

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 29, 2009  
Start: 10:36 am  
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HELD AT: Council Chambers  
City Hall

B E F O R E:  
LEROY G. COMRIE, JR.  
Chairperson

COUNCIL MEMBERS:  
James F. Gennaro  
G. Oliver Koppell  
John C. Liu

## A P P E A R A N C E S

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Commissioner  
Department of Consumer Affairs

Marla Tepper  
General Counsel  
Department of Consumer Affairs

Jed Herrmann  
Deputy Commissioner  
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Director for Business Development  
Metropolitan Taxicab Board of Trade

Caroline Samponaro  
Director of Bicycle Advocacy  
Transportation Alternatives

## A P P E A R A N C E S (CONTINUED)

Thomas Ferrugia  
Director of Government Relations  
Broadway League

George Bliss  
Pedicabs of New York

David Sirk  
Pedicab Driver

Ibrahim Donmez  
Pedicab Driver

Joe Greunberg  
Pedicab Owner

Doug Korman  
Pedicab driver

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CHAIRPERSON COMRIE: Good morning.  
I'm Leroy Comrie. I'm chair of the Consumer  
Affairs Committee. Today, we'll be holding our  
first hearing on a Preconsidered Introductory Bill  
which would amend the Administrative Code of the  
City of New York in relation to pedicab licensing.  
I'd like to begin by thanking the Administration  
for attending and testifying at today's hearing,  
as well as all of those interested parties who  
will be coming before us today. I look forward to  
hearing your testimony. As the pedicab industry  
has developed during the last decade from a novel  
trend into a full industry, New York City has seen  
a marked increase in the number of these vehicles  
operating on the streets. Recognizing its rapid  
growth and the need for regulation, the Council in  
February 2007 passed Intro 331-A, a Local Law  
regulating and licensing pedicabs. Intro 331-A  
imposed certain safety standards on pedicabs,  
mandated that all pedicab owners and operators  
obtain licenses and instituted a cap on the number  
of pedicabs in addition to other regulations. In  
March 2007, however, Mayor Bloomberg vetoed the  
bill, citing his belief that the number of

1  
2 pedicabs on the street should be determined by  
3 market forces. Despite his opposition, the  
4 Council overrode his veto and the bill became  
5 Local Law 19 of 2007 that April. After Local Law  
6 19 was enacted, the Department of Consumer Affairs  
7 promulgated rules to effectuate the distribution  
8 of pedicab business licenses and registration  
9 plates. DCA was then sued by the New York City  
10 Pedicab Owners Association who claimed that the  
11 promulgated rules were inconsistent with the  
12 language and intent of Local Law 19. The New York  
13 State Supreme Court immediately stayed the  
14 implementation of the law. In January 2008, it  
15 ruled that the regulations were invalid and  
16 ordered DCA to revise the regulations to conform  
17 to the intent of the local law. This ruling was  
18 upheld by the First Department in April 2009.  
19 However, due to the First Department's decision  
20 and the amount of time that elapsed between Local  
21 Law 19's enactment and the first Department  
22 decision, new action by the Council is required.  
23 This Intro creates a new licensing scheme and  
24 timeline for pedicabs and pedicab businesses.  
25 This bill would create a window of time during

1  
2 which pedicab owners could apply to DCA for  
3 pedicab business licenses and registration plates.  
4 DCA would accept applications from owners for 60  
5 days, beginning on the 40th day after enactment of  
6 the law for both pedicab business licenses and  
7 pedicab registration plates. After the 60 days,  
8 no new business licenses or registration plates  
9 would be issued. An applicant would be required  
10 to have a valid pedicab business license in order  
11 to obtain a pedicab registration plate. A pedicab  
12 business license could be issued only to an  
13 applicant that provides DCA with the list of all  
14 the pedicabs they own, lease or control and proof  
15 that the applicant has valid liability insurance  
16 for each pedicab listed on the application. A  
17 pedicab business licensee would have to obtain  
18 registration plates for each of the pedicabs  
19 listed on his or her business license application;  
20 though this bill would limit to 30 the number of  
21 registrations any licensee could hold. DCA would  
22 only issue registration plates to those pedicabs  
23 that pass a mandatory inspection confirming they  
24 comply with the safety features outlined in  
25 Section 20-254 of the Administrative Code,

1 including brakes, headlights, taillights, and  
2 seatbelts, among other requirements. Furthermore,  
3 no pedicab could operate unless it had been  
4 inspected by DCA and had a valid registration  
5 plate. During the hearing, we'll be also voting  
6 on Intro 1030, a Local Law to amend the  
7 Administrative Code in relation to the enforcement  
8 of etching acid, proposed Intro 780, a Local Law  
9 to amend the Administrative Code in relation to  
10 bicycle parking in garage and parking lots and  
11 Resolution 1832-A, which calls upon the United  
12 States Congress to protect homeowners from the  
13 national foreclosure crisis by amending Section  
14 109H of the United States Bankruptcy Code in order  
15 to expand the availability of automatic stay.  
16 Again, I'd like to thank everyone for being here  
17 this morning. I'll now ask Commissioner Jonathan  
18 Mintz from the Department of Consumer Affairs to  
19 come forward and give us his testimony. You can  
20 introduce your colleagues for the record.

22 JONATHAN MINTZ: Thank you and good  
23 morning.

24 CHAIRPERSON COMRIE: Good morning.

25 JONATHAN MINTZ: I am joined on

1  
2 your left by DCA's General Counsel Marla Tepper  
3 and on your right by DCA's Deputy Commissioner Jed  
4 Herrmann. Good morning, Chairman Comrie and  
5 members of the Consumer Affairs Committee staff.

6 I am Jonathan Mintz, Commissioner of the  
7 Department of Consumer Affairs. I am pleased to  
8 have the opportunity to comment in support of the  
9 proposed amendments to the pedicab licensing law.

10 We were delighted to work with the Speaker, her  
11 staff, and others on the Council to identify a way  
12 to break the logjam that has led to the last two  
13 years' frustration in our mutual efforts to  
14 license this industry, hold its members  
15 accountable to the public, and increase public  
16 safety through insurance requirements, pedicab  
17 equipment requirements and inspections, and other  
18 appropriate provisions of Local Law 19. It is  
19 worth noting that despite the many good faith  
20 disagreements that preceded this point in time,  
21 there is significant agreement among members of  
22 the Council, the Administration, and the pedicab  
23 industry itself, that a sensible and enforceable  
24 approach to regulation was, and continues to be,  
25 desirable and in everyone's best interests. I can



1  
2 also add on behalf of the Department of Consumer  
3 Affairs, specifically, that we have been championing  
4 at the bit to be enabled to ensure that this  
5 industry is held accountable to the public for  
6 safe operations. These proposed amendments go a  
7 long way toward making that happen. With the  
8 exception of a couple inadvertent drafting  
9 glitches, which I will address later, the path  
10 toward enabling DCA to do its job now seems clear.  
11 First, the bill substitutes the original approach  
12 to a license cap with a 60-day window during which  
13 pedicab owners can apply for their business  
14 licenses and as many as 30 pedicab registration  
15 plates each. After the 60 days, the window closes  
16 on the registration of additional pedicab vehicles  
17 until this provision of the law sunsets in 18  
18 months. I would note that the current language  
19 inadvertently fails to include the 30-cab per  
20 licensee in that same sunset provision. I would  
21 also note as an FYI that the proposed cap does not  
22 limit the number or the timing for pedicab driver  
23 licenses. Additionally, the bill provides for the  
24 orderly transfer of registration plates. Given  
25 the limited application window, a sensible

1 transfer provision is of vital importance. The  
2 current bill creates a smart transfer system by  
3 allowing pedicab owners, with the Commissioner's  
4 approval, the opportunity to sell or purchase  
5 licensed pedicab vehicles as their businesses  
6 respond to market forces. This bill strives to  
7 balance the public's need for speedy transition to  
8 licensing and safety requirements with the smooth  
9 operational transition for those currently engaged  
10 day in and day out in this industry. It seeks to  
11 cushion the impact of implementation by providing  
12 for 40 days' notice after it takes effect before  
13 the 60-day licensing window opens to pedicab  
14 businesses. Presumably and hopefully, to the  
15 extent that they haven't already, this will allow  
16 industry members the time they need to take all  
17 steps necessary to settle their business plans,  
18 secure insurance, and retrofit their vehicles in  
19 preparation for DCA inspections. After the 40  
20 days, the Department would begin accepting and  
21 reviewing applications for licenses and pedicab  
22 registrations, inspecting pedicabs for compliance  
23 with the safety equipment and insurance  
24 requirements, issuing the business and driver  
25

1 licenses, and affixing pedicab registration plates  
2 to pedicabs that have passed DCA's inspection  
3 scrutiny. Unfortunately, the current draft of  
4 this bill would place pedicab businesses and  
5 drivers in an unnecessary and in fact impossible  
6 business situation. It requires that businesses  
7 be licensed before the start of the 60-day license  
8 application period. While I have always been  
9 inordinately proud of the DCA Licensing Center's  
10 prowess, even we cannot bend time and space to  
11 make that feasible. So to avoid putting  
12 hardworking pedicab businesses and drivers out of  
13 work for the months and also creating chaos in our  
14 Licensing Center that already serves over 120,000  
15 businesses a year, the Administration has a simple  
16 recommendation. While the amended bill should  
17 hold pedicab businesses and drivers still  
18 responsible for the safety requirements, the  
19 requirement for holding licenses should be held  
20 specifically in abeyance until the close of the  
21 60-day license application window. One other  
22 minor timing issue bears mentioning. The law  
23 specifies that business licenses and plates may  
24 not be issued for more than one year. As the  
25

1  
2 licensing system was initially constructed over  
3 two years ago, however, licenses for pedicab  
4 businesses are slated to expire at the beginning  
5 of November each year. Given the proximity  
6 between the presumed issuance of the first year of  
7 pedicab business licenses and the November 1st  
8 expiration date, the bill before you needs to be  
9 amended to allow the initial licenses and plates  
10 to be good for a period longer than a year so that  
11 they would expire in 2010 rather than in just a  
12 few months from now. Additionally, the  
13 Administration proposes some language that will  
14 tighten the efficiency of the pedicab inspection  
15 process, including holding businesses responsible  
16 for failing to produce a pedicab at a scheduled  
17 inspection. Thanks to the hard work of Council  
18 and Administration staff, with the support of so  
19 many in the pedicab industry, and with these minor  
20 tweaks, New Yorkers and our many millions of  
21 visitors will be able very soon to enjoy a safer,  
22 more accountable pedicab experience. A DCA-  
23 licensed business and driver will know to adhere  
24 to the rules of fair play as well as the rules of  
25 the road; and a DCA-licensed pedicab vehicle will

1  
2 be equipped with seat belts, proper brakes, and  
3 turn signals and will have to prove it to us and  
4 our colleagues in the Police Department on a  
5 regular basis. Thank you. I'd be happy to take  
6 any of your questions.

7 CHAIRPERSON COMRIE: Thank you,  
8 Commissioner, for being here this morning and  
9 going through the issues that you felt needed  
10 correction. Let me just go over a couple of  
11 things. How long do you anticipate that it would  
12 take to conduct all of the processing needed so  
13 that you could be able to process the applications  
14 for people that are interested in becoming  
15 registered pedicab owners and drivers?

16 JONATHAN MINTZ: That's a good  
17 question. If we can avoid the rush that the  
18 suggested amendment would provider for, we are  
19 confident that the vast majority, if not all, of  
20 those who come during the 60-day window could be  
21 processed and their vehicles could be inspected.  
22 I suppose if a pedicab owner showed up in the last  
23 couple of days, there is some possibility of a  
24 slight delay, but I think the department could  
25 move quite quickly.

1  
2 CHAIRPERSON COMRIE: What part of  
3 the bill did you think was a problem to that  
4 issue? What specific part of the bill?

5 JONATHAN MINTZ: What we've asked  
6 for is an amendment which would clarify that while  
7 the requirements for safe operation were in  
8 effect, that the requirement for holding a  
9 license, which is impossible before we can issue a  
10 license be specifically held in abeyance until the  
11 close of the 60-day license period.

12 CHAIRPERSON COMRIE: So the pedicab  
13 licenses haven't been designed or developed yet?

14 JONATHAN MINTZ: The design of the  
15 bill suggests that we wouldn't even begin  
16 accepting applications for 40 days. As currently  
17 drafted, that would essentially mean that everyone  
18 in the pedicab industry would not be able to  
19 legally operate for at least 40 days. That we  
20 believe is unnecessary. In addition, it would  
21 create what I can only imagine would be chaos on  
22 days one through ten in our licensing center.  
23 Again, something that I think would not be in  
24 anyone's best interest.

