

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Meredith Smyth

Address: 297 Monticello Ave #1

I represent: Pedicabs

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
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in favor  in opposition

TRI-state LIC

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: BRENDAN T. O'LOOLE

Address: 622 E 20th St NY NY

I represent: ~~Pres.~~ Pres. of PEDICAB ALLIANCE of

Address: DRIVERS

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: David Woloch Dep. Commissioner DOT

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: 55 water st n y.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DAVID SIKK

Address: 330 W 51st # AL

I represent: NY SELF

Address: 301 W 51st # AL NYC NY

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ALL Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/18/11

(PLEASE PRINT)

Name: CHAD MARLOW

Address: NYNY

I represent: NYC PEDICAB OWNERS ASSN

Address: NYNY

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**THE COUNCIL  
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in favor  in opposition

Date: 2/18/11

(PLEASE PRINT)

Name: TOM FERRUCCIA

Address: BROADWAY LEAGUE

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Pedicabs Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: IBRAHIM DONMEZ

Address: 8719 16<sup>th</sup> Avenue Apt C Brooklyn, NY

I represent: United Pedicab Business Alliance

Address: 8719 16<sup>th</sup> Avenue Apt C Brooklyn, NY

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**THE COUNCIL  
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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: James Lee aka Li

Address: 151 Daniel Low Terrace APT 1

I represent: MRL & Self

S.I.N.Y.C.B.U

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 406 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/19/11

(PLEASE PRINT)

Name: ERIK BERG

Address: 42 Broadway

I represent: NYC DCA

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. all 4 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/18/2011

(PLEASE PRINT)

Name: PETER M. MAZER

Address: 2-16 QUEENS PLAZA SOUTH - RM 503

I represent: METROPOLITAN TAXICAB BOARD OF TRADES  
LTC, NY 11101

Address: Same

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lt Daniel Albano

Address: \_\_\_\_\_

I represent: NYPD

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
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Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Fran Freedman, Deputy Comm. DOA

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
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in favor  in opposition

Date: 2/18/11

(PLEASE PRINT)

Name: DOUG KORMAN

Address: 954 THIRD AV. #429  
NEW YORK NY 10022

I represent: RIKE TAXI

Address: SAME

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
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Appearance Card

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in favor  in opposition

Date: 02/18/11

(PLEASE PRINT)

Assistant Commissioner

Name: Susan Petito

Address: \_\_\_\_\_

I represent: NYPD

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms



24-16 Queens Plaza South, Rm 503  
Long Island City, NY 11101  
**Phone:** (718) 784-4511  
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**Url:** www.mtbotnyc.com

**Peter M. Mazer**  
General Counsel

**Testimony of Peter Mazer, General Counsel  
Metropolitan Taxicab Board of Trade**

**Before the New York City Consumer Affairs Committee  
In Relation to Intro 345, Intro 466, Intro 467, and Proposed Intro 344-A  
February 18, 2011**

Good afternoon, Mr. Chair and members of the Committee. My name is Peter Mazer, and I am General Counsel to the Metropolitan Taxicab Board of Trade ("MTBOT"), a 58-year old organization dedicated to protecting the New York City yellow medallion industry, including the taxicab industry's "exclusive right" to pick up street hails. Our mandate is also to protect the safety of our drivers, passengers, and the public. We are the largest yellow taxi fleet association in the United States representing over 3,500 yellow medallion taxicabs that are leased to over 14,000 drivers at 31 fleet garages throughout the City, approximately 25% of the New York City taxi industry.

In 2006, MTBOT testified before this Committee regarding Intro 75, which sought to regulate the pedicab industry by requiring licenses, regular inspections, and mandatory public liability insurance. It is no overstatement to say this industry proliferated at an astonishing rate in New York City over a very short period of time. At the hearings, the Committee heard from a variety of concerned business owners, advocacy organizations, and government agencies all of whom expressed concern regarding the lack of regulation of the pedicab industry. We were pleased with the attempts by the City Council to treat pedicabs like the other public transportation providers and enact safety and insurance requirements as well as establish consumer protections.

Despite these attempts, the issue of continued, unrestricted pedicab proliferation, coupled with lack of enforcement, brings us back here today. I thank the Chair for not letting this issue simply slip through the cracks. We previously raised serious concerns about the effect this unregulated industry has on the taxicab's exclusive right to pick up street hails. New York City Administrative Code Section 19-504 provides, "no motor vehicle other than a duly licensed taxicab shall be permitted to accept hails from passengers in the street." Even though this could not be any clearer, pedicabs have been able to thrive because of a very important loophole in the law—they are not considered "motor vehicles" even though they profit from picking up street hails and operate in many of the same areas as taxicabs.



Taxicab owners pay a premium price for the right to accept passengers through the street hail system when they purchase a medallion. They also pay thousands of dollars per year in taxes, insurance, and operating costs; they are required to purchase a new car every three to five years. These regulations are in place to keep passengers and drivers safe, and ensure a level of service that has made the New York City medallion taxicab an icon recognized throughout the world. Pedicabs are only required to carry \$25,000 for bodily injury and \$50,000 for death while taxicabs are required to carry \$100,000 and \$300,000 respectively. Pedicabs pay a \$110 licensing fee while taxi owners pay nearly \$750 in licensing and inspection fees on top of the average medallion loan payment of \$3,500 per month. Pedicabs cost between \$3,000-\$5,000 dollars and do not have a mandatory replacement requirement while an average taxicab costs \$24,000, is inspected quarterly, and must be replaced every three to five years. As a result, you can imagine how this causes intense frustration when a yellow taxi driver sees a pedicab acting like a legitimate yellow taxicab, and picking up passengers by street hail, unequivocally stealing that driver's livelihood.

Since 2009, significant strides have been made in the area of pedicab regulation and the MTBOT is grateful for the City Council's persistence. While MTBOT supports these changes, we feel that more needs to be done to adequately protect the "exclusive right" of yellow medallion drivers to pick up street hails.

