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TESTIMONY BEFORE CONSUMER AFFAIRS
PEDICAB RULES HEARING JUNE 29, 2009

BY DAVID POLLACK - EXECUTIVE DIRECTOR
COMMITTEE FOR TAXI SAFETY

Good morning Mr. Chairman and Council Members.

My name is David Pollack. I am the Executive Director of the Committee for Taxi Safety, an organization comprised of licensed NYC Taxi & Limousine Commission agents, which agents manage NYC yellow taxi cabs on behalf of the owners of NYC taxi medallions.

We are pleased that this bill has been presented so that comprehensive regulations will finally be enforced to govern the pedicab industry.

However, we believe that to protect the public, both pedestrians and other drivers, the proposed rules need to have certain modifications.

The proposed regulations provide that the pedicabs are to self regulate regarding liability insurance. That it is they who are to notify the Commissioner of any cancellation or modification to required insurance. And if they do not? It is doubtful that a pedicab operator who allows a policy to be cancelled is going to report that to the Commissioner. How does that protect the public? In contrast, if insurance is cancelled or terminated for taxi's, the New York City Taxi & Limousine Commission is immediately notified and the medallion is suspended. The same rules should apply here with insurance cancellations being reported to a city agency.

The proposed regulations do not provide for driver drug testing.

The proposed regulations do not mandate a requirement for a criminal background check of pedicab drivers.

And while pedicab drivers are subject to all rules governing the operation of a bicycle, to our knowledge, bicycle riders are not licensed. Although they may pay a fine for violation of traffic laws, they continue riding no matter how unsafe they may be. Accordingly, the regulations seemingly allow for pedicab drivers to consistently and flagrantly violate traffic laws. There appears to be no regulation that Pedicab drivers

would be limited to the same number of violations as other operators of moving vehicles. How safe would you feel if your driver had been ticketed for going through numerous red lights?

The proposed bill also provides no training for the pedicab operators, in direct contrast to drivers of yellow cabs who need to complete comprehensive safety and job training procedures.

The proposed bill would still also allow the pedicabs to regulate their own fares. Pedicabs charge whatever they can often charging triple or quadruple what a taxi charges. Overcharging only gives all of New York a bad name.

And if there is an accident, should the driver's medical bill become the responsibility of the city? If the answer is no, then pedicabs should be required to carry Worker's Compensation insurance, just like taxicabs do.

There is also nothing in the proposed bill that prohibits pedicabs from utilizing electric or motorized pedicabs. In fact, some pedicabs already are motorized.

Moreover, there are no penalties set forth for a violation of the rules. If penalties are not significant, such as revocation of licenses, it would seem that pedicab owners might be better off not having insurance because it would save them money. Penalty amounts cannot be set so low as to be an incentive to violate the rules.

And, again, on a practical level, who is inspecting the pedicab vehicles? Before what tribunal are violations heard and adjudicated? These regulations need an infrastructure that is simply not yet there. And the fees being proposed for licenses simply will not pay for this infrastructure.

Thank you.

**Testimony of Joseph Giannetto of the Metropolitan Taxicab Board of Trade before
the New York City Council Consumer Affairs Committee
June 29, 2009**

Good morning Mr. Chair and Members of the Consumer Affairs Committee. I'm Joseph Giannetto and I represent the Metropolitan Taxicab Board of Trade, which is comprised of 28 yellow medallion taxi fleets that operate more than 3,500 yellow medallion taxicabs throughout New York City. I am also a former police captain and former First Deputy Commissioner for the Taxi and Limousine Commission with more than two decades of experience in transportation safety issues.

In April of 2007, the City Council passed Intro 331-A over a mayoral veto, and its decision to push forward, regulate and cap an unlicensed, largely uninsured and out of control industry was the right decision. The wisdom of the Council's bold action was strongly evidenced by a tragic accident last month when a pedicab flew into a taxicab, as the pedicab illegally crossed the Williamsburg Bridge, tossing its passengers from the carriage and causing critical injuries.

At numerous hearings, MTBOT and several other groups and individuals painted this very picture. We even distributed a DVD that captured the numerous safety problems associated with the pedicab industry. As we review new legislation that appears to be required as a result of a lawsuit that sadly prevented the implementation of Local Law 19 of 2007, it is important to take a hard look at the current pedicab situation throughout the City.

Pedicabs are as reckless as ever. The number of accidents attributed to pedicabs has risen. Last summer, a Connecticut man was killed after being thrown out of a pedicab in Seattle. Unfortunately, we're headed down the same road in New York if we don't have laws that address legitimate public safety concerns raised by inadequate licensing and regulating of pedicabs. That means, at the very least, ensuring that pedicabs are inspected, licensed, adequately insured, and limited in number, and that drivers are trained, licensed and responsible.

