

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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June 13, 2011
Start: 10:10 am
Recess: 12:05 pm

HELD AT: Committee Room - 16th Floor
250 Broadway

B E F O R E:

DANIEL R. GARODNICK
Chairperson

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Leroy G. Comrie, Jr.
Julissa Ferreras
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Karen Koslowitz
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Civic Activist
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A P P E A R A N C E S (CONTINUED)

Laramie Flick
Pedicab Driver and Owner
NYC

Stephen Malone
Executive Director
Horse & Carriage Association of New York

CHAIRPERSON GARODNICK: Good

morning everyone, and welcome to the Committee on Consumer Affairs of the New York City Council.

Today's date is Monday, June 13th, my name is Dan

Garodnick, I have the privilege of chairing this

Committee, and I want to welcome you all today to

the hearing on three bills. One is a pre-

considered bill that would require pedicab drivers

to quote a fare upfront, Intro 345A, that would

require a pedicab passenger bill of rights, and

Intro 541A, that would ban individuals, groups or

associations from selling expired over-the-counter

medications. In February, 2011, this Committee

held a hearing on four pedicab bills to address

continuing challenges in the pedicab industry,

including issues of violations of no-parking and

no-standing zones, or transporting passengers with

expired motor vehicle licenses. We incorporated

amendments of those four bills, based on the

hearing testimony, and further input from the

Department of Consumer Affairs, and from pedicab

drivers, and last month three of those pedicab

bills were enacted into law. Today we are going

to consider the amended version of the fourth

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2 bill, Intro 345A, the pedicab bill of rights,
3 which would require pedicabs display a passenger's
4 right to, among other things, a courteous driver
5 who obeys all traffic laws, working brakes and a
6 seat belt, and a detailed receipt. In addition to
7 address the complaints of pedicab passengers that
8 have contacted my offices and other offices
9 regarding unexpected exorbitant fees for a pedicab
10 ride, a pre-considered bill would require a driver
11 to quote a fare upfront when an odometer or timer
12 is not used to calculate the rate, and to provide
13 a receipt indicating that the quoted fare to the
14 passenger before the ride begins. Under this
15 legislation, pedicab drivers could still, for
16 example, charge \$90 for a two-mile ride, which I
17 would encourage no New Yorker or any tourist to
18 accept, but a passenger would know upfront that
19 that is the cost, that they would the opportunity
20 to decline the ride before they are obligated to
21 pay. I understand that in addition to these
22 bills, the Department of Consumer Affairs, which
23 we refer to as DCA for the remainder of the
24 hearing, also has additional issues they'd like
25 the Council to explore regarding caps on the

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2 number of pedicabs that an owner, a single owner,
3 can own, and issues of insurance. We will
4 consider those, and certainly will also consider
5 issues of stricter motor vehicle license
6 requirements for pedicab drivers. Also, as I
7 noted at the outset, we're holding a hearing today
8 on Intro 541A, which is a bill that is sponsored
9 by Council Member Rubin Wills, that would prohibit
10 individuals from selling expired over-the-counter
11 medications. New York State general business law
12 currently prohibits the sale of expired over-the-
13 counter ... of medications by retailers, but
14 consumers are left unprotected when expired non-
15 prescription medication is sold by individuals,
16 such as at flea markets, and we have seen some
17 examples of that in the city in recent years. We
18 are going to give Council Member Wills an
19 opportunity to comment on his bill when we turn to
20 it, but we are going to start out with the first
21 bills, the pedicab bills, and so I'd like to
22 welcome DCA and their representative to come up to
23 the witness table, and whenever you're ready, you
24 can introduce yourselves or yourself, and we can
25 get right into it.

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MR. JOERSS: Thank you, Chairman.

My name is Erik Joerss, I am the Director of City Legislative Affairs for DCA. Commissioner Mintz asked me to thank you for the opportunity to appear before you at this hearing.

CHAIRPERSON GARODNICK: Do you have written testimony today, or are you just going off of your- -

MR. JOERSS: I do have written testimony.

CHAIRPERSON GARODNICK: My apologies, I just don't have it right in front of my face.

MR. JOERSS: No problem.

CHAIRPERSON GARODNICK: Go ahead, thanks.

MR. JOERSS: Sure. Because the Department testified at length on pedicab issues in February, our remarks today are brief, limited to the bills at hand. Our testimony from February is attached for those that want to review it for context. We have the following comments on this specific legislation. On T2011-2978, this bill requires pedicab drivers to provide cost estimates

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2 and detailed receipts to customers, and it
3 includes a technical amendment to the code to
4 acknowledge the use of odometers in pedicabs. We
5 appreciate the technical amendment and support the
6 idea of disclosures as a consumer protection.
7 Specifically, the bill requires pedicab drivers to
8 provide at the beginning of a trip a written and
9 binding price quote to passengers if the rates are
10 not calculated by time or distance, or in any
11 instance where the driver quotes an estimate.
12 Because the absence of a time or distance
13 calculation of pricing makes it more difficult for
14 a consumer to determine value, this provision is a
15 useful consumer protection. Similarly, the
16 requirement to provide passengers with a detailed
17 receipt will certainly make it easier for
18 consumers who have been treated unfairly to hold
19 those responsible accountable. On Intro 345A,
20 this bill would require that a pedicab be equipped
21 with a bill of rights for pedicab passengers,
22 informing their customers of rights is an
23 important consumer protection. For practical
24 reasons, and to highlight for customers their most
25 significant protections, we recommend that the

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2 suggested bill of rights be shortened to focus
3 only on the four most critical protections. As
4 follows, pedicab passengers shall have the right
5 to a working seatbelt, a detailed receipt, a
6 timing device visible to the passenger, if the
7 rate is calculated by time, or an odometer visible
8 to the passenger, if the rate is calculated by
9 distance, and a binding written estimate if the
10 rate is not calculated by time or distance. Now,
11 Mr. Chairman, the rest of my remarks were actually
12 on OTC's, so I don't know if you want me to do
13 that, or if you want to stop here.

14 CHAIRPERSON GARODNICK: Why don't
15 you hold that for a moment, we're going to do this
16 in two parts, and I just want to make sure that
17 all the relevant folks for 541A are present when
18 you do give that. I realize it's very brief.

19 MR. JOERSS: Yes.

20 CHAIRPERSON GARODNICK: But let's
21 just hold it for a moment anyway. Okay, so that's
22 the end of your testimony on the pre-considered
23 and the Intro 345A, is that correct?

24 MR. JOERSS: Yes.

25 CHAIRPERSON GARODNICK: And as I

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2 understand, your testimony is that you support the
3 first one without any reservations, and on the
4 second, the passenger bill of rights, you're
5 suggesting that it should be amended to just
6 include four points, is that correct?

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MR. JOERSS: Yes, Mr. Chairman.

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CHAIRPERSON GARODNICK: So let us
9 review what you are removing, or what you would
10 like to see removed, and I'm just going to take a
11 quick moment and get the text of that bill as
12 proposed in front of me, with help from staff, and
13 we're just going to go through that together.

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MR. JOERSS: And while that's
15 happening, I'll just say, kind of as a preamble to
16 it, there's not ... everything in there is
17 important, it's just a question of whether it's
18 something that needs to be enumerated in the bill
19 of rights.

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CHAIRPERSON GARODNICK: So, okay,
21 I'm looking here, and it looks like you would like
22 to remove that there's a right to be driven by a
23 safe and courteous driver who has a valid pedicab
24 driver's license and obeys all traffic laws.

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MR. JOERSS: Yes.

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CHAIRPERSON GARODNICK: Now, you don't think that that should be enumerated why?

MR. JOERSS: Because I think it's almost intuitive and obvious, that you have the right to a safe and courteous driver. And again, in a perfect world we would enumerate all the rights, but there's at some point a diminishing return, so the more you have on there, the less people pay attention to each individual right, is our thought.

CHAIRPERSON GARODNICK: How about to be driven by a driver who is not under the influence of alcohol or drugs?

MR. JOERSS: Again, we would ... one would think that that is self-evident.

CHAIRPERSON GARODNICK: You also do not have any reference to working seat belts, brakes, headlights, tail lights and turn lights.

MR. JOERSS: We have a reference to working seat belts, because it's something that the passenger would kind of know and control, and could know if that's not there. The same way in a cab or any vehicle, you would think there's a right to working brakes, but since ... and tail

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2 lights, but since the passenger really wouldn't
3 know that from the ride, the efficacy of actually
4 putting it in there we weren't sure of.

5 CHAIRPERSON GARODNICK: Now you
6 remove a whole section which talks about what a
7 pedicab driver shall not do, correct?

8 MR. JOERSS: And this was ... this
9 seemed less like a right, and more, you know ... for
10 the consumer, they're not, I would imagine, the
11 idea of whether or not the pedicab needs to be
12 propelled by human power, or needs to only have
13 three seats, that seems like it's more something
14 that the pedicab driver would benefit from, in a
15 sense, to be able to say to riders, I'm sorry, I
16 can only fit three, but for the pedicab rider
17 itself, the benefits seemed less.

18 CHAIRPERSON GARODNICK: Well, I
19 understand your point. I think what we're trying
20 to do here is to make sure that the passengers
21 understand what the driver's obligations are, even
22 if they are not specific rights to the passengers.
23 But we take your point and we'll certainly
24 consider that. And I understand what you're
25 saying about diminishing returns and the most you

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2 include more things on there, the less somebody
3 will pay attention to them. Although I would note
4 that the taxi riders' bill of rights includes
5 many, many more items than any of these that we
6 have even suggested. Okay, so on the fare quoted
7 up front, and before I do anything, I just want to
8 note that we are joined by Council Member Leroy
9 Comrie and Council Member Charles Barron, and so
10 as to that pre-considered bill, the bill is one
11 which requires that there be a written receipt
12 with the price upfront if neither an odometer nor
13 a timing device is being used. Why is that
14 important from DCA's perspective?

15 MR. JOERSS: It's a great consumer
16 protection in that the timing device and/or an
17 odometer are really the ways that a passenger can
18 keep track of what they're being charged or
19 understand kind of with basic math beforehand what
20 they might charge. In the absence of those, there
21 doesn't seem to be a really good method to protect
22 the consumer from somebody that would let's say
23 charge \$90 for a two-block ride.

24 CHAIRPERSON GARODNICK: In
25 fairness, it wasn't two blocks, but it was more or

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2 less, you know, more or less, we got it. Is it
3 practical?

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MR. JOERSS: That we can leave to ...
5 we can leave to the industry to discuss what the
6 best way to do that is. It's certainly, it's
7 going to be a detailed receipt, and it's certainly
8 not going to be as easy as a scribble would be.
9 But we don't feel it's prohibitively difficult,
10 let's say.

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CHAIRPERSON GARODNICK: How many
12 pedicabs today use either an odometer or a timing
13 device?

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MR. JOERSS: If you give me a
15 second to check my sheet, my cheat sheet.

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CHAIRPERSON GARODNICK: I will.

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MR. JOERSS: And see if I have it.

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CHAIRPERSON GARODNICK: I'll give
19 you a second. Just a reminder that there are 850
20 that are licensed and on the road, potentially on
21 the road, today.

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MR. JOERSS: Yes, there are 850 on
23 the road today, we do not have the breakdown of
24 how they ... of how they charge.

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CHAIRPERSON GARODNICK: Are most of

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2 them using odometers or timing devices, or is it a
3 minority of them?

4 MR. JOERSS: I would be guessing,
5 but I can find out for you.

6 CHAIRPERSON GARODNICK: We don't
7 want you to guess, but that's something we
8 definitely want DCA to have a handle on. And
9 because they come to you with their souped-up
10 pedicabs for the purpose of figuring out whether
11 an odometer is working properly.

12 MR. JOERSS: Exactly.

13 CHAIRPERSON GARODNICK: Or if the
14 timing device is working properly, is that
15 correct?

16 MR. JOERSS: Yes, we check whether
17 the odometer is calibrated correctly, whether the
18 timing is calibrated correctly too, during the
19 inspections.

20 CHAIRPERSON GARODNICK: My
21 impression is that it's the minority of pedicabs
22 that use odometers or timing devices, and
23 therefore the rules that are being put in place
24 here would be the predominant form of fare-
25 quoting. Essentially you would have the price-

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2 per-mile, I'm sorry, the price-per-block, price-
3 per-avenue, cited on the side of the pedicab, and
4 a calculation done upfront by the pedicab driver
5 in most instances.

6 MR. JOERSS: Which would certainly
7 make this even more important.

8 CHAIRPERSON GARODNICK: Agreed.
9 Let's talk about the signage that is currently
10 required for a pedicab.

11 MR. JOERSS: Yes.

12 CHAIRPERSON GARODNICK: What is the
13 signage that is currently required for a pedicab?

14 MR. JOERSS: The signage is a sign
15 that says to call 311 if you have a consumer
16 complaint. I believe that has the license number,
17 the license number of the pedicab on it. There
18 needs to be a registration sticker showing that
19 this cab has passed registration and is registered
20 with the city, and the business name is also on
21 it.