25 CHAIRPERSON COMRIE: But you do

1  
2 have the idea and concept to create the license  
3 for the pedicab drivers? Because you're now  
4 talking about creating a pedicab drivers license,  
5 a pedicab owner's license and a pedicab operator's  
6 license, that's three different licenses.

7 JONATHAN MINTZ: There would be a  
8 pedicab operator's license that would be the  
9 business. There would be a driver's license,  
10 which is completely distinct. And then there  
11 would also be registration plates for the pedicabs  
12 held by a business owner.

13 CHAIRPERSON COMRIE: That would all  
14 be promulgated and processed by your agency,  
15 correct?

16 JONATHAN MINTZ: That's correct.

17 CHAIRPERSON COMRIE: Have you  
18 started putting those technical details together  
19 on how those would look and be designed and what  
20 the requirements are?

21 JONATHAN MINTZ: Yes. My staff  
22 over two years started putting together the  
23 mechanics of what it looked like to license. And  
24 in addition, over these last couple of months  
25 since the expiration of the Owner's Association

1  
2 lawsuit, we have also been putting into place the  
3 various pieces that would be required. Securing  
4 locations to perform pedicab inspections, ordering  
5 the decals, although we need to talk about the  
6 expiration date. We're ready to go.

7 CHAIRPERSON COMRIE: You've figured  
8 out where to put the licenses on the cabs so that  
9 they can be visible to police and DOT?

10 JONATHAN MINTZ: Yes.

11 CHAIRPERSON COMRIE: What would be  
12 the requirements for a person to have a pedicab  
13 driver's license? Have you put those requirements  
14 together?

15 JONATHAN MINTZ: Again, that's in  
16 the law and the rules could also address. You  
17 would need to be 18 years of age or older. You  
18 would need to hold a valid U.S. driver's license.  
19 You would need to be able to stay in good standing  
20 with the department.

21 CHAIRPERSON COMRIE: That was in  
22 the existing law.

23 JONATHAN MINTZ: That's correct.

24 CHAIRPERSON COMRIE: That's never  
25 been in dispute. So you're looking to suspend the



1  
2 part of the law that requires them holding an  
3 active and valid pedicab license until you can get  
4 all the processing up to speed.

5 JONATHAN MINTZ: Until the  
6 completion of that 60-day period. The  
7 alternative, as I say, aside from panic in the  
8 licensing center once that 60-day window opens is  
9 that all pedicab operation would be essentially  
10 illegal for 40 days. Obviously that would be  
11 devastating.

12 CHAIRPERSON COMRIE: That wasn't  
13 the intent.

14 JONATHAN MINTZ: I didn't think so.

15 CHAIRPERSON COMRIE: The intent was  
16 to start the processing for a 60-day period, but  
17 not necessarily to eliminate anyone from actively  
18 working at the moment. But after the 60-day  
19 period then we would say that you should be able  
20 to put in all of your application and processing  
21 and be able to receive a license in each category  
22 so that you could do that. We could I think  
23 definitely clear up any ambiguous language. So  
24 you're waiting not to do enforcement until the end  
25 of the 60-day period.

1  
2 JONATHAN MINTZ: Again, to be clear  
3 and I appreciate your understanding of this. What  
4 we are saying is that while it is important from  
5 day one for it to be clear that the safety  
6 requirements are in effect, that people should be  
7 ensured, they should be operating safely, they should  
8 live up to those requirements, that they not be  
9 required to have a license which they can't  
10 actually have. I can give you some language that  
11 we put together. I am suggesting language that  
12 would specifically hold in abeyance the one  
13 requirement which is that they literally have a  
14 license before they operate until the close of the  
15 60-day licensing window so that nobody would have  
16 to be put out of business.

17 CHAIRPERSON COMRIE: Are you going  
18 to start enforcement right at the end of the 60-  
19 day period or look into safety requirements? Your  
20 position right now is that we're not going to  
21 start doing any enforcement of safety requirements  
22 or checking licenses until the end of that 60-day  
23 period.

24 JONATHAN MINTZ: One thing I assume  
25 you would agree with is that it would be unfair to

1  
2 check for a license that they can't actually have,  
3 so that would be my suggestion. But in terms of  
4 the regular suite of enforcement requirements that  
5 the police have already been inspecting over these  
6 last couple of years in regard to the vehicle and  
7 traffic law and the other provisions of this code,  
8 yes, I think those would be fair game. It's my  
9 home that pedicab operators and drivers are  
10 already adhering to those rules and are actively  
11 seeking the retrofits for their pedicabs if  
12 required, they are actively seeking the insurance  
13 that this bill requires and they would be  
14 responsible to the public for that.

15 CHAIRPERSON COMRIE: Because I  
16 would hope that the industry is already working to  
17 come into compliance now since they have been a  
18 part of these discussions and negotiations. So I  
19 would hope that it would not limit the enforcement  
20 if they notice a pedicab that's operating in an  
21 unsafe manner that they would not be inhibited now  
22 or by any temporary law during that 60-day period  
23 also.

24 JONATHAN MINTZ: I don't disagree.

25 CHAIRPERSON COMRIE: Just wanted to

1  
2 be clear. Is it your understanding that even  
3 without a license the law can be fully enforced?  
4 Or would you wait for the license to fully enforce  
5 the law?

6 JONATHAN MINTZ: I believe that  
7 with this clarification in the law regarding what  
8 can be a bit of a catch-22 regarding licensing, I  
9 do believe that those safety requirements could be  
10 enforced day one.

11 CHAIRPERSON COMRIE: How frequently  
12 do you expect that the pedicabs will get safety  
13 inspections?

14 JONATHAN MINTZ: They'll be  
15 required by law to be inspected every year. In  
16 addition, obviously enforcement personnel both in  
17 the department and in the police department would  
18 be able to inspect at any time on the road if they  
19 saw a vehicle that looked like it was sub par.

20 CHAIRPERSON COMRIE: Who would do  
21 these inspections? Will the police be trained in  
22 doing the inspections also or will it just be up  
23 to your department?

24 JONATHAN MINTZ: There are two  
25 categories. In terms of who will be doing the

1  
2 annual inspections to make sure that they can get  
3 an affixed registration plate, that will be  
4 Department of Consumer Affair personnel. So we're  
5 ready to do that and we will do that every year.  
6 In terms of who is doing day-to-day enforcement on  
7 the road that would include not only Department of  
8 Consumer Affairs personnel but also the police  
9 department.

10 CHAIRPERSON COMRIE: So the yearly  
11 inspections, you have a site set up for doing it  
12 or you'll send your people to their locations?

13 JONATHAN MINTZ: A little of this  
14 and a little of that. We do have multiple sites  
15 that we have arranged for. We are also  
16 considering the possibility but want to see sort  
17 of where we end up at the end of the bill of maybe  
18 going to some of the larger operator's locations.  
19 It may turn out to be more efficient for everybody  
20 for us to actually go there with the scheduled  
21 inspection. So we have done that in other  
22 industries and are considering doing that for this  
23 industry as well.

24 CHAIRPERSON COMRIE: One last thing  
25 on inspection and safety, has there been a crash

1  
2 test standard or any other types of standards that  
3 would determine what the safest types of pedicabs  
4 are operating at the moment?

5 JONATHAN MINTZ: The original 2007  
6 law does specify that it be a unibody  
7 construction. I think that was key. It also gave  
8 limitations regarding width and length as well.  
9 So that determination was made a couple of years  
10 ago.

11 CHAIRPERSON COMRIE: The reason I  
12 had asked that is because I know there were some  
13 questions among the industry people about what  
14 type of pedicab was the safest and whether they  
15 needed an assist or a motor assist for pedaling.  
16 Have all of those general issues been resolved?

17 JONATHAN MINTZ: Those issues have  
18 lain dormant for two years until you just  
19 mentioned them. The old law specifically outlaws  
20 the motorized assist.

21 CHAIRPERSON COMRIE: There has been  
22 a general consensus on the issue of the unibody  
23 and the type of pedicab that would be safest.

24 JONATHAN MINTZ: Yes, and I think  
25 that is embedded in the current law.

1  
2                   CHAIRPERSON COMRIE:  Also, I  
3 noticed a lot of the pedicabs could not afford  
4 storage locations in Manhattan.  There is an issue  
5 of how they would get back and forth to their work  
6 areas since some pedicabs are stored in Long  
7 Island City and other parts of Queens.  Have we  
8 looked into that issue at all?

9                   JONATHAN MINTZ:  I would imagine  
10 that those testifying from the industry after me  
11 could talk about the ways in which they convey  
12 those vehicles and the way that they would convey  
13 them consist with the requirements that they stay  
14 off the bridges and tunnels.  Obviously, one idea  
15 is that you put them onto the back of a truck or  
16 something.

17                   CHAIRPERSON COMRIE:  You also  
18 talked about tightening the language or tightening  
19 the efficiency of the pedicab inspection process  
20 including holding businesses responsible for  
21 failing to produce a pedicab at a scheduled  
22 inspection.  Are you going to give us the language  
23 so that we could detail that in the legislation?

24                   JONATHAN MINTZ:  Yes, we can get  
25 you that proposed language.  The other thing that

1  
2 we also suggested and we have some language for  
3 you is on the temporary lengthening of the first  
4 pedicab business license so that when we're all  
5 through with this we don't accidentally end  
6 requiring renewal in about two or three months.  
7 That's an easy fix and we have language for you.

8 CHAIRPERSON COMRIE: Would all the  
9 pedicabs require re-licensing in November 2010 at  
10 the same time? Is it maybe an idea to rotate it  
11 over 12 months so that you're not inundated with  
12 the entire universe at one time?

13 JONATHAN MINTZ: I appreciate the  
14 suggestion. We have found that it is easier to do  
15 them in one block rather than on a rolling basis.  
16 It means that you can construct a system. You can  
17 put together the mechanism that you need and then  
18 when it's done you can dismantle it and put those  
19 people elsewhere. I appreciate it, but I think  
20 we're okay with the current approach.

21 CHAIRPERSON COMRIE: Are you going  
22 to get more personnel to deal with the new  
23 personnel, or is you present complement of  
24 employees and inspectors enough to handle all of  
25 the work that's going to need to be done?



1  
2 JONATHAN MINTZ: We are going to do  
3 more with less.

4 CHAIRPERSON COMRIE: I hear you.  
5 You talked about the transition, the orderly  
6 transfer of registration plates. One of the  
7 things that I noticed that we have yet to resolve  
8 is the ability for business owners to transfer  
9 their business without losing the benefits of name  
10 recognition and history. Also, the licensing that  
11 they would have so that they would not have to re-  
12 license and do all of those steps necessary that  
13 they would lose the familiarity that they have  
14 with your agency. Has that been resolved with  
15 this particular industry?

16 JONATHAN MINTZ: That I also think  
17 is a very important question. It's my  
18 understanding that the transferability provisions  
19 in this amendment do adequately address those  
20 issues. If there is something that we were  
21 missing that the industry brings to both of our  
22 attention later this morning, we can take that  
23 into consideration. But I think that that  
24 transferability provision allows for businesses to  
25 continue to behave as businesses and to be able to

1  
2 sell what they need to or want to sell within the  
3 framework of all of the pedicabs which get  
4 registered during that 60-day period.

5 CHAIRPERSON COMRIE: Do you think  
6 we could transfer that language to some of the  
7 other industries that have long been asking for  
8 that opportunity to do business transfers without  
9 losing the history of the business?

10 JONATHAN MINTZ: In some industries  
11 that's completely inappropriate and in other  
12 industries there are some unintended consequences.  
13 I'd be completely delighted to discuss it with  
14 you.

15 CHAIRPERSON COMRIE: I just thought  
16 I'd bring it up while we were discussing this.

17 JONATHAN MINTZ: While you had me  
18 seatbelted into my chair.

19 CHAIRPERSON COMRIE: To what extent  
20 have you gotten complaints about the pedicab  
21 industry lately? Are they now part of your 311  
22 calls or have you gotten any general complaints or  
23 complaints on a regular basis?

24 JONATHAN MINTZ: Those complaints  
25 have been routed to the police department because

1  
2 we have not yet been able to, as a department,  
3 hold them accountable. That will obviously change  
4 once they become licensed.

5 CHAIRPERSON COMRIE: The calls will  
6 be routed to you afterwards. Have you been able  
7 to get a sense of how many pedicabs are out there?  
8 Was that ever done?