MTBOT would prefer legislation that recognizes a taxicabs' exclusive right to accept hails from passengers in the street, a right already set forth in state and local law, and limit pedicabs to Central Park or dispatcher-manned pedicab stands. That would not only be the safer route for passengers, but would honor the spirit of New York City law which clearly states that yellow medallion taxicabs have the exclusive right to pick up street hails.

When our operators purchased taxi medallions, they purchased the exclusive right to accept passengers from the street. Credit unions and banking institutions provided financing based on that exclusive right. When our drivers lease our taxis, they are paying for that exclusive right. And when the city sold hundreds of millions of dollars worth of new medallions a few years ago, the City profited by selling that exclusive right. The State law enabling the medallion sale to go forward reiterated this exclusive right.

Furthermore, taxicab drivers undergo a rigorous and expensive licensing process to obtain and maintain their licenses and our operators shell out millions of dollars a year to the City to operate yellow taxis.

This preconsidered Intro provides an imperfect solution, but a solution worth pursuing, only because the alternative would be the continuance of an unregulated, dangerous industry that puts thousands more people at risk. If the City continues to allow this industry to spin out of control, our drivers, who are highly regulated and highly insured, and are currently struggling to find fares amid this terrible economy, will continue to lose out on needed revenue.

We have some suggestions to make this legislation better.

- Require that pedicab operators provide Workman's Compensation insurance to its drivers, just as yellow taxi operators, most livery operators, and most other businesses are required to do. We would observe that this requirement already exists in many other cities, such as San Francisco, that license and regulate pedicabs.
- Require the Department of Consumer Affairs to set up a system akin to the Persistent Violators Program that the City Council adopted in 1999 for the taxicab and for-hire industries. This would establish a point system where operators who violate the law would receive points relative to the severity of the violation. If they exceed a certain number of points, they face license suspension, revocation or seizure of the pedicab. If the laws have no teeth, and repeat offenders can continue to operate with impunity, they are useless.
- Require pedicab drivers and business owners to be fingerprinted and background checked – just like yellow taxi drivers. Again, other cities already require criminal background checks for pedicab drivers.

One needn't look any further than the illegal livery street hail business at the airports, which was highlighted last week when an illegal livery took several tourists on a nightmarish ride from JFK. Those violators keep returning because the current law has no teeth and is simply a cost of doing business. We shouldn't let that happen here – not when public safety is at issue.

Thank you for your time.



Testimony of the New York City Pedicab Owners' Association

COMMITTEE ON CONSUMER AFFAIRS
JUNE 29, 2009

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



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

Approximately four years ago, the NYCPOA approached the City Council and asked it to pass formal regulations to govern New York's pedicab industry. The NYCPOA was interested in working with the Council to ensure that our industry was comprised of only the safest pedicabs, best drivers and most reputable owners. In short, we wanted to create a standardized, high-quality pedicab experience that could be enjoyed by our rapidly-growing base of customers. It has certainly been a long journey between then and now, but if the bill presently before this committee becomes law, the NYCPOA will have achieved our common goal of insuring that only those pedicabs owners who are committed to the highest standards of quality and safety are allowed to participate in our industry and those who put profits ahead of safety will disappear from our streets forever. It is for that reason that the New York City Pedicab Owners' Association is pleased to offer our enthusiastic support for this bill's amendments to Local Law 19-2007, which I will also refer to as the "pedicab law."

I would be remiss if I did not begin my testimony by thanking three elected officials whose commitment to pedicab safety and a spirit of cooperation in working with the NYCPOA has brought this bill before us today.

First, I would like to thank City Council Speaker Christine Quinn as well as the dedicated members of her legislative staff. The Speaker has truly risen to the occasion in introducing this legislation. The NYCPOA has never been a big fan of placing a cap on the number of pedicabs in New York City; but at the same time, we have been strong proponents of only allowing the safest, most responsible pedicabs to operate here, which, in practical terms, is something of a cap. When the NYCPOA met with the Speaker's office early this month, they proposed a new type of cap that was based solely on safety restrictions and time limitations. We could not have been more pleased. It was an elegant solution that would allow everyone in the pedicab industry – be they current owners, drivers, mechanics or none-of-the-above – to own and operate pedicabs

if they fully complied with the strict safety requirements set forth in the original pedicab law. In short, the new cap is all about safety. The NYCPOA is grateful the Speaker sought our immediate input on this bill and, in so doing, laid the foundation for a genuine working partnership with our association and the pedicab industry. We hope it is a partnership that continues to grow and strengthen for a very long time.

