money  
has been obtained for the initial design study.

Note 3: One of Manhattan's first highways was the "Harlem River Speedway",  
built so horses could gallop away without worrying about crowded city  
streets. Later turned into a highway with adjacent waterfront path,  
the City and State DOT's allowed the southern access to this  
path to be destroyed during highway overpass renovations. But the  
highway ramp is two lanes wide, merging into one lane just before it  
enters the Harlem River Drive -- the extra lane could be turned into  
a sidewalk, restoring access without impacting motor vehicle  
flow onto the highway. Call or write to Commissioner, NYC DOT, 40 Worth St,  
NY NY 10013, NYC DOT, and demand that the City recover this abandoned path.

Note 4: Pedestrian bridge connecting two beautiful parks in low-income  
neighborhoods has been closed since the 1960's due to Parks  
Dept cutbacks. See also note 1.

Note 5: this path may one day become part of the Hudson River Greenway  
system from Battery Park to Albany, via a proposed wooden boardwalk  
along the shore connecting it to Fort Washington Park under the GW Bridge.

Note 6: This sidewalk was in reasonable condition until March 1995,  
when a City DOT lighting project dug trenches all along it,  
destroying large amounts of perfectly decent pavement. And half of the  
new lights don't even work yet. Despite letters and phone calls, the city  
has yet to put the area back the way they found it. Write to Commissioner,

lostgcue.txt  
NYC DoT, 40 Worth Street, NY NY 10013 and ask him to restore  
this path and to maintain it properly.





**Five Borough Bicycle Club—Getting Framed Ride**  
 25 miles Cell Phone – 917-562-8908 Richard  
 To join our club go to [www.5bbc.org](http://www.5bbc.org) or call 212 – 932- 2300 Ext 115

Start	Plaza Hotel 59 Street and Fifth Avenue	
Right	Onto 59 Street towards 2 <sup>ND</sup> Avenue	
Right	Second Avenue	
Left	34 Street	
Enter	East River Greenway Southbound (Use caution crossing Street!!!)	
Right	Pike Street - becomes Allen Street	
Left	Canal Street	
Left	Forsyth Street	
Right	East Broadway	
Right	Bowery	
Enter	Manhattan Bridge Bike Path	
Left	Jay Street	
Right	Tillary Street	
Left	Adams Street/Onto Boerum Place	
Left	Dean Street	
Right	Hoyt Street	
Left	Union Street	
Right	3 <sup>rd</sup> Avenue	
Left	14 Street	
Right	5 <sup>th</sup> Avenue	
Right	25 Street	
Stop	3 <sup>rd</sup> Avenue Frame It & Company 718-788-7404	
	767 3 <sup>rd</sup> Avenue Between 25 <sup>th</sup> and 26 <sup>th</sup> Street	
Continue	25 <sup>th</sup> Street towards 5 <sup>th</sup> Avenue	
Left	5 <sup>th</sup> Avenue → RT 21st → Left Lane	
	9 <sup>th</sup> Street	
Stop	El Viejo Yayo II	
Continue	9 <sup>th</sup> Street (southbound)	
Left	6 <sup>th</sup> Avenue	
Left	2 <sup>nd</sup> Street	
Left	4 <sup>th</sup> Avenue	
Right	3 <sup>rd</sup> Street	
Onto	2 <sup>nd</sup> Street	
Right	Clinton Place	
Right	Tillary Street	
Enter	Brooklyn Bridge	Right West 59 Street
Right	Tillary Street (Onto bike path towards Brooklyn Bridge)	Right Eleventh Avenue
	Brooklyn Bridge Bike Path	Left West 58 Street
Enter	City Hall – Park Row	Left Eighth Avenue
Left	Barclay Street	Right Columbus Circle
Onto	Church Street	Right Central Pk South
Right	Murray Street	End Plaza Hotel
Left	Hudson River Greenway North	
Right	West 23 Street Piers (Restrooms)	
Stop	North on Greenway	
Continue		