9 JONATHAN MINTZ: I do not have a  
10 reliable estimate. I have heard members of the  
11 industry characterize the number between 1,000 and  
12 1,200. I have no idea whether that's true.  
13 Anecdotal suggestions from the police department  
14 suggest that might be right. But again, I think  
15 members of the industry will know better than I.  
16 Soon I'll know plenty but at the moment I don't  
17 know.

18 CHAIRPERSON COMRIE: Have you seen  
19 or heard of any pedicabs operating in the better  
20 boroughs of Brooklyn, Queens or the Bronx as  
21 opposed to just within midtown Manhattan?

22 JONATHAN MINTZ: I've heard urban  
23 legends.

24 CHAIRPERSON COMRIE: I think I've  
25 asked all of the questions that I needed to as you

1  
2 regarding this specific bill. I think we'll be  
3 sitting down quickly and hold those technical  
4 discussions to make those necessary changes to  
5 make the bill stronger. Is there anything else  
6 that you wanted to share with us regarding how you  
7 felt about where we need to go from here?

8 JONATHAN MINTZ: No, I think we're  
9 in good shape. I appreciate the opportunity.

10 CHAIRPERSON COMRIE: Thank you for  
11 being here this morning, Commissioner.

12 JONATHAN MINTZ: Thank you.

13 CHAIRPERSON COMRIE: Thank you.

14 Next we'll hear from Chad Marlow, who is  
15 representing the New York Pedicab Owner's  
16 Association; Robert Tipton from Mr. Rickshaw, LLC;  
17 and Brendan O'Toole from the United Pedicab  
18 Alliance. I believe this says he's the president  
19 of the United Pedicab Alliance. If you have any  
20 testimony you can hand it to the sergeant-at-arms.  
21 Come sit at the mike. Are all three gentlemen  
22 here? When he comes in, just tell him to come  
23 right up. We'll start with the other two  
24 gentlemen. Mr. Marlow, whenever you're ready.

25 CHAD MARLOW: Chairman Comrie and

1  
2 members of the Consumer Affairs Committee, my name  
3 is Chad Marlow and I'm president of the Public  
4 Advocacy Group. It is my pleasure to once again  
5 be testifying before this committee on behalf of  
6 the New York City Pedicab Owners Association.

7 Approximately four years ago, the NYCPOA  
8 approached the City Council and asked it to pass  
9 formal regulations to govern New York's pedicab  
10 industry. The NYCPOA was interested in working  
11 with the Council to ensure that our industry was  
12 comprised of only the safest pedicabs, best  
13 drivers and most reputable owners. In short, we  
14 wanted to create a standardized, high quality  
15 pedicab experience that could be enjoyed by our  
16 rapidly growing base of customers. It has  
17 certainly been a long journey between then and  
18 now, but if the bill presently before this  
19 committee becomes law, the NYCPOA will have  
20 achieved our common goal of insuring that only  
21 those pedicabs owners who are committed to the  
22 highest standards of quality and safety are  
23 allowed to participate in our industry and those  
24 who put profits ahead of safety will disappear  
25 from our streets forever. It is for that reason

1  
2 that the New York City Pedicab Owners' Association  
3 is pleased to offer our enthusiastic support for  
4 this bill's amendments to Local Law 19-2007, which  
5 I will also refer to as the "pedicab law." I  
6 would be remiss if I did not begin my testimony by  
7 thanking three elected officials whose commitment  
8 to pedicab safety and the spirit of cooperation in  
9 working with the NYCPOA has brought this bill  
10 before us today. First, I would like to thank  
11 City Council Speaker Christine Quinn as well as  
12 the dedicated members of her legislative staff.  
13 The Speaker has truly risen to the occasion in  
14 introducing this legislation. The NYCPOA has  
15 never been a big fan of placing a cap on the  
16 number of pedicabs in New York City; but at the  
17 same time, we have been strong proponents of only  
18 allowing the safest, most responsible pedicabs to  
19 operate here, which, in practical terms, is  
20 something of a cap. When the NYCPOA met with the  
21 Speaker's office early this month, they proposed a  
22 new type of cap that was based solely on safety  
23 restrictions and time limitations. We could not  
24 have been more pleased. It was an elegant  
25 solution that would allow everyone in the pedicab

1 industry, be they current owners, drivers,  
2 mechanics or none of the above, to own and operate  
3 pedicabs if they fully complied with the strict  
4 safety requirements set forth in the original  
5 pedicab law. In short, the new cap is all about  
6 safety. The NYCPOA is grateful the Speaker sought  
7 our immediate input on this bill and in so doing,  
8 laid the foundation for a genuine working  
9 partnership with our association and the pedicab  
10 industry. We hope it is a partnership that  
11 continues to grow and strengthen for a very long  
12 time. Second, I wanted to thank Mayor Michael  
13 Bloomberg and the members of his staff, both in  
14 New York and Albany, who have worked with the  
15 NYCPOA on this issue. The Mayor has been a strong  
16 and consistent supporter of New York's pedicab  
17 industry, which he recently referred to as "An  
18 integral part of the City's streetscape for  
19 tourists and locals alike." Another member of  
20 Mayor Bloomberg's team, at NYC and Company, echoed  
21 the mayor's comments a few days ago, noting that  
22 "pedicabs in New York City have become an iconic  
23 part of the City's vibrant and diverse  
24 streetscape." We wholeheartedly agree. We would  
25

1  
2 like to thank the Mayor for standing up for the  
3 pedicab industry both when doing so has been easy  
4 and when it has been hard. We especially want to  
5 thank him for his role in working with the City  
6 Council to craft the legislation before this  
7 committee today. Finally, I want to thank  
8 Councilman Alan Gerson. It was Councilman Gerson  
9 who first pursued the idea of safely and equitably  
10 regulating New York's pedicab industry. When this  
11 bill becomes law, as I hope it soon will, much  
12 credit should go to the founding father of pedicab  
13 regulation, Councilman Gerson, and I wanted to  
14 recognize his contribution here today. He very  
15 much deserves it. While no piece of legislation  
16 is ever perfect, this bill is comes fairly close.  
17 That being said, there are two minor changes we  
18 would like to see implemented to improve it. The  
19 first concerns a drafting error that produces an  
20 internal conflict within the original pedicab law,  
21 and the second would make the streets even safer  
22 for pedicabs and those we share the roads with.  
23 The first change, which corrects the drafting  
24 error, is found in the last sentence of Section  
25 20-251(a). That section, after discussing the



1 timing of applying for pedicab registration  
2 plates, reads "During such 60-day period, persons  
3 submitting applications for registration plates  
4 shall also submit applications for pedicab  
5 business licenses pursuant to Section 20-252."  
6 The use of the word "also" creates two problems  
7 here. First, it would enable someone to register  
8 for pedicab registration plates without  
9 demonstrating that their pedicabs are insured, as  
10 required by law. Second, because it allows  
11 someone to apply for pedicab registration plates  
12 first and a pedicab business license second, it  
13 creates a conflict with Section 20-250 of Local  
14 Law 19-2007, which requires an applicant for a  
15 pedicab business license to list on his business  
16 license application the pedicabs for which he will  
17 later be seeking registration. In order to avoid  
18 this conflict, the word "also" should be replaced  
19 with the phrase "either initially or concurrently"  
20 so the last sentence of Section 20-251(a) reads  
21 "During such 60-day period, persons submitting  
22 applications for registration plates shall either  
23 initially or concurrently submit applications for  
24 pedicab business licenses pursuant to Section 20-  
25

1  
2 252." This small change would prevent conflicting  
3 language from appearing in the pedicab law without  
4 making any real substantive change to it. The  
5 second change deals with a portion of Local Law  
6 19-2007 that is otherwise not addressed in the  
7 present bill. I am specifically referring to the  
8 portion of Section 20-259(b)(3) that prohibits  
9 pedicabs from operating in bicycle lanes. In my  
10 experience, which mayor may not be confirmed by  
11 other witnesses here today, no one, not pedicab  
12 operators, cyclists, pedestrians, automobile  
13 drivers, truck drivers, or taxi and limousine  
14 drivers, object to allowing pedicabs to ride in  
15 bicycle lanes where such lanes are available.

16 While it is perfectly safe to operate a pedicab on  
17 the roads of our city, it is unquestionably even  
18 safer to operate a pedicab in a dedicated bicycle  
19 lane when doing so is possible. The only concern  
20 I have heard raised about eliminating the bicycle  
21 lane restriction is that some bicycle lanes may  
22 not be wide enough to accommodate a pedicab.

23 While this may be true, banning pedicabs from all  
24 bicycle lanes is throwing the baby out with the  
25 bathwater. Instead, the NYCPOA proposes changing

1  
2 the language in Section 20-259(b)(3) to read that  
3 pedicab drivers shall not "operate a pedicab in  
4 any bicycle lane that is not wide enough to  
5 accommodate the full width of the pedicab." This  
6 additional language acknowledges the broad  
7 consensus that pedicabs should be allowed to  
8 operate in bicycle lanes and places the onus on  
9 pedicab drivers not to drive in narrow bicycle  
10 lanes or risk getting fined. This is a  
11 commonsense compromise that advances safety and  
12 should be made a part of the final version of this  
13 legislation. I would like to conclude with two  
14 final points. The first point is more of a  
15 warning. It is an unfortunate reality that the  
16 pedicab industry over the years has attracted some  
17 less than admirable characters who view legal  
18 restrictions more as speed bumps than brick walls.  
19 In the past, they have refused to voluntarily meet  
20 the safety standards of Local Law 19-2007, as  
21 every member of the NYCPOA does. More troubling,  
22 during the Department of Consumer Affairs' earlier  
23 attempt to effectuate the pedicab law, many of  
24 these individuals and businesses provided DCA with  
25 false and counterfeit documentation in order to

1  
2 circumvent provisions of the pedicab law. The  
3 City Council can only enact laws; it cannot  
4 enforce them. With respect to applications for  
5 pedicab business licenses and registration plates,  
6 that is up to DCA. As such, DCA should be  
7 extremely vigilant in examining the authenticity  
8 of documents they are provided by pedicab business  
9 license and registration plate applicants as well  
10 as the statements they make on the applications  
11 themselves. Two areas deserve specific mention.  
12 First, DCA should make significant efforts to  
13 confirm that the proof of insurance provided by  
14 applicants is genuine. Unfortunately, documents  
15 purporting to confirm one has insurance are easily  
16 fabricated, but fortunately, those fabrications  
17 are easily identified through basic follow up  
18 efforts with purported insurers. Second, the law  
19 limits the number of pedicabs in which anyone  
20 person or business can hold a beneficial interest  
21 to 30. This limit extends to the owner's close  
22 family members as well. It is without question  
23 that some applicants will seek to hide their  
24 ownership of more than 30 pedicabs by using stand-  
25 in applicants who do not actually own the pedicabs

1  
2 they are registering or by using shell  
3 corporations they control at a distance. If DCA  
4 does not aggressively clamp down on those who seek  
5 to circumvent the pedicab law, it will be seen by  
6 some as a weakness in the administration of the  
7 law to be capitalized upon. I would highly  
8 encourage this committee, at some point in the  
9 next several months, to exercise its oversight of  
10 DCA to ensure they are using all the tools at  
11 their disposal to effectively enforce the pedicab  
12 law. Finally, I want to raise a question that  
13 neither the pedicab law in its present form nor  
14 the bill before this committee answers. Namely,  
15 if this bill is passed into law, when will the  
16 safety requirements in Local Law 19-2007 become  
17 effective and enforceable by the New York City  
18 Police Department? Will elements like the law's  
19 seatbelt, insurance, driver's license and  
20 hydraulic brake requirements go into effect  
21 immediately? Will they go into effect 40 days  
22 after the law is enacted, when DCA starts  
23 accepting applications? Will they go into effect  
24 100 days after the law is passed, when the window  
25 for applications for licenses and plates will

1  
2 close? Or will it be at some even later time? It  
3 is the strong opinion of the NYCPOA that all the  
4 provisions of Local Law 19-2007 that are not  
5 wholly dependent on the issuance of licenses and  
6 registration plates by DCA should go into effect  
7 the day this bill is passed into law. In order  
8 for that to happen, to be certain that is going to  
9 happen, this bill needs to be revised to  
10 explicitly insert that requirement into the law.  
11 It is certainly true that DCA will not be able to  
12 enforce many of the law's safety provisions until  
13 it issues registration plates and conducts its  
14 inspections. But it is equally true that the NYPD  
15 has the ability, even today, to issue tickets to  
16 pedicabs that lack seatbelts, operating  
17 headlights, visible rate cards or proof of  
18 insurance. There is no reason to delay the  
19 enforcement of these and other provisions of the  
20 law that protect the health and well being of New  
21 York's consumers. Summer is one of the busiest  
22 seasons for pedicabs, and we cannot risk the well  
23 being of pedicab drivers and passengers by  
24 allowing the current lawless, "wild-west" pedicab  
25 environment to continue for the duration of this

1  
2 summer. The chair asked a question about pedicabs  
3 on bridges and I just wanted to mention that the  
4 gentleman to my right, Robert Tipton, who is the  
5 owner of Mr. Rickshaw, is going to discuss in his  
6 testimony that issue in greater detail. I would  
7 like thank the committee again for its time today  
8 and for its continuing dedication to improving the  
9 safety of pedicabs, the most entertaining and  
10 environmentally friendly way for locals and  
11 tourists to get around New York City without  
12 having to work up a sweat themselves. It would be  
13 my pleasure to answer any questions the committee  
14 might have at this time.