Second, I want to thank Mayor Michael Bloomberg and the members of his staff, both in New York and Albany, who have worked with the NYCPOA on this issue. The Mayor has been a strong and consistent supporter of New York's pedicab industry, which he recently referred to as "An integral part of the City's streetscape for tourists and locals alike." Another member of Mayor Bloomberg's team, at NYC & Company, echoed the mayor's comments a few days ago, noting that "pedicabs in New York City have become an iconic part of the City's vibrant and diverse streetscape." We wholeheartedly agree. We would like to thank the Mayor for standing up for the pedicab industry both when doing so has been easy and when it has been hard. We especially want to thank him for his role in working with the City Council to craft the legislation before this committee today.

Finally, I want to thank Councilman Alan Gerson. It was Councilman Gerson who first pursued the idea of safely and equitably regulating New York's pedicab industry. When this bill becomes law, as I hope it soon will, much credit should go to the founding father of pedicab regulation, Councilman Gerson, and I wanted to recognize his contribution here today. He very much deserves it.

While no piece of legislation is ever perfect, this bill is comes fairly close. That being said, there are two minor changes we would like to see implemented to improve it. The first corrects a drafting error that produces an internal conflict within the original pedicab law, and the second would make the streets even safer for pedicabs and those we share the roads with.

The first change, which corrects the drafting error, is found in the last sentence of §20-251(a). That section, after discussing the timing of applying for pedicab registration plates, reads "During such sixty day period, persons submitting applications for registration plates shall **also** submit applications for pedicab business licenses pursuant to section 20-252." The use of the word "also" creates two problems here. First, it would enable someone to register for pedicab

registration plates without demonstrating that their pedicabs are insured, as required by law. Second, because it allows someone to apply for pedicab registration plates first and a pedicab business license second, it creates a conflict with §20-250 of Local Law 19-2007, which requires an applicant for a pedicab business license to list on his business license application the pedicabs for which he will **later** be seeking registration. In order to avoid this conflict, the word “also” should be replaced with the phrase “either initially or concurrently” so the last sentence of §20-251(a) reads “During such sixty day period, persons submitting applications for registration plates shall **either initially or concurrently** submit applications for pedicab business licenses pursuant to section 20-252.” This small change would prevent conflicting language from appearing in the pedicab law without making any real substantive change to it.

The second change deals with a portion of Local Law 19-2007 that is otherwise not addressed in the present bill. I am specifically referring to the portion of §20-259(b)(3) that prohibits pedicabs from operating in bicycle lanes. In my experience, which may or may not be confirmed by other witnesses here today, no one – not pedicab operators, cyclists, pedestrians, automobile drivers, truck drivers, or taxi and limousine drivers – object to allowing pedicabs to ride in bicycle lanes where such lanes are available. While it is perfectly safe to operate a pedicab on the roads of our city, it is unquestionably even safer to operate a pedicab in a dedicated bicycle lane when doing so is possible. The only concern I have heard raised about eliminating the bicycle lane restriction is that some bicycle lanes may not be wide enough to accommodate a pedicab. While this may be true, banning pedicabs from *all* bicycle lanes is throwing the baby out with the bathwater. Instead, the NYCPOA proposes changing the language in §20-259(b)(3) to read that pedicab drivers shall not “operate a pedicab . . . in any bicycle lane **that is not wide enough to accommodate the full width of the pedicab.**” This additional language acknowledges the broad consensus that pedicabs should be allowed to operate in bicycle lanes and places the onus on pedicab drivers not to drive in narrow bicycle lanes or risk getting fined. This is a common sense compromise that advances safety and should be made a part of the final version of this legislation.

I would like to conclude with two final points.

The first point is more of a warning. It is an unfortunate reality that the pedicab industry over the years has attracted some less-than-admirable characters who view legal restrictions more as speed bumps than brick walls. In the past, they have refused to voluntarily meet the safety standards of Local Law 19-2007, as every member of the NYCPOA has. More troubling, during the Department of Consumer Affairs' earlier attempt to effectuate the pedicab law, many of these individuals and businesses provided DCA with false and counterfeit documentation in order to circumvent provisions of the pedicab law. The City Council can only enact laws; it cannot enforce them. With respect to applications for pedicab business licenses and registration plates, that is up to DCA. As such, DCA should be extremely vigilant in examining the authenticity of documents they are provided by pedicab business license and registration plate applicants as well as the statements they make on the applications themselves. Two areas deserve specific mention. First, DCA should make significant efforts to confirm that the proof of insurance provided by applicants is genuine. Unfortunately, documents purporting to confirm one holds insurance are easily fabricated, but fortunately, those fabrications are easily identified through basic follow up efforts with purported insurers. Second, the law limits the number of pedicabs in which any one person or business can hold a beneficial interest to 30. This limit extends to the owner's close family members as well. It is without question that some applicants will seek to hide their ownership of more than 30 pedicabs by using stand-in applicants who do not actually own the pedicabs they are registering or by using shell-corporations they control at a distance. If DCA does not aggressively clamp down on those who seek to circumvent the pedicab law, it will be seen by some as a weakness in the administration of the law to be capitalized upon. I would highly encourage this committee, at some point in the next several months, to exercise its oversight of DCA to ensure they are using all the tools at their disposal to effectively enforce the pedicab law.