22 CHAIRPERSON GARODNICK: And what
23 about the fare?

24 MR. JOERSS: You have to post how
25 you ... you have to post the ... as the fares

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themselves are not regulated, you do have to post what the fares are.

CHAIRPERSON GARODNICK: Does DCA specify the size of these particular postings on the side of a pedicab, like how big the "Call 311 if you have a complaint"?

MR. JOERSS: They do, yes, by rule.

CHAIRPERSON GARODNICK: Okay. Now, as a practical matter, is there room in a pedicab for more signage, like the one that we are prescribing now, the bill of rights that passengers could actually read and experience?

MR. JOERSS: That's the \$90 question, isn't it? I suppose, you know, there certainly is room somewhere on a cab to put it. In the original iteration, this had prominently displayed where a passenger could see it. In the absence of a canopy on the back of a pedicab, I'm not sure where that would be. Frankly, we have not thought of what the perfect place, or a great place for that, would be, given that pedicabs, you know, some have seat posts that could potentially have it, some of them don't have a seat post that could have it. We kind of leave that to the

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industry to tell us what the best place would be.

CHAIRPERSON GARODNICK: And that's something that DCA would sort out in its rule-making process.

MR. JOERSS: Certainly.

CHAIRPERSON GARODNICK: To put into place this bill.

MR. JOERSS: Certainly.

CHAIRPERSON GARODNICK: I'm just going to pause for one moment. Okay, all right, we are ... I'm going to have you move on to your testimony on the second ... I'm sorry, the third bill.

MR. JOERSS: Yes.

CHAIRPERSON GARODNICK: On the prescription ... the non-prescription drugs, and if Assistant Commissioner Nancy Clark wants to join you, please be our guest, and then we will move on to testimony from anybody on all subjects next. So Erik, go right ahead.

MR. JOERSS: Okay. Thank you, Mr. Chairman. Intro 541A prohibits the sale of expired over-the-counter medication, we defer to the experts at the Department of Health and Mental

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2 Hygiene to discuss the underlying medical
3 necessity of the bill, and to answer any health-
4 related questions. We appreciate that we have
5 been included in the enforcement of this proposed
6 legislation, and have two recommendations to
7 strengthen its consumer protections, which can be
8 included in the legislation, or it can be left to
9 the rulemaking process. One would be to require
10 the prominent display of a sign at point-of-sale,
11 alerting consumers to their right to not be sold
12 expired medications, and two would be to increase
13 the fine described in section 20-813 to be up to
14 \$500 for each violation, which would make it
15 consistent with existing state penalties and
16 general business law. I'm happy to answer any
17 questions.

18 CHAIRPERSON GARODNICK: Thank you,
19 this is going to be a fast hearing, I can tell.
20 We appreciate your brevity, and want to make sure
21 that we get into all of these issues in some
22 detail, however. So first of all, help us
23 understand to what extent the administration
24 currently regulates the sale of expired over-the-
25 counter medication.

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2 MR. JOERSS: I have, unfortunately,
3 Mr. Chairman, I have no knowledge as to how the
4 administration does that right now.

5 CHAIRPERSON GARODNICK: How does
6 DCA do it?

7 MR. JOERSS: It's not on our
8 purview right now.

9 CHAIRPERSON GARODNICK: DCA does
10 not regulate at all the sale of expired over-the-
11 counter medication?

12 MR. JOERSS: No.

13 CHAIRPERSON GARODNICK: How about
14 the Department of Health? Now it's on.

15 MS. CLARK: No- -

16 CHAIRPERSON GARODNICK:
17 (Interposing) And why don't you introduce yourself
18 first?

19 MS. CLARK: Yes, thank you. Do you
20 want me to read my testimony now, so it's all in
21 one place?

22 CHAIRPERSON GARODNICK: That would
23 be fine.

24 MS. CLARK: Great, because it's
25 brief. Good morning, Chairman Garodnick and

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2 members of the Consumer Affairs Committee. My
3 name is Nancy Clark, Assistant Commissioner for
4 the Bureau of Environmental Disease Prevention for
5 the New York City Department of Health and Mental
6 Hygiene. Thank you for this opportunity to
7 comment on Intro 541A, a bill that would prohibit
8 the sale of expired over-the-counter medications.
9 The Food and Drug Administration, FDA, began
10 requiring expiration dates on over-the-counter OTC
11 medications in the 1970's in recognition that the
12 potency and effectiveness of such medications may
13 be diminished over time, and because some products
14 may actually be chemically modified over time,
15 causing unintended consequences. In reality, very
16 little is known about how long most OTC
17 medications remain effective, as few have been
18 studied for longevity of effectiveness.
19 Expiration dates serve to alert consumers as to
20 how long they may expect OTC products to retain
21 their intended effects. A product sold past its
22 expiration date should not be given ... should not
23 be used, given the uncertainty over its potency or
24 safety. Other conditions, such as improper
25 storage of the medication, may also have impact on

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2 potency or effectiveness in medications. For
3 these reasons, the Department supports Intro 541.
4 Thank you for the opportunity to testify, and I'd
5 be happy to answer any questions you may have.

6 CHAIRPERSON GARODNICK: Thank you
7 very much. So let's just start off by getting to
8 the bottom of what the city's power is over a
9 consumer issue like this. If a drugstore is
10 selling expired medication off of its shelves,
11 does DCA or the Department of Health have the
12 power to enforce any particular act against that
13 drugstore?

14 MR. JOERSS: Currently we do not.

15 CHAIRPERSON GARODNICK: Is it
16 within the purview of the New York City ... New York
17 City's jurisdiction to be able to allow you to do
18 that?

19 MR. JOERSS: We are confident that
20 it is, yes, there is no pre-emption issue.

21 CHAIRPERSON GARODNICK: Okay. And
22 obviously your view is also that that would extend
23 to expired over-the-counter medications sold in a
24 street fair, for example?

25 MR. JOERSS: Sure.

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CHAIRPERSON GARODNICK: And you today have no power to enforce that either, is that correct?

MR. JOERSS: That is correct.

CHAIRPERSON GARODNICK: Okay. We just heard from the Department of Health as to why this may be a health issue. Can you say a little bit more about why you view this to be a consumer protection issue?

MR. JOERSS: I guess, you know, the bulk of this would be more of a health issue, but in terms of consumer protection, one would think that as a consumer, I mean, as a consumer, it wouldn't occur to you that somebody is allowed to sell you expired medication. And so the default thought of a consumer would be, I'm buying medication that is going to operate, or is going to affect me as it is supposed to, and in the absence of, in the absence of information to counter that, it's deceptive kind of ... it can be considered deceptive on its face.

CHAIRPERSON GARODNICK: There were some reports a number of months ago about the sale of expired over-the-counter medication at the

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2 Aqueduct Race Track flea market, actually this was
3 last December. What action, if any, was taken in
4 response to reports of those sales going on?

5 MR. JOERSS: I don't know of any,
6 my understanding, since we don't have, we didn't
7 have jurisdiction of it, and will not unless this
8 legislation is enacted, that there wouldn't have
9 been any action on our end.

10 CHAIRPERSON GARODNICK: Okay, I'm
11 going to turn to Council Member Comrie, who has
12 questions on this bill, and unfortunately, Council
13 Member Wills is not going to be able to join us
14 today, but I know Council Member Comrie has been
15 involved in this issue as well. Council Member.

16 COUNCIL MEMBER COMRIE, JR.: Thank
17 you, Chairman Garodnick. Council Member Wills is
18 apologetic, he had an emergency, that he could not
19 be here this morning. I just found out he wasn't
20 going to be here at ten minutes to 10:00, so I
21 want to just try to fill in. My name should be on
22 the legislation, though I don't know why I don't,
23 I'm not signed on to the legislation, I thought I
24 had. The reasons why we brought about, why this
25 legislation was brought about was because there

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2 was ... there are examples, not just of the flea
3 market example, but in other stores, where over-
4 the-counter medication is being sold well past its
5 expire date to consumers. And the concern was not
6 just even that, but how these products are being
7 handled. The things that were handled at
8 Aqueduct, they were just in container boxes, that
9 clearly you could see were either thrown in trucks
10 or thrown in either the hot or cold unregulated,
11 un ... thrown into spaces that had no control, no
12 temperature control, no environmental control, and
13 also probably even no control over whether or not
14 there were other elements that might have been
15 able to affect the packaging, even though most of
16 the packaging of it were ... had been sealed, but
17 then, you know, also if there's a temperature
18 inversion, what is the effect on over-the-counter
19 medication. So that is one of the primary reasons
20 why this bill was brought forward. I'm glad to
21 see that both your agencies are in favor of the
22 bill and would like to have the authority to pass
23 the bill, but I would just suggest that the scope
24 is wider than just a flea market, clearly both CVS
25 and I forget the other ... the two different

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2 pharmaceutical chains have already been previously
3 fined for not following through on proper handling
4 of over-the-counter medications and still
5 providing sales for it. So I think that there is
6 ... that the time is right for the city to take over
7 and regulate how that is taken care of. But I
8 would be concerned beyond flea markets, but also
9 the proliferation of 99 cent stores and low-cost
10 discount stores that also tend to sell over-the-
11 counter medication, which also tends to be expired
12 medication, the handling, the packaging, that the
13 maintenance of those items is something I think
14 that we need to protect consumers with. So we ... I
15 know that's why Council Member Wills brought this
16 bill forth. Also there was a report by NBC that
17 documented the misuse in handling of over-the-
18 counter medication that had been expired, so. You
19 mentioned, Erik, that you would want to see an
20 increase in the fine for up to \$500 for each
21 violation, so that would be consistent with the
22 existing state penalties and the general business
23 law. I think that that makes a lot of sense, and
24 I think hopefully we can include that in the
25 legislation now, but would you ... would then ... how

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2 would you then start to inform these various
3 businesses of their new regulations, that they
4 would be required to, so that they could know when
5 to get rid of their over-the-counter medications?

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MR. JOERSS: That's something I
7 thought through before this moment you just asked.
8 The associations, we would put it on our website,
9 and I am not saying be limited to those, but we
10 would think of how we could disseminate the
11 information as broadly as possible to get
12 compliance as quickly as possible.

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COUNCIL MEMBER COMRIE, JR.: Right,
14 so again, this is beyond just the general
15 pharmacies, which has been documented, CVS and
16 Rite-Aid have had problems in the past. They were
17 in violation of handling it, if those stores,
18 which are normally air-conditioned and properly
19 supposedly handling materials are having a
20 problem, we know for a fact that low-cost
21 retailers like 99 cent stores and people that are
22 selling at flea markets or street fairs are not
23 handling the product in the proper condition, so
24 also I would hope that there would be monitoring
25 of those locations as well, to make sure that

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2 they're not selling expired over-the-counter
3 medications. We know for a fact that most of the
4 people that were at Aqueduct have moved on to
5 smaller flea markets or smaller sites to sell, and
6 also looking at the smaller stores and bodegas
7 that are selling products as well, to make sure
8 that they're not selling expired over-the-counter
9 medication products, so on behalf of Council
10 Member Wills and the other people that are signed
11 on to the bill, I want to thank both you and Ms.
12 Clark from the Department of Health and Mental
13 Hygiene for wanting to embrace this bill, and
14 taking on this responsibility. So, thank you.
15 Thank you, Mr. Chair.

16 CHAIRPERSON GARODNICK: Thank you,
17 Council Member Comrie. I just want to go back to
18 the contours of the DCA's ability to enforce on
19 deceptive practices. Can you help us understand
20 what DCA's role is in the city, to make sure that
21 unseemly or inappropriate business transactions
22 are not taking place?

23 MR. JOERSS: Yes. DCA, you can
24 think of our enforcement powers having two
25 distinct spots, one is over our 55 licensed

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agencies. We also enforce the 1969 Consumer Protection Law, and within that law is a prohibition against deceptive practices. And so our kind of statutory authority on non-licensees on deceptive practices springs from that.

CHAIRPERSON GARODNICK: So if you found a deceptive practice, you can enforce it under the 1969 Consumer Protection Law, is that correct?

MR. JOERSS: Yes.

CHAIRPERSON GARODNICK: Okay, so let me just go back to my example of an expired medication in a drugstore. Somebody buys expired medication, believing it to be something that it was not. Why is that not a deceptive practice as defined by the 1969 Consumer Protection Law?

MR. JOERSS: It's funny that you ask that, Mr. Chairman. As it was coming out of my mouth, that same thought occurred to me. The truth is, I do not know why it is not considered, but it has not been a practice, nor do we know of any other jurisdiction where it has been a practice to consider that.

