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CITY COUNCIL

CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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February 28, 2006  
Start: 1:40 p.m.  
Recess: 5:10 p.m.

City Hall  
Committee Room  
New York, New York

B E F O R E:

LEROY COMRIE

Chairperson,

COUNCIL MEMBERS: Charles Barron  
James Gennaro  
Oliver Koppell  
John Liu  
Gale Brewer  
Alan Gerson

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

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4 Iris Weinshall  
5 Commissioner  
6 Department of Transportation  
7 New York City, NY

8 Pauline Toole  
9 Assistant Commissioner  
10 Department of Consumer Affairs  
11 New York City, NY

12 Melissa Ludwig  
13 Media Spokesperson  
14 New York Pedicab Drivers Association  
15 New York City, NY

16 Craig Molino  
17 Pedicab Owner  
18 Brooklyn, NY

19 David Snetman  
20 Bicycle Campaign Coordinator  
21 Transportation Alternatives  
22 New York City, NY

23 George Bliss  
24 Owner  
25 Pedicabs of New York  
New York City, NY

Jordan Kinzler  
New York Pedicab Owners Association  
Dobbs Ferry, New York

John Phillips  
Director  
League of Humane Voters of New York City  
New York City, New York

22 Michael Levine  
23 President  
24 Committee for Taxi Safety  
25 Scarsdale, NY

25

- 1
- 2 A P P E A R A N C E S (CONTINUED)
- 3
- 4 Joseph Giannetto
- 5 Director of Business Development
- 6 Metropolitan Taxicab Board of Trade
- 7 Queens, NY
- 8
- 9 Peter Meitzler
- 10 Owner
- 11 Manhattan Rickshaw
- 12 Brooklyn, NY
- 13
- 14 Osman Zenk
- 15 President
- 16 Zenk Pedicab, Inc.
- 17 New York City, NY
- 18
- 19 James Muessig
- 20 SUPERBIKE
- 21 New York City, NY
- 22
- 23 Chris Strungis
- 24 Astoria, New York
- 25
- 26 Shoshannah Pearlman
- 27 Pedicab Driver
- 28 New York City, NY
- 29
- 30 Rachel Lund
- 31 Pedicab Driver
- 32 Bronx, NY
- 33
- 34 Fred Dixon
- 35 Vice President, Tourism Development
- 36 NYC & Company
- 37 New York City, NY
- 38
- 39 Gregg Zukowski
- 40 Owner/Driver
- 41 Revolution Rickshaw
- 42 New York City, NY
- 43
- 44 Gligor Tashkovich
- 45 Executive Vice President
- 46 Ambo Transvalcan Crude Oil Pipeline Project
- 47 New York City, NY

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

3

Stanley O'Connor  
4 Secretary  
New York Pedicab Drivers Association  
5 Brooklyn, NY

6

Doug Korman  
President  
7 Trike Taxi, Inc.  
New York City, NY

8

Michael Geoghagen  
9 Pedicab Driver  
Jamaica, NY

10

Joe Grunberg  
11 Trike Taxi, Inc.  
New York City, NY

12

Christian Farrell  
13 Pedicab Driver  
Brooklyn, NY

14

Wendy Scher  
15 Partybike  
Brooklyn, NY

16

Deron Sobers  
17 New York Pedicab Drivers Association  
New York City, NY

18

Jayson Gladstone  
19 Pedicab Driver  
New York City, NY

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1 COMMITTEE ON CONSUMER AFFAIRS

2 CHAIRPERSON COMRIE: Good afternoon.

3 I'd like to welcome everyone to this hearing of the  
4 Consumer Affairs Committee. I am Leroy Comrie,  
5 Chairman of the Committee. I welcome my colleague  
6 John Liu that's here today. Council Member Jim  
7 Gennaro was here, but he had an emergency in his  
8 district, and had to leave.

9 Today we're going to hear testimony  
10 on Introductory Bill 75, a proposal to regulate New  
11 York City's pedicab industry. It is estimated that  
12 there are more than 220 pedicabs presently operating  
13 in New York City. Did the lights go out? Or am I  
14 -- the sun went down, okay. Over the past several  
15 years, pedicabs have expanded into a recognized  
16 method, for-hire transportation, rivaling taxis and  
17 horse-drawn carriages in some areas of Manhattan.

18 Some consumers prefer pedicabs to  
19 taxis, because of their unique charm, and because  
20 they operate on human power without creating exhaust  
21 fumes. Additionally, while these vehicles travel  
22 slowly, their small size allows them to weave  
23 through traffic and often outpace automobiles.

24 Given the crowded conditions of our  
25 streets, accidents are inevitable. Despite the

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2 potential dangers associated with poor operation,  
3 inadequate maintenance, and lack of insurance,  
4 pedicabs are currently unregulated. Since coverage  
5 is not mandated, it is estimated that half of them  
6 do not carry liability insurance to protect  
7 passengers, pedestrians, the pedicab owner, and the  
8 operator in case of an accident.

9                   Additionally, the City has no way to  
10 ensure that pedicabs are safely maintained, and that  
11 their operators are aware of traffic regulations.  
12 Intro. 75 would authorize the Department of Consumer  
13 Affairs to license all pedicabs that operate within  
14 the City. As part of this scheme, each pedicab  
15 owner would be required to obtain liability  
16 insurance and submit the pedicabs for regular  
17 inspection.

18                   Each pedicab operator would also be  
19 required to obtain an operator's license that would  
20 first require completion of a pedicab safety course  
21 and examination to be administered by the Department  
22 of Consumer Affairs, and the Department of  
23 Transportation.

24                   Anyone violating a condition of

25 either license would be subject to a fine between

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2 \$250 and \$1,000, and also a civil penalty of \$250.

3 Under certain circumstances, an operator would also

4 be subject to seizure and impoundment of his or her

5 pedicab. This afternoon, the Committee

6 expects to hear from the Administration, pedicab

7 owners, and other interested parties. Again, I thank

8 you for coming, and look forward to hearing your

9 testimony.

10 We expect to see shortly, the prime

11 sponsor, Councilman Alan Gerson, who will be joining

12 us. We have plenty of speakers, so when he gets

13 here, he'll be given an opportunity to speak on the

14 proposal.

15 Again, I would like to thank all of

16 you for your attendance. And we have with us to

17 speak first, Commissioner Iris Weinshall, the

18 Commissioner of the New York City Department of

19 Transportation. And also, Pauline Toole, the

20 Assistant Commissioner for the Department of

21 Consumer Affairs.

22 Welcome and good afternoon.

23 COMMISSIONER WEINSHALL: Good

24 afternoon Mr. Chairman. I'm Iris Weinshall,

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2 Transportation. And with me here today is Pauline  
3 Toole, Assistant Commissioner of the Department of  
4 Consumer Affairs. Thank you for providing us with  
5 this opportunity to testify on Intro. 75, related to  
6 the regulation of pedicabs. We welcome the  
7 opportunity to be here today.

8 I commend Chairman Comrie and this  
9 Committee for making this issue a priority. I am  
10 pleased to say at the outset that the Administration  
11 and Council are in basic agreement on the need to  
12 establish a regulatory framework for pedicabs. The  
13 Administration has, in fact, also been working  
14 diligently on a bill that Assistant Commissioner  
15 Toole will elaborate on in her testimony.

16 Our support for the regulation of  
17 pedicabs goes to the very heart of DOT's mission.  
18 That is, to effectively balance the many users of  
19 our streets and sidewalks, including pedestrians,  
20 motorists, and bicyclists, while at the same time,  
21 allowing for commerce. There are approximately one  
22 million cars and trucks traveling into Manhattan on  
23 any given day. Our shared space has increasingly

24 become more complex, and nowhere is this complexity  
25 more apparent than in Midtown Manhattan, which is

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2 the most congested area of the City, from both a  
3 vehicular and pedestrian standpoint. The  
4 introduction and rising number of pedicabs over the  
5 years has made the need for a regulatory framework  
6 all the more important. All too often, we have been  
7 simply too slow in updating administrative law and  
8 regulatory practice to keep pace with a relatively  
9 new trend. Now we have an opportunity to catch up  
10 to the reality of what is happening on our shared  
11 space.

12                   From DOT's perspective. It is most  
13 important that all users of our shared space are  
14 safe. And a regulatory framework is an important  
15 first step. It is disconcerting that New Yorkers  
16 and tourists are riding in these devices without  
17 oversight in place. Non- inspected devices that may  
18 not have proper safety equipment or insurance. We  
19 simply cannot wait for a tragic accident involving a  
20 pedicab to occur. We should move forward now, and  
21 we should not wait.

22                   Pedicabs function in a similar  
23 fashion as passenger vehicles and taxicabs, in that

24 they utilize our roadways, as well as pick up and  
25 discharge passengers. A regulatory scheme would

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2 ensure that these businesses continue to operate and  
3 prosper and continue to add to the character of the  
4 City, while at the same time, doing so in a safe and  
5 responsible manner. Their regulation will enhance  
6 the safety of not only pedicab operators and their  
7 consumers, but also the other users of our roadways.

8           On a related note, I would also like  
9 to mention that DOT is considering going a step  
10 further, by promulgating a Traffic Rule to ban the  
11 use of so- called "Party Bikes" from our streets. As  
12 many of you know, these are unique devices in that  
13 they are not technically bicycles, since they have  
14 more than three wheels. They are typically four-  
15 wheel devices that seat up to seven people, and are  
16 steered by one driver, while the rest pedal. These  
17 devices are frequently wider than a traffic lane,  
18 and create a great deal of public attention because  
19 of their unique construction. Party bikes  
20 jeopardize all users of our shared space, and have  
21 no place on heavily utilized and congested streets.

22           In conclusion, I would like to

23 state that I look forward to working collaboratively  
24 with the Council in crafting a pedicab regulatory  
25 scheme which will go a long way towards enhancing

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2 the safety of all New Yorkers.

3                   Now I would like to turn to Assistant  
4 Commissioner Toole, from the Department of Consumer  
5 Affairs, who will specifically address the  
6 provisions of Intro. 75.

7                   ASSISTANT COMMISSIONER TOOLE: Good  
8 afternoon Chairman Comrie, and members of the  
9 Consumer Affairs Committee. I am Pauline Toole. I  
10 am Assistant Commissioner at the City's Department  
11 of Consumer Affairs. And I appreciate the  
12 opportunity to testify today before you, on Intro.  
13 75, which would license and regulate pedicabs in the  
14 City.

15                   It is a little odd, in a way, to be  
16 considering, in the 21st century, a law that  
17 regulates a 19th century industry, but as  
18 Commissioner Weinshall has just described, the  
19 safety and transportation issues involving pedicabs  
20 are severe, so Intro. 75 addresses a very timely  
21 topic. The Administration, therefore, applauds the  
22 Chair and Councilman Gerson, and the Committee, for

23 wading in, and taking on the pedicab issue.

24                   Let me say at the outset, as the  
25 Commissioner did, that the Administration strongly

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2 supports the general purpose and thrust of Intro.

3 75. Effective regulation to protect public health  
4 and safety, while allowing pedicabs to operate in  
5 the City requires the type of licensing requirements  
6 included in this bill.

7                   And while the Department of  
8 Transportation regulates the rules of the road, the  
9 DCA regulates the marketplace, by ensuring that  
10 consumers can trust businesses in the City, and that  
11 businesses observe basic consumer protection rules  
12 and fair business practices.

13                   One way we achieve that goal is by  
14 licensing businesses, and holding the businesses  
15 accountable for complying with the City's laws. We  
16 propose that pedicabs be licensed, so that consumers  
17 can be assured that the services they use are safe.

18                   The Department has met with many  
19 pedicab owners and operators, and we have been  
20 impressed by their desire for effective and fair  
21 regulation of their business. Many have stressed

22 the need for insurance and adequate safety standards  
23 that would put their industry at a sound foundation  
24 for providing this emerging service in New York  
25 City.

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2                   The Administration is working on an  
3 alternative proposal that we believe provides an  
4 updated and comprehensive framework for licensing  
5 the pedicab business and operators. We had hoped to  
6 have provided that to you before today's hearing,  
7 but could not. And we hope that the proposal, along  
8 with this bill, will be the foundation for further  
9 productive discussions.

10                   As it is, however, we believe that  
11 there are some issues that can be addressed in this  
12 bill, that could become enforcement obstacles or  
13 that may be overly burdensome. I will summarize  
14 them and offer them for your consideration, so that  
15 in our further discussions, we can try and negotiate  
16 around them.