15 CHAIRPERSON COMRIE: The next  
16 person can go.

17 ROBERT TIPTON: Hello, my name is  
18 Robert Tipton. I own and operate Mr. Rickshaw  
19 LLC. I began my pedicab career in 2001 after  
20 serving in the US Air Force. Mr. Rickshaw  
21 currently rents 30 insured pedicabs. We have  
22 reduced the number of pedicabs we rent by 25% to  
23 comply with the restriction of 30 per business.  
24 Taxi owners are not limited to how many taxis  
25 medallions they can own. I believe the city

1  
2 should be doing more to encourage small  
3 environmentally friendly businesses such as mine,  
4 not passing anticompetitive regulation. Don't  
5 restrict pedicabs from bike lanes, bridges, or  
6 congested areas where they are most the useful  
7 vehicles on the road. Pedicabs can safely cross  
8 any bridge in this city. Our company is often  
9 hired to provide services in Brooklyn, Queens, or  
10 the Bronx. If restricted from bridges we would be  
11 forced to transport our pedicabs by truck, adding  
12 unnecessary complications, cost, and pollution.  
13 Pedicabs should not be restricted from using any  
14 bike lane or path. It is the safest lane of  
15 travel for any bicycle. Forcing the pedicab into  
16 regular traffic lanes will only result in more  
17 accidents, injuries, and congestion. A bike  
18 belongs in a bike lane. To best of my knowledge  
19 no study has ever been conducted on the impact and  
20 viability of pedicabs using bridges or bicycle  
21 lanes. It is perfectly safe to ride nay pedicab  
22 without passengers on any bridge in this city.  
23 Restrictions on the operation of pedicabs due to  
24 exceptional circumstances, i.e., unusually heavy  
25 pedestrian or vehicular traffic during the peak



1  
2 holiday season, specifically north by 59th Street,  
3 south by 39th Street, east by Lexington Avenue,  
4 west by Eighth Avenue is unfair and unjust.

5 Pedicabs should never be restricted from operating  
6 in the busiest or most profitable areas of the  
7 city. Richard Epstein's recent article in Forbes  
8 magazine truly says it best, and I quote. "No  
9 system of limited government can rule out state  
10 ownership of roads. But none should tolerate  
11 using state monopoly power to upset the level  
12 playing field between competitive businesses.

13 Both New York and Chicago have a long and  
14 disgraceful history of keeping jitneys off the  
15 roads because of the competition that they give  
16 the city-owned, and union-operated, buses. If  
17 private utilities used their power for similar  
18 partisan ends, they would be on the receiving end  
19 of civil and criminal sanctions. The government  
20 ownership of the roads does not cleanse these  
21 anticompetitive practices for pedicabs or anything  
22 else. Our libertarian moral is this; public  
23 safety should never be a pretext for  
24 anticompetitive regulation, be it on public roads  
25 or private property." Pedicabs should be allowed

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to go anywhere a bicycle can safely travel.

3

Please don't pass anticompetitive regulation. And

4

as our mayor has said, let the free market decide.

5

CHAIRPERSON COMRIE: The next

6

person can go. Can we please limit our testimony

7

to the bill, not any other issues but to the bill

8

at hand? Thank you.

9

BRENDAN O'TOOLE: My name is

10

Brendan O'Toole and I represent the drivers with

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the United Pedicab Alliance and also many, many

12

unemployed drivers. It's a privilege to speak for

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them and I hope I do justice to talking about the

14

driver. I have two or three points to make. The

15

first point is the elephant in the room. When the

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regulation was held up and delayed over the past

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two years, almost 200 guys that have been doing

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this job representing the city, including myself

19

and it's a privilege to be able to take people and

20

to treat them well and be an ambassador, have lost

21

their jobs because of this elephant. I don't know

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how to phrase, but I'm going to just say it. I'm

23

blunt. Illegal workers have come here en mass to

24

take advantage of a situation on regulation. J-1

25

visas, kids come for the summer. What this does

1  
2 is it pushes guys like me into the unemployment  
3 line. I speak for over 200 guys that are angry,  
4 hurt and unable to make a living from New York  
5 residents and citizens here. We're out of work.  
6 I bust my buns and it's a privilege to pick  
7 someone up and take them anywhere and to share  
8 this fantastic city. But we're all pushed to the  
9 side now. I can't express how much we feel  
10 betrayed. Two years ago we went through the  
11 process and abided by the bureaucratic rules. We  
12 were willing to have insurance and get this thing  
13 rolling safely. All the things these gentlemen  
14 spoke about. Insurance, of course it makes sense,  
15 rules, training, and speaking English. But what  
16 has happened is the guys that do this job that are  
17 from here like myself from Brooklyn, college  
18 educated and have the opportunity to exercise and  
19 be in shape, and I'm speaking about 200 guys that  
20 have quit this job so people can come here on  
21 their vacation and work. Let me repeat that  
22 because this is painful.

23 CHAIRPERSON COMRIE: Mr. O'Toole,  
24 you're not speaking about anything regarding the  
25 bill. I hear what your issues are and those

1  
2 issues regarding the industry will be resolved as  
3 soon as we do the driver's registration. I  
4 appreciate your coming in and speaking to that. I  
5 think that's an issue that the bad players in the  
6 industry will be losing that opportunity as soon  
7 as we do the driver registration.

8 BRENDAN O'TOOLE: Thank you,  
9 Councilman. May I say one more thing and then  
10 I'll shut up? When the DCA gave two permits for  
11 tickets and prevented some of the owners from  
12 getting what they had, it's been two and a half  
13 years that it was unnecessary to be delayed. If  
14 one permit would have been given out, everything  
15 could have been expedited and we could have all  
16 been working instead of on the unemployment line.  
17 Thanks for letting me speak.

18 CHAIRPERSON COMRIE: Thank you.  
19 Mr. Marlow, I wanted to ask one question. You  
20 talked about the proof of insurance by the  
21 applicants and making sure that that's genuine.  
22 Do you have a system that you wanted to talk to or  
23 explain as to ensuring that those documents would  
24 be genuine?

25 CHAD MARLOW: Sure. Fortunately,

1  
2 thank goodness it's not even a system. I'm simply  
3 talking about making a phone call by DCA. When  
4 they see the name of the company, calling the  
5 company and making sure it's a legitimate company  
6 and confirming the policy number and that it is  
7 currently in effect. It's really not any more  
8 complicated than that. Just that simple act of  
9 having people understand that when they come in  
10 with insurance, a follow up phone call is going to  
11 be made to make sure it's a real company and a  
12 real policy; it will deter a lot of negative  
13 behavior.

14 CHAIRPERSON COMRIE: So you would  
15 recommend that there is a delay period so that DCA  
16 would be able to make those calls before they  
17 issue the license. So the person would not be  
18 able to get the license that day, he should wait  
19 24 hours for those verification calls to be made?  
20 Sometimes you can make a call and not get an  
21 answer back.

22 CHAD MARLOW: My understanding and  
23 I don't want to suggest that I should be telling  
24 DCA specifically how to do their job, but I don't  
25 think it would be prudent for DCA to accept any

1  
2 application and turn it around instantaneously.  
3 That also would invite I think some fraudulent  
4 action. I don't think DCA frankly anticipates  
5 doing it that way. I think they would take an  
6 application and say come back in a day or two and  
7 we'll have it for you. I've worked with other  
8 industries licensed before DCA and they don't  
9 necessarily get a simultaneous receipt. So if  
10 that's their policy, I don't think they should  
11 have to turn it around instantaneously.

12 CHAIRPERSON COMRIE: Right. You  
13 understood from my questioning the commissioner  
14 that the safety aspects of the law will go into  
15 effect immediately. You had some issue with that,  
16 but I think clearly in talking to the  
17 commissioner, the ability of checking safety  
18 regulations would happen even during the period of  
19 registration.

20 CHAD MARLOW: Mr. Chairman, I'm so  
21 thrilled that you bought up that point and that  
22 you made that part of the testimony here because  
23 it is critical that every single element of this  
24 law that can be put into effect on day one should  
25 be. Again, I'm also very, very appreciative that

1  
2 the Department of Consumer Affairs is taking that  
3 same opinion. Unfortunately, I cannot glean that  
4 specifically from the law. The last time around,  
5 the Department of Consumer Affairs and the police  
6 department took the position that until  
7 registration plates were issued there would be no  
8 enforcement and I don't see anything in the  
9 present bill that alters that point. If there  
10 broad consensus, that's great, but it should be in  
11 the law.

12 CHAIRPERSON COMRIE: I think we'll  
13 work on the language and make it more specific. I  
14 think we can do that before adoption.

15 CHAD MARLOW: Thank you, sir.

16 CHAIRPERSON COMRIE: One other  
17 question and I guess that could be for either you  
18 or Mr. Tipton. You talked about the issue of bike  
19 lanes and whether or not they should come into  
20 some lanes and not into other lanes. Do you  
21 honestly believe that if the pedicab owners were  
22 told they could come into some wouldn't just go  
23 into all and just take the risk of the police  
24 trying to figure out what lanes are legal and what  
25 lanes are not?

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CHAD MARLOW: I don't and I'll tell you why. I think that the police department, DCA used the phrase chopping at the bit to enforce the law and I think the police department is too. I think if a pedicab is riding down and it's too broad for a bicycle lane, they're going to come running up and slap a ticket. It's an easy ticket. It is easy money as well it should be. So I think it will really put a heavy onus on drivers not to go in a lane that is not wide enough. Don't you think that with the rise of pedestrian and bicyclists that it would be a hazard for bicyclists to have to share a lane with a pedicab?

CHAD MARLOW: No, because I think that in essence, and not to play cute with words, but I think it would be asking bicycles to share bicycle lanes with bicycles. I do think that it would not be an imprudent measure perhaps if words were to be put in the law that said that only pedicabs with passengers can travel in the bike lanes so you don't see a pedicab slowly going through a bike lane and blocking the lane looking for passengers. That might make sense. But



1  
2 ultimately, you're going to have bicycles filling  
3 bicycle lanes.

4 CHAIRPERSON COMRIE: I think that's  
5 something we're going to have to talk about more  
6 because I don't see a pedicab in the same vein  
7 that I view a bicycle. To cavalierly say that  
8 pedicabs are bicycles is a stretch to me. It's a  
9 much bigger unit and has a bigger footprint than  
10 any bicycle that I've currently seen. I think  
11 that's something we need to think about. With all  
12 of the bike lanes that are available in the city,  
13 I appreciate your suggestion that only a pedicab  
14 that's operating would be in a bike lane, but  
15 that's something I think we'll have to talk about  
16 some more.

17 CHAD MARLOW: Very good.

18 CHAIRPERSON COMRIE: Thank you for  
19 being here.

20 CHAD MARLOW: Thank you, Mr.  
21 Chairman.

22 CHAIRPERSON COMRIE: The next panel  
23 is David Pollack, the Committee for Taxi Safety;  
24 Peter Mazer from the Metropolitan Taxicab Board of  
25 Trade; and Joseph Giannetto from the Metropolitan

1  
2 Taxicab Board of Trade. I understand we have  
3 enough of a quorum to do a vote. If we can pull  
4 the members up to the podium, that would be  
5 helpful. Whoever would like to start first can go  
6 ahead.