CHAIRPERSON GARODNICK: Well, who

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decides whether or not that is a deceptive practice? Is that DCA?

MR. JOERSS: I suppose we could bring cases ...

CHAIRPERSON GARODNICK: Do you want to come- -

MR. JOERSS: (Interposing) It may be ... it may be, leave our OTC ... yes, the truth is, I don't know the answer.

CHAIRPERSON GARODNICK: If a drugstore were selling prescription medication and they priced it at a buck, and they were selling at the counter for two bucks, you would have power to do that, right?

MR. JOERSS: Yes.

CHAIRPERSON GARODNICK: If they were selling that medication in a box which was empty, you would have the power to do that, is that right?

MR. JOERSS: Presumably, certainly.

CHAIRPERSON GARODNICK: So what's really the difference between any of that and selling the product which has less or no effectiveness?

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2 MR. JOERSS: I say this just
3 speaking contemporaneously here (sic). Packages
4 have expiration dates on them, so one could argue
5 that the consumer actually has a way to know
6 whether or not this is expired.

7 CHAIRPERSON GARODNICK: Do you
8 think ... Ms. Freedman, if you'd like to come join
9 us, be my guest.

10 MS. FREEDMAN: Thank you, Mr.
11 Chair, Fran Freedman, Deputy Commissioner for
12 External Affairs for the Department of Consumer
13 Affairs. What would be a deceptive practice prior
14 to this would be if a merchant, a retailer,
15 scratched off or covered up the expiration date,
16 in an attempt to deceive a customer. But as Erik
17 suggested, and this goes also to the ... what occurs
18 in the supermarket with other products. A
19 consumer is ... if a consumer is able to actually
20 see the expiration date, it is not deceptive. The
21 consumer has the choice of purchasing, or not
22 purchasing.

23 CHAIRPERSON GARODNICK: Do you
24 think a consumer has a right to assume that if it
25 is on a shelf in a drugstore or a product in a

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2 supermarket, that it is not beyond its expiration
3 date?

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MS. FREEDMAN: Interesting
5 question. One would hope, one would hope, that
6 consumers would be able to feel that kind of
7 confidence when they purchase anything. But as we
8 know, when it comes to medications or food or
9 anything, that is not in fact the case, that one
10 has to look very carefully, one has to become a
11 savvy shopper. And one of our mission goals at
12 the Department is to inform consumers and
13 encourage them to become savvy shoppers.

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CHAIRPERSON GARODNICK: So who ...
15 help us understand this, Ms. Freedman, who decides
16 whether something is a deceptive practice under
17 the 1969 Consumer Protection Law? Does DCA have
18 the power to say, that is a deceptive practice and
19 we're not going to tolerate it? Who makes the
20 decision that scratching off an expiration date is
21 a deceptive practice?

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MS. FREEDMAN: Or covering it up.

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CHAIRPERSON GARODNICK: Or covering
24 it up is a deceptive practice, whereas having it
25 on your shelf is not?

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MS. FREEDMAN: I don't know the answer to that, but by and large the Consumer Protection Law in terms of deceptive practices speaks to deceptive practices in advertising. So if you recall, for example, our used car sweep, one of the things we looked for and found were a great deal of deceptive ads which purported to sell cars which had already been sold, for example. So those are the kinds of deceptive practices that the CPL covers, by and large.

CHAIRPERSON GARODNICK: We're going to need some clarity on where the contours of that law lie, as to whether or not a locality like New York City has the power to determine within its jurisdiction what constitutes a violation of the Consumer Protection Law, or whether they're specifically enumerated by the state law, whether they apply specifically to advertising and things like that, which is what you're describing, scratching off, presenting something different from what it is. But I think you could make a reasonable argument that if you have drugs on your shelf, that there is a general presumption by a buyer that they are okay and ready to be used.

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That might be distinct from other products, which you might look more carefully for an expiration date.

MS. FREEDMAN: And there are clearly, as you suggested, things for which we are ... we the city, are preempted from acting upon, and some things that we're not. We did look very carefully together at the preemption issue here and found that the city would not be preempted from moving forward with this law.

CHAIRPERSON GARODNICK: But it's your view that without this law, you don't have the power to do what we're suggesting that you do.

MS. FREEDMAN: I think not, I think not. But we can certainly look at the parameters, as you suggest, of the city- -

CHAIRPERSON GARODNICK:
(Interposing) Well, it's certainly something which I think we, since we interact frequently on all the subjects, should have a very clear picture of.

MS. FREEDMAN: Right.

CHAIRPERSON GARODNICK: Let me go to the Department of Health for a moment, because I want to understand what your powers are when it

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2 comes to protecting the public from issues that
3 may be a health challenge for them. If a
4 supermarket were selling meat that is past its
5 sell-by date, does that create an enforceable
6 moment for the Department of Health?

7 MS. CLARK: A thing that, or food
8 products that are sold in supermarkets, bodegas,
9 those are actually regulated by the New York State
10 Department of Agriculture and Markets. So if we,
11 for example, received a complaint from a consumer
12 that they had bought expired products, we would
13 refer that to the state for their ... they enforce
14 those regulations, and I'm not specifically
15 familiar with them. But if there is just in
16 general a foodstuff that's sold in a grocery, at a
17 grocery, that's under the state Department of
18 Agriculture and Markets.

19 CHAIRPERSON GARODNICK: The same
20 would be true of a carton of milk?

21 MS. CLARK: Correct.

22 MS. FREEDMAN: Well, a carton of
23 milk, yes.

24 MS. CLARK: Exactly, because we no
25 longer have our New York City date stamp.

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CHAIRPERSON GARODNICK: Okay, and so you don't know, sitting here today, as to whether or not the New York State Department of Agriculture would view that as some sort of a legal violation to have on the shelf or in a refrigerator or freezer, either expired milk or expired meat?

MS. CLARK: No, I'm not exactly familiar with that.

CHAIRPERSON GARODNICK: And you feel that ... and how about expired medication, is that also within the Department of Agriculture?

MS. CLARK: No, no, that would ... I could tell you broadly, the New York City health code does have powers to enforce certain unsafe conditions. our powers of the health code allow us to take action when there's a public health nuisance. And a public health nuisance is, I believe, actually defined both in the admin code and perhaps even the charter, as a condition that could cause death or serious harm. So if we had evidence that there was an over-the-counter medication that, because of its expiration date, for example, could make someone ill - we'd have to

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2 have evidence of that - if we had evidence, then
3 we could take an action to embargo that product
4 and issue a commissioner's order to cease and
5 desist from selling that product. But that would
6 have ... we would have to have evidence that the
7 product itself was responsible for causing harm.

8 CHAIRPERSON GARODNICK: And not the
9 expiration of that product?

10 MS. CLARK: I would have to check
11 with general counsel, but I ... I would have to
12 check with general counsel.

13 CHAIRPERSON GARODNICK: Right,
14 because if- -

15 MS. CLARK: (Interposing) I would
16 say, unless we know that the expiration date is
17 associated with a harmful product, it would ... we
18 probably would not take an action.

19 CHAIRPERSON GARODNICK: Well, let
20 me just give you an example. You know, you might
21 look at baby aspirin, and you might say, well, if
22 it's expired, you know, really, probably very
23 little consequence, it may be less effective. And
24 yet somebody who takes baby aspirin as a blood
25 thinner for the purpose of protecting themselves

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2 from heart disease, if it's suddenly ineffective,
3 it might actually cause real problems for them.
4 Does that not constitute something which could
5 create death or serious harm as defined under your
6 end of the New York City Health Code?

7 MS. CLARK: I would put that
8 certainly into the hypothetical, right, but if we
9 had some evidence that that in fact could lead to
10 a serious injury or death, we would certainly take
11 an action. We- -

12 CHAIRPERSON GARODNICK:
13 (Interposing) How much evidence ... I guess what I
14 want to know is, how much evidence do you need?
15 We all know.

16 MS. CLARK: Right.

17 CHAIRPERSON GARODNICK: That people
18 do take aspirin for blood thinner, so does expired
19 aspirin constitute- -

20 MS. CLARK: (Interposing) Oh, I
21 don't know that. I mean, we'd really need like a
22 pharmaceutical chemist to answer that question,
23 and if someone, for example, asked me, or if
24 someone in the Health Department, would taking an
25 expired baby aspirin for the purpose of

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2 cardiovascular health constitute a health hazard,
3 I would, off the ... my first response would be to
4 have that conversation with your provider or with
5 a pharmacist or an expert. If there's published
6 data that people have been injured because they
7 ingested an expired product, that would in all
8 likelihood present us, if it's good, solid data,
9 would give us the evidence that we would need to
10 take a public health action.

11 CHAIRPERSON GARODNICK: Thank you.
12 I want to note that we've been joined by Council
13 Member Oliver Koppell from the Bronx, and those
14 are all the questions that I have. So we
15 appreciate your testimony today, we've got a
16 number of people who are here to testify on the
17 bills, all on the pedicab bills, so it looks like
18 we're, on the subject of the over-the-counter
19 drugs, that's probably the end of the conversation
20 for now. But I'm going to call up our first
21 panel, and thank you all again for your testimony.

22 MS. CLARK: Thank you.

23 MR. JOERSS: Thank you.

24 MS. FREEDMAN: Thank you.

25 CHAIRPERSON GARODNICK: We've got

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2 Peter Meitzler of New York Pedicabs Inc., David
3 Sirk, and Steve Stollman, and I'd like to just ...
4 we're going to put a three-minute clock, because
5 we have demands on the room, and so we'll get you
6 guys settled and started in a minute. I do want
7 to note that we have been ... we have a submission
8 of testimony from Demos Demopoulos, who is the
9 Secretary-Treasurer, Executive Officer of
10 Teamsters Local 553 of the International
11 Brotherhood of Teamsters, and the testimony is on
12 345A on the bill of rights, and they are
13 testifying in support. So gentlemen, welcome,
14 nice to see you again, and as soon as you're
15 ready, please go ahead.

16 MR. SIRK: My name is David Sirk,
17 pedicab driver since 2002. This is the fourth
18 time that I have spoken on the public record since
19 2007. I'm a very stubborn fellow, and if I see
20 what I feel in my heart as wrong being committed,
21 and I feel that I can do something about it,
22 rather than just complain, I will take action. I
23 have been harping about the root causes of the
24 pedicab problem being illegal J1 students owning
25 and operating the majority of pedicabs for years

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2 now. How the fact that the DCA allowed anyone
3 with a ticket and a foreign driver's license to
4 own up to 30 pedicabs was the worst form of
5 government that I have ever witnessed. Now to add
6 insult to injury, it's been common knowledge that
7 a Mr. Osman Zenk has owned well over 30 pedicabs,
8 109 to be exact. Many emails have been sent to
9 the DCA by numerous parties, nothing has been
10 done. So I took it upon myself to use the New
11 York State databank, and with the help of Candice
12 Gill of the New York Post, we came up with a
13 February 20th, 2011 article, "A Wheel Cheater:
14 Pedi-king, an Illegal Menace". I just saw Osman
15 last Friday, he laughed at me, and thanked me for
16 making him famous. Yes, in regards to the pedicab
17 regulation, the DCA and this Committee, I mean,
18 it's got to be a joke, right? I mean, you can't
19 be taking any of this seriously. Osman Zenk is
20 the one who hired a lawyer to insist on foreign
21 licenses, even when the original City Council
22 document had a U.S. license provision in the bill
23 two weeks before signage. Why would the DCA and
24 this Committee allow a crook to call the shots
25 here? Now let's talk about the latest act of

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2 insanity, your pedicab bill of rights. Let's get
3 real for a second, shall we? Do you really think
4 that 80% of the pedicab drivers who are illegal J1
5 students, and who realize that their tickets will
6 most likely have no effect on them, because only
7 U.S. licenses are hooked up to the databank with
8 the NYPD and the DCA? I mean, come on, these
9 punks know this. The pedi-pirates that violate
10 and break the law with impunity and make a
11 thousand dollars a day charging \$100 rides for
12 short distances, all this started after the DCA
13 allowed tiny rate cards with convoluted formulas.
14 No rate card, and thousands of tourists a week
15 would not be getting ripped off like they are now.
16 Now, Council Garodnick, I know that in many ways
17 that you inherited this problem, but your office
18 and yourself have been aware of these problems
19 since October, 2010, since 2007, if you cared to
20 have listened to any of my previous testimony. I
21 will make a promise to you here and now, that if
22 one of these illegal J1 students, riding one of
23 Osman Zenk's illegal pedicabs kills somebody, like
24 what happened in San Diego, prompting proper
25 regulation requiring a California state driver's

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2 license only, I will make sure that you are held
3 personally responsible for ignoring the obvious,
4 and instituting regulation that does nothing but
5 hurt the few New York State driver's license
6 holders left. Thank you.