17                   First, concerns have been raised that  
18 some pedal powered vehicles are unsafe to operate.  
19 Defining pedicabs is a balancing act between  
20 accommodating new developments in bicycle technology  
21 while maintaining standards of safety for the public

22 passengers. The definition of pedicabs, in this  
23 bill, we believe, needs to be more tightly drawn,  
24 using safety- based criteria, such as the number of  
25 passengers it can carry, with the number of persons

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2 who can pedal it, and who can steer it, among other  
3 factors.

4                   The bill creates an ambiguous  
5 licensing scheme. Does it require owners to obtain a  
6 license to operate a pedicab business? Or a license  
7 for a single pedicab? The bill seems to make it  
8 unlawful for anyone to operate a pedicab without a  
9 license. But since pedicab licenses are defined as  
10 an issued license to each pedicab, the renewal  
11 requirement makes it appear that the bill  
12 contemplates the licensing of only individual  
13 pedicabs, rather than the business.

14                   The DCA believes very strongly that  
15 it is more effective to regulate a business than an  
16 individual pedicab. The person who runs the pedicab  
17 business should be responsible for the operation of  
18 its pedicabs, the qualifications for operators who  
19 use them. Effectively regulating the operation of  
20 pedicabs requires the licensing of a business that

21 can be held accountable for compliance with the law.  
22 Provisions governing the issuance and operation of  
23 the pedicab businesses should be added to the bill.  
24 The bill would also require the  
25 Commissioner to refuse to renew a license of a

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2 pedicab that has not been operated for at least four  
3 months during the preceding year. This, like a few  
4 of the other provisions in the proposed pedicab  
5 bill, seem to be taken in large part from the bill  
6 that regulates horse- drawn carriages in the City,  
7 and we believe it's not really the best model to be  
8 using. We think this requirement would be difficult  
9 to enforce, even if onerous record keeping  
10 requirements were maintained, that would be all too  
11 easy to manipulate. The Department sees no need for  
12 this provision, and believes nothing would be lost  
13 if it was struck from the bill.

14 Intro. 75 sets a fee of \$50 and a  
15 two- year license term. As you know, a license fee  
16 can only cover the cost of administering the  
17 license. And before setting a fee, we must conduct  
18 an analysis of functions, to ensure that the amount  
19 that is set as a fee is neither too high, nor too  
20 low.

21                                Now, insurance. While the business  
22 licensee should definitely be required to have  
23 insurance, it's not clear whether mandating the  
24 coverage specified by the State law governing  
25 indemnity bonds or insurance policies for vehicles-

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2 for-hire, it is adequate for the coverage pedicab  
3 operators should have. At least the Administration  
4 believes that New York City should be fully  
5 indemnified in addition to anything else, for any  
6 liability for injury or damage arising from the  
7 operation of pedicabs, which Intro. 75 does not  
8 currently do.

9                                The scope, adequacy, and type of  
10 coverage to be obtained to protect anyone that could  
11 be harmed by the operation of pedicabs needs further  
12 review, to ensure it is adequately and properly  
13 specified in the law.

14                                Inspection. The bill would require  
15 that the inspection of pedicabs -- would require  
16 that the inspection of pedicabs, but doesn't specify  
17 any requirements that must be satisfied to pass  
18 inspection. Nor does the bill mandate the minimum  
19 safety equipment to be installed on pedicabs. Such

20 requirements should be specified in a bill.

21                   The bill would also require that  
22 pedicabs be inspected every four months. This is  
23 another one of those from the horse- drawn industry,  
24 and we think it's an especially burdensome and  
25 unnecessary requirement, since vehicles can be

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2 monitored while operating, to ensure they comply  
3 with the requirements for having properly  
4 functioning safety equipment. The inspection of  
5 pedicabs is best accomplished at the time of their  
6 renewal.

7                   Pedicab operators license. While it  
8 might be appropriate to require operators to be  
9 licensed, and be issued an identification card, in  
10 addition to licensing the business, the bill should  
11 require that operators possess a valid, current  
12 driver's license as the minimum qualifying  
13 requirement for a license. Requiring operators to  
14 have such a driver's license, would at least  
15 establish the person possesses basic knowledge about  
16 traffic rules and regulations, applicable to the  
17 operation of vehicles in New York.

18                   It also appears onerous and  
19 unnecessarily burdensome to require the Commissioner

20 to investigate an operator's character and fitness,  
21 although we do invite additional discussion  
22 regarding criteria for approving an operator's  
23 license. However, we think the issue of public  
24 safety involving pedicab operators will be best  
25 addressed by safety regulations, rather than

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2 character reference checks.

3                   Another section borrowed from horse-  
4 drawn carriage law creates another burden. A  
5 training program and written examination. The  
6 person operating the pedicab business should be  
7 mandated to hire only operators qualified to operate  
8 their pedicabs. The owners can be expected to check  
9 out an operator's qualifications before allowing a  
10 driver to use one of their pedicabs, that can cost  
11 thousands of dollars. And the Department of  
12 Consumer Affairs definitely does not have the  
13 expertise, and we are not qualified to conduct a  
14 pedicab driver's training course.

15                   Suspensions and revocations. There's  
16 another anomalous provision in the bill that  
17 provides for the suspension of licenses under  
18 various condition. But it then refers to barring a

19 person from applying for a license for three years  
20 after a revocation, but it doesn't provide any  
21 steps, in the bill, to revoke a license. I think  
22 that's just a drafting issue.

23                   Penalties. The monetary civil  
24 penalties imposed in the bill range from \$250 to  
25 \$1,000, without differentiating the severity or

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2 frequency of the offenses. And we believe that that  
3 schedule will not satisfactorily deter repeat  
4 violations.

5                   The bill fails to provide for the  
6 seizure and forfeiture of unlicensed pedicabs, or  
7 for pedicabs operated in restricted areas, like  
8 tunnels and bridges.

9                   While we have indicated some problems  
10 here today, the problems that we see in the bill as  
11 drafted. The Administration supports the enactment  
12 of a sound and comprehensive licensing structure for  
13 the pedicab business to ensure the safety of  
14 consumers who use them. We look forward to working  
15 with you, the Chair, and the sponsors, and the  
16 Committee, and the pedicab businesses to craft a  
17 bill that puts in place a comprehensive licensing  
18 scheme that the Department can effectively enforce.



18 drafters did a lot of research, and they came up  
19 with what they thought was a very good definition.  
20 And one of the reasons the bill is not before you  
21 today is that we wanted to review that definition to  
22 make sure it met muster. But I think it will be  
23 with you shortly, and you can look at the definition  
24 and see if it suffices.

25 We do try to tackle some of those

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2 topics that I outlined about size, and how many  
3 people pedal it, and other considerations.

4 CHAIRPERSON COMRIE: Okay. And how  
5 many party bikes do you estimate are around at this  
6 moment?

7 COMMISSIONER WEINSHALL: Well, it's  
8 interesting you should ask that, Councilman. I  
9 asked that of my staff just yesterday. And we tried  
10 to get in touch with the company that operates the  
11 party bikes. They seem to just want to communicate  
12 with the public via their website. There was no  
13 phone number for us to reach. And we could only  
14 contact them via the web. And we were not able to  
15 ascertain how many party bikes there are.

16 CHAIRPERSON COMRIE: Okay. And you  
17 talked about the question of -- I did move around

18 a little bit this weekend, it was rather cold, but  
19 there weren't a lot of bikes out on the street to  
20 take a look at. And I didn't -- but the last  
21 time I saw a party bike, it had like -- it was at  
22 least as wide as the street, and it could hold like  
23 nine people.

24 COMMISSIONER WEINSHALL: Quite  
25 frankly, the agency was a little bit appalled when

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2 we saw them. We tend to see them in the Midtown  
3 area. They are, as I noted in my testimony, wider  
4 than a travel lane. They can hold up to six or  
5 seven people who are pedaling. And then there's a  
6 master, who is in the center of the bike. So you  
7 could have seven to eight people in one of these  
8 party bikes. And as you can well imagine, in  
9 Midtown Manhattan, in the middle of rush hour, to  
10 have one of these party bikes -- not only do  
11 people gawk at them, their distracted. But they do  
12 serve as sort of a obstacle for the cars and buses  
13 and bikes, most that are trying to operate on the  
14 street.

15 CHAIRPERSON COMRIE: And operate  
16 safely.

17 COMMISSIONER WEINSHALL: Yes.

18 CHAIRPERSON COMRIE: Have you gotten  
19 -- do you have a list of -- or of 311 complaints  
20 regarding this industry? Do you have a knowledge of  
21 how many of those complaints have come in?

22 COMMISSIONER WEINSHALL: We haven't.  
23 But we'd be happy to check the 311 system and get  
24 back to the Council staff.

25 CHAIRPERSON COMRIE: Okay. Okay. You

23

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2 gave me so many different issues to question you on.  
3 I'm just trying to make sure that all of my  
4 questions met the issues that you brought up. And  
5 then you talked about who would actually be liable  
6 -- or the fact that we should license a business  
7 or license the individual. And that we need to make  
8 a breakdown and a distinction on that. I guess the  
9 taxicab industry where you license, but the  
10 medallion is for the individual or the -- and or  
11 the business, depending on what the case may be.  
12 You would have to make that distinction based on the  
13 application that the person presents to your office.  
14 Would that then require both of your offices to be  
15 involved in licensing?

16 COMMISSIONER WEINSHALL: No. We have

17 more familiarity with three license categories where  
18 the Department issues a business license, as well as  
19 the operator license. That would, actually, in this  
20 case, include the horse- drawn carriage industry,  
21 and the tow truck industry, where we license the  
22 business, and they have one truck operator's  
23 license, but any additional operator who is going to  
24 work for the business, needs a separate operator's  
25 license.

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2                   It is easier for an established  
3 entity to get the type of insurance we're  
4 contemplating, and hope the Council will agree with  
5 us on, than an individual. And you know, it's  
6 easier to hold a business accountable for complying  
7 with the laws of the City than an individual who can  
8 operate a bike, a very expensive bike, for a short  
9 period of time, get a ticket and go out of business.  
10 So we really want a mechanism to have a business  
11 license.

12                   CHAIRPERSON COMRIE: And the business  
13 license would be based on just the fact that they  
14 have an ability to purchase the bike? Or what would  
15 be the basic tenet for a person to get a business

16 license to be a pedicab operator?

17                   COMMISSIONER WEINSHALL: Well, they  
18 would have to meet the criteria that we agree should  
19 be established. And a minimum that would be  
20 adequate insurance, a place of business, an address  
21 where we can communicate with the person, certainty  
22 that their bike complies with the safety agreements  
23 that we believe should be in the bill. And you  
24 could be a single owner/operator. Nothing would  
25 preclude that, but it's different than just getting

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2 a license to operate, where you don't need to  
3 necessarily have insurance.

4                   And I think when the industry talks  
5 with you, there are a lot of single owner/operators,  
6 but there are a lot of the businesses that have  
7 multiple bikes. And this is a way of sort of  
8 ensuring that everyone is protected.

9                   CHAIRPERSON COMRIE: Okay. Now you  
10 talked about the cost and setting the fees, and  
11 dealing with an analysis on ensuring whether or not  
12 the fees were correct. Based on the ability of the  
13 Department of Consumer Affairs, primarily, to do the  
14 administration of the fees? Or based on what you  
15 think a fair fee would be? If you give us a --

16 COMMISSIONER WEINSHALL: I think that  
17 OMB can speak better to that, and they're not here  
18 today. But I think some of the factors that would  
19 go into the analysis is exactly how many bikes there  
20 are, how many operators there will be, because you  
21 could have a company that had two bikes, they might  
22 operate on a variety of eight- hour schedules, so  
23 you could have three operators for one bike, similar  
24 to a taxicab.

25 So we'd have to do a calculation on

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2 the number of devices, the number of operators,  
3 whether or not we're in agreement on -- at the end  
4 of the day, we'd need to be in agreement on the  
5 inspection schedule, so that if there was an  
6 inspection at the time of licensing, that fee could  
7 be -- that cost of doing that could be built in.  
8 So what the City would be doing, is not making any  
9 money off it, but ensuring that all of the costs of  
10 this scheme we come up with is covered in the bill.  
11 And I don't think it takes a lot of time to do that,  
12 but we just need to know what all the components are  
13 first.

14 CHAIRPERSON COMRIE: Okay. And have

15 you talked about a maximum number? Because the  
16 industry is expanding. And we don't have an exact  
17 count, but we believe there's over 200 at the  
18 moment. Have you thought about a maximum amount or  
19 density that we could handle on this, one way or the  
20 other?

21                   COMMISSIONER WEINSHALL: At the  
22 moment, we've had some discussions about this issue.

23     At the moment, I think, we believe that it's sort  
24 of supply and demand situation. And we're  
25 comfortable with that.