The four bills on the agenda today are important steps toward this goal. Proposed Intro 344-A will go a long way to better police the swarms of pedicabs in midtown. Pedicabs should be subject to the same parking regulations as cars. How is it fair, or safe, for pedicabs to congregate en masse outside theaters and on congested streets, blocking legitimate taxis from safely picking up street hails and impeding traffic? It is a public safety issue and this proposed legislation will no doubt help ease the congestion and chaos these bikes can cause.

Similar to the livery passenger bill of rights that was mandated to be displayed in all livery cars in 2009, Intro 345 adds a much needed layer of consumer protection that will be beneficial for the general public. Part of what makes a yellow cab service iconic is the fact that both passenger and driver have an awareness of what to expect—it is a highly regulated industry. These expectations are codified in the Taxicab Rider Bill of Rights that is displayed in each cab and outlines what a rider is entitled to as well as details for how to address grievances. There is a system in place that gives riders confidence in the service. This legislation will help extend this consumer protection to pedicab passengers and it is a positive step toward creating more accountability.

The other two bills on the agenda today, Intro 466 and 467 are also important. Imposing fines and punishments for reckless behavior that is in violation of the applicable rules and regulations of the Department of Consumer Affairs ("DCA") is common sense. While the threat of pedicab license revocation is currently on the books, it is discretionary and clearly not working. In December 2010, the New York Post ran a story about a pedicab driver with 31 known summonses, \$1500 in ECB fines for tickets issued by the Parks Department, and 4 warrants for his arrest after he failed to appear for

court dates. If this were a yellow taxi, the TLC would have suspended or revoked the driver's hack license. What is the use of issuing violations if there are no consequences and revocation is carried out in an arbitrary fashion?

MTBOT also supports Intro 467 and the repeal of the sunset set forth in Local Law 53 of 2009. The unchecked proliferation of pedicabs over time has violated the taxicabs "exclusive right" to accept street hails, added to congestion in midtown, and is a danger to public safety. The 60-day application period for pedicab business licenses was adequate time for all existing pedicab owners to submit their application and go through the inspection process with DCA. It is more than fair that while there was a 60-day application period, owners could register multiple pedicabs during that time and there was no cap placed on the number of pedicab drivers licenses that could be issued, even after the 60 days came to a close.

MTBOT supports the Council's effort to create accountability for pedicabs operating in New York City. It is our feeling that these "cabs" are operating as illegal taxis and should be restricted even further given the fact that they add to the problem of congestion and continue to exhibit dangerous behavior despite recent regulations.

Thank you for your time and consideration. I am available to answer any questions you may have.

David Sirk

## Pedi Cab Driver since 2002

I have been appalled by the way this regulation has been carried out. J1 and F1 students who (according to federal law) can not own a business or operate one as an independent contractor. Students on an EXPIRED VISA could simply show up with a Pedi Cab violation ticket and a foreign license and be awarded a Pedi Cab Permit. They are granted insurance because the insurance companies figure that the City has properly vetted these individuals and they take their money. What do you think is going to happen when it is discovered that, after a major accident, the owner /operator, jumped on a plane back to their country of origin? Do you think that the insurance company will pay the 2 million dollar claim? I think they will tell the injured parties to sue the city for their poor judgment.

Now to add insult to injury these same illegal owner/operators don't even have to comply with the same rules that, any United States Citizen is required to do in New York. If I have a driver's license from California and I want to drive a vehicle for hire, after establishing residency for 6 months, I must get a NYS Drivers license. But if I'm a Pedi Cab driver from Russia, I get my Pedi Cab drivers license rubber stamped by the DCA for yet another year. This is madness! These drivers on their expired visas have no sense of community and are here to obtain as much money as possible before being forced to leave. They could care less about the laws because they are already outlaws.

These bills presented today will have an effect on the FEW American drivers holding a NYS drivers license, but for the other 800 that will be showing up on our shores to work for the summer, it will just result in more no show court dates.

All this committee has to do is insist on a Tri State License just like any other vehicle for hire and we will once again become a positive part of the New York City landscape that was once featured on the I Love New York commercials.

## TESTIMONY OF IBRAHIM DONMEZ BEFORE COMMITTEE ON CONSUMER AFFAIRS

My name is Ibrahim Donmez. I have been driving a pedicab since 2005. I am one of the founding members of United Pedicab Business Alliance.

I would like to tell the City Council members that all the bills introduced by this Committee is not going to do anything to help either the public or the pedicab industry. This Committee should seriously consider changing driver license requirement to tri-state or quad-state driver licenses.

The major problem is the fact that the industry is constantly hijacked with unqualified, untrained short term visitors who can not speak English at all and they are immune to any law because they are gone by the time they have to show up for a hearing in the court.

As long as the city does not stop them from driving a pedicab, it does not matter how many laws the city passes, it will not stop the real problem of temporary visitors over-saturating the industry. These people are not immigrants.

The number of active drivers working all year round is around 300. The number of J1 4 month visa holding foreign college students who came here in the summer from countries like Russia or Turkey is around 700. So the number of pedicab drivers go up from 300 to 1000 in June and then it is 300 again in October. The number of public complaints increase in large numbers in the summer months.

Council Member Garodnick requested an enforcement blitz in September of last year which yielded 115 violations in a single day against pedicabs. I believe the pedicab drivers who received 100 out of these 115 violations on that day left the country by the end of September. So, it was a totally useless enforcement because these drivers did not even show up in the court. They left the country. These drivers were immune to these tickets as they were here only for 4 months and had no investment in this city or country at all.

J1 visa holders are not immigrants, they are only visitors who have no investment at all in the city. These students usually come to the States at the beginning of June and leave by the end of October.