7 CHAIRPERSON GARODNICK: Thank you.
8 Sir, go right ahead.

9 MR. MEITZLER: Good morning, I want
10 to thank the Committee for continuing to focus on
11 this, I thank the Chair and the legislative aide
12 and the Committee counsel. I've been with the
13 industry- -

14 CHAIRPERSON GARODNICK:
15 (Interposing) Introduce yourself.

16 MR. MEITZLER: ... for quite a long
17 time, and I'll just introduce myself, my name is
18 Peter Meitzler. I have the longest-running
19 pedicab company in New York, Pedicabs, Inc., dba -
20 thank you - Manhattan Rickshaw Company. I also
21 represent New York City Pedicab Owners
22 Association, and we've joined with the Chair
23 previously in February, to support the measure of
24 the pedicab bill of rights, and I have just a few
25 comments, and you know, I didn't prepare a

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2 statement that everyone would flip through, I
3 thought I'd try to keep it conversational. You
4 know, and stepping back, my big picture issue will
5 be stricter licensing. So, you know, I really
6 hope that we bring back the trust and confidence
7 of passengers in our industry. You know, our
8 industry has really weathered some incredible
9 moments, providing pedicab service in the frozen
10 zone after 9/11, being there when the electricity
11 went out, being there when the transit workers
12 went on strike, we can really provide important
13 service to the city. In addition, we are
14 ambassadors to the city, and I want passengers to
15 feel that they can trust us. You know, I think we
16 testified before, we agreed before, we were there
17 on the City Council steps, that we agreed with the
18 bill of rights, and I think many of us in ... all of
19 us in the pedicab owner's association are willing
20 to put that bill of rights on the cab right now,
21 to answer a question that the DCA had, there is
22 space for it. I think in reading it, I'm just not
23 sure what exact points are to go on the card. But
24 we can do it. Also I think, in regards to the
25 pricing measure, I think that ... I'd love to see it

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2 in plain English, because I feel that we're
3 putting more work on the police officers on the
4 street, and they're going to have to go through
5 kind of an if-then test. If the pedicab is using
6 an odometer, if the pedicab is using a stopwatch,
7 if the pedicab is not using either one of those
8 two measures, then I need to go and look,
9 understand if it's a by-the-block pricing, and
10 although the DCA regulation requires a 28-point
11 font, I think many pedicab signs for fares are
12 much smaller, and you know, I'm wearing my pedicab
13 permit, but many drivers' permits, I was out there
14 this week and I saw some pretty sketchy prices and
15 driving. And so I'd like to see a more robust
16 connection between DCA and the drivership, I think
17 sometimes there's a misperception within DCA that
18 drivers are the employees of fleet-renting
19 companies, and I should say, I have eleven
20 pedicabs, which is by no means a market-maker, I
21 think that's something like 1.3 pedicabs ... 1.3% of
22 the total, 850. So, you know, and I like to feel
23 that I mentor my drivers, but I do wish for
24 stricter licensing, you know, referencing the
25 measure from California, AB2291, as well as the

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2 other Federal directives restricting ... that should
3 restrict DCA from issuing pedicab operator's
4 permits to J1 visiting students. I mean, that's
5 actually Federal law. So, stepping back and just
6 in summation, once again I thank the Committee, we
7 support the bill of rights, we support much more
8 aggressive, stricter licensing, and I think you
9 would not have to swat so much at these flies,
10 these issues like irresponsible driving and
11 aggressive and irresponsible and unfair pricing.
12 So let's work together on that.

13 CHAIRPERSON GARODNICK: Thank you
14 very much for your testimony.

15 MR. MEITZLER: Thank you.

16 CHAIRPERSON GARODNICK: We
17 appreciate it. Sir. Can you hit the button on
18 that microphone? There you go.

19 MR. STOLLMAN: I have a group
20 called Light Wheels, 18 years ago I was the
21 midwife of the pedicab industry in New York, and I
22 have a number of issues which are not being
23 addressed today, but I want to bring them up and I
24 want to put them on the public record if I may.
25 You have limited passengers of three people,

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2 that's kind of an absurdity, people go out in
3 couples, especially pairs of couples, parents go
4 out with a couple of kids. That's an arbitrary
5 number and it should not be maintained. It should
6 be four, there's absolutely no reason that's ever
7 been given by anybody for the number three, and it
8 certainly is a tremendous restraint on the
9 commercial viability of this activity. Not
10 allowing bikes in bike lanes seems cruel, they're
11 the safest places to be, and there's been no
12 complaints that I'm aware of from the cycling
13 community. Why should this provision be there?
14 Why should they not be allowed to go over bridges?
15 Because there was one accident? That seems
16 absurd. I think there's another case, when there
17 is an isolated example of something, which is the
18 so-called conference bikes that somebody turned
19 into party bikes, and got under people's nerves.
20 And that enabled the Council to pass a law that
21 says that two people may not contribute energy at
22 the same time to their propulsion. That's absurd.
23 We've had tandem bikes since 1890, we've had
24 multiple riders and multiple people contributing,
25 why should one badly-designed or badly-operated

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2 business cause no people to be able to cooperate
3 in pedaling, that seems a terrible thing to do
4 when we're trying to get away from the automobile.
5 Why are we not using one-horsepower electric
6 motors? They're not legal from the state point of
7 view, we know that. But I think that if they were
8 voluntary, and I think it was possible, and Peter
9 can tell me if he agrees, if there were a
10 voluntary limit of ten miles per hour on the speed
11 of pedicabs, why should anybody be concerned about
12 the fact that they have a one-horsepower electric-
13 assist motor that enables older people and enables
14 women to be a much stronger part of the industry,
15 because they're not so ... have such a problem with
16 having to rely upon human energy? I think if the
17 real issue is speed and not wanting careening
18 vehicles going through the streets, then fine,
19 let's do that by a sensible, and I think it would
20 be agreed to by the industry, fairly slow speed.
21 I don't think there would be any problems after
22 that. And also, even there's small issues like
23 why shouldn't people be standing? Well, if
24 they're properly secured, they should be standing,
25 on buses and subways people stand all the time.

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2 And they ride and vehicles lurch, it's a lovely
3 way to see the city, and I think it's one of the,
4 I believe, restrictions that was put into this law
5 that was never really fully thought through the
6 implications of it, or why it was done. It was
7 just done in order to put some restraints on the
8 activity. They were not all reasonable
9 restraints, and obviously, you should address the
10 behavior of ... make certain this is a good idea to
11 begin to have some control over or some influence
12 over the behavior of people operating this
13 business, I think that's obviously not a bad idea.
14 Clear signs is a good idea, we should not allow
15 people to be ripped off, and the pedicab industry
16 to gain this reputation. It could be an important
17 new form of transportation, and it should be.

18 CHAIRPERSON GARODNICK: Thank you
19 very much for your testimony, and thanks to all of
20 you for your presence here. Mr. Meitzler, let me
21 just go back to one point that you made, and I
22 really just want to make sure I understand it. On
23 plain language, I think it's undeniable that when
24 you have multiple different types of pricing, it
25 adds to the complexity of the whole situation.

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2 Obviously, one of the things we're trying to do
3 here with this bill is to simplify that and make
4 it real easy, which ... so that people know what
5 they're getting right at the beginning and
6 everybody has agreed to the, you know, the price
7 at the very beginning of the ride. Do you think
8 it would be ... this is not what's being proposed
9 here at all but, do you ... would you support
10 something which changed the whole system, which
11 just said on the side of a pedicab in large
12 letters, ask me my fare?

13 MR. MEITZLER: That would work,
14 that's one measure. I actually thought you were
15 going to say something else, and you were going to
16 go down the avenue of regulating pricing like New
17 Orleans is about to do. I notice that it says
18 that on tow trucks, inquire within, for rates,
19 they don't always ... that's another activity that's
20 regulated by the DCA. I think, I don't want to
21 steal someone's thunder later, but I think someone
22 is going to present a really simple idea, you
23 know, quote up front or the ride is free. I think
24 back in the day, before, you know, many of us were
25 operating responsibly, before regulation and that

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2 includes having liability insurance and training
3 our drivers and having careful screening of them,
4 and for a long time we gave rides away for free,
5 and that was the mentality, kind of what can these
6 pedicabs accomplish in the transportation picture.
7 And now of course it's a thriving industry and
8 pricing is all over the place, and sometimes it's
9 high for a good reason, drivers are providing,
10 maybe they've got a tour guide license. I know
11 Meredith just received her tour guide license, so
12 she now can provide content in addition to
13 transportation, and that's a great way to grow the
14 service, up-sell it. But I think quoting a price
15 up front, that always happened, and I think that
16 is why we are in the situation we are in today.
17 So, you know, posting ... you know, the idea that,
18 you know, and I think I've seen this in certain
19 stores, if you don't get a receipt, your purchase
20 is free.

21 CHAIRPERSON GARODNICK: Okay, well,
22 all right, I appreciate the insight. Do you ... can
23 you also help us understand the percentage of
24 pedicabs out there that use odometers or timing
25 devices, as opposed to the calculation on the

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2 side? And it does not need to be the precise
3 number, we're just trying to get a handle on, is
4 it rare?

5 MR. MEITZLER: I think, to answer
6 your question, on the odometers, that's rare. I
7 think the company that you used to work, ride
8 with, they used odometers. I should think that
9 it's ... it could not even be 5%. On the issue of
10 timers, my company has always used timers. Maybe
11 timer-based might be under 20%, I don't even know
12 if it's that. I think for the most part you have
13 people doing a kind of very ... okay, I'll give you
14 an example. And I relayed this to the Committee
15 counsel. Here's a sign I saw the other day:
16 maximum rate, \$80 first half hour, \$15 each
17 additional fifteen minutes. And it doesn't
18 indicate when it kicks over to the maximum rate,
19 and right beside that is an item ... is a heading,
20 "Street fares per person: \$15 to start, \$1 per
21 block, \$3 per avenue". So David, a ten-block
22 ride, going across two avenues with two people
23 would be what these days, under this scheme?

24 MR. SIRK: Well, that would be like
25 \$80.

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2 MR. MEITZLER: And so these are the
3 kind of complaints that we're getting at the
4 Pedicab Association complaint box, I guess, and we
5 forwarded those on. And you know, I would always
6 side ... I agree that when the police are called,
7 the customer should always be right, and so I
8 think if there's any dispute, it should be ... we
9 should really work on this, but that's an example,
10 an extreme example. So I know that the DCA, when
11 the pedicabs went through their registration for
12 the last few years, I should think the DCA would
13 be able to ... they wrote down, they have an
14 odometer certification for every pedicab they
15 registered, or a stopwatch certification, I know
16 that all my stopwatches were checked. So they
17 should be able to compile that, if that helps.

18 CHAIRPERSON GARODNICK: Thank you,
19 that does help. We have questions from Council
20 Member Comrie.

21 COUNCIL MEMBER COMRIE, JR.: Just a
22 comment first, that the reason why we didn't do
23 motorized vehicles is because we would be
24 preempting state law. We've asked the Pedicab
25 Association time and time again to go to the state

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2 to deal with getting that changed, so that that
3 law could be changed to allow for motorized
4 vehicles. I don't know if that has ever happened
5 or if your industry has gone to that, but when I
6 was Chair and we looked at that, you know, that
7 was the reason why we did not do motorized
8 vehicles. We are not against the concept of doing
9 a one-horsepower vehicle, but we were told it was
10 not within our jurisdiction time and time again by
11 every legal expert that we've consulted with, said
12 that it would be preemptive of state law, and it
13 was a state law that had the autonomy and the sole
14 autonomy to deal with regulating and creating that
15 issue.

16 MR. STOLLMAN: Excuse me, the State
17 senate now has a bill, 1357A, which would enable
18 this to happen.

19 COUNCIL MEMBER COMRIE, JR.: Well,
20 I hope you can successfully get it passed,
21 because, you know, I've been asking the industry
22 to go do that for five years now. So, you know, I
23 would hope that that takes it off the table. I'm
24 chagrined to hear that people are skirting the law
25 and that we have a pedicab operator that is

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2 skirting the law, and also hiring people that can
3 ignore tickets. So I think that that's something
4 that we need to deal with. You know, I think that
5 if having an out-of-state license is allowing ... or
6 out-of-country license is allowing people to not
7 obey the law and be able to come in and take
8 advantage and cream the best fares and now also
9 he's got to be dominating the market with over 100
10 pedicabs, then there's something that's definitely
11 wrong and needs to be fixed. And I hope that we
12 could quickly work with the industry to fix that.
13 And hopefully that would happen and I would not ...
14 I would take some umbrage that all the blame is on
15 one individual Council Member, to Council Member
16 Garodnick since he's been the Chair has been
17 trying to work hard to improve the industry and
18 correct it, so I would say that you can't just
19 pick on him, you know, as the one person that is
20 holding this up. I think that he is trying to do
21 everything he can with establishing the pedicab
22 bill of rights and trying to find a way to create
23 some sensible pricing, that's something that the
24 industry needs. But I'm very disappointed to find
25 out that there's someone that skirted the laws and

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2 gotten around on the ability to create a monopoly,
3 and then also has an employee staff that is
4 ignoring the laws. So that's a major problem, and
5 I think that hurts the whole industry and the city
6 in general, so. You know, I hope that we can
7 quickly work together on cleaning up those
8 problems. I don't really have any questions, I
9 just wanted to be supportive of my Chairman and
10 remind some history of why we're not doing the
11 motorized pedicabs, and also, you know, try to
12 raise the red flag as to making sure that anybody
13 that's working in this town should be responsible
14 and we have to make them responsible. If they're
15 reaping the benefits from the city, they should be
16 able to meet all the obligations and all of the
17 rules and regulations of the city also. Thank
18 you.