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2                   CHAIRPERSON COMRIE: Okay. Also, have  
3 you talked about whether or not there would be --  
4 you would set the rates? Or would there be a basic  
5 rates scheme, like there is for taxicabs at the  
6 moment?

7                   COMMISSIONER WEINSHALL: After our  
8 discussions with this industry, we think there are a  
9 variety of factors that come into play. The length  
10 of the trip a person is going to take with the  
11 pedicab; the weather conditions; sort of how many  
12 passengers there are; the weight of the passengers.  
13 And so, what we were leaning toward doing, was  
14 coming up with a requirement that the way the fee is

15 calculated be disclosed up front so the consumer  
16 knows what they would be getting, and there would be  
17 a negotiation of what the actual fee would be,  
18 rather than setting the fee, because there are all  
19 these variables that are different than with the  
20 taxicabs. But I think it's going to be very  
21 interesting to hear what the industry says when they  
22 come before you.

23 CHAIRPERSON COMRIE: Okay. And you'll  
24 have representatives that will be here, that can  
25 stay. Because I know that your schedule, that you

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2 two may not be able to stay all afternoon. And  
3 we're up to about 28 testimonies. Twenty eight  
4 people that are interested in testifying today. So  
5 I do want to hear that.

6 Anyone? Council Member Barron has a  
7 question.

8 COUNCIL MEMBER BARRON: You know, I'm  
9 all for some kind of regulations, but I'm also  
10 concerned when people find a legitimate way of  
11 creating income, that we don't regulate them out of  
12 business. Because sometimes, when you come with  
13 insurance, and it's necessary. Then when they do

14 get the license, then come the fines, and the whole  
15 lot comes with that. So I'm concerned. I think  
16 they're talking about 220 now, and don't know what  
17 that's going to go up to, but I just want to be  
18 certain that the regulations that we come up with,  
19 doesn't put people out of business, because I mean,  
20 they're not creating pollution, that's a good thing.

21 And they are certainly, if we would hire more  
22 people in different kinds of things, they may not  
23 have to come up with these kinds of creative things  
24 like vendors.

25 So I think, you know, when vendors

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2 get creative and do things, the vendor, and pedicab  
3 industry, I'm all for safety. I'm all for  
4 regulation. But I just hope that we can bear in  
5 mind that this was quite a creative and  
6 entrepreneurial thing to do, to earn an income. And  
7 I think that we should -- as we go about  
8 regulating, that we bear that in mind.

9 COMMISSIONER WEINSHALL: We agree with  
10 you. And one of the things, when we met with the  
11 industry, that we were struck by, is their desire  
12 for some sort of regulatory approach that would  
13 protect them. And you know, I'm not sure that we've

14 either the Intro. 75 or our proposed bill will be  
15 the exact perfect sort of proposal when we get it  
16 out there, but I think by the time we're done  
17 discussing it, we will come up with something very  
18 good.

19 COUNCIL MEMBER BARRON: Well that  
20 would be good. Is it true that it costs about  
21 \$4,000 per pedicab to --

22 COMMISSIONER WEINSHALL: My  
23 understanding was about \$3,000, but --

24 COUNCIL MEMBER BARRON: Three  
25 thousand? Three- four thousand. So if we keep that

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2 in mind, that it's three or four thousand to build a  
3 cab, and now they've got to do the license and then  
4 the insurance, and then fines may come. And you  
5 know, I think if we could be very, very sensitive to  
6 that, and build some -- in the industry, I think  
7 that would be a good thing for the City. And for  
8 consumers.

9 COMMISSIONER WEINSHALL: We agree.  
10 And I think the Commission would also say that we  
11 need to be attentive to make sure that the traffic  
12 flows throughout the critical parts of the City.

13 COUNCIL MEMBER BARRON: Well I think  
14 the cabs hold us up more than the pedicabs.

15 COMMISSIONER WEINSHALL: Well taken.

16 COUNCIL MEMBER BARRON: They know how  
17 to weave. They could weave through the traffic, so  
18 they might move us.

19 COMMISSIONER WEINSHALL: I think we would  
20 agree with you Councilman. I think though, as I  
21 stated in my testimony, I think there's both a  
22 regulatory issue, and really the safety issue and  
23 the safety concern. And God forbid there is an  
24 accident, with either one of these party bikes or  
25 the pedicabs, I'm sure the Council would be among

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2 the first to question the Administration, and would  
3 sort of query us as to why we didn't react in a  
4 timely fashion.

5 So I think you're absolutely right,  
6 we sort of have to balance both, but I think from  
7 our perspective at DOT, we're looking at the safety  
8 perspective, for all New Yorkers, who have to use  
9 our very congested streets.

10 COUNCIL MEMBER BARRON: I'm just  
11 curious. Have you heard of a lot of accidents from  
12 pedicabs?



12 Liu, then Council Member Koppell.

13                               COUNCIL MEMBER LIU: Thank you Mr.  
14 Chairman for holding the hearing on this issue. And  
15 this is one of the issues where we want to kind of  
16 get on top of it before it gets out of control. So  
17 I want to commend the Administration for the very  
18 thoughtful comments here, and I think that this is  
19 an issue that we can clearly work closely together  
20 to make sure we come up with a product that works  
21 for the City as a whole.

22                               And I share the thoughts as expressed  
23 by Council Member Barron about the need to make sure  
24 we don't interfere too much with the operators and  
25 owners of these pedicabs. But of course, at the

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2 same time, I completely concur with Commissioner  
3 Weinshall's comments about there being the need to  
4 share space, share very scarce space, at that. And  
5 we do have vehicles, all sorts of motorized vehicles  
6 as well as other non- motorized vehicles on our  
7 streets that we need to be wary of as well. From a  
8 transportation and safety perspective. And also,  
9 from the consumer's point of view, making sure that  
10 when people get into one of these cabs that are on  
11 City streets, that they're getting into a safe

12 vehicle, if you will.

13                   And I think one of the issues that  
14 we're going to need to explore over the next weeks  
15 and months, as we come up with legislation that  
16 makes sense, is to what extent are these vehicles a  
17 mode of transportation? And to what extent are they  
18 simply a recreational device? I mean, that is --  
19 we need an answer to that kind of question in order  
20 to figure out what kind of legislation makes sense.

21                   And I look forward to working with  
22 this Committee and working with the Administration  
23 on putting legislation together that works well.  
24 Thank you.

25                   CHAIRPERSON COMRIE: Council Member

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2 Koppell.

3                   COUNCIL MEMBER KOPPELL: Thank you.  
4 I'm surprised you don't have statistics on  
5 accidents, but I think it is very important to know  
6 how dangerous these vehicles are. I mean, we've  
7 heard -- I've heard anecdotally that there are  
8 very few accidents. And that's good news. But I  
9 think that's a very critical issue that we have to  
10 focus on. Because it strikes me that the dangers

11 are there with cars going very rapidly and these  
12 people riding in these open vehicles, which could  
13 easily overturn. So I think before we -- we better  
14 be sure that we don't license an industry that's  
15 essentially a very dangerous industry to license.  
16 And I share my colleague's concerns -- feelings  
17 that this is a new industry that's sort of developed  
18 on its own, although it's kind of an ancient  
19 industry. And I know that in third world countries,  
20 -- I was amazed when I saw these things, because  
21 I was used to seeing them in India 40 years ago when  
22 I lived there. And I said, "My God, now we're --  
23 New York City is going to look like a third world  
24 country all of a sudden, with the bicycle rickshaws,  
25 as they're called in India. But fair enough, as

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2 long as they're reasonably safe.

3                   One thing I think that you don't  
4 mention in your testimony is some of these are  
5 motor- assisted. And then the question has to come  
6 up as to whether motor- assisted pedicabs should be  
7 approved, and what kind of motor- assisted. I  
8 noticed people were sensitive to the fact that they  
9 don't cause pollution, and maybe the motors are now  
10 battery motors, which would be fine, I suppose. But

11 I've got to tell you, that in some third world  
12 countries we have motorcycle rickshaws. I'm not  
13 sure we want to have those in New York. And if  
14 we're looking at it, you might want to test out  
15 whether you really want to have those or not. You  
16 might want to -- we might want to prohibit  
17 motorcycle rickshaws from the beginning. Maybe,  
18 maybe not. But we ought to look at that issue. I  
19 think it's another issue that we collectively have  
20 to look at.

21 COMMISSIONER WEINSHALL: It is -- we  
22 didn't enumerate that on our list, but the motor-  
23 assisted pedicabs are something we're trying to  
24 understand and look at. As I said, the definition  
25 is going to be really challenging to be precise

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2 enough to govern, to include all the things that are  
3 appropriate in the City, and to keep out the things  
4 that are not appropriate.

5 COUNCIL MEMBER KOPPELL: Yes. Well I  
6 look forward to working with you. Yes.

7 COMMISSIONER WEINSHALL: I was just  
8 going to say that I know that I talked about, in my  
9 testimony, was the safety aspect, and DCA talked

10 about the bill itself. I think also, the  
11 Administration is concerned that consumers are using  
12 this product, and we want to make sure that when we  
13 said that the rate be properly identified on the  
14 side of the pedicab, that consumers aren't being  
15 ripped off in the City, that there is a standard  
16 that's being applied here. So it's not just from  
17 the safety viewpoint, although from DOT's viewpoint,  
18 as you can well imagine, Councilman, that's a  
19 concern of ours, but there's also the issue of the  
20 consumer, and that consumers are being dealt with  
21 fairly. Similarly to the way they are dealt with  
22 when they get into a yellow cab, they pretty much  
23 know what to expect when that meter goes down.

24 COUNCIL MEMBER KOPPELL: All right. I  
25 couldn't agree with you more. I agree. I'm not

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2 even sure that what you said Ms. O'Toole (sic) is  
3 satisfactory to me. I mean, because it creates too  
4 many variables. I think that there ought to be a  
5 standard. Not necessarily set, but publicized. Like  
6 with the garages, where you know what you're going  
7 to pay in the garage, even though the rates for  
8 different garages are different.

9 The only other thing I would say, is

10 that I would personally agree to ban those party  
11 bikes on the streets of the City. I've seen them,  
12 and frankly, I'm amazed there hasn't been already a  
13 tragedy with them. But one thing, you can imagine  
14 that people who might enjoy the libations of the  
15 bars on 42nd Street might take one of these things  
16 and drive it with considerable recklessness, putting  
17 their lives and the lives of others in danger. So,  
18 Mr. Chairman, and Chairman Liu, I would  
19 wholeheartedly support a ban of those. Those are  
20 things that ought to be used on private property,  
21 maybe on some sort of special courses, or maybe a  
22 special lane in Central Park, or something,  
23 Commissioner. Because people -- you know, they  
24 might be fun. And I don't want to stop people from  
25 having fun. But those should not be used on the

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2 main streets of Manhattan.

3 COMMISSIONER WEINSHALL: I think that  
4 we concur with you, and I think you're right, they  
5 are fun. But I don't think they're fun,  
6 particularly, in Midtown, Manhattan.

7 COUNCIL MEMBER KOPPELL: Right. Thank  
8 you.

9 CHAIRPERSON COMRIE: Council Member  
10 Barron has --  
11 COUNCIL MEMBER BARRON: Just a real  
12 quick question. I was just curious. This may not  
13 even be feasible, but is it possible to have pedicab  
14 lanes, like you have bike lanes?  
15 COMMISSIONER WEINSHALL: Well, I think  
16 that we have bicycle lanes, as you point out,  
17 Councilman. We have express bus lanes in the City  
18 of New York. And we have parking lanes, and we have  
19 moving lanes.  
20 COUNCIL MEMBER BARRON: Pedicab lanes.  
21 COMMISSIONER WEINSHALL: Well, you  
22 know, I think that we have a lot of demand, as I  
23 said in my testimony --  
24 COUNCIL MEMBER BARRON: Won't be much  
25 street left, do you think?

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2 COMMISSIONER WEINSHALL: Exactly. And  
3 you know, I know people are anti- car in the City,  
4 and some people in this audience are anti- car. But  
5 you know, cars and trucks do move goods and  
6 services, and buses through the City. So I think,  
7 particularly in Midtown Manhattan, which is already  
8 very congested, and very -- real, how shall we say,

9 it's a challenge for us every day to get those  
10 million cars moving. I think that that would be  
11 even more of a challenge for us on our streets.