If the city really wants to fix the pedicabs, then the city should stop temporary workers from hijacking the pedicab industry and its image by only allowing Tri-State or Quad-State driver licenses.

Pedicabs are the only commercial vehicles in New York City that do not require a United States driver license. If someone wants to be a yellow cab driver, they have to have a quad-state driver license. If someone wants to be a livery cab driver, they have to have a quad-state driver license.

I am recommending tri-state or quad-state driver licenses as the requirement to be a pedicab driver. The established majority of the pedicab industry wants this and they see it as an only way to revive this corrupt unorganized industry.

IBRAHIM DONMEZ

250 Broadway - Committee Rm, 14th Floor

**DEPUTY COMMISSIONER  
NEW YORK CITY DEPARTMENT OF TRANSPORTATION  
HEARING BEFORE THE CITY COUNCIL  
COMMITTEE ON CONSUMER AFFAIRS  
FEBRUARY 18, 2011**

Good morning, I am David Woloch, Deputy Commissioner for External Affairs at the New York City Department of Transportation (DOT). I am pleased to be here today to testify in support of proposed Intro 334-A, which would subject pedicabs to parking rules.

I want to thank Chairman Garodnick for holding today's hearing on pedicab regulations. Pedicabs are an important piece of New York City's sustainable transportation network. DOT supported the Administration and the Council's previous efforts to regulate the pedicab industry, and we welcome additional efforts such as this bill to make our streets safer for both New Yorkers and tourists alike.

At times, pedicab operators park in hotel loading zones, areas of no standing anytime, and even on the sidewalk. This creates a public nuisance, is an abuse of curb regulations, and presents a safety hazard for all street users. Unfortunately, the police currently can not enforce parking regulations because pedicabs are currently not subject to the laws governing the parking of a motor vehicle.

Intro 334-A would give clarity for pedicab drivers and police by subjecting pedicabs to the same parking rules and regulations as motor vehicles. This would delineate both rights and responsibilities for pedicab drivers on where to stand, stop and park their pedicabs. Under Intro 334-A, pedicabs would be appropriately prohibited from parking in paid commercial parking zones, taxi stands, hotel loading zones, authorized parking zones and other No Parking/Standing/Stopping zones. Pedicabs, like other vehicles, would still be able to use designated areas of passenger loading and unloading, and pick up and drop off passengers at the curb.

We believe the requirements put forth in Intro 334-A would provide clear guidelines on how pedicabs can use the curb without causing a hardship on their ability to conduct business. Thank you for inviting us to testify and we will be happy to answer any questions at this time.

**STATEMENT OF  
SUSAN PETITO  
ASSISTANT COMMISSIONER, INTERGOVERNMENTAL AFFAIRS  
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON CONSUMER AFFAIRS**

**FEBRUARY 18, 2011**

**Good afternoon, Mr. Chairman and members of the Council. I am Susan Petito, Assistant Commissioner of Intergovernmental Affairs of the New York City Police Department. I am joined by Lt. Daniel Albano, Managing Attorney of the NYPD Legal Bureau, Criminal Section. We welcome this opportunity to discuss the Police Department's experience in enforcing the laws and rules pertaining to pedicabs.**

**The licensing and regulation of pedicabs in New York City has provided a much-needed framework for ensuring the safety of this form of public transport. However, the presence of pedicabs on crowded City streets continues to present challenges, in terms of both traffic congestion and adherence to rules of the road. Our enforcement personnel report continuing incidences of traffic violations and property damage caused by pedicabs, which are often not documented because of the ability of a pedicab to quickly leave the scene of an incident.**

**Documentation of incidents is also difficult because pedicabs are essentially classified as bicycles, with violations enforced through paper summonses returnable either to the Traffic Violations Bureau or to Criminal Court. Thus, our data regarding enforcement of pedicab violations is based on hand counts of summonses issued. In 2010, there were 1,942 summonses issued for pedicab-related violations by our Citywide Traffic Task Force, which focuses on pedicab enforcement in midtown Manhattan, the location where pedicab presence is most prevalent. Patrol personnel in Patrol Boroughs Manhattan North and Manhattan South issued 2,359 pedicab-related summonses in 2010 as well.**

**Documentation of accidents is similarly difficult, since pedicabs are indistinguishable from bicycles unless a review of individual accident reports is conducted. The number of pedicab accidents involving a motor vehicle is therefore not available. However, we have conducted a review of our reports of incidents in which a person is injured (called "aided" reports), capturing the number of bicycle accidents not involving motor vehicles. We have determined that of the 294 aided reports indicating a bicycle involved in 2010, one involved a pedicab. In 2009 there were 261 reports indicating a bicycle involved, with seven involving a pedicab. We note that there may have been additional accidents which occurred which were not reported to police or otherwise not documented by the preparation of an aided report.**

**We again thank you for the opportunity to discuss the Police Department's enforcement efforts regarding pedicabs, and we welcome your questions.**

**STATEMENT OF  
SUSAN PETITO  
ASSISTANT COMMISSIONER, INTERGOVERNMENTAL AFFAIRS  
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON CONSUMER AFFAIRS**

**FEBRUARY 18, 2011**

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We again thank you for the opportunity to discuss the Police Department's enforcement efforts regarding pedicabs, and we welcome your questions.



NYC & Company  
810 Seventh Avenue  
New York, NY 10019

**City Council Committee on Consumer Affairs Hearing: Pedicabs  
NYC & Company Testimony  
2/18/11**

As CEO of NYC & Company—the City’s marketing and tourism organization—I would like to thank the Council, Chairman Garodnick and the Consumer Affairs Committee for allowing us to testify.

Throughout the current economic crisis, tourism has remained steady and strong—supporting thousands of city businesses and, most importantly, supporting the 320,000 New Yorkers that are employed in the industry. In fact, 2010 saw record-breaking numbers across the tourism industry. We welcomed a record 48.7 million visitors (a 6.8% growth over 2009), generating \$31 billion in economic impact for the City and saving NYC households an estimated \$1,200 in state and local taxes.