Finally, I want to raise a question that neither the pedicab law in its present form nor the bill before this committee answers; namely, if this bill is passed into law, when will the safety requirements in Local Law 19-2007 become effective and enforceable by the New York City Police Department? Will elements like the law's seatbelt, insurance, driver's license and hydraulic brake requirements go into effect immediately? Will they go into effect 40 days after the law is enacted, when DCA starts accepting applications? Will they go into effect 100 days after the law is passed, when the window for applications for licenses and plates will close? Or

will it be at some even later time? It is the strong opinion of the NYCPOA that all the provisions of Local Law 19-2007 that are not wholly dependent on the issuance of licenses and registration plates by DCA should go into effect the day this bill is passed into law. In order for that to happen, this bill needs to be revised to explicitly insert that requirement into the law. It is certainly true that DCA will not be able to enforce many of the law's safety provisions until it issues registration plates and conducts its inspections. But it is equally true that the NYPD has the ability, even today, to issue tickets to pedicabs that lack seatbelts, operating headlights, visible rate cards or proof of insurance. There is no reason to delay the enforcement of these and other provisions of the law that protect the health and well-being of New York's consumers. Summer is one of the busiest seasons for pedicabs, and we cannot risk the well-being of pedicab drivers and passengers by allowing the current lawless, "wild-west" pedicab environment to continue for the duration of this summer.

I would like thank the committee again for its time today and its continuing dedication to improving the safety of pedicabs: the most entertaining and environmentally friendly way for locals and tourists to get around New York City without having to work up a sweat themselves.

I would be my pleasure to answer any questions the committee might have at this time.

Hello my name is Robert Tipton. I own and operate Mr. Rickshaw LLC. I began my pedicab career in 200 after serving in the US Air Force. Mr. Rickshaw currently rents 30 insured pedicabs. We have reduced the number of pedicabs we rent by 25% to comply with the restriction of 30 per business. Taxi owners are not limited to how many taxis medallions they can own. I believe the city should be doing more to encourage small environmentally friendly businesses such as mine, not passing anticompetitive regulation.

Don't restrict pedicabs from bike lanes, bridges, or congested areas where they are most the useful vehicles on the road. Pedicabs can safely cross any bridge in this city. Our company is often hired to provide services in Brooklyn, Queens, or the Bronx. If restricted from bridges we would be forced to transport our pedicabs by truck, adding unnecessary complications, cost, and pollution. Pedicabs should not be restricted from using any bike lane or path. It is the safest lane of travel for any bicycle. Forcing the pedicab into regular traffic lanes will only result in more accidents, injuries, and congestion. A bike belongs in a bike lane. To best of my knowledge no study has ever been conducted on the impact and viability of pedciabs using bridges or bicycle lanes.

Restrictions on the operation of pedicabs due to exceptional circumstances, i.e. unusually heavy pedestrian or vehicular traffic during the peak holiday season, specifically north by 59th street, south by 39th street, east by Lexington avenue, west by eighth avenue is unfair and unjust. Pedicabs should never be restricted from operating in the busiest or most profitable areas of the city. Richard Epstein's recent article in Forbes magazine truly says it best, and I Quote. "At this point, a constitutional challenge is in order. No system of limited government can rule out state ownership of roads. But none should tolerate using state monopoly power to upset the level playing field between competitive businesses. Both New York and Chicago have a long and disgraceful history of keeping jitneys off the roads because of the competition that they give the city-owned, and union-operated, buses. If private utilities used their power for similar partisan ends, they would be on the receiving end of civil and criminal sanctions. The government ownership of the roads does not cleanse these anticompetitive practices for pedicabs or anything else. Our libertarian moral is this: Public safety should never be a pretext for anticompetitive regulation, be it on public roads or private property." Pedicabs should be allowed anywhere a bicycle can safely travel.

Please don't pass anticompetitive regulation, as our mayor has said, let the free market decide.