12 COUNCIL MEMBER BARRON: I guess where  
13 it is feasible. There may be some streets and some  
14 areas where it is feasible. Certainly if you can  
15 make it for bikes and other kinds of vehicles. This  
16 wouldn't be a bad idea. And when you talk about, as  
17 the meter goes down for the yellow cab, the money  
18 comes out of our pocket real fast. Because that  
19 meter moves fast. This might be a more affordable  
20 and reasonable way to travel when the weather is  
21 right, and for some consumers. So I just think it  
22 might be a good idea. Just think about it. Where  
23 it's feasible to have some kind of designated lanes.  
24 Or maybe let them share some of the existing  
25 lanes. Who knows, maybe they can share with the

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2 bikers.

3 COMMISSIONER WEINSHALL: Some of the  
4 bicycle groups would love to speak to that. Okay.

5 COUNCIL MEMBER BARRON: And I don't  
6 think that they're anti- car. I think they just  
7 want to have options. You know, you can have a car,



8 with so many speakers, I know that everybody will  
9 want to have something to say, I'm going to ask that  
10 -- in looking at the sign ins, there are a lot of  
11 people that seems to be from a particular industry.  
12 But what we'll try to do is ask everybody for a  
13 three- minute presentation. And we can move forward  
14 from there. What I'll ask is -- we'll try to do  
15 it in the order of signing in. So the first person  
16 to testify will be Craig Molino, who is a self-  
17 owned pedicab owner. Melissa Ludwig, from the New  
18 York Pedicab Driver's Association. And David  
19 Snetman, Transportation Alternatives.

20                   Each person will do three minutes,  
21 Sergeant- at- Arms. If you have testimony, you can  
22 hand it to the Sergeants that are here.

23                   And again, this is a fact- finding  
24 hearing, so we're trying to get as much information  
25 as possible, and try to be positive about what it is

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2 that you're trying to talk about, so that we can  
3 deal with solutions. It's easy to point out  
4 problems, but we're here to try to come up with an  
5 ability to deal with some solutions for this  
6 industry.

7                   So Mr. Molino, you want to go first?  
8 Oh, all right. That's true. Be a gentleman.  
9 Thanks, sorry. I was going strictly in order. Ms.  
10 Ludwig. You have to turn -- the light has to off  
11 for the speaker to work.

12                   MS. LUDWIG: Hello. Thank you.  
13 Hello. My name is Melissa Ludwig. And today I will  
14 share with you how I became a pedicab driver, a  
15 Board member of the New York Pedicab Driver's  
16 Association, and Media Spokesperson.

17                   I was let go of my job in April of  
18 2005. I am a fine artist, and being jobless can be  
19 quite the nightmare. However, less than 24 hours  
20 into my unemployment, my life changed forever. I  
21 saw my first pedicab, and to my surprise, a female  
22 was driving. I was mesmerized, mouth gaping in awe.  
23 I was in shock, watching this athletic woman  
24 maneuver this tricycle, while simultaneously  
25 entertaining her passengers who had to weigh around

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2 400 pounds. But she pedaled them with style and  
3 grace, and I knew this was my calling, as a biker, a  
4 woman, an artist, and a New Yorker. I thought, If  
5 she can do it, I can do it.

6                   Like a little girl, I was curious and

7 overwhelmed with what I would experience taking up  
8 this profession. And so, as an artist, I began  
9 documenting my experience through words and images,  
10 creating the pedicab project. I have written in my  
11 journal daily, photographed my passengers, and  
12 photographed other drivers, including the small  
13 percentage of female drivers. There are about 12  
14 women driving the streets of New York, giving me the  
15 perfect excuse to execute an all- female pedicab  
16 calendar, available for purchase at  
17 pedicabproject.com.

18                   Being a pedicab driver, in short, has  
19 changed my life. I am able to create art while  
20 being my own boss, driving a pedicab. I am inspired  
21 every moment on my bike, a priceless position for an  
22 artist. There are no other jobs out there like  
23 this. While driving, I enjoy the fresh air, I  
24 exercise all day, all night. I meet individuals  
25 from New Zealand, to New England, to New York.

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2                   I have been invited to have dinner in  
3 Italy. I have a place to stay in Baton Rouge. I  
4 have received life advice on relationships, love,  
5 and loss. I have been told never to give up my

6 dreams. To always have the highest expectations.  
7 And to believe in soul mates. I even received hugs  
8 at the end of my rides, with warm wishes of success.

9

10                   See, the passengers and drivers,  
11 together, are a team. Destination- to have fun,  
12 laugh, share stories. We pedicab drivers can truly  
13 take credit for adding smiles to tourists and native  
14 New Yorkers alike. Whether we get them to their  
15 train or theater on time, we pedicab drivers take  
16 pride in the service we provide.

17                   New York is a fantabulous city,  
18 unlike any other. And pedicabs are a valuable and  
19 irreplaceable asset to the Big Apple. I am  
20 currently designing postcards featuring pedicabs on  
21 the streets of New York. My website will soon  
22 feature all the photos I took of my passengers. And  
23 my pedicab journal is being compiled into a book.

24                   I can now say with confidence that  
25 pedicabbing is a dream job. I will do anything and

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2 everything to help the City regulate the pedicab  
3 industry, in order to ensure the continued existence  
4 of another wonderful New York moment, a ride in a  
5 pedicab. Thank you very much.

6 MR. MOLINO: Good afternoon members  
7 and staff. I'm just going to speak briefly about  
8 the viability of the pedicab as a point- to- point  
9 mode of transportation.

10 CHAIRPERSON COMRIE: You want to state  
11 your name for the record please?

12 MR. MOLINO: Sure. My name is Craig  
13 Molino. I grew up and have lived in the New York  
14 City metropolitan area all my life, and I've been  
15 driving a pedicab for five years. And I'm an  
16 elected official on the Board of Directors of the  
17 Pedicab Owners Association.

18 I have also worked for four years as  
19 a trainer of new drivers, and as a manager for  
20 George Bliss, the pioneer of pedicabs in New York  
21 City. This is my job. This is not a hobby.

22 Just out of curiosity, anyone taken a  
23 ride on a pedicab? Excellent. If you haven't tried  
24 it, you should take a chance and -- not take a  
25 chance, but have fun. Excuse me.

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2 CHAIRPERSON COMRIE: That's why we're  
3 here. That's why we're here.

4 MR. MOLINA: Take a chance on fun.

5 When I first started this job I thought I'd be  
6 dealing specifically with tourists. Immediately, I  
7 was very happy to find that almost half of my rides  
8 were with people who live and/or work in the City.  
9 What's great about pedicabs is that people in New  
10 York City are resourceful and I provide a viable  
11 transportation option for them.

12                   If you're going anywhere in the  
13 Midtown area, more often than not, I'll get you to  
14 your destination faster than a yellow cab, since the  
15 pedicab is smaller than a car, and I can maneuver  
16 through traffic with much greater efficiency.

17                   Although I'll take a client anywhere,  
18 I predominately work between 34th and 57th Streets,  
19 bracketed by Eight Avenue and Lexington Avenue,  
20 during the late afternoon and early evening, when  
21 taxis are particularly hard to find.

22                   My passengers are always pleasantly  
23 surprised when we arrive promptly at their  
24 destinations. I work the same hours regularly,  
25 therefore, I get many repeat customers, because they

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2 know how efficient the pedicab is. I always ask my  
3 passengers whether they have taken a pedicab before,  
4 and quite often, the reply is, "All the time. It's

5 faster than a car".

6                   In the weeks following 9- 11,  
7 pedicabs were the only way to get around south of  
8 Canal Street, and many people who live down there  
9 who had no access to taxis, were grateful for our  
10 presence in that time of crisis. During the  
11 blackout of 2003, it was the same situation. People  
12 who live here were very, very happy we were around.

13                   I have given rides that were part of  
14 celebrations, such as birthdays, anniversaries,  
15 first dates. I've even had a marriage proposal in  
16 the back of the pedicab. Not to me, to the people I  
17 was giving the ride to.

18                   The one thing all my clients have in  
19 common is that they enjoy the personal contact in a  
20 city that all too often can seem cold and  
21 unfriendly. Frequently, my clients have left my  
22 pedicab saying that they are now in a much better  
23 mood than they were before they got in.

24                   I love my job because I provide a  
25 much- needed service to the people of New York City.

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2 It's fast, it's fun, it's fuel efficient, and all  
3 of my customers leave my pedicab with smiles on

4 their faces.

5 I fully support reasonable  
6 regulations for the expanding pedicab industry, but  
7 to restrict us from anywhere that a vehicle has  
8 access on the island of Manhattan with the obvious  
9 restrictions being the FDR Drive, the Westside  
10 Highway, would be a grave disservice to the great  
11 people who live, work, or visit our unique City.

12 Pedicabs are just one of many  
13 elements that make New York City the special place  
14 that it is. Thank you very much.

15 CHAIRPERSON COMRIE: Thank you.

16 MR. SNETMAN: Good afternoon Chairman  
17 Comrie and members of the Consumer Affairs  
18 Committee. My name is David Snetman. I'm the  
19 Bicycle Campaign Coordinator for Transportation  
20 Alternatives, New York City's advocates for biking,  
21 walking, and sensible transportation.

22 And if you're following along with my  
23 written testimony, I'm going to skip around a little  
24 bit in the interest of time.

25 Transportation Alternatives is a

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2 long- time supporter of pedicabs in New York City.

3 And we hope to see their safe use continue and grow.

4 Pedicabs are an important part of tourism,  
5 transportation, and small business in New York City.

6 Industry provides hundreds of jobs for New Yorkers  
7 that helps sustain the vitality of our City.

8 We applaud Intro. 75's intent to  
9 improve public safety and regulate, and thus  
10 legitimize the unique industry in New York City. We  
11 ask that the stated intent of Intro. 75 be clarified  
12 to reflect its focus on commercial pedicab  
13 regulations and safety, and that it is not intended  
14 to regulate non- commercial pedicabs, pedicycles,  
15 and bicycles.

16 For any commercial pedicab regulation  
17 to improve safety, government agencies must  
18 carefully monitor and evaluate them, the regulation  
19 process, and enforcement. This legislation must  
20 require the City agencies responsible for  
21 implementing it to file annual reports to the City  
22 Council and the public on commercial pedicab  
23 conditions, licenses, violations, summonses,  
24 crashes, injuries, fatalities, and complaints.  
25 Annual reports will help ensure that these

3 and followed by all commercial pedicab owners and  
4 operators.

5                                 Furthermore, the requirement that  
6 pedicab operators must also have a special license,  
7 issued by the City of New York, is unnecessary.  
8 Pedicab drivers must follow traffic laws, and like  
9 anyone who violates traffic laws, regardless of  
10 whether or not they have a driver's license, the  
11 NYPD can stop a law- breaking or dangerous pedicab  
12 driver and issue him or her a traffic summons.

13                                 It should be commercial pedicab  
14 owners' responsibility to ensure that their  
15 operators are aware of, and follow, pedicab and  
16 traffic regulations.

17                                 Transportation Alternatives is  
18 encouraged that the City Council is working towards  
19 regulations that promote safe, and lawful use of  
20 pedicabs in all New York City streets. We hope that  
21 the Committee and the entire Council will continue  
22 to work with the Pedicab Owners Association, the  
23 Pedicabs Operators Association, advocates, and the  
24 public, to develop, implement, evaluate, and fine  
25 tune regulations that will promote the continued

3                   Finally, pedicabs are good for the  
4 environment, and the quality of life in New York  
5 City. They help people quickly get where they need  
6 to go, and they are a unique part of New York,  
7 helping to endear the City to tourists and New  
8 Yorkers alike. Thank you.

9                   CHAIRPERSON COMRIE: Thank you.  
10 Question for the first two. How many people are in  
11 the Owners Association?

12                   MR. MOLINO: I think we have seven  
13 elected officials, and we have a meeting open to  
14 anyone, and I believe we have -- I'm not sure,  
15 because a recently formed.

16                   MS. LUDWIG: Fifteen.

17                   MR. MOLINO: And we've been working  
18 diligently to make sure that the regulations of this  
19 bill, that the facts are in accord with what we need  
20 to make it still exist.

21                   CHAIRPERSON COMRIE: Do you feel that  
22 Consumer Affairs has been open to you, to listen to  
23 your concerns, and have discussions with you?

24                   MR. MOLINO: For the most part, yes.

25                   CHAIRPERSON COMRIE: Okay. And have

2 you had -- have you approached people that are  
3 operating pedicabs who do not wish to be part of  
4 your association?

5 MR. MOLINO: Me, personally, I have  
6 not. I can't speak for everyone else. I don't  
7 know.

8 MS. LUDWIG: I'm a Board member of the  
9 Drivers Association. And we work with the Owners  
10 Association. And there are many, many drivers who  
11 are not part of our association. And we're hoping  
12 that, with working with the owners, that they would  
13 be more wanting to be an active voice of what our  
14 industry is going to be in the next several months  
15 and years to come. So we're hoping that, with  
16 working with the City, and becoming more regulated,  
17 that there will be a higher interest in being part  
18 of our association.