*See corner of this page for continuation*

SECRET

# Manhattan 2005 AM: Figure D.3-05A



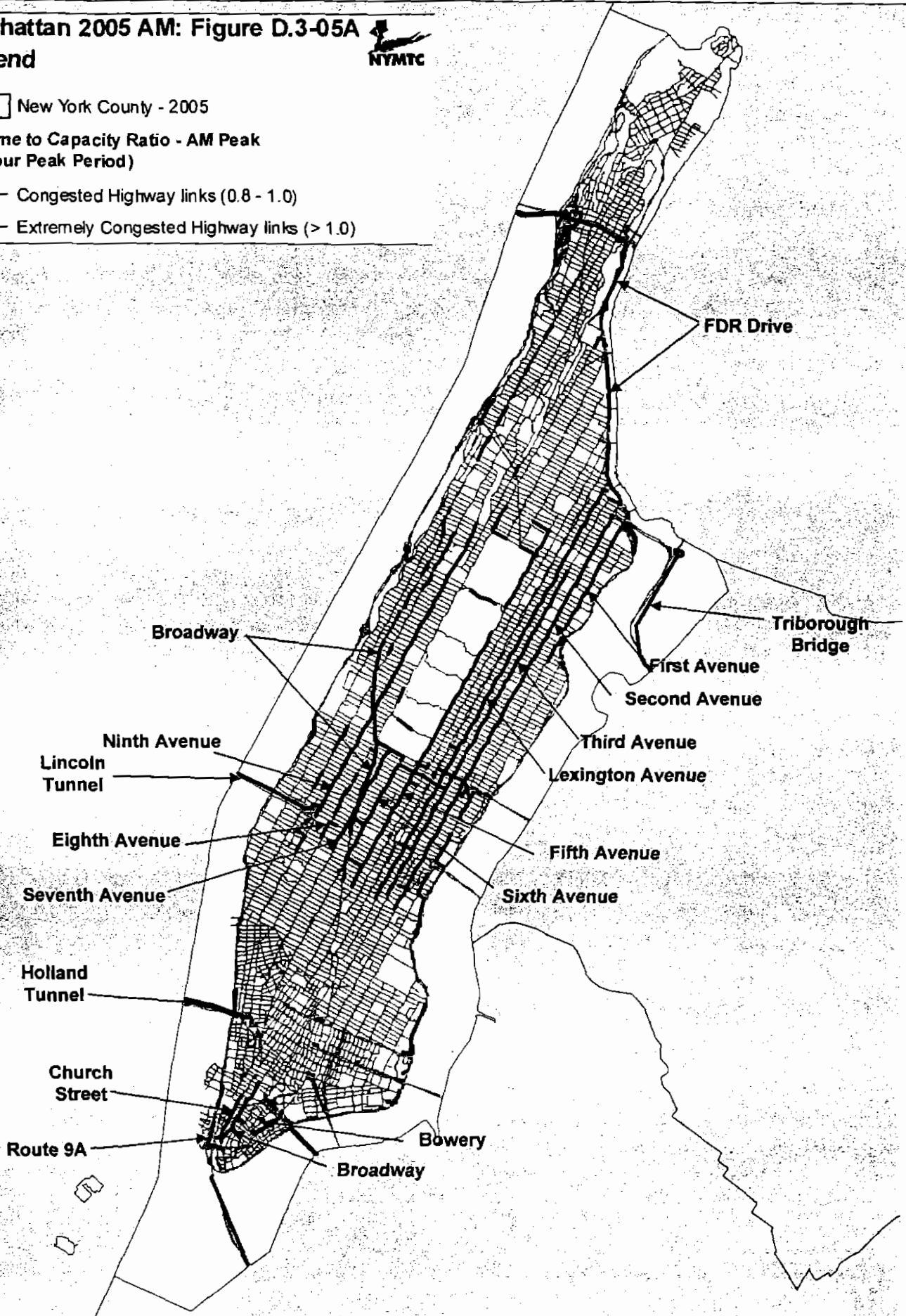
## Legend

New York County - 2005

Volume to Capacity Ratio - AM Peak  
(4 Hour Peak Period)

Congested Highway links (0.8 - 1.0)


Extremely Congested Highway links (> 1.0)



# Manhattan 2005 PM: Figure D.3-05P



## Legend

 New York County - 2005

Volume to Capacity Ratio - PM Peak  
(4 Hour Peak Period)

 Congested Highway links (0.8 - 1.0)

 Extremely Congested Highway links (> 1.0)