Hearing on:

**A Local Law to amend the administrative code of
the City of New York, in relation to pedicab
licensing**

Testimony of Jonathan Mintz
Commissioner, Department of Consumer Affairs

Presented to:
New York City Council
Committee on Consumer Affairs

June 30, 2009

Good morning, Chairman Comrie and members of the Consumer Affairs Committee. I am Jonathan Mintz, Commissioner of the Department of Consumer Affairs. I am pleased to have the opportunity to comment in support of the proposed amendments to the pedicab licensing law. We were delighted to work with the Speaker, her staff, and others on the Council to identify a way to break the logjam that has led to the last two years' frustration in our mutual efforts to license this industry, hold its members accountable to the public, and increase public safety through insurance requirements, pedicab equipment requirements and inspections, and other appropriate provisions of Local Law 19.

It's worth noting that despite the many good faith disagreements that preceded this point in time, there is significant agreement among members of the Council, the Administration, and the pedicab industry itself, that a sensible and enforceable approach to regulation was, and continues to be, desirable and in everyone's best interests. I can also add on behalf of the Department of Consumer Affairs, specifically, that we have been champing at the bit to be enabled to ensure that this industry is held accountable to the public for safe operations. These proposed amendments go a long way toward making that happen. With the exception of a couple inadvertent drafting glitches, which I will address later, the path toward enabling DCA to do its job now seems clear.

First, the bill substitutes the original approach to a license cap with a 60-day window during which pedicab owners can apply for their business licenses and as many as 30 pedicab registration plates each. After the 60 days, the window closes on the registration of additional pedicab vehicles until this provision of the law sunsets in 18 months. I would note that the current language inadvertently fails to include the 30-cab cap per licensee in that same sunset provision. I would also note that the proposed cap does not limit the number or timing for pedicab driver licenses.

Additionally, the bill provides for the orderly transfer of registration plates. Given the limited application window, a sensible transfer provision is of vital importance. The current bill creates a smart transfer system by allowing pedicab owners, with the Commissioner's approval, the opportunity to sell or purchase licensed pedicab vehicles as their businesses respond to market forces.

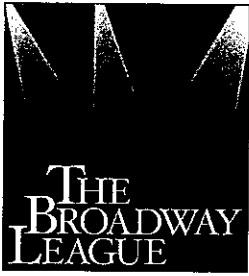
This bill strives to balance the public's need for speedy transition to licensing and safety requirements with the smooth operational transition for those currently engaged day in and day out in the industry. It seeks to cushion the impact of implementation by providing for 40 days' notice after it takes effect before the 60-day licensing window opens to pedicab businesses. Presumably and hopefully, to the extent that they haven't already, this will allow industry members the time they need to take all steps necessary to settle their business plans, secure insurance, and retrofit their vehicles in preparation for DCA inspections. After the 40 days, the Department would begin accepting and reviewing applications for licenses and pedicab registrations, inspecting pedicabs for compliance with the safety equipment and insurance requirements, issuing the business and driver licenses, and affixing pedicab registration plates to pedicabs that have passed DCA's inspection scrutiny.

Unfortunately, the current draft of this bill would place pedicab businesses and drivers in an unnecessary and in fact impossible business situation. It requires that businesses be licensed **before** the start of the 60-day license application period. While I have always been inordinately proud of the DCA Licensing Center's prowess, even we cannot bend time and space to make that feasible! To avoid putting hardworking pedicab businesses and drivers out of work for months and also creating chaos in a Licensing Center that already serves over 120,000 businesses a year, the Administration has a simple recommendation. While the amended bill should hold pedicab businesses and drivers still responsible for the safety requirements, the requirement for holding licenses should be held specifically in abeyance until the close of the 60-day license application window.

One other minor timing issue bears mentioning. The law specifies that business licenses and plates may not be issued for more than one year. As the licensing system was initially constructed over two years ago, however, licenses for pedicab businesses are slated to expire at the beginning of November each year. Given the proximity between the presumed issuance of the first year of pedicab business licenses and the November 1 expiration date, the bill before you needs to be amended to allow the initial licenses and plates to be good for a period longer than a year so that they would expire in 2010 rather than a few months from now. Additionally, the Administration proposes some language that will tighten the efficiency of the pedicab inspection process, including holding businesses responsible for failing to produce a pedicab at a scheduled inspection.

Thanks to the hard work of Council and Administration staff, with the support of so many in the pedicab industry, and with these minor tweaks, New Yorkers and our many millions of visitors will be able very soon to enjoy a safer, more accountable pedicab experience. A DCA-licensed business and driver will know to adhere to the rules of fair play as well as the rules of the road; and a DCA-licensed pedicab vehicle will be equipped with seat belts, proper brakes, and turn signals and will have to prove it to us ... and our colleagues in the Police Department on a regular basis.