19 CHAIRPERSON COMRIE: Okay. And as  
20 you're moving around, and you're talking and  
21 soliciting to the other pedicab people that you see  
22 moving around, and that's how you created the  
23 association, kind of.

24 MS. LUDWIG: Right.

25 CHAIRPERSON COMRIE: Okay. What is

2 your definition of fine artist? I'm just curious.

3 MS. LUDWIG: Still waiting to make the  
4 big bucks.

5 CHAIRPERSON COMRIE: Oh, all right. I  
6 get it. So you work with more than one medium,  
7 then.

8 MS. LUDWIG: I do. I'm a  
9 photographer, film maker, writer, graphic artist.

10 CHAIRPERSON COMRIE: Okay. I kind of  
11 --

12 MS. LUDWIG: Website designer.

13 CHAIRPERSON COMRIE: I kind of thought  
14 that's what you meant, I wasn't sure.

15 Okay. Yes. And you said, primarily,  
16 you're working in the areas around 34th to 57th  
17 Street, between Eight and Lex. Is that your  
18 experience also Ms. Ludwig?

19 MS. LUDWIG: Yes. Midtown is the  
20 highest percentage of customers that are needing  
21 transportation.

22 MR. MOLINO: The Greater Midtown area.

23

24 CHAIRPERSON COMRIE: Right. And did  
25 either of you work this weekend?

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2 MR. MOLINO: I did not work. Although  
3 bad weather actually is good for business. If you  
4 want to go out and brave the worst weather there is,  
5 the more, believe it or not, the more prone you will  
6 be to get a ride, because taxis are in high demand.  
7 So if you cant' get a taxi, you don't want to wait  
8 outside in the bad weather, if you have a good pitch  
9 to get him on the bike, you'll get him on the bike.

10 MS. LUDWIG: And we have blankets, and  
11 we have a plastic cover that covers them, there's no  
12 wind hitting them. They're actually warmer, much  
13 warmer than us.

14 MR. MOLINO: That's why I say, if the  
15 driver wants to brave it, you'll make money.

16 CHAIRPERSON COMRIE: Okay. And I  
17 won't get into how much money you're making, but  
18 clearly you're happy doing what you're doing, so  
19 whatever that is, it is.

20 Council Member Liu has a question.

21 COUNCIL MEMBER LIU: Yes, I guess I  
22 would direct this to Mr. Molino and Ms. Ludwig.  
23 From your testimony, I gather that you consider  
24 pedicabs just a form of transportation to get people  
25 from one place to another.

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2                           MR. MOLINO: For myself, that is the  
3 way I look at it. I'm more than happy to give  
4 someone a tour if someone wants - you know, from  
5 out of town, if someone wants to be shown around, I  
6 do that as well. But I like the fact that I am  
7 providing a true alternative to a taxi, to a subway,  
8 to walking. And the fact that it is viable, and  
9 just as fast, if not faster, is what I really like  
10 about it. I love just seeing the expression on the  
11 people's faces when I say, "We're here". And, "Oh,  
12 we're here already?". They can't believe that we're  
13 there already. That makes me feel good, knowing  
14 that I'm helping them out, knowing that I'm not  
15 polluting, and it's a very obvious thing. It's  
16 amazing, the reactions you get from people on the  
17 street, and the support you get from people just  
18 walking along. It not only puts smiles on the faces  
19 in the cab, but people on the street. They smile.  
20 They wave. It's just like leaving a trail of good  
21 karma all over the City.

22                           MS. LUDWIG: Yes. I would say the  
23 same thing. Primarily I'm hailed down to go from A  
24 to B, but people have been in my cab, and they're so  
25 happy that they ask for a tour, and "Oh, can we keep

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2 going, let's go here, let's go there". It's just  
3 such a fun experience, that in general, it is more  
4 of a taxi service here to there, but we do, and can  
5 do tours.

6 COUNCIL MEMBER LIU: Is it okay for us  
7 to ask, roughly, what the fares are? Is there a  
8 uniform set of fares? A customary fare? Or --

9 MR. MOLINO: It really varies. Again,  
10 depending exactly on what these people spoke about  
11 before. It's the amount of people, the distance,  
12 the weather, the time of day, how big they are. But  
13 what I was told when I first started five years ago,  
14 was a good rule of thumb, if you don't know, is you  
15 kind of want to think about maybe a dollar a block,  
16 per person. Now, if you try and get a dollar a  
17 block, and it's two people, you're not -- you're  
18 going to price yourself out of the ride. So  
19 obviously, you're going to give them some sort of a  
20 break to get them in the cab. But it varies so  
21 much. It's really -- it's tough to say. But  
22 obviously, you can haggle also. Someone doesn't  
23 want to pay the price that you pitch to him, say,  
24 "okay, well how about if I take five dollars off?".  
25 Or I'll take you to the corner instead of to the

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2 door. It's that kind of thing, where you can --

3 COUNCIL MEMBER LIU: That's the kind  
4 of thing that makes us believe there needs to some  
5 kind of at least up front uniform disclosure.

6 MR. MOLINO: Well that is very  
7 important, to make sure that before the people get  
8 in the cab, it is decided what the fee is going to  
9 be. I have never taken a ride without telling them,  
10 look, -- I mean, I won't even let people sit down  
11 in the cab before we discuss how much it's going to  
12 cost. I ask the, where are you going? People want  
13 to get in right -- I say wait, wait. Tell me  
14 where you're going. Because I don't want people  
15 getting in and telling them how much it is and  
16 having them get out. It doesn't look good. So I  
17 want to establish where they're going, how much it's  
18 going to be, before they get in, and then we go.

19 COUNCIL MEMBER LIU: Now I gather you,  
20 yourself, have not been involved in any accidents,  
21 with your --

22 MR. MOLINO: No, sir. Five years,  
23 totally clean.

24 CHAIRPERSON LIU: Do you think that  
25 there could never be an accident with your pedicab?

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2 MR. MOLINO: Me, personally? Well, I  
3 can't control other drivers on the road.

4 COUNCIL MEMBER LIU: So what if there  
5 was an accident?

6 MR. MOLINO: I'm insured. And I would  
7 do, just follow the procedure that you would with  
8 any accident that happened on the road. Contact the  
9 police.

10 COUNCIL MEMBER LIU: So that you would  
11 not be opposed to insurance requirements.

12 MR. MOLINO: No, not at all. I think  
13 that's very important. And that's something that we  
14 have been working, asking Consumer Affairs Board,  
15 for regulation. That's one of the main reasons.  
16 Because there are, as they mentioned, renegade  
17 drivers out there, without insurance and that's --

18 COUNCIL MEMBER LIU: Renegade  
19 automobile drivers? Or pedicab drivers.

20 MR. MOLINO: Oh no. Pedicab drivers.  
21 And that's bad. Because God forbid, something  
22 happens to one of those, that's a bad reflection on  
23 the whole industry. And I know that I had to jump  
24 through the required hoops to make myself legitimate  
25 for this business, and I would hope that everyone

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2 else has to as well.

3 COUNCIL MEMBER LIU: What kind of  
4 hoops?

5 MR. MOLINO: Well, the insurance.

6 COUNCIL MEMBER LIU: Ms. Ludwig wanted  
7 to add something, and then we'll get back to what  
8 kind of hoops.

9 MS. LUDWIG: I'd just like to say that  
10 when I became a pedicab driver, the most important  
11 factor for me was making sure that I was working  
12 with a company, and leasing a pedicab from a company  
13 that had an insurance policy that covered myself and  
14 my passengers.

15 And forming the Drivers Association,  
16 and the Owners Association, every member that's part  
17 of these associations, this is our primary goal is  
18 to make sure that every driver on that road, on our  
19 roads, have insurance. This is something we all are  
20 big advocates for. Anyone here that speaks today, I  
21 can guarantee you, have insurance. Because it's  
22 very close to our heart. You know, we want to be  
23 protected. We want our passengers protected.

24 As Craig mentioned, we cannot control  
25 the factors around us. But yes, we are very, very,

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2 very safe vehicles. They couldn't even bring  
3 statistics to you today of how many accidents,  
4 because in the last 30 years, there has not been one  
5 fatality in all of the country involving pedicabs.  
6 Which is a very important feature.

7 MR. MOLINO: I'd also like to add one  
8 thing that makes us safer, is the fact that it's a  
9 very visible entity. It's bigger than a regular  
10 bicycle. I'm sitting higher up. Whoever is driving  
11 is higher than a regular bicycle, so you never get  
12 the kind of situation, whoa. I didn't see that guy,  
13 where did he come from, out of nowhere. If you  
14 can't see a pedicab from a block away, you shouldn't  
15 really be driving out there. Because they're  
16 brightly colored, they're big, I'm up high. You can  
17 see us.

18 CHAIRPERSON COMRIE: Which company are  
19 you leasing from, Mr. Molino?

20 MR. MOLINO: I lease from Mr.  
21 Rickshaw. And I also own one cab which I lease out  
22 on a part- time basis.

23 MS. LUDWIG: I'm Mr. Rickshaw as well.

24

25 CHAIRPERSON COMRIE: And how many does

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2 he have?

3 MR. MOLINO: I think they have between

4 30 and 40.

5 CHAIRPERSON COMRIE: And what's your

6 lease rate?

7 MR. MOLINO: You mean the rental rate?

8

9 CHAIRPERSON COMRIE: I'll take that

10 back.

11 COUNCIL MEMBER LIU: Mr. Chairman, one

12 last question. Mr. Molino, do you know, well, Ms.

13 Von Ludwig (sic) are these models, or are these

14 pedicab drivers?

15 MS. LUDWIG: Those are my female

16 pedicab drivers for the 2006 Pedicab Girls of NYC.

17 Available for

18 COUNCIL MEMBER LIU: Mr. Molino, are

19 they members of your association?

20 MR. MOLINO: Some are.

21 COUNCIL MEMBER LIU: We should try to

22 reach out to them. Thank you.

23 MR. MOLINO: You mean, should I try

24 and touch them?

25 CHAIRPERSON COMRIE: We've been joined

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2 by Council Member Gale Brewer. Councilman Barron  
3 has a question.

4 COUNCIL MEMBER BARRON: I'm not going  
5 to touch that last exchange. I'm staying clear of  
6 that. But you seem to be very, very happy. We're  
7 in the wrong profession, because you look happier  
8 than any of my colleagues.

9 MS. LUDWIG: Because we exercise all  
10 day long.

11 COUNCIL MEMBER BARRON: So what I  
12 would like to ask you to do, since it's such a fun,  
13 loving experience, could you take Mayor Bloomberg  
14 for a ride?

15 MS. LUDWIG: I would like to be the  
16 driver.

17 COUNCIL MEMBER BARRON: I want you all  
18 to get him in that cab, because this is budget time,  
19 and if you can make him laugh, and be happy, we  
20 probably can get more for our neighborhoods. So  
21 take Bloomberg for a ride.

22 MS. LUDWIG: We will.

23 COUNCIL MEMBER BARRON: But have you  
24 had any problems with traffic, with traffic  
25 congestion, slowing up traffic? Do you think you

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2 need lanes? Or have you been fined without any  
3 designated lanes?

4 MS. LUDWIG: I think it's so sweet of  
5 you to request lanes for us. It's such a wonderful  
6 gesture. However, we do great in the lanes. I  
7 feel, as you mentioned earlier, our vehicles are  
8 smaller, and we can weave in and out of traffic.  
9 And we don't go that fast. But the thing is, when  
10 there's gridlock, there's gridlock. But we can  
11 still maneuver around the gridlock. Using the bike  
12 lanes, especially. Our pedicabs actually fit in the  
13 bike lanes. We stay to either side of the street  
14 and traffic never really is a problem.

15 As well as, we do learn what streets  
16 are better than others. We learn that 43rd Street  
17 is actually street to maneuver than 42nd. Thirty-  
18 fourth street, no, no, no. You learn which streets  
19 are better at what times of day.

20 COUNCIL MEMBER BARRON: So you've  
21 never really had any problems like, say -- I see  
22 the advantage when it's gridlock, but what happens  
23 when it's moving fast, and there's no gridlock? Do  
24 you have any problems then?

25

MS. LUDWIG: No. We just go the speed

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2 we go and that's it.