7                   DAVID POLLACK: Good morning,  
8 Councilman Comrie. Thank you for having this  
9 hearing this morning. My name is David Pollack  
10 and I'm the Executive Director for Taxi Safety, an  
11 organization comprised of licensed New York City  
12 taxi and limousine commission agents, which agents  
13 manage New York City yellow taxi cabs on behalf of  
14 the owners of New York City taxi medallions.  
15 We're in favor of this bill and we're pleased that  
16 it's been presented so that comprehensive  
17 regulations will finally be enforced to govern the  
18 pedicab industry. However, we believe that to  
19 protect the public--

20                   CHAIRPERSON COMRIE: [interposing]  
21 Mr. Pollack, can I ask your indulgence since we  
22 have both members in the room and I know they're  
23 at another hearing if we could just have them come  
24 and vote and then they can go back to the other  
25 hearing. That way I don't rush you and rush them.

1  
2 I'll just rush them in and out and then you can  
3 take your time. We have three items to be voted  
4 on, Intro 1030, the Local Law to amend the  
5 Administrative Code in relation to the enforcement  
6 of etching acid; Proposed Intro 780-A, a Local Law  
7 to amend the Administrative Code in relation to  
8 bicycle parking in garage and parking lots; and  
9 Resolution 1832-A which calls upon the United  
10 States Congress to protect homeowners from the  
11 national foreclosure crisis by amending Section  
12 109(h) of the United States Bankruptcy Code in  
13 order to expand the availability of automatic  
14 stay. Bill, are you ready?

15 WILLIAM MARTIN: Yes.

16 CHAIRPERSON COMRIE: Thank you. If  
17 you could take the vote on those three items I'd  
18 appreciate it.

19 WILLIAM MARTIN: William Martin,  
20 Committee Clerk, roll call on the Committee on  
21 Consumer Affairs. Council Member Comrie?

22 CHAIRPERSON COMRIE: Aye on all.

23 WILLIAM MARTIN: Gennaro?

24 COUNCIL MEMBER GENNARO: Yes.

25 WILLIAM MARTIN: Koppell?

1  
2 COUNCIL MEMBER KOPPELL: I'd like  
3 to briefly explain my vote, Mr. Chairman. First  
4 of all, I want to apologize most profusely for my  
5 absence at the hearing but I was next door at a  
6 hearing on another bill of mine which was quite  
7 controversial. We have the police commissioner  
8 testifying. So that's why I wasn't here. Also,  
9 I've been involved in extensive discussions with  
10 the Speaker's Office and I want to thank any of  
11 the staff who has been involved in these efforts.  
12 They've been working very hard on the bicycle  
13 parking bill and working with the industry and I  
14 appreciate the staff's tremendous time. I know  
15 that they were up until almost midnight one night  
16 to put the bill into the final form. I greatly  
17 appreciate that. I also appreciate the  
18 cooperation of the industry in this. I promised  
19 the industry and I want to put it on the record,  
20 Mr. Chairman, as the prime sponsor that if  
21 problems occur with parking lots that require some  
22 amendment I will work with the industry. I don't  
23 want this to be something that's either unworkable  
24 or creates safety problems or undue economic  
25 burdens. I think encouraging people to use

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2 bicycles is very important. I think it's a very,  
3 very important part of making it feasible for  
4 people to use bicycles to get to work. But at the  
5 same time, as I said, I don't want there to be  
6 problems. We've done some amendment to the bill  
7 and I'm certainly willing to monitor the program  
8 and to hear from the industry. I want to thank  
9 you Mr. Chairman for the work of the committee on  
10 this and your work on it. I look forward to this  
11 being a part of the city's overall effort to  
12 encourage alternative vehicle use. The other two  
13 bills are worthy. So I vote aye on all.

14 WILLIAM MARTIN: By a vote of three  
15 in the affirmative, zero in the negative and no  
16 abstentions, all items are adopted. Council  
17 Members, please sign the committee report. Thank  
18 you.

19 CHAIRPERSON COMRIE: Thank you. I  
20 want to congratulate Council Member Koppell on  
21 everything he did with Local 780 and the staff  
22 also who did put in a lot of hours trying to get  
23 the bill correct. Thank you. You didn't have to  
24 apologize for being late; you were working on  
25 another important bill in the other room. We'll

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2 still keep the vote open because we expect one  
3 more member. Mr. Pollack, I'll allow you to start  
4 over since I interrupted you. I'm sorry.  
5 Whenever you're ready to, please restart.

6                   DAVID POLLACK: Thank you, Chairman  
7 Comrie. Good morning, Councilman Gennaro. My  
8 name is David Pollack, Executive Director for the  
9 Committee for Taxi Safety. The committee is in  
10 favor of this legislation. We're pleased that  
11 it's been presented so that comprehensive  
12 regulations will finally be enforced to govern the  
13 pedicab industry. However, we believe that to  
14 protect the public, both pedestrians and other  
15 drivers, the proposed rules you may want to  
16 consider additional modification. The proposed  
17 regulations provide that pedicabs are to self-  
18 regulate regarding liability insurance that is  
19 they who are to notify the commissioner of any  
20 cancellation or modification to require insurance.  
21 And if they do not, it's doubtful that an operator  
22 who allows a policy to be cancelled is going to  
23 report to that Commissioner. How does that  
24 protect the public? In contrast, if insurance is  
25 cancelled or terminated for taxis in New York

1 City, the New York City Taxi and Limousine  
2 Commission is immediately notified and the medallion  
3 is suspended. You may want to consider similar  
4 rules regarding insurance cancellations. You may  
5 want to consider driver drug testing for pedicab  
6 drivers. You may want to consider criminal  
7 background check for pedicab drivers. And while  
8 pedicab drivers are subject to all rules governing  
9 the operation of a bicycle, to our knowledge,  
10 bicycle riders are not licensed. Although they  
11 may pay a fine for violation of traffic laws, they  
12 continue riding no matter how unsafe they may be.  
13 Accordingly, the regulations seem to allow for  
14 pedicab drivers to consistently violate traffic  
15 laws. There appears to be no regulation that  
16 pedicab drivers would be limited to the same  
17 number of violations as other operators of moving  
18 vehicles. You may want to consider special  
19 training for pedicab operators, as yellow taxicab  
20 drivers have, who are required to complete  
21 comprehensive safety and job training courses and  
22 procedures. The proposed bill would still also  
23 allow the pedicabs to regulate their own fares.  
24 You may want to consider a fare structure.  
25

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2 Overcharging only gives New York a bad name. If  
3 there is an accident, should the driver's medical  
4 bill become the responsibility of the city? If  
5 the answer is no, then pedicabs should be required  
6 to carry Worker's Compensation insurance, just  
7 like taxicabs are. There is also nothing in the  
8 proposed bill that prohibits pedicabs from  
9 utilizing electric or motorized pedicabs. In  
10 fact, some pedicabs already are motorized.  
11 Moreover, there are no penalties set forth for a  
12 violation of any of the rules. If penalties are  
13 not significant, such as revocation of licenses,  
14 it would seem that pedicab owners might be better  
15 off not having insurance because it would save  
16 them money. Penalty amounts cannot be set so low  
17 as to be an incentive to violate the rules. And,  
18 again, on a practical level, who is inspecting the  
19 pedicab vehicles? Before what tribunal are  
20 violations heard and adjudicated? These  
21 regulations need an infrastructure that is simply  
22 not here yet. The fees being proposed for  
23 licenses simply will not pay for this  
24 infrastructure. Thank you.



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2 CHAIRPERSON COMRIE: The next  
3 person may start.

4 JOSEPH GIANNETTO: Good morning,  
5 Mr. Chairman and staff of the Consumer Affairs  
6 Committee. My name is Joseph Giannetto and I  
7 represent the Metropolitan Taxicab Board of Trade,  
8 a 56-year-old trade association comprised of 28  
9 yellow medallion taxi fleets that operate more  
10 than 3,500 yellow medallion taxicabs throughout  
11 New York City. I am also a former NYPD captain  
12 and a former First Deputy Commissioner at the Taxi  
13 and Limousine Commission with more than two  
14 decades of experience in transportation safety  
15 issues. In April of 2007, the City Council passed  
16 Intro 331-A over a mayoral veto I might add, and  
17 its decision to push forward to regulate and cap  
18 an unlicensed, largely uninsured and out of  
19 control industry was the right decision. The  
20 wisdom of the Council's bold action was sadly  
21 evidenced by a tragic accident last month when a  
22 pedicab crashed into a taxicab, as the pedicab  
23 illegally crossed the Williamsburg Bridge, tossing  
24 its passengers from the carriage and causing  
25 critical injuries. At numerous hearings, MTBOT

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2 and several other groups and individuals painted  
3 this very picture. We even distributed a DVD that  
4 captured the numerous safety problems associated  
5 with the pedicab industry. As we review the  
6 proposed new legislation it's important to take a  
7 hard look at the current pedicab situation  
8 throughout the city. Many pedicab operators are  
9 as reckless as. We're hearing more and more about  
10 serious pedicab accidents. Last summer, a  
11 Connecticut man was killed after being thrown out  
12 of a pedicab in that ran a red light in Seattle.  
13 Unfortunately, we're headed down the same road in  
14 New York if we don't have enforceable laws that  
15 address legitimate public safety concerns raised  
16 by inadequate regulation of pedicabs. That means,  
17 at the very least, ensuring that pedicabs are  
18 license, inspected, adequately insured, and  
19 limited in number, and that pedicab drivers are  
20 trained, licensed and responsible and held  
21 accountable for their actions. Now, MTBOT would  
22 prefer legislation that recognizes a taxicabs'  
23 exclusive right to accept hails from passengers in  
24 the street, a right already set forth in state and  
25 local law. We would prefer provisions that limit

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2 pedicabs to Central Park or to other designated  
3 routes or to fixed pedicab stands. That would not  
4 only be the safer route for passengers, but would  
5 honor the spirit of New York City law which  
6 clearly states that yellow medallion taxicabs have  
7 the exclusive right to pick up street hails. I  
8 just want to make this note. You know, when our  
9 taxi operators purchased taxi medallions, they  
10 purchased the exclusive right to accept passengers  
11 from the street. Credit unions and banking  
12 institutions provide financing based on that  
13 exclusive right. When our drivers lease our  
14 taxis, they are paying for this exclusive right.  
15 And when the city sold hundreds of millions of  
16 dollars worth of new medallions a few years ago,  
17 the City profited by selling that exclusive right.  
18 And finally, state law enabling the medallion sale  
19 to go forward reiterated this exclusive right. So  
20 having said that, today's proposed intro provides  
21 an imperfect solution but a solution worth  
22 pursuing only because the alternative would be the  
23 continuance of an unregulated, dangerous industry  
24 that puts people at risk. If the City continues  
25 to allow this industry to spin out of control, our

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2 drivers, who are highly regulated and highly  
3 insured, and are currently struggling to find  
4 fares amid this terrible economy, will continue to  
5 lose out on even more needed revenue. We have  
6 some suggestions to make this legislation a bit  
7 better. To begin with, require that pedicab  
8 operators provide Workman's Compensation insurance  
9 to its drivers, just as yellow taxi operators,  
10 most livery operators, and most other businesses  
11 are required to do. This requirement already  
12 exists in other cities, such as San Francisco,  
13 that license and regulates pedicabs. Secondly,  
14 require the Department of Consumer Affairs to set  
15 up a driver accountability system akin to the  
16 Persistent Violators Program that the City Council  
17 adopted in 1999 for the taxicab and for-hire  
18 industries. This would establish a point system  
19 in which pedicab drivers who violate the law would  
20 receive points relative to the severity of the  
21 violation. If they exceed a certain number of  
22 points, they face license suspension or  
23 revocation. It should not noted that although  
24 Local Law 19 has some provisions for license  
25 suspension and revocations for repeat offenders,

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2 it seems to conflict with provisions in the law  
3 regarding maximum penalties that could be  
4 allocated and imposed upon pedicab drivers.  
5 Furthermore, it is unclear how traffic violations  
6 issued to pedicab drivers will find its way to the  
7 Consumer Affairs database. How is Consumer  
8 Affairs going to learn of these traffic violations  
9 to impose these penalties that are in the local  
10 law? Thirdly, legislate strict liability  
11 insurance requirements which do not unfairly rely  
12 on a motor vehicle's no-fault insurance to bear  
13 the expense of paying for medical treatment and  
14 lost income of pedicab passengers injured in  
15 accidents involving pedicabs and automobiles.  
16 Lastly, require pedicab drivers and business  
17 owners to be fingerprinted and background checked,  
18 just like yellow taxi drivers. Again, other  
19 cities already require criminal background checks  
20 for pedicab drivers. One need not look any  
21 further than the illegal livery street hail  
22 business at the airports, which was highlighted  
23 last week when an illegal livery took several  
24 tourists on a nightmarish ride from JFK. Those  
25 violators keep returning because the current law

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2 has no teeth and is simply regarded as a cost of  
3 doing business. We shouldn't let that happen  
4 here, not when public safety is at issue. Thank  
5 you for the time to address the committee.