19 CHAIRPERSON GARODNICK: Thank you,
20 Council Member Comrie, and I appreciate the
21 history and your words about my advocacy on this
22 issue. I'm now going to go to Council Member
23 Koppell.

24 COUNCIL MEMBER KOPPELL: Thank you,
25 Chair. I suspect, based on some of the dialogue

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2 and conversation, that there have been
3 discussions, which is not inappropriate, of the
4 regulation of fares that's incorporated in this
5 proposed local law. But in terms of the testimony
6 that I've heard, and I wasn't part to those
7 conversations, none of the witnesses, who all seem
8 to be very familiar with the industry, really
9 talked about it. So I would like to hear the
10 comments of the witnesses on this proposal. Is
11 this a good proposal, changing, I mean, right now
12 as I read it, the law says, pedicab drivers shall
13 provide passengers with a receipt, listing the
14 amount of the charge for the use, the license
15 number, and the telephone number of such business,
16 to which complaints shall be directed, the pedicab
17 driver's license number and the telephone number
18 at the department where complaints by consumers
19 can be reported. I guess my first question of the
20 three of you who know the industry is, are these
21 receipts now being provided to riders? Well, each
22 one of you, perhaps at a time.

23 MR. SIRK: Okay, it doesn't really
24 matter. I mean, as far- -

25 COUNCIL MEMBER KOPPELL:

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2 (Interposing) No, no, please answer the question,
3 don't say it doesn't matter.

4 MR. SIRK: Well, I could give you a
5 reason why it doesn't matter.

6 COUNCIL MEMBER KOPPELL: No, I want
7 to know whether it is happening or not happening.

8 MR. SIRK: No, it's not happening.

9 COUNCIL MEMBER KOPPELL: And why
10 isn't it happening?

11 MR. SIRK: Because most of the
12 pedicab drivers are lawless and they don't care,
13 and they leave after five months, so they don't
14 care. They're not going to comply with this law,
15 so that's why I think it's ridiculous. What Mr.
16 Garodnick said about ask me the price, that would
17 solve everything, because right now, all they do
18 is point to their little convoluted card after the
19 ride and say, "The city told me to put this
20 price". That's the scam, it never happened until
21 the DCA regulated it like it is now. And I wish
22 somebody would see that and understand that, but
23 nobody does.

24 COUNCIL MEMBER KOPPELL: Does the
25 little card ... is the little card, does it explain

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how the charges are arrived at?

MR. SIRK: Well, what happens on lots of signs they put a big "One Dollar" per block, and so people look at it and they go, oh fine. Then smaller, "three dollars an avenue", then smaller, "five dollars initial fare", and then even smaller than that, which is against the law, but there's hundreds of guys that do this, "all prices calculated per person". So at the end of the ride ... see, I'm the one that gets right in the middle and has fights with these kids, trying to protect the customers. I'm one of the few people out there protecting the customers, I wish you guys would step up and do something, because I don't want to end up in the hospital. But I just can't see people being charged \$50 for two blocks.

COUNCIL MEMBER KOPPELL: So do you think that the change of language here is better, the new language?

MR. SIRK: No, I think it will have absolutely no effect whatsoever. I think it's totally ridiculous. What Mr. ... what Councilman Garodnick said, ask me price, would solve everything, because the kids could not point to

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2 their ... to this convoluted rate card any further
3 and say, "You have to pay, the city told me this
4 is the price". They would have to ... the people
5 would go, "What's the price?" And then you would
6 have to give them a price, do you see what I'm
7 saying? Does that make sense?

8 COUNCIL MEMBER KOPPELL: Maybe.

9 MR. SIRK: That's a way of being
10 upfront.

11 COUNCIL MEMBER KOPPELL: May I hear
12 from the next witness please.

13 MR. SIRK: Okay, go ahead.

14 MR. MEITZLER: Peter Meitzler once
15 again. It's already in the law that we are
16 supposed to, all the pedicab drivers, and I should
17 really, I want to put the distinction on, it's the
18 driver that bears responsibility for quoting
19 prices and providing a receipt, but we, our
20 drivers must provide a ... be able to provide a
21 receipt. They don't have to, just as we carry a
22 seat belt, passengers are not required to wear it.
23 Drivers are not required to issue a receipt, but
24 they, every so often, I think in the very
25 beginning, police officers were stopping and one

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2 of the things they were checking among drivers is,
3 "do you have the ability to write a receipt".
4 So, you know, responsible companies and operators
5 carry a blank receipt. You know, I, for example,
6 my drivers carry business cards that on the back
7 say, first they identify the business, and they
8 give space for the driver to write in his or her
9 name. And then you can flip it over and you can
10 write, for example, people come and they visit and
11 they want to expense it later when they get back
12 to their office, and so they can fill out the
13 to/from details. I suppose the driver could fill
14 it out if they wish, and they can write in a tip,
15 which I hope isn't ruled out by this measure, or a
16 starting fee, some drivers have a reasonable
17 starting fee, and they may waive any other
18 additional fees, such as by distance or time. So
19 a receipt is possible and occasionally is written,
20 if asked, but is not an industry practice.

21 COUNCIL MEMBER KOPPELL: Well,
22 that's interesting, you didn't listen when I read
23 the law, because the law says, "shall provide", it
24 doesn't say "shall provide on request", it says,
25 "shall provide". Now, you know, I don't think ...

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2 what I think it's honest of you to say it's rarely
3 done. Have you looked at the change in language
4 in this, which would require a more detailed
5 receipt than currently? Have you looked at that?

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MR. MEITZLER: Yes I have, and I
didn't mean to discount your question. I agree
that it's a positive change. I think more
disclosure, and I understand that it does change,
we have to provide more information on the
receipt, pedicab driver license number, pedicab
name, pedicab business- -

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COUNCIL MEMBER KOPPELL:

(Interposing) And it also requires that you say
how the fare is calculated.

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MR. MEITZLER: Exactly. You have

to provide- -

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COUNCIL MEMBER KOPPELL:

(Interposing) On the receipt.

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MR. MEITZLER: Right, and I believe
if you use by-the-block pricing, you have to ...
there is no exception, you have to provide the
receipt up front. I believe the measure gives the
opportunity to write the receipt at the end of the
trip, if the trip is calculated, the price is

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calculated, by distance or by time.

COUNCIL MEMBER KOPPELL: Yes,
that's right. And so you don't have a problem
with the new language?

MR. MEITZLER: I do not, I think
it's again a step in the right direction, but we
could do more.

COUNCIL MEMBER KOPPELL: And do you
think if it was made clear, which I think it
should be, that they should give a receipt, not
that they may, but that they should, do you think
that that would become the practice?

MR. MEITZLER: I think more clarity
would be better, because who's going to be
enforcing this on the street, because I don't
believe, very rarely does a driver ever experience
a DCA ticket. Mostly it's the police, and I think
we need to make it very clear for the police to
tell, to determine who's playing by the rules and
who isn't.

COUNCIL MEMBER KOPPELL: The third
witness, what's your comment about this change in
language?

MR. STOLLMAN: I think there's a

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2 couple of points that are brought up, one is
3 there's no enforcement, and there's no clarity.
4 So if you have decent signage, and you put
5 something up there that says, "driver must provide
6 receipt" in very bold letters, I would suggest in
7 a few different languages, this is a multi-
8 cultural city, and "driver must provide estimate
9 of fare before a ride", in nice big bold letters,
10 Spanish, Hebrew, Russian, Chinese, Italian,
11 whatever, that's representative of the fact that
12 we do care about these things, that we are a
13 cosmopolitan city and we're not going to let
14 people get ripped off. The industry has gotten
15 severely damaged over a period of years, it is
16 unfortunate that the rules have not been clear
17 enough and the enforcement has been non-existent.
18 And so how can you expect certain behavior if you
19 don't have clear rules and you don't have clear
20 signage, and you don't have clear enforcement?
21 And so all of this has been absent, and so I think
22 the new law, I think what the Department of
23 Consumer Affairs said about keep it simple, that
24 you want the basic rules, you know, about
25 charging, that's where the problem is coming from,

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2 not the fact that you can't stand up or there
3 might be an electric motor, whatever it is. Those
4 are all issues, and I don't think that they've
5 been addressed, frankly, as I said in my
6 testimony, very well either. But this is a key
7 issue, because the entire industry is being
8 slammed, it's being demolished, by bad behavior.
9 And bad behavior is clearly under the purview of
10 the Department of Consumer Affairs, and you can
11 have vehicles be confiscated, you can have people
12 lose their licenses on the spot, you can do ... you
13 can be pretty onerous in the methods that you
14 apply, and if you find the behavior is
15 characterizing this city as being filled with
16 pirates, well then you're required to act, you're
17 required to take that element of the industry and
18 bring it under control, whatever that means. I
19 don't mean, I don't think anybody should be abused
20 or oppressed because of this, I think you have to
21 be careful when you start, you know, making strict
22 rules not to hurt people and be arbitrary about
23 what you do. But doing nothing at all has left us
24 in very, very poor condition, and I think it's
25 mostly a matter of clear language, clear signage,

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2 clear regulation, and enforcement of those
3 regulations, it's all something that you are
4 capable of.

5 COUNCIL MEMBER KOPPELL: I agree, I
6 mean I think I don't disagree with any of what you
7 just said. I think that each of you, and anybody
8 else in the audience who has specific comments on
9 the particular requirements for the receipt should
10 communicate that with the Chair and with the
11 staff. I think that ... I think most of the
12 receipt, as I read it, makes sense. It may be a
13 little complicated, and just as an aside, Mr.
14 Chairman, I would like to just indicate that
15 before I would agree that we should have motorized
16 pedicabs, I would need much more information than
17 I now have. I don't ... Mr. Comrie perhaps
18 suggested, I don't want to put words in his mouth,
19 that the Committee was in favor of permitting
20 motorized cabs, while I as a member of this
21 Committee am not necessarily in favor of it. So
22 if it comes up, I just don't want people to feel
23 that there's any unanimity in this Committee and
24 the Committee has changed, so I think that's an
25 issue to be determined, if it comes up. Thank

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you.

CHAIRPERSON GARODNICK: Thank you, Council Member Koppell, and I want to note that we've been joined by Council Member Mike Nelson. Let me just go back to that clarity point for a moment, because this is obviously what I'm trying to get to here, so that there's very little ambiguity for people, so that people are making good decisions, so that you know what you're getting, and you know what's being offered. If we were to change the law at some point in the future to say simply, "fare quoted upfront, ask for receipt at outset" in multiple languages, as has been discussed, would that present a hardship on the pedicabs that already have set up odometers, timing mechanisms? Presumably those things cost money, the investments have been made in setting them up. What would be the impact on the pedicab world if we were to simply just make it a, you know, quick, very simple, clear, perhaps with some background calculation, you know, that needs to be explained somewhere, but the point is, you have to ask for it and you have to get it right up front?

MR. SIRK: Oh, that would solve

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2 everything, I have been advocating that from the
3 beginning. So I'm glad you're listening, and in
4 my view that's the perfect solution.

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CHAIRPERSON GARODNICK: Well, if
6 I'm going to be personally responsible for all
7 things related to the pedicab world, I might as
8 well listen, go ahead.

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MR. MEITZLER: I think that it
10 would really help, and I think listening to
11 drivers when we get together in the evenings and
12 talk about our day, this would help. I'll tell
13 you that, you know, that the stopwatch, whenever I
14 train new drivers, I like them to understand how
15 much a trip will take so that they can quote
16 upfront accurately. And I think we would still
17 have the stopwatch there as a check, if the
18 customers want to run it anyway and just kind of
19 see what the standard deviation is, and also for
20 drivers who give tours in Central Park, or tours
21 in general, that's often on an hourly basis, and
22 so they could, you know, estimate what ... it's
23 still I think helpful, and it would not render
24 useless, I think, the equipment investment.