A growing part of the fabric of this important industry are pedicabs. They offer a unique, alternative mode of transportation whereby visitors can explore the sights and sounds of New York City without crowds or limited visibility. Furthermore, as New York City continues its push to become the greenest large city in the country, pedicabs offer a clean, environmentally-conscious way to navigate our busy streets and diverse neighborhoods.

However, as is the case with any tourist attraction or service, the safety of our residents and visitors must be of paramount concern. Our city’s economy relies on the positive experience of our visitors. Unlicensed and unregulated pedicabs can pose numerous risks to this important demographic and hurt the image of New York City, and visitors patronizing licensed pedicabs should be ensured a safe, comfortable, and enjoyable ride. Enhancing current regulations on the industry will allow pedicabs to continue operations on city streets, preserving this popular mode of transport, while also giving piece of mind and security to consumers.

NYC & Company has long advocated for the regulation of pedicabs in order to assure public safety, and we were pleased to add our voice to discussions on previous legislation. We thank the Council for their initiative and commitment to this important issue and hope for a quick resolution.

Sincerely,

George Fertitta  
CEO  
NYC & Company





TRANSPORTATION  
ALTERNATIVES

127 West 26th Street  
Suite 1002  
New York NY 10001  
Tel 212 629-8080  
Fax 212 629-8334  
transalt.org

Councilmember Gardodnick  
Chair, Consumer Affairs Committee  
New York City Council  
250 Broadway  
New York, NY 10007

Dear Councilmember:

Please accept the following as Transportation Alternatives' testimony on the following bills:

**Int. 345-2010** - A Local Law to amend the administrative code of the city of New York, in relation to displaying a bill of rights and responsibilities in pedicabs.

**Int. 466-2011** - A Local Law to amend the administrative code of the city of New York, in relation to suspending and/or revoking pedicab licenses for certain violations.

**Int. 467-2011** - A Local Law to amend the administrative code of the city of New York, in relation to the permitted number of pedicab registration plates.

**Proposed Int. 344-A-2010** - A Local Law to amend the administrative code of the city of New York, in relation to requiring pedicabs to be subject to parking rules.

The 8,000 members of Transportation Alternatives commend the Council for their work in fostering the continued development of the pedicab industry in our City. We believe that we should all work to make pedicabs like yellow cabs- an integral and iconic aspect of New York's streetscape.

These bills bring us closer to making pedicabs a routine mode of transportation, in that they provide a framework for more rigorous management and oversight. While there are a few particulars that are worth discussing, we applaud the intent and approach of these bills.

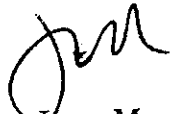
Specifically, Int. 466-2011 provides that any operator who violates the law regarding safe administration of pedicabs within in a twelve month period is subject to suspension of their pedicab license for a month; a third offense leads to revocation. Removing a driver's ability to earn a livelihood for a month or permanently is a substantial penalty, and must be considered carefully.

Transportation Alternatives agrees that the highest priority is to get unsafe pedicab drivers off the road. This bill, however, makes no distinction between violations of the law that create serious risks (§ 20-259(b)6, which prohibits a pedicab driver from operating the vehicle while intoxicated by alcohol or other drugs) and less serious offenses which do not directly impact safety (§ 20-259(h) which requires the driver to furnish a copy of a summons for a traffic violation within five days to their employer). We encourage the Council to study which provisions of §20-259 pedicab drivers and operators are most likely to violate, and which provisions of §20-259 are most likely to impact safety, and to tailor this bill accordingly.

We also encourage the Council to study the possibility of establishing stands for pedicab drivers to solicit fares. Int. 344-2010 is concerned with the way pedicabs are parked, but it does not address the "why" pedicab drivers are parked. The industry and their potential fares would both benefit from designated areas for pedicab drivers to pick up clients: these stands would improve traffic flow and safety, while further integrating pedicabs into the streetscape. The intent behind Int. 344A-2010 may be advanced by including a pedicab stand initiative.

Thank you for considering these comments on this package of bills. We work closely with the pedicab industry, and support its growth, as you do. We look forward to working with you in the weeks and months ahead to further develop these bills and to advance the industry.

Sincerely,



Juan Martinez  
General Counsel  
Transportation Alternatives



# Testimony of the New York City Pedicab Owners' Association

COMMITTEE ON CONSUMER AFFAIRS  
FEBRUARY 18, 2011

Presented by Chad A. Marlow, Esq.  
President, The Public Advocacy Group LLC



Chairman Garodnick and members of the Consumer Affairs committee, my name is Chad Marlow and I am president of The Public Advocacy Group. It is my pleasure to once again represent the New York City Pedicab Owners' Association before this committee.

Over the past several years, the process of regulating the pedicab industry, which was initiated by the pedicab industry itself, has brought us into both conflict and accord with the Mayor, the City Council and the Department of Consumer Affairs. We have fought for our burgeoning industry in the press, in the halls of government and in New York State trial and appellate courts. At the conclusion of the last round of pedicab regulations, we proudly joined Mayor Michael Bloomberg, Speaker Christine Quinn and then-Consumer Affairs Committee Chair Leroy Comrie in passing a strong and well considered set of regulations to govern our industry. They were, I am pleased to say, nearly identical to the regulations the NYCPOA sought at the outset of the process. Understandably, after years of beating back powerful special interests who sought to use their political and economic clout to destroy our industry rather than regulate it, the NYCPOA has every reason to be gun-shy about further attempts to regulate our industry.

And yet today, although we are testifying on several new pedicab regulation bills, we have no such intrepidations. Although the bills may not be perfect in our minds, we are nonetheless throwing our full and unconditional support behind them. There is a simple rationale behind our decision to adopt this approach: We have complete confidence that the sponsor of these bills and legislator who now bears the greatest responsibility for overseeing our industry is an honest broker who has our best interests at heart. That person is the Chair of this Committee, Councilman Dan Garodnick.