6 CHAIRPERSON COMRIE: Thank you.  
7 The next person can begin.

8 PETER MAZER: My name is Peter  
9 Mazer. I'm general counsel to the Metropolitan  
10 Taxicab Board of Trade. I have no additional  
11 comments. I would be happy to answer any  
12 questions that the committee had either of our  
13 speakers.

14 CHAIRPERSON COMRIE: I want to  
15 thank you for your comments. Council Member  
16 Gennaro has some questions. I'll let him go  
17 first.

18 COUNCIL MEMBER GENNARO: Thank you,  
19 Mr. Chairman. Like Oliver Koppell, I was at the  
20 hearing next door with the police commission and  
21 the very controversial issue that required and  
22 does continue to require my presence. I have to  
23 go back but I certainly wanted to be here to  
24 listen to the good testimony of Mr. Giannetto and  
25 Mr. Pollack. I strongly support the

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2 recommendations that they have made. They are not  
3 only a voice of reason but a voice for safe  
4 transportation in New York City, which in my  
5 opinion pedicabs certainly are not. I remember  
6 making the statement back when we were first  
7 looking into this issue about there would come a  
8 day that after a terrible accident we would be  
9 back here and saying what the heck were we  
10 thinking when we let these unsafe modes of  
11 transport take people yet and worse yet in a  
12 completely unregulated way. I thank you, Mr.  
13 Chairman, for having this hearing. I thank the  
14 Speaker for trying to do something to come to  
15 grips with this completely out of control  
16 situation. I thank Mr. Giannetto and I thank Mr.  
17 Pollack for advocating not only sensibly for their  
18 industry but for the safety of the people that  
19 they carry around in their cabs, in stark contrast  
20 to pedicabs which are not safe anywhere on New  
21 York City streets, in my humble opinion. Being  
22 that I will not get my ultimate wish of having  
23 pedicabs banned from city streets, which would be  
24 the only sensible and safe thing to do, to the  
25 extent that we can create some parity, Mr.

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2 Chairman, between this industry and the yellow cab  
3 industry in what they have to go to in order to be  
4 on the street with the proper insurance and  
5 everything else, that is a minimum that we could  
6 do to make this as safe as they can be even though  
7 they will never be safe. My advice for tourists  
8 and the riding public in New York City is to  
9 beware of pedicabs. They are not safe. I  
10 strongly endorse what has been put forward by Mr.  
11 Giannetto and Mr. Pollack, Mr. Chairman. With  
12 your permission, I plan to be very deeply involved  
13 in the substantive negotiations on this bill  
14 before us today. Thank you, Mr. Chairman and  
15 thank you gentlemen.

16 CHAIRPERSON COMRIE: Thank you. I  
17 appreciate your input and your consistency on the  
18 matter. I also want to thank the panel for coming  
19 today. I think that a lot of your issues are  
20 valid. The only thing that you brought up that I  
21 know is being addressed is the issue of motorized  
22 pedicabs and motorized pedicabs are not going to  
23 be allowed. They should be retrofitted before. I  
24 don't know if you heard the industry said there  
25 were three members of the Council and they didn't



1  
2 mention my name, so I appreciated that omission  
3 and my name being not mentioned. I do agree with  
4 a few of your issues as far as safety and  
5 registration. I agree with your issue regarding  
6 the insurance and making sure that if there is an  
7 insurance lapse that the insurance company  
8 notifies DCA because people will not self-regulate  
9 themselves on that issue. The issue of driver  
10 testing I think is a valid issue. The issue for  
11 training I think is valid also, especially since  
12 there was someone here that spoke about the issue  
13 of people now riding pedicabs with absolutely no  
14 training and no regulation at all. I think that  
15 while his testimony was not specific to this  
16 hearing that that's a major problem that we will  
17 hopefully address when you have people that are  
18 not registered and barely have a driver's license  
19 or if they even have a driver's license operating  
20 pedicabs. This law will require that you have to  
21 have a valid driver's license. The Local Law  
22 already requires it but it's not that enforceable  
23 yet. As you can see, my counselor is agreeing  
24 with me on all of my positions on this issue. I  
25 think that's something that we will have to work

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2 on. I think the main issue of you having a right  
3 to have hailing as your specific and unabridged  
4 right is something that I think is unfair that  
5 this is not being dealt with in a substantial way.  
6 My personal opinion is that they should have to,  
7 as you do, compete for your medallions, that they  
8 should have to compete for medallions also and pay  
9 the city for it so that we don't again have  
10 another black market as we have with the vendor  
11 carts where people are reselling the rights to  
12 licenses, because they're not selling the  
13 licenses, for hundreds of thousands of dollars. I  
14 think that your industry is well regulated on the  
15 issue of medallions and we need to look at that  
16 also only because there is going to be a black  
17 market for that also. There was one other thing  
18 you talked about, but the right for hailing I  
19 think is a major issue and we need to protect  
20 that. I know it's mentioned in Local Law 19, but  
21 it doesn't go far enough. The issues that you're  
22 talking about with workman's compensation and the  
23 persistent violators are decent things that we  
24 need to work to make sure happen also. We need to  
25 make sure at the end of the day that the issue of

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public safety of the people that are taking these vehicles since they are taking them. I understand Councilman Gennaro's point; the reality is that people will be taking them. People have been using them. We need to make sure that they're as safe as possible. Whatever we can do to ensure the highest level of safety, akin to ensuring that the tourists and the people that are taking the pedicabs can be assured that they will be a vehicle that's safe with a properly trained driver that understands the city rules and regulations. I think it's important. Thank you for being here.

DAVID POLLACK: On behalf of the Committee for Taxi Safety, I'd like to say thank you for your comments and understanding, Councilman Gennaro and Chairman Comrie.

JOSEPH GIANNETTO: Thank you, Mr. Chair and thank you Council Member Gennaro.

CHAIRPERSON COMRIE: Thank you.  
The next panel is Caroline Samponaro from Transportation Alternatives; Thomas Ferrugia from Broadway League; and George Bliss from the Pedicabs of New York. We have two more panels? I will remind all of the speakers that we are just

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2 commenting on this legislation, not Local Law 19  
3 or any other side issues. We want to try to limit  
4 the testimony to be as succinct as possible.  
5 Since we're running out of time, I'm going to have  
6 to institute the three-minute clock. Ms.  
7 Samponaro?

8 CAROLINE SAMPONARO: Good morning,  
9 Chairman Comrie and members of the Consumer  
10 Affairs Committee. My name is Caroline Samponaro  
11 and I'm the Director of Bicycle Advocacy for  
12 Transportation Alternative, New York City's  
13 advocates for biking, walking and sensible  
14 transportation. Transportation Alternatives is a  
15 longtime supporter of pedicabs and believes any  
16 laws, rules or regulations promulgated by the City  
17 to regulate them should encourage their use, not  
18 limit it. While there has been agreement for the  
19 need to regulate pedicabs, there is no need to  
20 restrict where they may operate. The City  
21 Council, the Administration and others have not  
22 produced any evidence that pedicabs have a  
23 negative effect on the City, traffic, public  
24 safety, the economy, the environment or on public  
25 health. In fact, pedicabs help improve many of

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2 these things. Transportation Alternatives opposes  
3 a ban of pedicabs from bike lanes. On New York  
4 City's automobile-clogged streets, bike lanes  
5 provide safety for pedicabs as much as they do for  
6 cyclists. Transportation Alternatives has shifted  
7 away from debating whether the width of bike lanes  
8 can accommodate the demand, and towards discussing  
9 progressive re-appropriation of street space to  
10 accommodate the growth of human-powered transport.  
11 If there is even a possibility that there are bike  
12 lanes that are not wide enough to meet the demand  
13 of travel, then we should not be looking to ban  
14 tricycles but rather move toward world class  
15 street designs that have both the environment and  
16 safety in mind. Transportation Alternatives is  
17 opposed to any restrictions on a pedicab's right  
18 to travel over bridges. Riding over bridges  
19 allows owners to ride their pedicab from garages  
20 in Brooklyn, Queens or the Bronx into the Central  
21 Business District. A ban on bridge crossings  
22 would put an unfair burden on owners and  
23 potentially lead to the use of motorized vehicles  
24 to transport pedicabs, which I think we can all  
25 agree is adding to a problem of congestion and

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2 pollution. Transportation Alternatives is,  
3 finally, opposed to a ban of pedicabs from midtown  
4 during the winter holiday season. Policies should  
5 be enacted to discourage private automobile use  
6 during this time, not to ban the most space  
7 efficient and flexible option we have to move  
8 people with zero environmental impact. The  
9 movement of a small minority via private  
10 automobiles should not be protected at the expense  
11 of a non-polluting and practical transportation  
12 option. Blaming pedicabs for congestion in  
13 midtown is akin to blaming a problem on its  
14 solution. A ban would also negatively impact the  
15 industry and deprive hundreds of people of green  
16 jobs during the lucrative holiday season.  
17 Pedicabs are city-friendly pollution-free  
18 vehicles. They are good for the environment and  
19 the health and quality of life of New Yorkers, and  
20 they help people quickly get where they need to  
21 go. They are a unique part of New York, endearing  
22 the City to tourists and New Yorkers alike. We  
23 hope that this Committee and the City Council will  
24 continue to work with the Pedicab Owners

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2 Association, Pedicab Operators Association, and  
3 advocates to make this law right. Thank you.

4 CHAIRPERSON COMRIE: The next  
5 person can begin.

6 THOMAS FERRUGIA: Good morning,  
7 Councilman. I am Thomas Ferrugia, the Director of  
8 Government Relations for the Broadway League,  
9 which has been the principal trade association for  
10 the commercial Broadway Theater industry for  
11 nearly 80 years. We now represent over 600  
12 members nationwide, including theatre owners,  
13 producers and road presenters. I want to thank  
14 Chairman Comrie for this opportunity to discuss  
15 our thoughts on this legislation under  
16 consideration today. The League certainly  
17 supports the intent of the Preconsidered  
18 Introductory Bill that amends the law regulating  
19 and licensing pedicabs in New York City. Absent a  
20 ban on pedicabs in the Times Square area, we  
21 applaud the licensing requirements, safety  
22 measures, insurance and reporting features  
23 outlined in the current law as a means of making  
24 the pedicab industry safer for New Yorkers. We  
25 support the law's restriction on pedicabs

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2 soliciting passengers in No Standing zones,  
3 putting additional demands on pedicab drivers and  
4 owners to comply with traffic rules, banning  
5 motorized pedicabs, as well as restrictions on  
6 ownership interests. However, the League must  
7 express its disappointment over the outcome of the  
8 litigation surrounding the manner in which the  
9 Administration implemented the original law. We  
10 are therefore troubled that this Intro removes any  
11 limit on the number of pedicabs that may operate  
12 in New York City, beyond setting a date by which  
13 all currently operating pedicabs must apply for  
14 licenses to continue operating. Midtown Manhattan  
15 is now overcrowded with these dangerous, slow-  
16 moving vehicles and this proposal simply does  
17 fully not address this larger problem. We believe  
18 one of the major misconceptions about a pedicab  
19 cap is that, like taxis, pedicabs spread  
20 throughout the City. This simply is not true.  
21 But because the problem does not directly impact  
22 most districts, the perception can be erroneously  
23 skewed. Pedicabs congregate in neighborhoods that  
24 attract tourists; primarily the area bound east  
25 and west by Sixth and Eighth Avenues and north and



1 south by West 53rd and West 40th Streets, which  
2 comprise Times Square, the main commercial  
3 district of Manhattan. This being the reality, as  
4 opposed to the perception, a cap is actually a  
5 restriction on how many cabs may circle areas like  
6 Midtown Manhattan, neighborhoods already crowded  
7 by thousands of cars, street vendors, theatre-  
8 goers, visitors, restaurant patrons and shoppers.  
9 The League is committed to providing millions of  
10 New Yorkers and visitors with the best and safest  
11 possible theatergoing experience. We believe that  
12 experience begins before the show starts and  
13 continues after patrons leave the theatre and to  
14 this end we remain concerned about the number of  
15 pedicabs continually parked outside the theatres  
16 soliciting passengers after matinee and evening  
17 performances. Pedicabs illegally congregate at  
18 "No Standing" zones directly in front of Broadway  
19 theatres, blocking access for taxicabs, private  
20 transportation, and pedestrian movement. Theatre  
21 operators can be fined for inadvertently placing  
22 office equipment too close to an exit and impeding  
23 egress, while pedicabs completely block off street  
24 access and force patrons to funnel tightly down  
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2 the block. Pedicabs contribute to a dangerous and  
3 chaotic atmosphere in the theatre district. They  
4 utilize narrow, congested streets, stop on fast-  
5 moving thoroughfares like Broadway and 7th and 8th  
6 Avenues to solicit rides and weave dangerously  
7 throughout traffic. In the Times Square, pedicabs  
8 run rampant, frequently ignoring traffic and  
9 parking laws, with almost no consequences to the  
10 pedicab drivers by way of fine or penalty. As we  
11 know, prohibitions of these kinds are useless  
12 without active monitoring. I can conclude. The  
13 city has recently made a very concerted effort to  
14 relieve congestion in Times Square by instating  
15 vehicle lane changes, wider sidewalks and  
16 converting a larger section of Broadway into a  
17 pedestrian mall. The unchecked proliferation of  
18 pedicabs is part of the existing problem that  
19 needs mitigation. On behalf of the Broadway  
20 theatre community, the League applauds the  
21 Council's ongoing and sincere dedication to  
22 addressing this massive problem in a fair,  
23 balanced manner. However, we remain concerned  
24 that, lacking a concerted effort towards  
25 enforcement, removing the pedicab cap will prevent

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the legislation from resolving this ongoing problem. I thank you for this opportunity. And Councilman, if you can indulge me for one moment, I would like to add that my original interpretation of the law was probably incorrect. I agree with other comments that there needs to be some kind of tie in between the amount of penalties that a pedicab driver gets and their ability for the license to be revoked. I think that's absolutely essential.