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MR. STOLLMAN: I think there's a

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2 problem with requiring a receipt for service that
3 hasn't been provided yet. I think you're talking
4 about an estimate, and I think therefore you have
5 to give certain parameters. You have to say this
6 figure has to be within a certain range of what
7 the last ultimate figure is, so it has to be
8 accurate. But I think to give an accurate figure
9 before a ride, it could be done if you were
10 counting blocks, you could say, okay, I'm charging
11 you by the block and it's this many blocks and
12 this is how much it's going to cost. But if it's
13 done by time, you're certainly in trouble.

14 CHAIRPERSON GARODNICK: Correct,
15 what I'm asking is, dispensing with time or
16 odometer calculations and rather just say the new
17 way for calculating, you don't like that.

18 MR. STOLLMAN: No, I don't like
19 that. I think the maximum flexibility and maximum
20 responsibility, and if those two are not
21 contradictory, if one does not make the other
22 impossible, then otherwise I'm generally in favor
23 of giving people a chance, and then as long as
24 people have a clear idea in front what's going to
25 happen, I think that ... the criminal element of the

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2 pedicab industry has to be expunged as quickly as
3 possible, not by the police department but by your
4 Committee and the kinds of rules that you
5 promulgate.

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MR. SIRK: I have just one quick
thing and then I'll be finished.

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CHAIRPERSON GARODNICK: Sure, go
ahead.

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MR. SIRK: I ride every day, and
ever since regulation I've seen the rip-offs
increase a thousand times. Most of us, the few
Americans left, American drivers left licensed,
there's only a few of us left. We always pull up
and we say, where are you going? And they say
this, and we give them the price. And they get in
and most of us, there's a few exceptions, give a
wonderful ride. And for ... I have ... like I'm the
only one who did this in the industry, I wish
these guys would have followed me. I put a big
sign on the back of my pedicab, it says, "Fair
Price Pedicab. Most rides \$15 to \$25 for one to
three people". And that's what most people have
been doing from the beginning, and everybody loves
it, they ... \$15, they usually give \$25, \$20, they

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2 give \$25. Everybody is like, "You're the best
3 thing that ever happened". Now all I do is, I
4 drive down the street and I see people pointing to
5 their rate cards and people going, "What, my God,
6 oh my God", and I see this every day. I'm not
7 exaggerating when I say a thousand times a day, a
8 thousand times a week, tourists are getting ripped
9 off. So I have outrage, because I see this every
10 day, and like I say, I've almost been fought and
11 been beaten up because I would stand in between
12 the tourists and the driver. I mean, I was in
13 front of the Omni Hotel, from American girl place,
14 right? 49th and 5th Avenue to 57th and Madison,
15 \$54. And I stood there and I said, "No, don't pay
16 that", and the kid was like, yeah, he was getting
17 ready to fight me. And this is just one example
18 out of many. So please, if that kid had a sign
19 saying, "Ask me the rates", you think he's going
20 to tell them \$54? No, the tourists are afraid,
21 these people are very intimidating and they stand
22 there and say, "You have to pay", and they just go
23 uh, they don't read any signs, they're not going
24 to read your bill of rights sign, they're not
25 going to dial 311, they're going to give them the

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2 money and get the hell out of there, because
3 they're frightened, and that's the reality that
4 you people should really address. Thank you very
5 much.

6 MR. STOLLMAN: I have a question,
7 which is, do you have any set of penalties when
8 people violate these rules? I mean, I haven't
9 seen that. And I think that if you're going to ...
10 if you're going to try and discourage people from
11 behaving badly, there has to be a consequence.

12 CHAIRPERSON GARODNICK: Go ahead.

13 MR. MEITZLER: I was just going to
14 agree with Steve Stollman here that there should
15 be some flexibility in the quote upfront, because
16 occasionally, as you're halfway through the ride,
17 the passengers change the destination, and some
18 flexibility could be built into the measure to
19 allow to perhaps re-quote, maybe re-issue the
20 receipt.

21 CHAIRPERSON GARODNICK: Thanks,
22 gentlemen, we appreciate it, we've got other
23 people to testify, I'm going to bring them up, but
24 we appreciate it, it was very useful. John
25 Salido, Gregg Zukowski, and Meredith Smyth. Oh,

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2 and we have been joined by Council Member Julissa
3 Ferreras. Yay, indeed. Welcome, whenever you are
4 set, we like your tie.

5 MR. SALIDO: Oh, thank you.

6 CHAIRPERSON GARODNICK: Go ahead
7 and- -

8 MR. SALIDO: (Interposing) Sponge
9 Bob.

10 CHAIRPERSON GARODNICK: A Sponge
11 Bob tie, you don't see that every day. Thank you
12 for coming and go right ahead.

13 MR. SALIDO: No, we have a lot of
14 issues, fare gouging, the safety bill of rights.
15 But we've got to be honest, in the ... oh, John
16 Salido, I'm a private owner, pedicab driver. But
17 in the real world with the passenger bill of
18 rights, when's the last time you saw a tourist
19 before they hopped into a cab look at the rates on
20 the side of a door? It doesn't happen, it just
21 doesn't happen. And a lot of these issues would
22 be solved, it really goes to licensing. This is a
23 pedicab license. Does it prove that the driver's
24 skilled to drive on the streets of Manhattan? No,
25 all it proves is he has the ability to pay a fee

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2 and smile for the camera. Because the reality is,
3 I could push an oxcart in the mountains of the
4 Himalayas, and tomorrow I come down to New York
5 City and I present my driver's license driving an
6 oxcart, and then I'm on the streets of New York
7 City carrying lives. I'm a born and bred New
8 Yorker, my mother doesn't want to drive in
9 Manhattan. Why are we letting foreign students
10 come and not take the driver's licensing
11 requirements? Because if we don't ask anything of
12 these people, they're not going to give. It's
13 human nature. And I found that 90% of the people
14 who are gouging the tourists and the citizens in
15 this city are the foreign students, because you
16 know what their attitude is? I got a foreign
17 driver's license, the cops could issue me as many
18 tickets as possible, the only ones that are going
19 to get stuck are the Americans, who are the best
20 drivers. So you know what I'm going to do this
21 summer, I'm going to go on the streets and I'm
22 going to rip everybody off, because when I get a
23 ticket, he can't ... it doesn't matter, I'm going
24 home at the end of the summer. It just doesn't
25 matter. In fact, this was Saturday in front of

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2 Saks Fifth Avenue, there was a mother and a
3 daughter. There was a foreign driver in front of
4 me, the mother walked up to him, the daughter
5 walked up to me. So then she walked ... the
6 daughter walked up to the mother, and they asked
7 how much was the price. And I saw them point to
8 his sign, because that's the rip. Because in
9 reality it's so fast, they're having a good time,
10 we just want to get in, you look at that sign, a
11 dollar per block, three dollars the avenue, you
12 can't ... you're going from here to Century 21, I
13 can't do the calculations. So they jump in, and
14 then legally, they're obligated to that ripoff.
15 So when he pointed to the sign, you know what I
16 said, I said "Ladies, I'll give you a quote, \$20
17 wherever you want", because a lot of the American
18 drivers, that's how we feel we're going to stop
19 the ripoff. So you know what these ladies did,
20 they got into his cab. But I'm going to show you
21 what brutes they are, how they come over here and
22 they think they ... he got out of his pedicab, he
23 walked up to me, he got the ride - I'm not going
24 to say what he said - and I was sitting on my
25 seat, you know what he did? He head-butted me.

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2 And then you know what I did? I gave him a tight
3 boom, roundhouse right to his face in front of
4 Saks Fifth Avenue, not just from me, but for all
5 the drivers. But this is the way it is out there.
6 But how can we solve this? How can we ... because
7 you've got unlicensed ripoff artists, you've got
8 people getting gouged. Very simple, as you
9 require rate cards on the side of every pedicab,
10 you require one more sign that says, "Customers
11 are not required to pay the fare if a written
12 quote is not received upon entry". You know what
13 Einstein said? "Genius is simple". May I
14 demonstrate? "Hey, I'd like to go to Macy's."
15 "Well, here's my written quote, as required by
16 law." "Whoa, \$2,000, sorry, Mr. Ripoff Man, I'm
17 not going to get into your pedicab." Well, let's
18 say the worst happens, they take them for the ride
19 and they don't get a quote. "Okay, here we are at
20 Macy's, it's \$2,000." "Are you crazy, I'm not
21 going to pay that money." Well, this is what they
22 do too. "Then I'm going to call the cops."
23 Because the crazy thing is, they're out here
24 ripping everybody off, but they flip the system
25 and they're going to call the law, and then the

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2 cops come and say, "This is the sign". But you
3 know what I say, "Well, by the sign on your side
4 of your pedicab, it says you didn't give me a
5 written quote, so I don't have to pay the \$2,000."
6 And in fact I am so happy, I am going to go back
7 to my country, China, France, Russia or wherever
8 it is, and I'm going to tell everybody the
9 vacation in New York City because the City Council
10 and those geniuses at the DCA, so the simplicity
11 of requiring this sign on the side of the pedicab,
12 so everybody is going to come and spend their
13 tourist dollars, which is going to swell the tax
14 base, which is going to provide more money for the
15 geniuses on the City Council and the DCA for big,
16 fat pay raises. And it's that simple, just put
17 that sign ... and, you know, people charge by the
18 hour, and, you know, I've got a visual sign, a fat
19 guy uphill is more money than skinny supermodels
20 downhill. And it is. Not because I like girls,
21 but because for every pound I carry is work. We
22 haul ass while we're hauling ass. And you can't ...
23 you can't create a pricing schedule for that. But
24 if you require a written quote upon entry,
25 written, because, you know, most of these foreign

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drivers, they can barely speak English, but everybody understands numbers. So they hand you \$50 ... it's so simple.

CHAIRPERSON GARODNICK: We got it. Glad you like the bill. Go ahead.

MR. ZUKOWSKI: Hi everybody, I handed out this little piece for you guys to review at your leisure. My name is Gregg Zukowski, I am a New York City pedicab practitioner going at eight years, a New York City pedicab fleet renter and owner of Revolution Rickshaws for over six years, and co-founder and past president and current board member of the New York City Pedicab Owners Association. I'd like to thank this Subcommittee and Council Member Garodnick in particular for investing a surprising amount of time, effort and resources of late in attempts to optimize regulation of the local pedicab industry. The two proposed laws up for discussion today are evidence that your search continues for ways to improve the conditions for all stakeholders in the local pedicab space. Briefly, the bill of rights for pedicab passengers law, though well-meaning, needs a major overhaul.

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2 Please see the New York City Pedicab Passenger
3 Bill of Rights included in my kit for an example
4 of a simplified and, I believe, more effective
5 version. And that's included in this kit. The
6 pricing law reflects a continued attempt to
7 placate sub-standard service providers within our
8 industry. Its byzantine framework is
9 unenforceable for city enforcement agents, not to
10 mention unintelligible for passengers who simply
11 wish to receive a safe, accountable transport or
12 tour service. To put the situation in
13 perspective, pedicab practitioners in our city
14 serve a wide array of customers, including
15 businessmen, commuters, theater-goers and
16 tourists, to name but a few. Each set of
17 customers demands a different type of service.
18 For example, a taxi-type service, a tour-type
19 service, and my gypsy-type service, a joyride
20 service, a livery-type service. To attempt to
21 account for each of these services by offering
22 pedicab practitioners an array of pricing schemes
23 from which to select quickly becomes unmanageable
24 for all stakeholders. To insure transparency for
25 all parties, today only one option exists, upfront

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2 quote required by law. Failure to quote equals
3 complimentary ride. In large typeface, as you
4 find in my packet. Consumer protection must be
5 paramount. Today gullible customers from near and
6 far daily fall victim to the ploy of predatory
7 pedicab practitioners, the vast majority of whom
8 are practicing business illegally in the first
9 place in the States, which once again leads us to
10 the 800 pound gorilla in the room that continues
11 to be ignored by local lawmakers, the DCA's
12 practice of issuing New York City pedicab driver
13 business permits to drivers who in Federal law
14 prohibits from driving a pedicab. In my packet
15 for your review is a recent policy clarification
16 on the U.S. State Department's website, regarding
17 its summer work travel program. The site now
18 explicitly lists, "pedicab drivers or operators",
19 as being excluded from eligibility to provide
20 unambiguous direction to any municipality in the
21 business of licensing pedicab practitioners. New
22 York City, if you'll excuse me, I'm ... one more
23 minute. New York City NYCPOA estimates 75% to 95%
24 of pedicab driver businesses created by DCA every
25 year are illegal per U.S. law, and 75% to 95% of

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2 pedicab drivers' licensees either hold expired
3 visas or fall under the auspices of a summer work
4 travel program. There are so many reasons to
5 adopt the TLC's quad-state approach to driver
6 business licensing that I'm unable to fully
7 illustrate the case in the allotted time. Suffice
8 it to note that if the quad-state standard were
9 introduced, issues around pedicab safety,
10 accountability, transparency, legality,
11 enforcement, legitimacy, reputation, stewardship
12 and craft would all but disappear. There's a
13 reason most cities around the republic require in-
14 state DMV licenses, and it's not xenophobia. Note
15 I've also included in my packet a list of major
16 cities and their DMV licensing requirements for
17 your edification. In summary, the time has come
18 to raise transparency and accountability to their
19 rightful positions in the pedicab industry of New
20 York City, for the well-being of practitioners and
21 rental companies, as well as for consumers.
22 Anything less robs our city's residents, workers
23 and visitors of their lawful right to a fair and
24 vibrant pedicab marketplace, not to mention
25 oftentimes their hard-earned money. Thank you.