I have personally known Councilman Garodnick for over a decade and therefore, in that respect, so has the pedicab industry. Mr. Chairman, you are an elected official of truly exceptional character, intellect and honesty. You have shown a steadfast commitment to approaching your role as a legislator in an even-handed and deliberate manner, with the singular goal of improving our City for all New Yorkers. In the case of the regulation of pedicabs, it is clear that you are working to make our industry better for your constituents, for the thousands of New Yorkers and tourists who patronize our industry every year, and for the hundreds of men and women who comprise the small-business owners and working class drivers who earn their livings in the pedicab industry.

So this leads to the NYCPOA to this moment and to take what I think is a fairly unique step by the leading representative of a regulated industry. Although we could take a short-term, micro view of the bills before this Committee and object to whatever small imperfections they may contain, we have chosen not to do so, for at their core, these bills represent a commitment to the very same principles that drive the NYCPOA; namely, creating and maintaining the highest possible standards for our industry. Reasonable minds might disagree from time to time on how best to pursue that goal, but such minds should work together and respect differences of opinion. To the extent these bills differ from the ideal approach we might take, we accept those

differences of opinion and are willing to submit to the best judgment of their sponsor and this Committee.

And so instead we have chosen to take a long-term, macro view of these proceedings and the ongoing regulation of the pedicab industry. From our perspective, we are truly fortunate to have one of the City's great, up-and-coming elected officials leading the oversight and regulation of our industry, and we look forward to being your partner in those efforts, Mr. Chairman. Our goals are the same and therefore we can and should work together to achieve them, starting today.

Before concluding my testimony, I think it is important to recognize an elephant in the room that need not be addressed as part of the current legislation, but must be addressed in the near future. To the extent this Committee believes new regulations are needed to improve the functioning of our industry, we are willing to set aside our reservations and accept that judgment as it is reflected in the current bills. Unfortunately, neither existing laws nor new ones will produce the desired impact on our industry when a small but not insignificant number of pedicab drivers have no intention of abiding by them. Specifically, I am speaking about those pedicab drivers who lack a significant connection to the New York metropolitan area. These pedicab drivers are taking advantage of a loophole in the existing pedicab laws that allow them to use any valid automobile driver's license to obtain a New York City pedicab driver's license. These drivers simply do not care if they break the law and receive a ticket, because they have no intention of paying the fines. Whether they receive one ticket, a dozen tickets or, in the case of one driver, 90 tickets and 4 arrest warrants, it is of no consequence. They know full well that the City of New York is not going to track them down in New Mexico or Florida to get them to pay their fines. And certainly New York City is not going to enlist the help of INTERPOL to hunt many of these drivers down in the overseas nations in which they principally reside. Unfortunately, Mr. Chairman, I would venture a guess that even if these drivers have their pedicab drivers licenses suspended pursuant to the new rules in Intro. 466, they will continue to wear their driver IDs and operate pedicabs. They are above the law because they are beyond the reach of it. These drivers come in to New York City during the busy pedicab driving seasons, recklessly drive their pedicabs, overcharge their passengers, damage the reputation of our industry, and then stuff their pockets with their ill-gotten gains and return home. This needs to stop, and until it does, regardless of the number of laws in effect, the bad apples will continue to spoil the bunch.

The Taxi and Limousine Commission recognizes the risk of allowing persons with limited or no local connections to drive taxi cabs. They know allowing taxi drivers to carry any valid driver's license would invite abuse and therefore the TLC issues hack license only to those with driver's licenses from New York, New Jersey, Connecticut or Pennsylvania. This quad-state license requirement must also be applied to the pedicab industry or no volume of laws will be able to remedy the legitimate concerns we all share.

I thank you for the opportunity to testify today and would be happy to answer any questions the Committee might have.

## STATEMENT OF THE BROADWAY LEAGUE

February 18, 2011

Good afternoon. I am Thomas Ferrugia, the Director of Government Relations for The Broadway League, which has been the principal trade association for the commercial Broadway theatre industry for over 80 years. We now represent more than 750 leading theatre owners, producers and road presenters nationwide – with over 400 maintaining offices in New York City. I want to thank Chairman Gardonick and the other distinguished members of the Consumer Affairs Committee for this opportunity to comment on the four proposals under consideration today.

The League has always supported any legislation designed to relieve traffic congestion in New York City. We continue to applaud the current pedicab licensing requirements, particularly the safety, insurance and reporting features of the law as a means of making the bicycle taxi industry safer for residents and visitors.

With respect to today's proposals, we feel it is imperative that the Council maintains the current limit on the number of pedicabs operating on the streets of New York City. Today there are between 850 and 900 licensed bicycle taxis, already beyond the point of saturation for the limited neighborhoods pedicabs regularly travel around in search of passengers. Pedicabs primarily congregate in Times Square, the area bound east and west by Sixth and Eighth Avenues and north and south by West 53<sup>rd</sup> and West 40<sup>th</sup> Streets, a neighborhood crowded with cars, street vendors, theatre-goers, shoppers, restaurant patrons and, of course, tourists.

As Midtown Manhattan is already swarming with slow-moving bicycle taxis frequently operated by drivers who ignore traffic laws, we suggest that allowing additional pedicabs to inundate the streets at this time would be an unsafe

decision. Introductory Bill 467, which essentially holds the amount of authorized pedicabs to today's number, is currently the best solution to this problem.