CHAIRPERSON COMRIE: Thank you.

The next person may begin.

GEORGE BLISS: My name is George Bliss. I'm the founder of the industry and no longer in the industry. I'm very glad to know that the cap of 325 has sunsetted. However, the time limit of 60 days to register a pedicab will create a new cap for 18 months at least. What that will do will discourage the development of pedicab industries in the outer boroughs. The problem, which Mr. Ferrugia addresses in terms of pedicabs clustering in midtown, is not alleviated. The pedicab companies that exist now all congregate in midtown. I know people who want to

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2 do pedicabs in Coney Island. I know a woman who  
3 wants to do an alternative to Access A Ride using  
4 human-powered pedicabs in Flatbush Brooklyn.  
5 There are people who want to do pedicabs in Red  
6 Hook. There are people who want to do pedicabs in  
7 downtown Brooklyn. There is absolutely no reason  
8 why the de facto cap that will be created by a 60-  
9 day time limit should not apply only to Manhattan.  
10 It should apply only to Manhattan and the City  
11 Council should encourage the development of green  
12 business and green jobs throughout New York. At  
13 this opportunity, this committee should have the  
14 60-day time limit apply only to pedicabs operating  
15 in Manhattan. The other thing is the definition  
16 of a pedicab should be bicycles for hire that  
17 solicit rides on the street. If I want to start a  
18 tour business using pedicabs as opposed to double-  
19 decker buses, why should I be restricted by a  
20 pedicab cab? So the definition should really be  
21 not bicycles for hire, it should be bicycles that  
22 sell rides on the street so that bicycles that  
23 pick up people by prearranged phone calls, Access  
24 A Ride or prearranged tours should not be covered

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under the definition of pedicab in this law.  
Thank you for your consideration.

CHAIRPERSON COMRIE: Did you say  
you got out of the business?

GEORGE BLISS: I got out of the  
business three years ago. It's much too  
competitive.

CHAIRPERSON COMRIE: Did you hear  
the testimony of the gentleman earlier that said  
that people are riding the bikes that have no  
training and no background and that the original  
people that were in the industry such as yourself  
have gotten out? Would you concur with those  
statements?

GEORGE BLISS: Most of the people  
who were in the industry from the beginning are  
still in the industry. There are a lot of new  
people in the industry. Alan Gerson's law, the  
original proposed regulation law included training  
for pedicab drivers. Most of the people in the  
industry are in favor of training for pedicab  
drivers. It was proposed that this be done under  
contract to the Department of Consumer Affairs,  
not by Consumer Affairs. So that could still be

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considered and I'm sure Gerson would support

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training as well as testing of pedicab drivers.

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CHAIRPERSON COMRIE: I think that

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he wouldn't be the only one that would support

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that. I think that's something we'll still have

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to look into. I think clearly making sure that

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the drivers are at a level of proficiency is

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important to public safety. I think that's

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something that I'm still going to want to work on.

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GEORGE BLISS: May I say one other

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thing? We have proposed and it's been ignored

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from the beginning, actual designated pedicab

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stands in the Times Square area which would bring

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order to a chaotic soliciting environment.

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CHAIRPERSON COMRIE: I'm aware of

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that. I did speak to DOT about that. That's

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something else that I think we'll still have to

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advocate for.

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GEORGE BLISS: I think the Broadway

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theatre owners would appreciate some effort in

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that direction.

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CHAIRPERSON COMRIE: I think that

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more than one entity would appreciate that also.

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But I think that the issue of hailing is a major

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2 problem and I do think that it's unfair to people  
3 that have to pay a lot more money for the  
4 privilege. So I think that's something we'll have  
5 to talk about also. The issue you brought up  
6 today about people operating as tour guides is a  
7 new issue and that's something we'll take under  
8 advisement. I appreciate the three of you coming  
9 today and sharing your concerns. I just want to  
10 thank you for your time and testimony. The issues  
11 of the bridges that Transportation Alternatives  
12 brought up, I think that at one point we're going  
13 to have to try to figure out what happens or what  
14 bridge is the most amenable to pedicab  
15 transportation. Right now, to my mind I don't  
16 think that any bridge is amenable. But there may  
17 be an opportunity at some point to try to figure  
18 out which bridge would be most amenable and having  
19 them come in on off hours as opposed to coming in  
20 during rush hours.

21 CAROLINE SAMPONARO: I do happen to  
22 ride my bike every day during rush hour and I  
23 think the Queensboro and the--

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CHAIRPERSON COMRIE: [interposing]

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But when you ride your bike, you're coming over

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the pedestrian path?

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CAROLINE SAMPONARO: I'm coming

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over the bicycle path.

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CHAIRPERSON COMRIE: The bicycle

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path?

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CAROLINE SAMPONARO: The Manhattan

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Bridge and the Queensboro Bridge are both two

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bridges that I think have enough space to

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accommodate for sure.

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CHAIRPERSON COMRIE: The pedicabs

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on the bicycle paths?

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CAROLINE SAMPONARO: Yes.

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CHAIRPERSON COMRIE: We're going to

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have to take a look at that. Again, I'd look at

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having them coming in over the off hours as well,

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as opposed to rush hour when bicycles are coming

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through. I'm not convinced that a pedicab and a

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bicycle sharing the same space is safe. I'd have

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to take a look at that more in depth before I'd

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want to agree.

24

CAROLINE SAMPONARO: Can I just

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encourage you then respectfully to include



1  
2 Transportation Alternatives or other advocates for  
3 people that actually are riding bikes in that  
4 conversation?

5 CHAIRPERSON COMRIE: I'll be more  
6 than happy to go with Transportation Alternatives  
7 and take a look at those issues. I wouldn't dare  
8 do it on my own. I didn't intend to say that I  
9 was doing it on my own. But I think we do need to  
10 take a look at that. I appreciate the work of  
11 Transportation Alternatives to make the city more  
12 bicycle commuter friendly. I was part of the  
13 legislation earlier regarding bicycle parking in  
14 garages. I am in favor of making the city better  
15 for bicycles. My primary interest is making the  
16 city safe for the pedestrians and in this case the  
17 people that would be taking the pedicabs. I'm  
18 fearful that the issues of the pedicabs coming  
19 over the bridges would not make it safe for  
20 bicycles, but that's something that I'm open to  
21 looking at.

22 CAROLINE SAMPONARO: Thank you,  
23 Chairman Comrie. I think the same thing does  
24 apply in the case of bike lanes.

1  
2 CHAIRPERSON COMRIE: That's a whole  
3 other animal.

4 CAROLINE SAMPONARO: But I do think  
5 that when we're talking about safety, I don't want  
6 to confuse safety with other issues. I mean, as  
7 far as safety is concerned--

8 CHAIRPERSON COMRIE: [interposing]  
9 My main issue with the bike lanes is really  
10 frankly not even the pedicabs going in the bike  
11 lanes, but as far as the pedicabs then turning  
12 around and hailing people in the bike lanes. I'm  
13 sure that would be the overriding situation once  
14 pedicabs got access to bike lanes. So even more  
15 important to me would be that issue.

16 CAROLINE SAMPONARO: I guess my  
17 only point though is that taxicabs are the biggest  
18 violators of double parking in bike lanes and  
19 picking up passengers. So if we're really going  
20 to be laying down--

21 CHAIRPERSON COMRIE: [interposing]  
22 We're working on a camera system to deal with  
23 that, so hopefully we can have that issue also.  
24 I'm not blind to that issue either. But if we  
25 want to make bike lanes sacrosanct and safe, we

1  
2 need to figure out a way to really make them safe.  
3 I think that's something that we require a lot of  
4 work on. Thank you all for being here. I look  
5 forward to more discussions. Good to see you,  
6 Thomas.

7 THOMAS FERRUGIA: You too,  
8 Councilman. Thank you very much.

9 CHAIRPERSON COMRIE: Thank you. Is  
10 David Sirk still here? Ibrahim Donmez, Ann  
11 O'Connor. Is Ann O'Connor still here? Also, Joe  
12 Gruenberg, Doug Korman. You need to turn on the  
13 mike and identify yourself.

14 DAVID SIRK: My name is David Sirk.  
15 I'm a pedicab driver since 2002. I work for  
16 Manhattan Pedicab. I was going to give a scathing  
17 report on how we ended up here and all the  
18 problems, but I won't bore you with that. I will  
19 go into solutions. You can read about it in the  
20 handout there.

21 CHAIRPERSON COMRIE: Thank you.

22 DAVID SIRK: Oddly enough, I agree  
23 with the taxi people. I agree with the theater  
24 people. I agree with most people that are talking  
25 about the negatives of pedicabs. I mean, it

1  
2 wasn't that long ago I had police officers helping  
3 me get fares out of Times Square. Now I don't go  
4 to Times Square anymore. All these laws that have  
5 been put into place, the police could enforce  
6 right now. No insurance, no driver's license,  
7 take the pedicab off the street. What I see right  
8 now is somebody is going to get killed and the  
9 city is going to be responsible. I'm very vocal  
10 about getting these punks off the street that  
11 don't belong there. My solutions can be added to  
12 this bill, because this is a local thing anyway.  
13 You want pedicab drivers to be ambassadors for the  
14 city, to know the city, to be able to give a good  
15 tour of the city, not just a ride from A to B.  
16 Perhaps you could include something like only New  
17 York State residents for six months or more may  
18 apply. This will avoid a pedicab gold rush  
19 hitting our streets with unsustainable numbers.  
20 We need fewer pedicabs. The 325 was a perfect  
21 number. A lot of things the city did right. Why  
22 we want to bring in more and just create more  
23 congestion I don't understand. Individual  
24 operators must also apply for a driver's permit.  
25 You think that's commonsense, but the way this all

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2 has being going down, common sense hasn't really  
3 been involved. Number three, and this will be my  
4 last proposal, there would be a two-week due  
5 diligence period from where the company names are  
6 made public knowledge. The last pool, we spotted  
7 four dummy companies that we knew. So if you  
8 could allow us the police ourselves, we would be  
9 able to give damning information to a DCA  
10 representative to stop some of these guys who  
11 right now are the cause of the problem that have  
12 uninsured drivers that will create dummy companies  
13 and flood streets. We could police ourselves.  
14 This is something you should really consider.  
15 I'll just shut up with that one.