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2 CHAIRPERSON GARODNICK: Very
3 helpful, thank you. Ms. Smyth.

4 MS. SMYTH: Good morning, Council,
5 thank you for hearing us today. Once again, like
6 last time, I'm kind of winging it. What I really
7 wanted to emphasize is really the importance of ...
8 I appreciate that we're being heard here. I'm
9 sorry, I'm Meredith Smyth, I've been a pedicab
10 driver since 2004, and as Peter and Gregg know, I
11 have been also participating in the political
12 activities throughout while regulation was
13 happening. And what I'd really like to emphasize
14 is the importance of those of us being in the
15 business, having the experience, working side-by-
16 side with these people, being in the streets, and
17 understanding the situations, actually being
18 heard. Because my experience is that we've gotten
19 a voice here and there, but often with very little
20 consequence, and it's sad when I feel like if City
21 Council, when the City Council or DCA or any of
22 these government agencies, when they decide to
23 start making rules and regulations without really
24 considering the people who know what's what in the
25 business, they're experimenting, they're taking

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2 shots in the dark. And something might look good
3 on paper, but in practice ... or sound good in
4 theory, but in practice actually not only not
5 work, but flip around to the opposite. And the
6 perfect example is these pricing signs that we've
7 been talking about. Obviously, the DCA's
8 intention, the City Council's intention, was
9 thinking a price sign on the pedicab protects the
10 customer. And yet what we're all talking about
11 here today, it's done the opposite, it's become a
12 method for these pedicab drivers to gouge
13 tourists. And I do know that this is their
14 attitude, they do feel justified. And I, like
15 John and like David said, I am also out there
16 questioning these people, why are you doing this
17 to the visitors of our city. They feel 100%
18 justified in doing, tourists are for gouging. So
19 I'd really like to ... my point is, I'd really like
20 to see City Council, you know, concentrate on the
21 steak and not the peas. I agree with most of
22 what's in here, but a lot of it is too
23 complicated, it is too convoluted, all that
24 information on the receipts. Fine, I'm not
25 against it, but I agree with David, it doesn't

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2 actually address anything or change anything. I
3 agree with John 100% about the price has to be
4 upfront, and don't even bother putting it on a
5 bill of rights. I mean, you can, but it works
6 even better on the price sign itself. If you want
7 to have rates on there or not have rates on there,
8 but on the price sign itself. Your driver is
9 required by law to quote a price upfront. And
10 that, it could be an estimate, like Peter says,
11 sometimes the situation changes halfway through,
12 but you quote them a price upfront. The other
13 gentleman was right, I'm wary about giving a
14 receipt for a service that hasn't been received
15 yet, that's what a receipt is, I received a
16 service and now I ... but, still, quoting a price
17 upfront, and of course, as Gregg just said, the
18 real main issue of the licensing, really, that
19 really attacks the problem at hand. I agree with
20 David 100% that the City Council is asking for a
21 lawsuit, they are. And when one of these kids
22 gets in an accident, and then takes off and goes
23 home, and people are injured, whether they're the
24 suing type or not, they may not have a choice.
25 They're going to have ... the insurance company is

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2 not going to pay, they'll have no choice but to
3 sue the city to cover their medical bills, and it
4 will be a matter of public record that those of us
5 who have been in the business for years have been
6 saying this for years. The city is asking for
7 trouble, asking for a lawsuit.

8 CHAIRPERSON GARODNICK: Okay, so
9 thank you, Ms. Smyth, and I'm sorry I did damage
10 to your name before.

11 MS. SMYTH: It's happened, so it's
12 okay.

13 CHAIRPERSON GARODNICK: I did it
14 last time too, I think, I'm sorry. But you should
15 know that your testimony last time was
16 instrumental in helping us consider ways to
17 improve the bill, and I hope you realize that,
18 because if you saw what came out at the end versus
19 where it started, your testimony in particular was
20 particularly helpful. So I just wanted you to
21 know that. Let me just ask a question, because
22 there's one point that I don't understand. I get
23 the issue of clarity, and I find that an extremely
24 appealing argument. But I also hear fare quote
25 upfront, but keep it flexible. So what I do not

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2 understand is how you quote a fair upfront and
3 keep it flexible. Because to me it seems that,
4 you know, that's an avenue for people to engage in
5 a deceptive practice. "I gave you a quote, it's
6 going to be \$15 to \$20, but I'm sorry, there was
7 so much traffic, it's actually the traffic
8 exception and it's \$30 now". How ... you can't
9 really do that, you can't quote a fare upfront and
10 keep it flexible, unless there's something that
11 I'm missing. Wait, wait, let me ask Ms. Smyth
12 first, and then you'll comment.

13 MS. SMYTH: Okay, yeah, I
14 understand that question, that confusion. I said
15 last time, I do believe this, that human-powered
16 transportation means human gets to quote, you
17 know, gets to choose the price. What might ... what
18 it might be worth for John to do a ride, when it's
19 hard weather and difficult and heavy people
20 uphill, it might not be worth it for me to do it
21 for \$15. If I'm providing the sole power, we
22 don't have motors, of course, I should be able to
23 determine that price, but the customer should know
24 upfront what I'm going to charge them. I have a
25 timer, and so I can set a base rate plus a dollar

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2 per minute. Usually what I do is, I give the
3 customer a deal, in other words I charge a flat
4 rate, but it works out less, in other words, I'm
5 not overcharging them, I'm under, compared to what
6 is my posted sign. I agree with you, that sounds
7 convoluted, that's why I say, it gets confusing if
8 you're going to give a person a receipt upfront.
9 Because it does happen, like Peter said, that the
10 passengers themselves sometimes change their mind.
11 They're enjoying themselves so much, they say, you
12 know what, I'm only going to be a few minutes in
13 the store, do you want to wait for me and take me
14 back to my hotel? Yes, and I tell them upfront,
15 that's going to be another \$10, or that's another
16 \$15. Fine, so in other words, it's continuously,
17 the customer is never ... there's flexibility, but
18 the customer is never confused. I've had it
19 happen where I've had passengers on my bike, and
20 they want to go someplace, and so I calculate,
21 well, that's going to take about 20 minutes or so,
22 I'll tell you what, I'll give you a good deal,
23 \$20, that's way less than what's advertised on my
24 bike. Then, sure enough, I'm on my way, and this
25 happened to me, I take people only one avenue

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2 over, oops, the street's closed. I can't turn
3 here, and that makes a big difference. Now I have
4 to go two avenues over, up a big hill, around. So
5 I said to them, you know what, I didn't anticipate
6 this, my fault, I didn't listen to 1010 WINS, so I
7 took you a block, here's the deal. If I'm going
8 to take you to your destination, this is now
9 taking a lot longer, it's taking a lot more work,
10 I'm going to have to charge you more money. But
11 since I didn't know that, we only went a block, if
12 you want, you choose, you can get out right here,
13 right now, pay nothing. Or you can, I'm going to
14 have to increase the price if you want to continue
15 the ride. So they get out and said they'll, you
16 know, I got no tip and no thank you, and they got
17 out and walked away, but so be it, it was only a
18 few minutes of my time. So in other words there
19 can be flexibility and still be clarity, that the
20 customer is always aware. If the price is going
21 to change for any reason, sometimes streets get
22 closed and things change. Or if you have a timer,
23 or you make it clear, if you're going to use that
24 timer, say, well, the situation is, it's \$10 to
25 start, plus a dollar per minute. And sometimes

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2 they say, well, I don't want to sit in traffic.
3 Well, nobody does, people ... in taxis it's the same
4 thing, nobody wants to pay to sit in traffic, but
5 taxis work that way too. I'll sometimes tell
6 them, well, I'll tell you what, you're going to
7 pay \$10 upfront, a dollar per minute, if it goes
8 over \$25, don't worry, I'm capping it off there,
9 I'm capping it at \$25, and I'm not going to pay ...
10 make you charge. That's my choice to do that,
11 because I like to do business fair. The problem
12 is, most of the people in this business don't want
13 to do business fair, and that's the problem we
14 have to attack, that's what I'm trying to- -

15 CHAIRPERSON GARODNICK:

16 (Interposing) Like the steak.

17 MS. SMYTH: Like ... exactly.

18 CHAIRPERSON GARODNICK: I got it.

19 MS. SMYTH: We're talking a lot
20 about the symptoms, when I'd really like to talk
21 about the disease.

22 CHAIRPERSON GARODNICK: Okay, well
23 it certainly is not the end of the conversation
24 here, but I appreciate those comments. I think ...
25 did you want to add anything to that, John?

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2 MR. SALIDO: I think with respect
3 to the law, a quote is a quote. You know, you
4 can't have these deviations, flexibility, and
5 there have been times where the customer changes
6 it. And the customer, well, if I gave you a quote
7 for this and you're changing it, then it's just
8 common sense they realize the quote is going to
9 have to change. I don't need you to write
10 something into the law. Or there's times where,
11 you know what, there's traffic and now I'm stuck
12 for 20 minutes. You give somebody a quote and
13 then you've got to eat it. Although people are
14 good-natured, if you're stuck in traffic 20
15 minutes, a lot of times they realize ... I'll be
16 like, you know, folks, I'm going to take you
17 through to the end, and you realize we're here 20
18 minutes, if you could take that into consideration
19 at the end, but if want to stay by the quote,
20 that's fine too, you know. People, because it's ...
21 the pedicab is a positive experience. Most
22 people, they're happy, so you don't need to
23 legislate every little detail. A quote is a
24 quote, and people tend to work it, you know, work
25 it out by themselves. Less government is always

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the best government, I find.

CHAIRPERSON GARODNICK: Okay, thank you. Okay, with that, we thank you guys for your testimony and we appreciate it, and ... oh, I'm sorry, I'm so sorry, wait, don't go anywhere. Council Member Koppell has a question.

COUNCIL MEMBER KOPPELL: Actually I have a question for you.

CHAIRPERSON GARODNICK: All right.

COUNCIL MEMBER KOPPELL: But it's relevant to the testimony. These ... and I wasn't here for most of the testimony of the DCA, so maybe that was addressed. This idea of the foreign drivers under these special visas, did they discuss that?

CHAIRPERSON GARODNICK: They did not, it's not one of the issues which is under consideration.

COUNCIL MEMBER KOPPELL: But it seems to be a major issue, and I would think that we should find out whether they're still issuing permits to these people with these visas, because it looks, from the information given by the witness, that it's not legal, that they're not

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supposed to be doing this kind of work.

CHAIRPERSON GARODNICK: That's certainly how it looks to me too.

COUNCIL MEMBER KOPPELL: Yes.
Thank you.

CHAIRPERSON GARODNICK: Thanks, Council Member. All right, thank you, everybody. Now ... oh, I just want to recognize the presence of Council Member Karen Koslowitz of Queens, and I want to invite up our last panel, Joseph Garber, Laramie Flick and Stephen ... I am sorry if I'm doing damage to your name ... oh, Malone, yeah, I know Stephen Malone, I just couldn't read it on the thing here. Nice to see you, welcome folks. Mr. Malone, come on over here on the end. Mr. Garber, do you want to start us off, since you're at the end?

MR. GARBER: Good morning, Chair Garodnick, Council persons present, my name is Joseph Garber, I'm a civic activist. I most heartily agree with the contents of proposed Intro 345A. I also disagree vehemently with Erik, the representative from DCA who stated that we're putting too much for the consumer's content and

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2 they'll never be able to understand it or pay
3 attention. I disagree with that. So the more you
4 can put of these salient regulations and features,
5 you do it. Then I also signed off, Mr. Chairman
6 for proposed 541A, and I agree with the contents
7 of 541A, to prohibit the sale of expired over-the-
8 counter medication. I was surprised that between
9 DCA and the Department of Health and Mental
10 Hygiene, there seems to be no direct function to
11 regulate this, and I think it's wrong. I would
12 therefore suggest that the Chair of the Government
13 Operations Committee of the City Council conduct
14 hearings, review the city charter and
15 administrative code, and also ask Director
16 Weinstein of the Mayor's Office of Operations to
17 conduct a study in this area. I also think that
18 the Food and Drug Administration of the Federal
19 government be contacted with those questions to
20 see would they regulate medication that is
21 expired. And I can't believe that in the United
22 States of America or New York City, two government
23 agencies do not see the problem to sell over-the-
24 counter medications. Thank you.