The League is committed to providing millions of New Yorkers and visitors with the best possible theatergoing experience and we believe this experience begins before the show begins and continues even after patrons leave our venues. We remain concerned about the number of pedicabs regularly parked outside our theatres, blocking building egress, taxicabs and private transportation, while waiting to solicit passengers who have just seen a performance. Accordingly, we wholly support Introductory Bill 334-A, which would require pedicab operators to observe all motor-vehicle parking regulations, as well as Introductory Bill 466 designed to make it easier for the Department of Consumer Affairs to revoke licenses for those unscrupulous pedicab drivers who ignore the law.

We also support any legislation intended to provide consumers with sufficient information to make informed decisions about their purchases. We therefore support Intro 345 requiring pedicab owners to display a passenger's bill of rights, similar to the notice now required of New York City's taxicabs.

Finally, for the safety of our citizens, we reiterate our frequent urging that the Council, Mayor and NYPD actively enforce all laws as they relate to pedicabs. The NYPD must train officers dedicated to supervising bicycle taxis, particularly since violations can be tied to license renewals and dangerous operators can be taken off the street.

On behalf of the Broadway theatre community, the League applauds the Council's ongoing and sincere dedication to addressing this massive problem in a fair, balanced manner. Again, we thank the Committee for this opportunity and I would be happy to answer any questions you may have.



February 18, 2011

From: **Doug Korman**

To: **New York City Council Consumer Affairs Committee**

Re: **Public Hearing on the First Year of Pedicab Regulation**

Good afternoon Council Members. My name is Doug Korman and I drove a pedicab for a dozen years on the streets of our city. For many years, pedicabs were viewed both by the public and by those of us in this fledgling industry as a very interesting and appealing alternative way to get around. In a relatively short period of time that image and perception has drastically changed. This fact provokes the question: How and why did this happen? The answers are myriad. However, I am only afforded the time today to address the most pressing issues, as I firmly believe the City Council and the Department of Consumer Affairs bear the full responsibility for the mess that the pedicab industry is in and the loss and suffering it has endured. Correcting this governmental oversight lies squarely upon you, if you honestly wish to have a sustainable, non-polluting short-hop transport service that pedicabs so ably provide.

First of all, Local Law 53 should never have permitted the issuance of a pedicab drivers license without the applicant providing a valid drivers license from New York, New Jersey or Connecticut, within the credible range that any pedicab would commute for such a job. This single mistake has caused the following:

- 1) A major loophole for foreigners with only a tourist visa or a J-1 / F-1 visa to illegally operate a small business in New York City.
- 2) Create a shady business environment whereby foreign agents built a large referral service around this loophole so that such illegals became knowledgeable of this opportunity to bilk the riding public for a season and never face any legal consequences for the evil deed of consistently over charging or committing countless driver violations.
- 3) By allowing such a licensing loophole in the law and without the DCA making the appropriate rule to fulfill their obligation to protect the consumer, they now have provided a license to both harm the public and this struggling small green business. The countless instances of fraud against customers have significantly and unfairly marred the image of pedicabs as a reasonable and enjoyable conveyance.
- 4) The lack of commitment to standards established by the industry and the lack of driving experience of these '*here today, gone tomorrow*' con artists has put the riding public in grave danger. They clearly demonstrate that they have no respect for the law or safety practices, as they are in large measure the traffic code violators.

Now in all fairness, why should the hardworking, well intended pedicab business operators with an appropriate adherence to best practices suffer a statistical smear by the NYPD and the shunning of the riding public while they have helplessly stood by in disgust and frustration observing the destruction of their means of income. It is shameful that so much effort was put into the legislative legalism of drafting the law and this potential problem was overlooked. Something must be done about this.

Furthermore, I think it is ridiculous that the Council consider the idea of creating law to put a bicycle in the same over-inflated parking violation scheme as automobiles, when a pedicab has far less of a footprint on the roadway. Proper government stewardship of such a startup industry should have provided pedicab stands from the very start of regulation, as sensible means for drivers to solicit rides, takes food and toilet breaks and to avoid any conflict with other vehicles or local businesses. This also needs to be fairly addressed before any further punishment of pedicabs be legislated.

There are many unfair items in Local 53 that the industry must live with but none has affected my business like the ban on electric-assisted pedicabs. The unfair inspection process and scheduling made it impossible for me to reconfirm my electric pedicabs to the requirements in the set time, so I was marginalized out of the business. The Council has consistently deferred to state law as the reason for the ban, when in fact state law allows a city the size of New York to determine what it will permit on its roadways. This is an old law, but you conveniently ignore it along with the American With Disabilities Act and make no required provision in the law for persons with a disability to have assistance in performing this job.

This is a humane and prejudice issue. Under the present law, pedicabs are largely operated by young drivers with a handful of older drivers who either needlessly struggle or modify their activity to peak periods during the year and only a very small fraction of the industry are woman drivers. Any law that creates this kind of job opportunity restriction in our present economy is disgraceful. If the issue of the disabled drivers was fought and likely won in court, the foreseeable response of the City Council would be to make it only permissible for the disabled. Any of us can look around our streets and see them buzzing with electric bicycles these days. Why would we forbid cyclists with up to 1,000 pounds of additional weight to have a little assistance defined by federal law?

This stands as a clear witness as to why so many citizens and small business owners do not believe we can trust the government to do what is right, with moral leadership.



**Department of  
Consumer Affairs**

**Testimony of Erik Joerss, Director of City Legislative Affairs  
New York City Department of Consumer Affairs**

**Before the  
New York City Council Committee on Consumer Affairs**

**Oversight Hearing on  
NYC Pedicab Regulations: First Year Review**

**and on  
Intro Numbers 334-A, 345, 466, and 467**

**February 18, 2011**

Good afternoon, Chairman Garodnick and Committee members. I am Erik Joerss, Director of City Legislative Affairs for the Department of Consumer Affairs, and with me is Deputy Commissioner for External Affairs, Fran Freedman. Commissioner Mintz asked me to thank you for the opportunity to appear before you at your oversight hearing on "NYC Pedicab Regulations: First Year Review" and your hearing on Intro Numbers 334-A, 345, 466, and 467.