3 COUNCIL MEMBER BARRON: Stay on the  
4 side? Wonderful. Thank you very much.

5 MS. LUDWIG: Thank you.

6 CHAIRPERSON COMRIE: Thank you. We  
7 asked you a lot of questions because you're the  
8 first three up. But we do have a lot of other  
9 people that would like to speak. So I want to thank  
10 you for coming. And I wanted to -- I'm pretty  
11 happy. I don't know about these three, but I'm  
12 pretty happy.

13 I'm not getting proposals for Italy,  
14 but I'm pretty happy. The next three will be  
15 George Bliss, Jordan Kinzler, and John Phillips.

16 You can pick the order.

17 MR. BLISS: Chairman, I was invited to  
18 speak and what I have is actually more than three  
19 minutes.

20 CHAIRPERSON COMRIE: Your name is?

21 MR. BLISS: George Bliss.

22 CHAIRPERSON COMRIE: I think I'll let  
23 you go a little longer since you've been identified  
24 as the progenitor of this new industry.

25

MR. BLISS: Well, what I've prepared

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2 is report on the history and the structure, or  
3 overview of the business, the industry. So I was  
4 impressed with your initial opening remarks, in  
5 terms of what you already know about this business.  
6 But this is to inform you more so on how the leasing  
7 companies work with the drivers. And then, I get  
8 into problems we perceive in Times Square, at  
9 Central Park. And the availability of insurance.  
10 And I'm going to restrict my comments to those  
11 subjects. I did not include the addendum that are  
12 listed here, exhibits which I will bring to you over  
13 the next week, including sample lease, a recent  
14 decision at the Environmental Control Board, that we  
15 are actually vending illegally, and questions and  
16 answers, in writing, from the State DMV about  
17 electric bicycles, that are relevant to your  
18 questions about electric pedicabs. Motorized  
19 pedicabs.

20 In September, 1995,

21 CHAIRPERSON COMRIE: Are you going to  
22 read the entire thing, or are you --

23 MR. BLISS: Some of this I'll skip

24 through. But I want to start with the beginning.

25                               Pedicabs began selling rides for the

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2 first time in New York City. Six American- made  
3 tricycle taxis previously licensed in Honolulu and  
4 Miami Beach offered rides from pedicab stands right  
5 here in Lower Manhattan. The cabs were owned by  
6 Pedicabs of New York. The drivers were independent.

7       With help from LOMMA, the Lower Manhattan  
8 Marketing Association, we were given stations at the  
9 Millennium Hotel facing the World Trade Center; at  
10 the South Street Seaport; and at Pier A at Battery  
11 Park. The theory was that this service would both  
12 draw tourists and help move them around Downtown.

13                               Today, ten years later, there are an  
14 estimated 300 pedicabs operating in Manhattan, at  
15 least from May through December. And of course,  
16 none of them work down here. Midtown is their  
17 primary domain, but plans are afoot for operations  
18 in Downtown Brooklyn/Redhook, and Coney Island. And  
19 even Flushing, Queens has considered pedicabs.

20                               There also, as a result of this  
21 happening in New York, 300 cabs in London,  
22 additional fleets throughout Europe. The burgeoning  
23 market for rides on human- powered conveyances in

24 New York has spawned investment in at least 15  
25 seven- person conference bikes, which have been

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2 operating in Times Square, and you should know this,  
3 a fleet of 25 running rickshaws are actually waiting  
4 in storage, ready to be deployed.

5                   And that gets to your definition of  
6 pedicab, and what you want to encompass here, in  
7 this regulation. And Peter Meitzler, my colleague,  
8 is going to talk more about our opinion as an  
9 Owner's Association about the definition you have.

10                   Like any new and growing industry,  
11 some problems have emerged, but relatively few  
12 problems. Those that exist result from the lack of  
13 clear rules. For example, some drivers, even a few  
14 companies, operate without insurance. But that's  
15 because there's no law requiring it. There have  
16 been problem drivers. This really matters. It's  
17 hard, without a revocable license, to get rid of  
18 problem drivers. And I know Transportation  
19 Alternatives has said they don't like that idea.  
20 The Owners want a revocable license. On the  
21 drivers, particularly. And it's our opinion that  
22 the drivers don't have enough at stake in this

23 industry. To be specific, if I have a problem  
24 driver, and I terminate his lease, he goes to  
25 another company, or he goes out and he buys his own

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2 cab. So once you've identified a problem driver, you  
3 can share that information, but there is competition  
4 for drivers among fleets. So we think that's very  
5 important.

6                   Also, the police have concerns in  
7 Times Square, when pedicabs or conference bikes  
8 congregate too much. But to our industry's credit,  
9 during this ten- year incubation period, there have  
10 been no fatalities and only a few minor injuries.  
11 Pedicabs have proven to be safe in urban traffic.

12                   The City Council is right to consider  
13 regulation at this time. We are especially grateful  
14 to Alan Gerson for preparing this bill, which is  
15 nearly perfect in its scope and intent. The law  
16 needs only minor adjustments to fulfill its intended  
17 purpose to make our services safer and more  
18 professional, to the benefit of everyone.

19                   Legally speaking, pedicabs are  
20 bicycles for hire. They are governed by traffic laws  
21 and by equipment leases which are contractual  
22 agreements between the owners of cabs and the

23 drivers. Drivers are most universally independent  
24 operators. They are not employees. The leases do  
25 not control the fare rates, locations, or attire,

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2 but do cover care of equipment and liability  
3 details. And I am going to give you a sample lease  
4 during the week. Some drivers own their own cabs,  
5 but most rent from a fleet owner. Presently, there  
6 are more than a dozen fleets, some that are as large  
7 as 40 cabs. The going rate for a lease during the  
8 eight month season is around \$200 per week. And  
9 most drivers get liability insurance included  
10 through their leases.

11 Drivers work when and where they want  
12 to, cruising or waiting at the curb. They solicit  
13 rides, respond to street hails, and negotiate or  
14 quote each fare depending on the number of  
15 passengers, their weight, and the time or amount of  
16 work required to get them to their destination.  
17 Most rides are A to B. But they are more than mere  
18 transportation. "Transportainment" is perhaps a  
19 better word for what pedicabs provide. A higher  
20 quality experience while getting to a destination.  
21 This means pedicabs definitely command a higher rate

22 than a taxi can, closer to a horse and carriage  
23 ride.

24                   Occasionally, sightseeing rides  
25 occur. Some drivers are licensed tour guides and

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2 offer actual historic tours. But no companies have  
3 yet focused on this aspect. And I'm going to talk  
4 more about my own ambitions. I believe the market  
5 Downtown would be actual historic tours, and we need  
6 to make that happen.

7                   Pedicabs are used for weddings and  
8 parades. Some companies have done group rides with  
9 as many as 30 pedicabs. It is a beautiful thing to  
10 see coming down a City street.

11                   In 1995, Pedicabs of New York was  
12 told by the Department of Consumer Affairs and  
13 lawyers for the City, that apparently, there were no  
14 laws that would prevent soliciting rides on the  
15 street. The Taxi and Limousine Commission also said  
16 it would not govern pedicabs, and saw no problem if  
17 this were done responsibly. But lately, the NYPD  
18 has started applying general vending law to pedicab  
19 services, and in fact, have impounded three pedicabs  
20 for vending without a vending license. This has  
21 caused great alarm within our industry. The fact

22 that drivers sell rides is the crux of our business.

23 This ability has led them to the natural market  
24 for pedicab rides.

25 Drivers are, for the most part,

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2 remarkable people. They are talented and energetic,  
3 as you've seen. Just the kind we all want to  
4 represent our City to visitors. But those attracted  
5 to driving tend to be from two distinct groups: The  
6 over-qualified, and the under-qualified. I assure  
7 you, having trained over 600 pedicab drivers, the  
8 success of this industry is dependent on the quality  
9 of the drivers. Requiring the drivers pass through  
10 a uniform training course will do a lot to reinforce  
11 their better half, but if the Department of Consumer  
12 Affairs is to be charged with issuing licenses to  
13 operators, it must seek the industry's advice on  
14 screening out, and keeping out, the under-qualified  
15 segment of the driver pool.

16 So what I'm saying here is, there are  
17 people who are unemployable. They can't keep a job,  
18 they can't keep a routine or a schedule. So there  
19 are people of that type attracted to this kind of  
20 work, for the obvious reasons. There's no

21 supervision. Or very limited supervision.

22                   We are fortunate that New York has  
23 such a large reservoir of people who need extra work  
24 just to be able to stay here and develop their real  
25 careers. We've had hundreds of actors and students

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2 become pedicab drivers, as well as performing  
3 artists, writers, even teachers, lawyers, and  
4 stockbrokers. It is hoped and recommended that the  
5 City present no impediment to these professionals  
6 seeking part time or extra work as pedicab drivers.

7                   So in terms of the simplicity of  
8 getting a pedicab operator's license, or the  
9 frequency of the training that's proposed, it's  
10 essential that people who need this work,  
11 incidently, can get it. Not just people who have no  
12 other options, and they do just this. If you want  
13 quality drivers.

14                   In the beginning, it took this kind  
15 of talent to figure out how to sell a pedicab ride  
16 on New York City Streets. It wasn't easy. Tourists  
17 were mystified. New Yorkers were exceedingly  
18 skeptical. In fact, without pre-marketed tours to  
19 offer, the original crew stationed Downtown couldn't  
20 make a living, so we turned them loose. They were

21 free to explore Manhattan Island and discover the  
22 market for themselves. It may be hard to believe,  
23 but it actually took years for drivers to learn that  
24 people in Midtown were the bold ones, the ones most  
25 willing to get on and pay a dollar a minute, or a

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2 dollar a block, which is what a driver expects when  
3 they cab is full.

4                   It is to the credit of those Midtown  
5 customers, both tourists and commuters, that  
6 pedicabs were able to prosper. It was their  
7 willingness to ride in that horrendous traffic that  
8 made this industry possible. Their pluck, their joy  
9 of New York, or in the case of commuters, their  
10 desperation, explain the success of our business  
11 under such severe conditions. Of course, it didn't  
12 hurt that the arrival of pedicabs in Midtown  
13 happened coincidentally with the New Times Square  
14 and the advent of other kinds of family friendly  
15 entertainment and the re-ignition of the economic  
16 engine of the Broadway theater district.

17                   Now I just want to talk about the  
18 theater district, Central Park, and then a little  
19 bit about insurance, then I'm done.

20                               It is the hope of the New York  
21   Pedicab Owner's Association, which represents 200  
22   pedicabs. Fifteen owners represent 200 insured  
23   pedicabs in this Association. It is our hope that  
24   regulation will resolve all issues, and answer any  
25   complaints regarding our industry. And Peter

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2   Meitzler will speak to you specifically about the  
3   recommendations we have for the changes to the bill.

4                               However, there is one problem we  
5   cannot imagine the bill addressing. That is the  
6   concentration and arrangement of pedicabs and  
7   conference bikes in Times Square, the theater  
8   district, and Central Park. Putting a cap on the  
9   number of permits will not resolve the problem of  
10  distribution of pedicabs. So what I'm saying here  
11  is, they tend to all congregate together at certain  
12  places, at certain times. As many as 50 pedicabs  
13  have been counted on one block of the theater  
14  district when the shows are letting out. Driver  
15  protocol is our concern, not traffic congestion. We  
16  see drivers competing sometimes aggressively for  
17  customers. While pedicabs are small, they may  
18  inadvertently block access to the street as people  
19  flood out the doors. Several theaters have made it

20 clear, even though they know we serve their  
21 clientele, that they don't want us there, period.

22                   Other problems have arisen at Central  
23 Park, where drivers compete with horse and carriages  
24 in giving rides through the park. Mostly,  
25 pedicabers are waiting at Columbus Circle, where

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2 they annoy no one, but some actually solicit within  
3 the park and also too close to the horse and  
4 carriages. And Arty Nicols is an entrepreneur who  
5 is in both industries, horse and carriage and the  
6 pedicab industry. He's out of town, but perhaps at  
7 the next hearing he can speak to any perceived  
8 conflicts that exist, which we believe can be  
9 resolved. It's just a matter of arrangement.

10                   For instance, in the theater  
11 district, 25,000 theater goers arrive and leave  
12 Broadway theater houses almost simultaneously on a  
13 nightly basis. Pedicabs are the most space  
14 efficient way to move these people in and out of the  
15 theater district, unless they move themselves by  
16 walking or riding bicycles.

17                   The pedicab option should be  
18 encouraged by traffic planners and business

19 interests alike. But what the experienced of us,  
20 looks like chaos. Likewise, visitors to Central  
21 Park should have the option to enjoy the park from a  
22 pedicab. And when temperatures rise above 90  
23 degrees, horses are forced, by regulation, to  
24 retire.