16 CHAIRPERSON COMRIE: The next  
17 person. I'll get back to that issue after the  
18 other people speak.

19 DOUG KORMAN: My name is Doug  
20 Korman. I have mixed emotions about what I see  
21 going on here. I was asked to check a box in the  
22 beginning on whether I was in favor or against and  
23 I checked against. I just don't even know what  
24 that really means. Yes, I'm here to speak about  
25 the amendment to the law. Like others, I'd like

1  
2 to speak about those things which should have been  
3 amended that were not without over-focusing on the  
4 law. Certainly if we had an application that was  
5 free and open from the beginning, those in the  
6 industry who needed to get all their pedicabs in  
7 their fleets, they would have gotten them in and  
8 the pedicab business at that point would have been  
9 smaller than it is today. Many people are in  
10 favor of a cap in the industry and some are not.  
11 This has helped divide the industry. Really, what  
12 we're here today to talk about is safety. That's  
13 what brought us here. Certainly the victory of  
14 the Pedicab Association made an environment where  
15 the next move was the government's move to figure  
16 out a regulation scheme. But then the tipping  
17 point was the accident on the bridge. I think  
18 things need to be put in perspective regarding  
19 that. That accident was a result of an  
20 irresponsible driver who acted in a very  
21 irresponsible way. I don't think that that's fair  
22 to blame a whole industry as the polluting taxicab  
23 monopoly is doing to us now. If you look at our  
24 safety record against theirs it's like night and  
25 day. We're not killing people on our pedicabs.

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2 We certainly haven't done that yet. They have a  
3 decade of death associated with taxicabs. I'm  
4 from Long Island City. You cannot believe how  
5 flooded the repair garages are there with taxicabs  
6 all smashed up. It tells a very stark story. So  
7 I believe that as a driver of vehicles as well  
8 that they're a hazard for me to drive around. I  
9 don't know what's going on with their training,  
10 but it's arrogant of them to come in here and  
11 attack us on our safety record and our ability  
12 when in fact there has been a dereliction of duty  
13 of the government to not have regulated pedicabs  
14 sooner. So what we have now is the type of thing  
15 where there are renegade drivers. There is a sore  
16 appearance of the industry around the corners  
17 because this wasn't handled properly from the  
18 beginning. So we're going to suffer. The  
19 suffering is yet to come because the police are  
20 going to enforce these laws very unevenly and  
21 we've seen evidence very strongly about that. I  
22 don't think it's fair that the police should be  
23 involved the way they've been involved in the law  
24 making process. They slipped in those powers that  
25 you folks helped them with that are going to hurt

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2 the industry and not help it. It was done in a  
3 very sneaky way and I had Council Members tell me  
4 that they were offended at the idea that they had  
5 to vote on something that was altered after the  
6 discussion with the Council. We are also in a  
7 situation where pedicabs traveling from outer  
8 boroughs should be allowed to go over bike lanes  
9 without any restriction other than not being able  
10 to carry passengers. I've done it for years on  
11 the 59th Street Bridge safely. I have never had  
12 an incident. It's absurd that there is a ban on  
13 electric assist. I'm an expert at this. I know  
14 that electric assisted pedicabs are safer. So if  
15 you're concerned about a safety issue, you ought  
16 to take a closer look at that. And the bike lanes  
17 are certainly wide enough to handle pedicabs and  
18 bicycles do not drive in double file over them, so  
19 we can share them with bicycles. Thank you.

20 CHAIRPERSON COMRIE: Mr. Korman,  
21 the electrical assist issue is an Albany issue,  
22 not a city issue.

23 DOUG KORMAN: I'm curious to see  
24 when it's no longer an Albany issue how this  
25 Council is going to act.



1  
2 CHAIRPERSON COMRIE: When you fix  
3 it in Albany we'll work on it back down here.

4 DOUG KORMAN: Thank you, Mr.  
5 Chairman.

6 CHAIRPERSON COMRIE: The other  
7 issues, I'll get back to you in a minute. The  
8 next person may go.

9 IBRAHIM DONMEZ: My name is Ibrahim  
10 Donmez. I have been driving a pedicab for the  
11 last three years. I would like to first respond  
12 to Metropolitan Taxicab Board of Trade because  
13 there is a misconception. I've been driving this  
14 pedicab for the last three years. If the yellow  
15 cabs do not get full, I cannot make money. I know  
16 that for a fact. I make money when people are  
17 waiting for like 20 or 25 minutes and they cannot  
18 get ride. Then I'm over there to help the people.  
19 I'm helping the people to get a ride from one  
20 point to the other point. The second thing is  
21 there are problems right now and that is clear.  
22 As an industry we are in favor of a cap. The fact  
23 that it's not about the yellow cabs or it's not  
24 about the theatre lobby. We are in favor of caps.  
25 The problem right now is the drivers. The

1  
2 pedicabs are safe. The problem is the drivers.  
3 That's why I support the other people who were in  
4 favor of training and drug testing. These are  
5 things that should be amended to the law. Thank  
6 you.

7 CHAIRPERSON COMRIE: Thank you, Mr.  
8 Gruenberg.

9 JOE GRUENBERG: Good morning.  
10 Thank you, Chairman Comrie. I've been a pedicab  
11 owner, operator and developer of electric assist  
12 pedicabs for over seven years in New York.

13 CHAIRPERSON COMRIE: Can you stay  
14 to the issue? We cannot deal with the electric  
15 assist today. I appreciate that. That's an  
16 Albany issue and frankly you guys should have  
17 handled that by now. I mean enough already with  
18 that. That's an Albany and we've been clear that  
19 that's an Albany issue, the issue with that with  
20 the state law.

21 DOUG KORMAN: [off mic]

22 CHAIRPERSON COMRIE: That's not  
23 something we're going to handle here in the City  
24 Council today. I'd appreciate you dealing with  
25 your comments someplace else on the other parts of

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the bill that we're actually talking about today. If you guys still have an issue with electric assist, you should have handled it on the federal level by now and you should have handled it on the state level by now. We've been dealing with pedicabs for four years already. You've never made an opportunity to go to those areas. Don't come here with that. That's enough already, anything else?

JOE GRUENBERG: Just a couple of quick points. I feel that the Department of Consumer Affairs and the city should do more to incentivize this industry. It's a zero-pollution green industry, as George Bliss said before; we should create incentives and encouragement for this industry to operate in venues outside Manhattan. Nobody in this industry wants to see the logjam that takes place with pedicabs in the Times Square theater area. I always thought it was ugly, inappropriate and gives our industry a bad name. So somehow, some way we should create incentives to get pedicab companies and drivers and owners to function in some of the other venues like the Bronx Zoo, Coney Island, and Brighton

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2 Beach, et cetera. One other comment is I feel  
3 that the penalties that are in this bill for  
4 pedicab drivers are punitive and they don't seem  
5 to be on par with other industries. The way the  
6 amendments are stated, it really comes down with a  
7 giant hammer on pedicab drivers who are not going  
8 to be able to afford the penalties and be out of  
9 business rather quickly. I think, again,  
10 incentives should be given to promote this green  
11 zero-pollution industry. Thank you.

12 CHAIRPERSON COMRIE: Just for the  
13 record, I was always in favor of the electric  
14 assist. That is a state law. I spoke to the  
15 industry about it. I tried to do the electric  
16 assist as part of the bill. I've been told in no  
17 uncertain terms that we would be able to allow  
18 that. I've encouraged the industry to go to the  
19 other legislative bodies to get that dealt with.  
20 I don't disagree with your idea for incentives for  
21 the industry to make sure that they can be  
22 expanded. I would also admonish the  
23 administration for not doing more about that. I'm  
24 not going to go into that any deeper. I'm on  
25 record as supporting the electric assist.

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MALE VOICE: [off mic]

CHAIRPERSON COMRIE: Again, that's something we can talk about afterwards. Those are issues that your own industry differed with. There is not anything that I can do beyond what your own industry was doing. As you know, your own industry is in some diametrical opposition as to what the standards were for a long time. That's another problem that you have to resolve in-house. The issue of dummy companies, I think you brought that up sir. Can you expand on that a little bit more, Mr. Sirk?

DAVID SIRK: What happens is you have certain individuals, actually it's some of the largest pedicab owners right now are illegal. They don't even have green cards and they're operating 100 pedicabs. So what they did the last time is they tried to spin off. We found it because it was so easy. They created different domain names and we actually found them and we confronted these individuals. I'm just saying that I know everybody is very overwhelmed. We have a good knowledge of who is in the industry, who is legit, and who is not legit. I really

1  
2 think if you could just give us that two weeks and  
3 we could police ourselves. We could give you  
4 damning information. We could point it out. You  
5 guys are too busy to be chasing down all these  
6 different pedicab owners. You don't know the  
7 business like we know the business. I've been  
8 doing this since 2002. I know who is legit. I  
9 know who is nice. I know who is a cutthroat. One  
10 thing I wanted to address about these pedicab  
11 stands, they will never work. People will just  
12 pile in and then there will be fights constantly  
13 about people cutting in line. It's not practical.  
14 It will never work. I just thought I'd add that  
15 as well.

16 CHAIRPERSON COMRIE: Thank you. I  
17 appreciate your comments on those issues. I'll  
18 let you know that this bill, once passed, will  
19 still give people a window between now and  
20 November before it's enacted. It'll start 40 days  
21 after enacted, after it's signed by the mayor, it  
22 will go into the 60-day period for people to  
23 register and to provide all the registrations. As  
24 you heard from the commissioner, we are not going  
25 to start doing the registration enforcement but

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2 just safety enforcements during that period. At  
3 least the safety will be done. The issue of  
4 weaning out and scoping out any dummy companies or  
5 bad players, you'll have plenty of time between  
6 now and November. I don't believe that everything  
7 will be fully done before November 15th or so. So  
8 you'll have plenty of time to weed out any bad  
9 players in the industry. If there are, feel free  
10 to come to our offices if you don't feel you're  
11 getting the proper feedback from the city  
12 agencies.

13 DAVID SIRK: But we won't be aware  
14 of them until they're already licensed on the  
15 street. That's why I'm just wondering, if there  
16 is some mechanism that could be dealt with where  
17 it could be posted on the DCA website who is  
18 applying. You know what I mean? Make it  
19 transparent. We need a mechanism.

20 CHAIRPERSON COMRIE: That makes a  
21 lot of sense to post all of the applicants on the  
22 website. Yes, sir? You've got to talk into the  
23 mike. Mr. Korman, you've got to talk into the  
24 mike.

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2 DOUG KORMAN: I'm sorry, are you  
3 saying it is 100 days from when the mayor signs?

4 CHAIRPERSON COMRIE: Forty days and  
5 then sixty days.

6 DOUG KORMAN: So it's 100 days from  
7 when he signs? Thank you.

8 CHAIRPERSON COMRIE: Thank you. So  
9 it is 40 days to start the process of the  
10 registration after the mayor signs the bill. It  
11 will take 40 days for it to be enacted, which is  
12 unusual but that's the process that we're going to  
13 deal with. That gives the industry as much time  
14 to deal with all of the registration and licensing  
15 processes. As you heard from the commissioner, he  
16 wanted to make sure that his agency had enough  
17 time to develop all that paperwork.

18 DOUG KORMAN: Will there be another  
19 public hearing? How long do you suppose it would  
20 be before it would be prepared for the mayor to  
21 sign?

22 CHAIRPERSON COMRIE: I believe  
23 we're going to be working on the bill. We hope to  
24 vote the bill out in July so that we could get it  
25 done. Our next stated meeting will be mid to the



1  
2 end of July. I'm stalling for time for Council  
3 Member Liu; you got to get him here one way or the  
4 other. I forget when our stated meeting is in  
5 July. We would hope to get this done because we  
6 need to get this started. Your issues of handicap  
7 I think are fair and I think it's a little unfair  
8 that you haven't had an opportunity to have that  
9 as part of this bill. I don't disagree with that.  
10 I wish there was somebody that was helping you on  
11 a legal level to get that done. I think that it's  
12 unfair for people, especially since we have  
13 returning vets that would like entrepreneurial  
14 opportunities to have an equal right to be a  
15 pedicab driver. The stated meeting is July 29th.  
16 We've been joined by Council Member John Liu, who  
17 is here to vote on the three Intros that are  
18 dealing with today. It is Intro 780, Intro 1030  
19 and Resolution 1832-A. How do you vote on those  
20 three items?

21 COUNCIL MEMBER LIU: Mr. Chairman,  
22 I vote yes on all three items.

23 CHAIRPERSON COMRIE: Thank you.  
24 With that, we have no other people that have  
25 signed up to testify. I want to thank everyone

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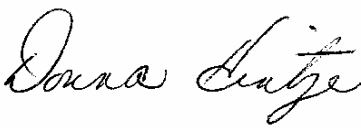
for coming today and thank the staff for putting the hearing together. I look forward to everyone trying to resolve as many differences as possible before we have our July hearing. The final vote?

WILLIAM MARTIN: The final vote on the Committee on Consumer Affairs stands at four in the affirmative, zero in the negative and no abstentions.

CHAIRPERSON COMRIE: With that, I'll declare the hearing over.

C E R T I F I C A T E

I, Donna Hintze 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 August 4, 2009