The Department of Consumer Affairs was pleased to have the opportunity to work with its sister agencies and the City Council to help craft Local Law 53 in August, 2009 and to implement a market-driven licensing plan for this nascent but growing industry. The legally-required 59-day window allowed all who wished to compete in the market at that point in time to do so. Let me take you back, briefly, to the fall of 2009 so that we can share with you the massive and all-encompassing effort it was to implement this new legislation.

At the very outset, DCA instituted a business-friendly broad education, licensing and inspection protocol designed to protect the public's interests while providing a smooth, efficient and orderly process for the industry to follow. To assist the more than 170 pedicab businesses facing the City's new legal requirements, the Department immediately mounted a multi-pronged outreach campaign to the industry, including:

- Ongoing update bulletins as the City Council moved toward passing the new licensing legislation;
- Distribution of a detailed FAQ, explaining each step of the licensing and inspection process;
- Making all materials available on DCA's website, through 311 and at our Licensing Center;
- Repeated offers to the two industry associations to hold special sessions to walk prospective applicants through the process; and
- Near daily direct contact with the industry's two business associations regarding the low volume of early applications, including a meeting with the Commissioner.

The task of imposing a licensing and inspection scheme on a previously unregulated industry in an incredibly short amount of time required an enormous amount of work, meticulous planning and a significant communications effort among all stakeholders.

Our outreach to the industry was meant to supplement an already streamlined licensing process, with most of the key information available online through the Business Toolbox section of our website. All required forms and requirements were easily accessible and wherever possible, downloadable.

The City opened its licensing window on September 22, 2009 and continued for 59 days through November 20, 2009. To receive a pedicab business license, applicants were required to own at least one registered pedicab which passed inspection, acquire legally compliant insurance, and submit a completed application to DCA. Applications for pedicab drivers licenses were submitted beginning on September 22, 2009 and submissions have been ongoing as there was no "window" or time limitation for such licenses.

In the first 60-day registration period before the window closed, DCA received 181 business license applications which included 943 individual pedicabs. Of those who

applied, 172 business licenses were issued, representing 889 pedicabs. We also issued pedicab driver licenses to 474 applicants during 2009.

From October, 2009 through December 21, 2009, DCA conducted 1,129 inspections (including re-inspections) of pedicabs to ensure that they met the rigorous legal requirements to be duly registered. The qualifying inspection was an intensive, comprehensive and vigorous 24-point review that focused on pedicab vehicle safety and consumer protections and tested the integrity of the product. These soup-to-nuts inspections included testing primary and secondary braking systems, lights, turn signals (both visual and audible), reflectors, timers and distance calculating devices, appropriate rate and other signage.

Each inspection generally took between 15 and 20 minutes, depending on whether or not problems were noted and depending on the method that rates for the pedicab were to be calculated. If a pedicab calculated rates based on distance, our inspectors measured a 330- foot trip. If timing was used, we checked the applicants' timer against our own stop watches.

DCA designed its process to be as accessible and convenient as possible for businesses, conducting onsite inspections for pedicab businesses with more than ten pedicabs in their own garages. The bulk of the inspections, however, took place in Central Park. We thank the Parks Department for graciously allowing us to use its venue, which was not only convenient for DCA inspectors and for the industry, but was spacious enough to allow us to perform the important testing that was required.

Almost before the Department could recover from the initial licensing period, it was time to renew existing pedicab business licenses, which were set to expire on November 1, 2010. The renewal period began on August 1, 2010. All licensees have an additional 59 days after the expiration date of their licenses to renew, so the renewal period ended on December 31, 2010

Of the 172 businesses comprising 889 registered pedicabs, eight licensed businesses with a total of 38 registered pedicabs failed to renew within the time frame allowed by law, including one business with 30 pedicabs, one business with three pedicabs and five businesses with one pedicab each. The license of one business with one registered pedicab was revoked during this period. Currently there are 163 licensed pedicab businesses with 850 registered pedicabs.

During the renewal period, we conducted 867 inspections, mainly in September and October, 2010, to meet the November 1, 2010 renewal deadline.

During the past 17 months, 22 businesses have applied for the transfer of 107 pedicabs.

Pedicab driver licenses expired on April 1, 2010. Of the 474 original licensed drivers, 231 failed to renew for 2010; and 13 others were denied; and 39 pedicab driver licenses were suspended, 34 because the licensees' New York State motor vehicle licenses were suspended and five for other reasons. Currently there are 1,528 licensed pedicab drivers.

To facilitate communications and ensure appropriate enforcement, DCA conducted three trainings in person and by phone with the Department of Parks and the Police

Department early in the licensing process in 2009. The first interagency meeting with Corporation Counsel, the Department of Parks and Recreation and the Police Department was held at DCA's office on September 11, 2009, followed by a conference call with Parks on September 22, 2009 and then another meeting with Parks at DCA on September 25, 2009. These trainings were particularly important because the requirements of the law regarding suspensions and revocations of licenses can only be triggered by our receipt of violations from those agencies.

Most recently, on November 23, 2010, the Department trained approximately 30 officers from the Police Department and the Department of Parks and Recreation to recognize common equipment and licensing violations. We also reiterated the importance of identifying the pedicab business that owns the pedicab being driven by a licensee who violates the law on the ticket so that the Department is able to revoke or suspend a business license if the number or type of violations issued to its drivers suggests that continued licensure may pose a public safety risk.

While DCA's enforcement derives largely from the violations issued by the Department of Parks and Recreation and the Police Department, the Agency does a substantial amount of in-house enforcement in tandem with its outreach efforts.

For example, in June 2010, the Department subpoenaed 40 pedicab businesses to determine compliance with insurance and driver training requirements and the requirement that pedicab businesses obtain and maintain copies of their drivers' tickets and dispositions.