25                               The solution here, in both cases, is

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2 in the realm of urban design. Pedicab stands were  
3 attempted back in the beginning here in Lower  
4 Manhattan. Why can't they be tested in the theater  
5 district, Times Square, and in Central Park?

6                               We look forward to working with the  
7 Business Improvement Districts, the Parks  
8 Department, and the Conservancy, and perhaps Project  
9 for Public Spaces, or other professionals to help us  
10 configure locations for those stands, potentially  
11 with pedicab dispatcher and information specialists  
12 to keep order among the drivers and assist visitors  
13 in finding their way.

14                               Perhaps it is not within the scope of  
15 this Committee to assist in this endeavor, but we  
16 ask that if you are pressured to employ more  
17 Draconian measures to remedy perceived problems of  
18 this nature, that you consider this approach before

19 doing so.

20                               Regarding insurance availability, my  
21 company, Pedicabs of New York, operated pedicabs for  
22 over nine years, ultimately with a fleet of three  
23 dozen pedicabs. Unfortunately, a minor incident  
24 involving one of our cabs and a charter bus turning  
25 at a stop light in front of the Plaza Hotel led to a

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2 fraudulent law suit, and a year ago, an enormous  
3 monetary settlement for the passengers on the  
4 pedicab. Due to this loss history, my company can  
5 no longer afford liability insurance, and so our  
6 cabs have been sold or put in storage until  
7 affordable insurance become available.

8                               The problem of liability insurance  
9 rates skyrocketing could afflict any pedicab  
10 company, or even our entire industry, in a  
11 disastrous way through no fault of our own. This is  
12 due to the fact that in spite of our industry's  
13 remarkable safety record, only one underwriter,  
14 Lloyds of London is presently willing to insure  
15 pedicab drivers. So I'm distinguishing the  
16 companies that lease the cab from the drivers. This  
17 is partly because pedicabs operating in urban



18 U.S. And in Europe, as they look to encourage the  
19 introduction of alternatives to the internal  
20 combustion engine, oil dependence, and traffic as we  
21 know it.

22 Thank you for your time.

23 CHAIRPERSON COMRIE: Okay. Question  
24 from Council Member Liu.

25 COUNCIL MEMBER LIU: Thank you Mr.

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2 Chairman.

3 Are the pedicab drivers required to  
4 wear helmets?

5 MR. BLISS: Actually, laws require  
6 helmets for children age 14 and under. And  
7 thankfully, police have not been enforcing that on  
8 pedicabs. But you should understand that a three-  
9 wheeler, a tricycle, is not going to spill and put  
10 its operator on his head. Or her head. The way a  
11 two- wheeler is. So bicycle helmets are designed  
12 and intended for bicycles. And tricycles need to be  
13 exempted from helmet requirements.

14 I know that Alan Gerson is proposing  
15 a bill that would require commercial bicyclists to  
16 wear helmets. Which personally, I'm not opposed to,

17 except that when it applies to pedicabs. A bicycle  
18 helmet requirement --

19 COUNCIL MEMBER LIU: I think the  
20 answer is --

21 MR. BLISS: -- Would scare away any  
22 passenger.

23 COUNCIL MEMBER LIU: So there is no  
24 helmet requirement on the pedicab drivers. And  
25 there's no helmet requirement on the pedicab

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2 passengers. Are there seat belts on the pedicabs?

3 MR. BLISS: I'm glad there aren't.

4 And the reason is, we have had accidents involving a  
5 side impact, in one case. It was my driver who ran  
6 a red light, resulted in the worst injury so far in  
7 New York, a broken collar bone. One of the  
8 passengers who was thrown from the cab. But if they  
9 had been belted in --

10 COUNCIL MEMBER LIU: Well, when the  
11 pedicab -- Thank you Mr. Bliss. That's my answer.

12 MR. BLISS: If the belts -- if they  
13 were belted onto that pedicab, their necks could  
14 have been broken. So the idea of a --

15 COUNCIL MEMBER LIU: So it's safer for  
16 them to be thrown out of the pedicab.

17 MR. BLISS: Absolutely.

18 COUNCIL MEMBER LIU: Unfortunately,  
19 we're talking about streets that have a substantial  
20 amount of traffic. That would be true in a park  
21 scenario. But when passengers are thrown out of the  
22 pedicab, and they're still traffic in other lanes, I  
23 would hardly call that a safer situation.

24 MR. BLISS: Sir, with all due respect,  
25 I'm a designer of vehicles, and I've taught

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2 industrial design, vehicle design. Without a roll  
3 bar, or a roll cage, to have a seat belt is  
4 completely irresponsible.

5 COUNCIL MEMBER LIU: Some of the  
6 people testified earlier that the pedicabs are  
7 faster than say taxis, and motorized vehicles. How  
8 fast would these pedicabs be able to go?

9 MR. BLISS: I would say ten miles an  
10 hour is cruising speed.

11 COUNCIL MEMBER LIU: Ten miles an hour  
12 is cruising speed. What about going downhill?

13 MR. BLISS: Well, obviously, any  
14 vehicle can accelerate downhill. So that's a matter  
15 of drivers --

16 COUNCIL MEMBER LIU: Can pedicabs  
17 easily travel 20 miles an hour?

18 MR. BLISS: Going downhill, they  
19 could.

20 COUNCIL MEMBER LIU: So in an open  
21 vehicle, with no helmet requirements, no safety  
22 belts, by your own contention, being thrown out of  
23 the pedicab potentially being safer than being  
24 buckled into the pedicab, with traffic in other  
25 lanes. The problem here, is not that only one

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2 insurance company, which Lloyds of London actually  
3 is not technically an insurance company, the fact  
4 that only Lloyds is willing to insure pedicabs,  
5 that's not the problem in itself. The problem is  
6 that the industry is very difficult to insure.

7 Now, you state that you have a  
8 remarkable safety record. Have you looked at the  
9 record of pedicabs in similar types of conveyances  
10 in other cities throughout the world? Have you  
11 looked at the operation of pedicabs say, in Taipei,  
12 Taiwan? Have you looked at the -- What cities  
13 have you looked at the safety records of these  
14 bicycle taxicabs?

15 MR. BLISS: I've begun to research the

16 exactly what you're

17 COUNCIL MEMBER LIU: Do you have --  
18 because you state that this industry has a  
19 remarkable record of safety --

20 MR. BLISS: I'm specifically talking  
21 about New York's pedicab industry.

22 COUNCIL MEMBER LIU: Right. Which is  
23 in its infancy. There's not even a statistically  
24 credible amount of data for any insurance company to  
25 be willing to insure the industry.

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2 So, obviously, since there's not  
3 enough information in New York City, but there's a  
4 history of these kinds of pedicab services in other  
5 cities, have you looked at what the experience in  
6 other cities throughout the world has been?

7 MR. BLISS: If you want, I can refer  
8 you to someone who knows that. Based here in New  
9 York, but the incidence --

10 COUNCIL MEMBER LIU: All right. But  
11 Mr. Bliss. You testified here that the pedicabs  
12 have a remarkable record of safety. And in the same  
13 testimony, you say that no insurance company is  
14 willing to insure the industry.

15 MR. BLISS: Well, I'm sure this is --

16 COUNCIL MEMBER LIU: Except Lloyds of  
17 London, which actually is not an insurance company.  
18 So you know, I don't -- this is my first time  
19 delving into this issue. And we're trying to get  
20 the facts here, to put together, if necessary,  
21 legislation, and legislation that makes sense.

22 Now, you've been granted special  
23 treatment in this hearing. More time, because  
24 you're the founder of this industry. So we're  
25 looking to your expertise to get to the facts of the

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2 situation. But you're sitting here, giving us  
3 testimony that unfortunately, Mr. Chairman, I find  
4 is rather flawed. And I would caution everybody who  
5 is giving us information today to be careful about  
6 what you say. Because if you want us to take you  
7 seriously, the statements that you make here have to  
8 be credible.

9 If you have anything to refute that  
10 or to restore your credibility in this matter, Mr.  
11 Bliss, I would welcome that.

12 MR. BLISS: Well, first of all, I  
13 speak from my ten years experience training drivers,  
14 repairing pedicabs, dealing with everything that has

15 happened on the streets of Manhattan regarding  
16 pedicabs. So that's my experience. It's not so  
17 much reading about pedicabs in other countries.

18                   But I do really, earnestly hope that  
19 you respect my experience. That I can tell you,  
20 we've had incidents where people would have  
21 seriously been injured if they'd been belted in. So  
22 -- and as a vehicle designer, I can tell you,  
23 without a roll cage, a car has a roof or a roll  
24 cage, or roll bar that will protect people who are  
25 belted in. It's a slow moving bicycle. So I mean,

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2 this is a base of statistics that are local in  
3 nature. But this industry has given a million  
4 rides. Now I think it's true that the insurance  
5 industry in general, is wary of new phenomenon. And  
6 I don't have statistics to show you how difficult it  
7 might be to get insurance for bungee jumping, for  
8 instance. But we are nowhere near -- I mean, we  
9 have, I think, a very impressive track record here,  
10 in your City. And that's not by accident, so to  
11 speak. That's because of people involved in this  
12 industry like myself, who train pedicab drivers in  
13 earnest, and advise them about what is safe practice

14 and what is not safe practice. And also who select,  
15 purchase, and maintain equipment for its safety  
16 aspects. These are American- made pedicabs.

17                   And I should have pointed out, and I  
18 think others will, the equipment base, we have about  
19 300 pedicabs in New York, 95 percent of them are  
20 American made, or European made. They have  
21 hydraulic brakes, they have proper lighting systems.  
22 This is not thrown together equipment.

23                   COUNCIL MEMBER LIU: I mean, I'm not  
24 questioning the --

25                   MR. BLISS: We've upheld the standard

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2 for equipment.

3                   COUNCIL MEMBER LIU: Right. I'm not  
4 sure what the relevance of having vehicles that are  
5 either American or European made -- I don't know  
6 what that has to do with anything --

7                   MR. BLISS: Primarily proper --

8                   COUNCIL MEMBER LIU: Let me ask you a  
9 little bit, and this is my final line of  
10 questioning, Mr. Chairman, the accident that you  
11 cite, that concerns one of the pedicabs, and I think  
12 you said a tour bus, or a bus, or some sort of a bus  
13 --

14 MR. BLISS: A charter bus.

15 COUNCIL MEMBER LIU: A charter bus.

16 Can you give us a little bit of more information?

17 MR. BLISS: I'd be happy to. The  
18 pedicab and the bus were sitting at the light. The  
19 pedicab was to the right side of the bus. When it  
20 turned green, the bus turned right, and the operator  
21 of that bus didn't see the pedicab to its right.

22 Very slowly it dragged the pedicab against the curb.

23 And the passenger stepped off, the driver got off.

24 The wheels were crumpled against the curb. And

25 these passengers declined an ambulance and went out

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2 to dinner, and a year later, they sued my driver and

3 my company for \$12 million. It happened to be a

4 doctor and his wife. They got Sandord Rubenstein as

5 their lawyer, who is a former partner of Johnny

6 Cochran. And they rolled over my insurance company,

7 intimidated them into joining in a settlement, --

8 COUNCIL MEMBER LIU: So there were no

9 injuries whatsoever sustained in this accident?

10 MR. BLISS: Written testimony that

11 there were no injuries. So what happened --

12 COUNCIL MEMBER LIU: Was there an

13 injury or not? I mean, you --

14 MR. BLISS: No.

15 COUNCIL MEMBER LIU: So no injury  
16 whatsoever. Yet they got \$12 million.

17 MR. BLISS. They got \$1.9 million.

18 Now that's called fraud, and we are exposed to this  
19 kind of fraud, because we are on the street, like  
20 anyone else in business providing rides.

21 COUNCIL MEMBER LIU: The legal system  
22 is fraud. I mean, the legal system rendered this  
23 verdict. My question is, are you stating for a fact  
24 that there were no injuries sustained --

25 MR. BLISS: Absolutely.

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2 COUNCIL MEMBER LIU: Than what did you  
3 mean by "in written testimony"? Are you saying that  
4 just to bolster the fact that there was no injury  
5 that was sustained by anybody in this --

6 MR. BLISS: No. My insurance company  
7 settled this case. It was never in court. They  
8 were afraid to go to court.

9 COUNCIL MEMBER LIU: Why? If there  
10 were no injuries?

11 MR. BLISS: Because they were up  
12 against the doctor and his wife, and a big shot

13 lawyer, and they didn't want to take a chance.

14 COUNCIL MEMBER LIU: I think there  
15 will be other people who might say otherwise, Mr.  
16 Bliss. So --

17 MR. BLISS: I have written testimony  
18 of what happened there that day. You can look at  
19 the police report as well.