Thank you. I'd be happy to take any of your questions.



STATEMENT OF THE BROADWAY LEAGUE
June 29, 2009

Good morning. I am Thomas Ferrugia, the Director of Government Relations for The Broadway League, which has been the principal trade association for the commercial Broadway theatre industry for nearly 80 years. We now represent over 600 members nationwide, including theatre owners, producers and road presenters. I want to thank Chairman Comrie, as well as the other distinguished members of the Consumer Affairs Committee, for this opportunity to discuss our thoughts on the legislation under consideration today.

The League certainly supports the intent of the Preconsidered Introductory Bill that amends the law regulating and licensing pedicabs in New York City. Absent a ban on pedicabs in the Times Square area, we applaud the licensing requirements, safety measures, insurance and reporting features outlined in the current law as a means of making the pedicab industry safer for New Yorkers. We support the current law's restriction on pedicabs soliciting passengers in No Standing zones, putting additional demands on pedicab drivers and owners to comply with traffic rules, banning motorized pedicabs, as well as the new proposal's restrictions on ownership interests.

However, the League must express its disappointment over the outcome of the litigation surrounding the manner in which the Administration implemented the law. We are therefore troubled that this Intro removes any limit on the number of pedicabs that may operate in New York City, beyond setting a date by which all currently operating pedicabs must apply for licenses to continue operating. Midtown Manhattan is now overcrowded with these dangerous, slow-moving vehicles and this proposal simply does not address the larger problem. We believe one of the major misconceptions about a pedicab cap is that, like taxis, pedicabs spread throughout the City. This simply is not true. But because the problem does not directly impact most districts, the perception can be erroneously skewed. Pedicabs congregate in neighborhoods that attract tourists; primarily the area bound east and west by Sixth and Eighth Avenues and north and south by West 53rd and West 40th Streets, which comprise Times Square – the main commercial district of Manhattan. This being the reality, as opposed to the perception, a 'cap' is actually a restriction on how many cabs may circle areas like Midtown Manhattan, neighborhoods already crowded by thousands of cars, street vendors, theatre-goers, visitors, restaurant patrons and shoppers.

Charlotte St. Martin
Executive Director

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The League is committed to providing millions of New Yorkers and visitors with the best and safest possible theatergoing experience. We believe that experience begins before the show starts and continues after patrons leave the theatre and – to this end – we remain concerned about the number of pedicabs continually parked outside our theatres soliciting passengers after matinee and evening performances. Pedicabs illegally congregate at “No Standing” zones directly in front of Broadway theatres, blocking access for taxicabs, private transportation, and pedestrian movement. Theatre operators can be fined for inadvertently placing office equipment too close to an exit and impeding egress, while pedicabs completely block off street access and force patrons to funnel tightly down the block.

Pedicabs contribute to a dangerous and chaotic atmosphere in the theatre district. They utilize narrow, congested side-streets, stop on fast-moving thoroughfares like Broadway and 7th and 8th Avenues to solicit rides and weave dangerously through traffic. In the Times Square, pedicabs run rampant, frequently ignoring traffic and parking laws, with almost no consequences to the pedicab drivers by way of fine or penalty. As we know, prohibitions of these kinds are useless without active monitoring. For the safety of our citizens, we urge the Council, Mayor and NYPD to begin actively enforcing all laws as they relate to pedicabs. The NYPD must train and devote officers to pedicab enforcement, particularly now that, under the law, violations can be tied to license renewals and unscrupulous operators can be taken off the street.

The League certainly understands the perceived charm of unique tourist experiences, but when these experiences begin to create significant safety hazards to pedicab passengers, pedestrians, and vehicle passengers alike; when they create nightmares for people trying to get a taxi or simply crossing the street, when they flagrantly violate street-parking and vehicle-traffic laws, they run counter to our collective efforts to protect the public’s safety and move from charming to dangerous.

The city has recently made a very concerted effort to relieve congestion in Times Square by instating vehicle lane changes, wider sidewalks and converting a large section of Broadway into a pedestrian mall. The unchecked proliferation of pedicabs is part of the existing problem that needs mitigation. On behalf of the Broadway theatre community, the League applauds the Council’s ongoing and sincere dedication to addressing this massive problem in a fair, balanced manner. However, we remain concerned that, lacking a concerted effort towards enforcement, removing the pedicab cap will prevent the legislation from resolving this ongoing problem. I thank you for this opportunity and I am happy to answer any questions.