25 CHAIRPERSON GARODNICK: Thank you

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very much. Sir, go ahead.

MR. FLICK: All right, my name is Laramie Flick, I've been a pedicab driver for seven years, on my own bike for six, I'm a licensed tour guide and a long-time member of the NYCPOA. I just have a few concerns about the bill of rights. One of them is that we really don't have anywhere to display stuff. Customers will almost never read anything like this, they can barely read our names, you know, they're looking around the city or at the cars they think might hit them. So they're going to be ignored, but I was thinking maybe they could actually be intended for the police, once the police get involved. We could have something where the police know the rules. The police have a lot of things going on, and so as a result, we end up getting tickets for stuff that are legal and not getting stuff ... tickets that are illegal. Anyways, I am in favor of the rate legislation, I am wondering why it is 120 days, this is something that's happening, you know, as everybody said, just constantly. And it's a small community, news spreads quickly, this could be done in 30 days. I ... as far as providing

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2 a receipt beforehand, I think that's a brilliant
3 idea. I think that that's something the police
4 could actually check. You know, did you write a
5 receipt for him, and you know, if it's not there,
6 then the police can write you a ticket for not
7 having written the receipt. And hopefully the
8 police will be lenient if the quote's been given
9 but hasn't been written down. The only thing I'm
10 concerned about is on the hourly rates, is the
11 minimum requirements, or the initial charges. You
12 know, very easily somebody can just write \$50
13 initial charge, or ... I think the solution to that
14 is just if you're going to ... there needs to be a
15 pre-receipt on an hourly rate that suggests, you
16 know, what the initial charges are and the hourly
17 rate, and nothing per person, like the total per
18 minute, and initial charges, written on the
19 receipt. And most of us are charging the same
20 thing over and over, so you can just have a
21 receipt that you give to everybody. You know, you
22 don't have to give it for that particular person,
23 it's just when it's by time, I charge \$5 to get in
24 and \$2 a minute, and I would just hand a card with
25 that pre-written to everybody, and that makes that

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2 simple. Just on a side note related to the
3 industry, with bike lanes, cars nearly run us down
4 when we're not in the bike lanes, feeling like we
5 should be. They honk at us, they come as close as
6 they can as possible, they yell at us as they go
7 by. There's no reason we shouldn't be in the bike
8 lanes, and the two people or the three people
9 limit, the horse carriages have a requirement
10 where a half person ... I'm sorry, this doesn't get
11 into slave days or whatever, but a child is
12 considered a half a person, and so if you have,
13 you know, three ... two adults and three children
14 or, I'm sorry, three adults and two children,
15 that's considered four people. You could change
16 the pedicab legislation to just simply to have a
17 child described as half a person in that respect,
18 so that we can carry two adults and two children,
19 which is standard family size. And just one last
20 thing, the customers who have two adults and two
21 children and take two pedicabs get charged twice
22 as much as they should. So it's something that
23 protects the consumers again.

24 MR. MALONE: Yes, my name is
25 Stephen Malone, I'm the spokesperson for the horse

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2 and carriage industry, and just want to have my
3 two cents heard on part this, and I can say that I
4 feel with these guys here, the ones, these guys
5 here, are the passionate ones for their industry.
6 They're the ones that are doing the right thing.
7 I was in these guys' shoes ten years ago, and no
8 matter what you do, it all comes back to
9 enforcement. I was where these guys are in my
10 industry ten, twelve years ago, and what happened
11 was, the Department of Consumer Affairs started to
12 issue double jeopardy tickets which said that if
13 they were issued a ticket, if a driver was ever
14 issued a ticket for a violation, his owner was
15 also issued a violation. So that weeded out all
16 of the, or most of, the bad drivers in our
17 industry, and I think that's something this board
18 should look into, because again, it all comes back
19 to enforcement. It doesn't matter how much stuff
20 you have on the bikes or whatever the case may be,
21 you have to be able to enforce the law, period,
22 end of story. As far as the price-gouging goes, I
23 know for a fact there's pedicab guys up there
24 charging \$425 a three-hour tour. I mean, that's
25 ridiculous, and I think you guys need to come down

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2 on that. And again, these guys are not the guys
3 that are the problem. I see these guys operating
4 every day, I've witnessed, they get in the middle
5 of a fight with the gang mentality of these guys,
6 and it's just ... I've been surrounded myself on
7 many occasions with these guys. You've got to do
8 something, it's out of control on 59th Street, and
9 we support everything you can do.

10 CHAIRPERSON GARODNICK: Thank you
11 for that. Let me just understand, I'm sorry, do
12 you want to add something?

13 MR. MALONE: No.

14 CHAIRPERSON GARODNICK: So actually
15 I want to go back to Mr. Flick for a moment, on
16 the receipt with the timing, because the appeal of
17 knowing upfront what you're going to be charged is
18 its clarity, its simplicity, its ease. And that's
19 what we're trying to do, particularly where a
20 timer or an odometer is not involved. So if a
21 timer or odometer is involved, there's a
22 calculation that's being done as you go. But you
23 raise an issue about a receipt for, or what it
24 should look like if you have a receipt for the
25 timer, with a timer involved. How exactly would

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2 you do ... why don't you spell that out for how that
3 would work for you?

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MR. FLICK: Well, all I was just
5 bringing up was my concerns that there will be an
6 initial charge or a minimum charge that is
7 ridiculous. I mean, once you ... this is just I'm
8 looking for the new loophole basically, and yeah,
9 that.

10

CHAIRPERSON GARODNICK: Okay, so
11 this is explicit in the legislation that we're
12 putting forward here, just so you know, the
13 receipt would include the calculation and also all
14 the information about the driver and the license.

15

MR. FLICK: Yeah, but are you ... I
16 mean, we're already required to provide receipts
17 at the end of the ride, with all of this
18 information. I have them on hand, and they are
19 required, they're not ... it's not ... as far as I
20 know, you have to provide a receipt, so that's
21 nothing new, with all of that information. What's
22 new is requiring it beforehand, so the police are
23 able to check whether you provided the price
24 beforehand. And the way I read the legislation
25 was that you didn't have to provide any sort of

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2 receipt beforehand if it was done by a meter or a
3 timer, and yes, so the consequence of that is that
4 people, you know, they're going to have \$50 - \$70
5 minimums, and it makes it a little harder than
6 when you have to, you know, to get away with that,
7 you know, for a two-block ride. But, you know,
8 still the customers are going to just give in,
9 because these are young, like big guys to complain
10 to, so yeah, it's just basically you would have to
11 list the total charge to get into the bike, and
12 the total charge, as part of the final receipt
13 that you give.

14 CHAIRPERSON GARODNICK: So your
15 suggestion is, put that all in the receipt, even
16 if you have a timing device, and give it to them
17 at the outset?

18 MR. FLICK: Yeah, with ... maybe even
19 with ... I mean, what I always do is give an
20 estimate of how much time it's going to be
21 beforehand, so if it exceeds that, it's something
22 that again, all the flexibility comes into your
23 personal interaction with the customers, and
24 that's- -

25 CHAIRPERSON GARODNICK:

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2 (Interposing) How would you feel about the
3 requirement, something which dispensed with the
4 time or odometer calculation of fares, but rather
5 just said, "Ask me my fare"?

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MR. FLICK: I mean, that basically
7 would be fine, that would go back to what it was
8 beforehand, which you could put up rates if you
9 want, to give people of an idea of what your rate
10 was going to be.

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CHAIRPERSON GARODNICK: Or how
12 you'll approximately calculate that.

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MR. FLICK: Yeah.

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CHAIRPERSON GARODNICK: You deal
15 with it right at the outset.

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MR. FLICK: Yeah. I mean, it's
17 probably the simplest thing to do. As far as
18 putting it in a bunch of languages, again, as with
19 the bill of rights, pedicabs have very limited
20 space, you can't put this in like, you know, ten
21 different languages. And nobody takes one of
22 these who doesn't speak, you know, zero English.
23 They find somebody, you know, who speaks their
24 language, so I don't think that's going to work.
25 But yeah, it's- -

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CHAIRPERSON GARODNICK:

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(Interposing) Okay, Mr. Malone, I had one question

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for you. You gave the example of somebody

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charging \$425 for an all-day experience or

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something like that. Shouldn't somebody be able

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to negotiate that if they want it? I mean, if I

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wanted to take a pedicab today and spend all day

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in a pedicab and, you know, I go up to one of

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these folks and I say, "What would it cost me for

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you to take me around New York City all day?" And

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they say, "\$425". And I say, "That is a great

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deal, I'm going to take it."

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MR. MALONE: Absolutely.

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CHAIRPERSON GARODNICK: So fine.

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MR. MALONE: Absolutely.

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CHAIRPERSON GARODNICK: It's just a

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matter of not knowing what the cost will be, is

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that right?

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MR. MALONE: Exactly. Also, it's

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not posted on the side of the bike, it's on their

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map. That's the difference.

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CHAIRPERSON GARODNICK: It's a

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question of clarity and transparency.

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MR. MALONE: Exactly, you want to

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spend ... we don't have any objection to you charging a thousand dollars, as long as everybody knows about it.

CHAIRPERSON GARODNICK: Right. Go ahead.

MR. FLICK: There's one thing I'd like to say, I mean, I have my own problems with the carriages and horses, whatever, but like the ... this is actually in favor of them. Again, these ... it's the same type of people overcharging people. All of Central Park South is filled with people pretending to be horse carriage brokers, who then tell people the wrong price on the horse carriages, you know, \$60 for fifteen minutes, and then \$130 for 30 minutes. They tell them they don't do the big loop, and it's just something that's happening constantly, is this misrepresentation as carriage brokers. I'm surprised you didn't bring it up.

MR. MALONE: We don't have time to bring up everything.

MR. FLICK: Yes.

CHAIRPERSON GARODNICK: Well, that will be a subject, perhaps, for future

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2 conversation. But I want to thank you all for
3 your testimony, it's extremely helpful. I'm
4 sorry, Council Member Nelson has a question.

5 COUNCIL MEMBER NELSON: Yeah,
6 actually it's a combination of a ... it's a
7 statement first, because I'm hearing like an issue
8 of danger here, and I'm stuck on this, alongside
9 the gouging issue, and that's a major issue. It
10 seems to be mostly with foreign exchange students?
11 Is that mostly with foreign exchange students, the
12 issue of danger, punching and ...

13 MR. FLICK: Yeah, I don't know,
14 there's only about 20 to 40 Americans left doing
15 this job. There are plenty of people you don't
16 know what their legal status is.

17 COUNCIL MEMBER NELSON: I heard
18 gang mentality, you know.

19 MR. FLICK: There's no sort of like
20 racketeering or gang mentality going on, I will
21 say that. But there is just- -

22 COUNCIL MEMBER NELSON:
23 (Interposing) This is a large issue.

24 MR. FLICK: Well, there's no like
25 territory or anything.

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MR. SALIDO: What are you talking about?

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COUNCIL MEMBER NELSON: Well, see.

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MR. SALIDO: I'll just say on record that I've been surrounded on three or four different occasions by six what I would call JV1 students.

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COUNCIL MEMBER NELSON: Do they post bonds before they're allowed to drive in the streets? So in other words they can just abscond and owe thousands of dollars or perhaps even a felony. Okay, I think that might be an important point here. That they must post a bond and have proof of that, to be driving people on the streets of New York City, that might keep them from swinging their fists or butt-heading, or, you know, getting themselves a whole ton of tickets, if they know they're actually going to have to pay for this. It's not xenophobia, it's just factual and quite disturbing. I think that might be an important issue for the Council to tackle. Thank you. Thank you, Mr. Chair.

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CHAIRPERSON GARODNICK: Thank you, Council Member Nelson, and it's certainly one that

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2 we are hearing repeatedly and want to take a
3 closer look at, because we do want to address the
4 source of the major issues as they're perceived by
5 consumers and also pedicab drivers, and that's
6 certainly what we're trying to get closer to here,
7 and we hope that ... well, we thank you for your
8 support of what we're trying to do here today, and
9 again, this is not the end of the conversation,
10 and we look forward to working with you further,
11 so thanks gentlemen, and thanks to everybody for
12 their testimony here today. And with that, this
13 hearing is adjourned.

C E R T I F I C A T E

I, Richard A. Ziats, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature _____

Date June 22, 2011