As a result of the investigation, the Department charged 20 pedicab businesses with maintaining insurance in amounts below the minimums provided for in the Administrative Code. Four pedicab businesses were found guilty of violating the insurance requirements and were fined a total of \$36,500. We also entered into settlement agreements with nine businesses, requiring them to obtain compliant insurance policies and pay penalty. Four hearings were adjourned to early March in contemplation of settlements.

In an effort to ensure proper insurance compliance, prior to the renewal period DCA invited insurance agents to submit their policies to the Department for pre-review to ascertain compliance with the Code. After the review process, DCA distributed a list of agents offering compliant insurance policies to pedicab businesses. Because some insurance policies excluded coverage for foreign drivers and drivers under 21 years old, (even though such drivers are eligible to be licensed), the Department contacted all fourteen insurance agents that cover pedicab businesses in New York City and reminded them of the requirement that their policies cover all pedicab drivers and the minimum dollar amounts required by the Code. The Department also sent letters to the two pedicab business associations reminding them of the insurance requirements.

In its enforcement efforts, the Department charged four pedicab businesses with violating driver training requirements and the requirement that they maintain copies of their drivers' tickets and the dispositions of the tickets. Two businesses entered into settlement agreements that require compliance with the law and payment of penalties totaling \$11,550. Anecdotally, businesses have stated that drivers fail to provide them with copies of tickets and tickets.

The Department's Tribunal revoked a pedicab driver's license after the ECB found him guilty of 12 violations issued by the Department of Parks and Recreation, in a case that was highlighted in the local papers.

The Police Department and Department of Parks and Recreation issue most violations to pedicab drivers and businesses that occur in the street or in a public park. Most of these violations have been tried in Criminal Court or Traffic Court or heard by the Environmental Control Board. We will defer to those Agencies to testify to their efforts.

Pedicab drivers are required to report accidents to the business. On July 24, 2010, a pedicab owned by Ugdur Corp. was involved in a minor accident with a car causing \$1,556.93 in property damage. The Department learned about it when the car owner complained that the pedicab company refused to pay for the damage. The Department charged the pedicab business with violating various provisions of the pedicab licensing law and entered into a settlement providing for restitution to the consumer and penalties totaling \$5,000 and enhanced compliance with driver training requirements.

On September 12, 2010, a pedicab owned by Cycle Cab, Inc. slid on wet pavement and hit the rear bumper of a car that was stopped at a red light. No one was injured in this accident, which was reported by the pedicab business. The pedicab business agreed to reimburse the car owner for the damage.

Turning now to the proposed bills before us, we have the following comments:

**Intro No. 0334a-2010**

This bill would require pedicabs to comply with parking rules for motor vehicles. We defer to our sister agencies regarding this proposal.

**Intro No. 0345-2010**

This bill describes, and would require the display of, a Bill of Rights for pedicab passengers. The Department supports the posting of a Bill of Rights for pedicab passengers. We would, however, suggest that the language regarding receipts either includes all the information that the Administrative Code requires: the total charge, business telephone and contact information for DCA or it simply states: "call for a detailed receipt". We leave it to the industry to describe for the Council where legible signage could be placed appropriately in pedicabs.

**Intro No, 0466-2011**

This bill expands the range of violations for which a mandatory suspension or revocation of pedicab drivers licenses and registration plates would apply. The Department has serious concerns about No. 466, particularly about the provisions in subdivision e(1) expanding the causes of mandatory suspension and revocation.

Currently the law requires the mandatory suspension or revocation for only the most egregious violations. Otherwise, the Commissioner has discretion to suspend or revoke for any violations after a hearing if the driver violates any law applicable to a pedicab.

By contrast, No. 466 mandates the suspension of a pedicab driver license after two violations of section 20-259 within 12 months and the revocation of a pedicab driver

license after three or more violations of section 20-259 within 12 months. In this case, the suspension or revocation is automatic and there is no hearing.

DCA cannot support No. 466 as it diminishes the Commissioner's discretion by providing for an automatic suspension or revocation. There are two good reasons for maintaining the flexibility that exists in the current law. The first is that it allows the Department to negotiate effective settlements. For example, suppose we learn that a pedicab driver was found guilty of rolling through a stop sign in April and making an illegal u-turn in October. Under current law, we could offer a settlement and require instruction in traffic rules so that the driver knows what he's supposed to do going forward. Under the proposed law, the driver just loses his license for a month and the Department loses its opportunity to correct the problem. The driver may be out on the street a month later doing it again until he gets caught and found guilty. No one is a winner here. With the flexibility of the current law, everyone wins: the driver keeps his license, DCA gets a settlement, the licensee becomes compliant and the public has safer streets.

The second reason to maintain the Commissioner's flexibility is simply justice. Under the proposed change a pedicab driver found guilty of failure to signal twice and operating in a bicycle lane once in one year would automatically lose his license for at least three years. These violations would not appear to be worthy of such a punishment, yet there would be no way to exercise judgment in such a case.

Subdivision (i) of No. 466, which provides for suspensions of pedicab registrations for equipment violations, is beneficial but we believe it would be more helpful if this power is discretionary so that the Department and licensees are able to enter into settlement agreements. For example, as No. 466 is written, two instances of a turn signal that works visually but not audibly would trigger the punishment of an automatic month off the road. If the Department had discretion, a settlement agreement could require an inspection before the pedicab was allowed to be operated again or it could require periodic inspections. Under this law, the pedicab with the illegal turn signals could be returned to the streets after a month without a correction and be operated until yet another violation is issued.

#### **Intro No. 0467-2011**

This bill would repeal the sunset provision of the current law and cap the number of pedicabs registered to operate in the City. We support the bill and urge that the window remain closed as per the status quo.

DCA is committed to working with the Council to address any outstanding issues regarding this newly-regulated industry and commends the Council for its continuing attention and concern.

We would be happy to answer any questions you may have.