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June 29, 2009

New York City Council, Consumer Affairs Committee: Pedicab Regulation

Statement of Caroline Samponaro, Director of Bicycle Advocacy, Transportation Alternatives.
Transportation Alternatives (T.A.) is a 7,500 member 501(c)(3) non-profit, non-partisan advocacy organization working for better biking, walking and public transit in New York City.

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Good morning Chairman Comrie, Speaker Quinn and members of the Consumer Affairs Committee. My name is Caroline Samponaro, and I am the Director of Bicycle Advocacy for Transportation Alternatives, New York City's advocates for biking, walking and sensible transportation.

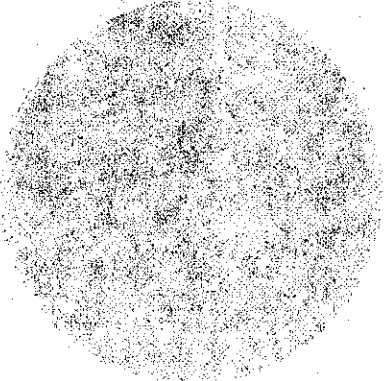
Transportation Alternatives is a longtime supporter of pedicabs and believes any laws, rules or regulations promulgated by the City of New York to regulate them should encourage their use, not limit it. With political, planning, development, economic, health and environmental discussions increasingly focusing on New York City's growth over the coming decades and how to accommodate more people, jobs and development into our already crowded city, it only makes sense for City policies to encourage pedicabs and other modes of transportation that do not pollute or contribute to traffic congestion.

While there has been agreement for the need to regulate pedicabs, there is no need to restrict where they may operate. The City Council, the Administration and others have not produced any evidence that pedicabs have a negative effect on the city, traffic, public safety, the economy, the environment or on public health. In fact, pedicabs help improve many of these things.

Transportation Alternatives opposes a ban of pedicabs from bike lanes. On NYC's automobile clogged streets, bike lanes provide safety for pedicabs as much as they do for cyclists. Transportation Alternatives has shifted away from debating whether the width of bike lanes can accommodate the demand, and towards discussing progressive re-appropriation of street space to accommodate the growth of human powered transport. If there is even a possibility that there are bike lanes that are not wide enough to meet the demand of travel, then we should not be looking to ban tricycles but rather to expand the bike lanes and move toward world class streets that have both the environment and safety in mind.

Transportation Alternatives is opposed to any restrictions on a pedicab's right to travel over bridges. Riding over bridges allows owners to ride their pedicab from garages in Brooklyn or Queens into the Central Business District.

(Over)



A ban on bridge crossings would put an unfair burden on owners and potentially lead to the use of motorized vehicles to transport pedicabs into and out of the CBD.

Transportation Alternatives is opposed to a ban of pedicabs from midtown during the winter holiday season. Policies should be enacted to discourage private automobile use during this time, not to ban the most space efficient and flexible option we have to move people with zero environmental impact. The movement of a small minority via private automobiles should not be protected at the expense of a non-polluting and practical public transportation option. Blaming pedicabs for congestion in midtown is akin to blaming a problem on its solution. A ban would also negatively impact the industry and deprive hundreds of people of green jobs during the lucrative holiday season.

Pedicabs are city-friendly pollution-free vehicles. They are good for the environment and the health and quality of life of New Yorkers, they help people quickly get where they need to go, and they are a unique part of New York, endearing the city to tourists and New Yorkers alike. We hope that this Committee and the City Council will continue to work with the pedicab owners' association, pedicab operators association, and advocates to promulgate regulations that help establish and legitimize this growing trade.

Thank You

Pedicab Proposal

By

David Sirk

Pedicab Driver since 2002

Representing

MANHATTAN PEDICAB INC.

MANHATTAN PEDICAB 212 586 9486

mpedicab@aol.com

DAVID SIRK

917 803 6955

sirkbar@yahoo.com

<http://www.ajfineart.com/Pedicab/home.htm>

My Name is David Sirk I work for Manhattan Pedicab Co. (one of the oldest and dare I say well run companies In NYC) I I have also been a Driver with Manhattan Pedicab since 2002. Manhattan Pedicab is not a Member of the NYCPOA because we were against many of the proposals that the NYCPOA laid out. I would like to think that I am one of the reasons that Pedicabs at one time became such a great way to experience NYC. The reason being I have extensive knowledge of the city and its history, my prices were fair, and I was respectful of pedestrians and other traffic.

Very Few People like me exist anymore. We were forced out primarily by two warring factions.

The NYCPOA with their spokesperson Chad Marlow and the United Pedicab Business Alliance run by Ibrahim Donmez

The NYCPOA Originally rallied J1 students to their cause to fight the cap and then when the cap was instituted took immediate measures to lock them out of the process. This caused a backlash and the United Pedicab Business alliance was created. Upon discovery of a loophole, they rallied over 170 J1 and F1 students and took over the licensing pool that the DCA created.

These are the root causes for the Licensing Debacle that we have been dealing with for these many years

These J1s would have eventually have been weeded out of the process due to the Illegality for a J1 or F1 to own this type of business, but this DCA mechanism would have created a system where. For example:

A J1 student while working for 2 months, who received a violation from the City of New York while operating their Pedicab were receiving 2 plates. And a company with a long safety record Like Manhattan Pedicab that had insurance, maintenance and proper lighting Ext. would receive 6 plates. It was total madness and one of the worst examples of city government on record.

The NYCPOA had to fight to protect their business but Chad Marlow was ineffective communicating to the Judges the real problems facing the Pedicab industry.

There is plenty of blame to go around as to why the City is now over run by reckless mercenary types, whose primary concern is to make a quick buck

and who have little regard for the public at large. Perhaps if I would have become more involved during the Licensing Process I may have been able to have a positive impact.

So now I submit 3 simple solutions that if they are indeed implemented, will insure ~~sure~~ that the owners and operators have a vested interest in the City of New York

#1 Only NYS Residents for 6 months or more may apply

This will avoid a Pedicab gold rush hitting our streets with unsustainable numbers.

#2 Individual Operators must also be accepted for a Drivers Permit

This would stop individuals who have no intention of riding their Pedicabs, but are only interested in renting them out for as much money as possible. Many are J1 students who have no long-term interest in the business.

#3 There will be a 2 week due Diligence period from where the Company names are made Public Knowledge.

We can police ourselves and bring any damning knowledge to an appointed DCA representative.

In Closing

Pedicabs were Once Featured in the I Love New York Commercials
I love Pedicabs I love New York. I beg of you. Get it right this time.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Ped-cab Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: George Bliss

Address: 71 Morton St

I represent: Pedicabs of NY

Address: 71 Morton St

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Thomas Ferrugia

Address: 226 W 47th St 10036

I represent: The Broadway League

Address: Same as above

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 06/29/09

(PLEASE PRINT)

Name: DOUG KORMAN

Address: 954 THIRD AV #429

I represent: MYSELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 06/29/09

(PLEASE PRINT)

Name: JOE GRUNBERG

Address: 954 THIRD AV #429

I represent: MYSELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. LOCAL 19 Res. No. _____

in favor in opposition

Date: 6/29/09

(PLEASE PRINT)

Name: DAVID SIKK

Address: 330 W 51ST A A2

I represent: DAVID SIKK

Address: DHTO

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Local Law 19 Res. No. _____

in favor in opposition

Date: 06/29/09

Name: Robert Tipton (PLEASE PRINT)

Address: 19 West 129th St. apt. 2A

I represent: Mr. Rickshaw LLC

Address: 617 West 29th St. New York NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Local Law 19 Res. No. _____

in favor in opposition

Date: 6/29/09

Name: Stan O'Connor (PLEASE PRINT)

Address: 14 Bogardus Place # LR

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/29/09

Name: CHAD MARLOW (Public Advocacy Group) (PLEASE PRINT)

Address: 10 RIVER RD #14J, NYC, NY 10044

I represent: NYC PEDICAB OWNERS ASS'N.

Address: _____

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 06/25/09

(PLEASE PRINT)

Name: JOSEPH GIANNETTO

Address: 24-16 QUEENS PLAZA SOUTH

I represent: MTBOT (METROPOLITAN TAXICAB BOARD OF TRADE)

Address: 24-16 QUEENS PLAZA SOUTH

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JONATHAN MINTZ, COMMISSIONER

Address: _____

I represent: DCA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/29/2009

(PLEASE PRINT)

Name: PETER M MAZER

Address: 24-16 QUEENS PLAZA S. RM 703
LIC, NY 11101

I represent: METROPOLITAN TAXICAB BOARD

Address: OF TRADE

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

6/29/09

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)
Name: BRENDAN O TOOLE

Address: _____

I represent: UNITED Pedicab ALLIANCE Pres

Address: 520 E 20th ST NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 6/29/9

(PLEASE PRINT)
Name: IBRAHIM DONMEZ

Address: 8719 16th Avenue #C

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. Pedicab Res. No. _____
 in favor in opposition

Date: 6/29/09

(PLEASE PRINT)
Name: Caroline Samponaro

Address: 127 West 26th St, Suite 1002, 10001

I represent: Transportation Alternatives

Address: _____