20 Furthermore, it was the bus's fault.  
21 But why would my insurance settle? Because  
22 insurance companies, like anything new, as I said,  
23 need a confidence in this. And I'm asking your  
24 Committee to help us develop the confidence  
25 necessary to attract other insurance underwriters to

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2 what is really -- and I do say statistically, as  
3 least as far as New York, a very safe bet.

4 CHAIRPERSON COMRIE: Have you been  
5 aware of other -- are they insured in San  
6 Francisco? Which is the only other city that has a  
7 large amount of pedicabs, to my knowledge, in the  
8 United States.

9 MR. BLISS: San Diego would be the  
10 largest.

11 CHAIRPERSON COMRIE: San Diego? All

12 right. Do they have group insurance? Or have they  
13 come up with other providers that have provided  
14 insurance for the industry?

15 MR. BLISS: Well I believe it's the  
16 same around the country. Only Lloyds of London will  
17 provide drivers with insurance. The owners can get  
18 insurance as an equipment leasing companies. The  
19 drivers being the operators of that equipment are  
20 the problem.

21 CHAIRPERSON COMRIE: And how much are  
22 they -- so once they -- once you had to pay this  
23 fee, they dropped you from operating, because you  
24 said you're not operating at all right now.

25 MR. BLISS: That company I had got out

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2 of pedicabs. And started another company. So Lloyds  
3 is the only one left presently, that would insure  
4 drivers. I would never lease pedicabs unless my  
5 drivers had insurance as well.

6 CHAIRPERSON COMRIE: So you do have  
7 another company operating --

8 MR. BLISS: Lloyds is willing to  
9 insure my company, but the rate is ridiculous because  
10 of this loss history. So what we need is really  
11 more competition among insurance companies to get

12 reasonable rates. Now, what I mean by reasonable  
13 is, \$500 to \$1,000 per bike has been the range of  
14 insurance costs over the years.

15 CHAIRPERSON COMRIE: Five hundred to a  
16 thousand per cab per year. And that would cover  
17 what kind of -- how much insurance?

18 MR. BLISS: I was getting a million  
19 dollar per occurrence insurance for that rate.

20 CHAIRPERSON COMRIE: But the lawsuit  
21 was settled for twice that amount.

22 MR. BLISS: Well fortunately, the bus  
23 company paid most of it.

24 CHAIRPERSON COMRIE: Okay.

25 MR. BLISS: So I mean, these are

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2 things you should know about, because I know that  
3 your concern is my concern, which is the safety of  
4 the public.

5 CHAIRPERSON COMRIE: Yes. I  
6 appreciate that you want to do the screening. I  
7 appreciate that you want to do the revocable  
8 license. I understand about the issues of insurance  
9 and trying to come up with making the industry  
10 insurable. But we need to have clarity on purpose

11 here.

12 I would have to echo Councilman Liu  
13 in trying to come up with an ability to help you,  
14 which is really what this hearing is about. Because  
15 you want to do the regulation. We need to make sure  
16 that we're in a position to truly help. And to have  
17 all of the information and all the facts. Because  
18 as you heard from the Administration, they're coming  
19 out with even more extensive issues, and are very  
20 open to the idea, we need to have all of the fact  
21 unadulterated, so to speak. And right now, your  
22 testimony has kind of confused me other than brought  
23 clarity. So I think that we will have to have other  
24 meetings on this issue, and hopefully before the end  
25 of the day, we can have the clarity to the issues.

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2 Because we don't want to see an opportunity for  
3 commerce pushed out of the City, but we also want to  
4 make sure that there's safety and security. And  
5 also -- as well as driver's protection, and  
6 consumer protection. So we're not getting that kind  
7 of clarity right now. And maybe it's because you  
8 have a personal passion for it, and I can understand  
9 that. But we need to sit down and have some longer  
10 discussions about it.

11                               And with that, I'm going to move on  
12 from here. And I want to thank you for your  
13 testimony. We did not hear from the other two  
14 people on the panel yet.

15                               MR. KINZLER: My name is Jordan  
16 Kinzler. First, I'd like to thank the Council for  
17 being willing to address this issue, because I know  
18 that it is something that is very confusing. It's  
19 something which is very new. And that's why things  
20 tend to get more complicated as more information is  
21 presented.

22                               And one thing I'd like to put out is  
23 that I was actually trained by George Bliss, and one  
24 of the things that I learned in the training, was  
25 that you don't really want to be in a situation at a

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2 light, next to a bus, as the bus is making a turn.  
3 Because of that possibility. And what actually  
4 happened is that accident. And that's part of the  
5 reason why it's important to have training. And to  
6 really have requirements to ensure that people who  
7 are driving the pedicabs are really invested in the  
8 interests of the industry, and maintaining its  
9 safety.

10                   A lot of the issues that I wanted to  
11 bring up, which are in my statement, were already  
12 brought up by people about the type of people who  
13 are doing this job. So I'll get to more of what  
14 people get out this.

15                   When tourists ride with us, they get  
16 to connect with New York City in a very unique way.  
17 Our vehicles are fun to ride in, and their openness  
18 gives the passenger a very enlightening perspective  
19 on the street action of New York City. When they  
20 take mass transit, even taxis, they feel closed off  
21 from the action. But when they are walking around,  
22 they tend to feel overwhelmed by all the chaos. And  
23 therefore feel unable to really observe and relax  
24 and experience what's going on. The pedicab's  
25 perspective offers a perfect balance. Most

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2 important, the pedicab driver serves as a bridge for  
3 people to relate to and understand the City, in a  
4 way that is not possible in any other format, due to  
5 the unique characteristics and backgrounds of most  
6 of the pedicab drivers, which we've already been  
7 getting out. Our qualifications. As well as the  
8 personalized interaction between drivers and  
9 passengers.

10                   The drivers help tourists, who always  
11 feel overwhelmed by the vastness of this City. I  
12 get that reaction from people a lot. They feel very  
13 stunned by all the things to do, and all the chaos.  
14 So we sort of help people to understand what's going  
15 on, and feel more grounded.

16                   We also help people to make choices  
17 that fit their individual needs, and their tastes.  
18 Many people come to us for information. I would say  
19 that pedicab drivers are probably the most frequent  
20 disseminators of tourist information in the whole  
21 City. Because we speak to so many people who are  
22 coming out of shows, we have information. We know  
23 so much about what's going on, and also our  
24 background. Many of us are college graduates,  
25 artists, gives us an intelligent, and also unbiased

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2 view.

3                   And because of that, many people come  
4 to us for information to help sort things out, to  
5 help find things, and to make things more  
6 understandable and relaxing.

7                   And -- I'm sorry, just -- what I  
8 wanted to finish on, just the last point, is that

9 this quality, which we try to maintain, is for me,  
10 the most important thing. And I really appreciated  
11 Council Member Barron's suggestion that you don't  
12 want to over- regulate pedicabs. And up to a  
13 certain point, it is true. You don't want to take  
14 away the profitability of it. But I also - to me  
15 it's important that the people who are driving the  
16 pedicabs are really invested in the industry. So  
17 it's not something that someone could just come and  
18 do for a month or two months, without knowing the  
19 City, without really having any interest, any vested  
20 interest in the long- term future of the industry.

21                   And that's why, personally, I think  
22 it's important to have licensing, to have a  
23 licensing fee, which makes it something that you  
24 wouldn't just jump into for a week, but something  
25 that you would really want to be in it for the long

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2 term. And also to require at least U.S. Driver's  
3 licenses, and perhaps New York State driver's  
4 licenses. Because, you know, at the very least, it  
5 gives you a safety background about how to drive on  
6 the streets here, and also for anyone who is not  
7 committed, they're not going to be able to go  
8 through that process.

9 CHAIRPERSON COMRIE: Thank you. Thank  
10 you Mr. Kinzler. Mr. Phillips.

11 MR. PHILLIPS: Hello, and thank you  
12 Mr. Chair for having this hearing today, and for the  
13 opportunity to speak on this important issue. Thank  
14 you also to Council Member Gerson for sponsoring  
15 this sensible legislation.

16 My name is John Phillips, and I am  
17 the Director of the League of Humane Voters in New  
18 York City. The League, as some of you already know,  
19 works to elect candidates to office who support  
20 humane measures. Our Board has representatives from  
21 many of the local and national animal protection  
22 groups, including the Humane Society of the United  
23 States, the ASPCA, In Defense of Animals, and Farm  
24 Sanctuary.

25 You may be wondering how we, as an

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2 animal protection group, got involved with this  
3 issue. In early 2005, the League began to hear  
4 rumors that the horse- drawn carriage industry was  
5 looking to eliminate its competition in Midtown. We  
6 were told by allies in the Council that the industry  
7 was lobbying for a ban, citing safety concerns. Of

8 course, the real reason that they oppose pedicabs is  
9 economic, and not altruistic.

10                   We believe that the pedicab business  
11 will continue to be increasingly successful, as  
12 residents and tourists opt for this environmentally  
13 sound, humane, and safe ride.

14                   When legislation was eventually  
15 introduced late in the last session to ban pedicabs  
16 from operating in Midtown, we knew that we had to  
17 act. It is a sad irony that just weeks after the  
18 bill was introduced, an accident involving a horse-  
19 drawn carriage left three people injured. The  
20 horse, whose name was Spotty, had to be euthanized.  
21 Witnesses, as one can imagine, were horrified at the  
22 bloody spectacle which took place on 50th Street and  
23 Ninth Avenue.

24                   It is no wonder then, that Council  
25 Member Avella has recently introduced real public

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2 safety legislation which would restrict horse- drawn  
3 carriages to Central Park, keeping them out of busy  
4 Midtown traffic.

5                   Before I conclude, I have heard all  
6 of the concerns today regarding the safety of  
7 pedicabs, and I must say, given the history of

8 accidents involving horse- drawn carriages, I think  
9 many of you has made the case for horse- carriage  
10 restrictions and not pedicab restrictions.

11                   So to conclude, it is our hope that  
12 the Committee will do everything in its power to  
13 ensure the continued success and safe operation of  
14 pedicabs in New York City. Please begin by  
15 supporting Intro. 75, and voting it out Committee as  
16 soon as possible. Thank you for your time, and for  
17 your compassion.

18                   CHAIRPERSON COMRIE: All right. You  
19 realize that we're not here for most of the issues  
20 that you talked about today. And in due reference of  
21 time, Councilman, we're going to just skip over  
22 those issues that are not relevant. We have many  
23 other speakers.

24                   And I just want to reemphasize, we're  
25 trying to do this first hearing as a fact- finding

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2 hearing. I don't mean to be difficult, but I'm  
3 trying to learn here. And we want to get the facts  
4 as presented as honestly and as straightforward as  
5 possible, so that we can make a decision. And I  
6 appreciate everybody's passion, and everybody's

7 concern about ancillary matters, but we want to get  
8 to the heart of what the problem is here. And I  
9 look forward to talking with everyone in the  
10 industry about it. We did try to have a couple of  
11 meetings before, but they were cancelled or  
12 rescheduled. But this is not the first hearing. It  
13 won't be the last discussion on this issue. And we  
14 have to find a way to make it work.

15 Council Member Gerson is here, who  
16 has sponsored the bill, and I think we should hear  
17 from him at this time. I'm sorry. Council Member  
18 Brewer is at the Council. Okay.

19 COUNCIL MEMBER GERSON: We'll argue  
20 over who should -- thank you very much Mr. Chair.  
21 First of all, thank you Mr. Chairman and my  
22 colleagues for your indulgence today. I'm having  
23 one of those days we all have from time to time,  
24 with multiple occurrences at the same time. And  
25 I'll need to excuse myself once again after this

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2 hearing.

3 But Mr. Chair, thank you for your  
4 leadership. I have complete confidence that with  
5 your leadership, as you have demonstrated, this  
6 Committee and this Council will get to the facts.

7 The facts, and nothing but the facts. And that we  
8 will pass a good piece of legislation.

9 I just wanted to -- let me begin  
10 by stating what I think we all recognize, and that  
11 is one of the great things about our City is that  
12 the creativity, ingenuity, and enterprise of New  
13 Yorkers continually reinvent New York. The  
14 appearance of pedicabs on our streets is one such  
15 re- invention. I've go to confess, the first time I  
16 saw them, I was a little skeptical. And I kind of  
17 looked a little askance, and also, perhaps, I looked  
18 a little troubled. But what I first thought of as  
19 the historic kind of class oppressive context in  
20 which pedicabs have been operated elsewhere in the  
21 world, throughout the ages. But then I met George  
22 Bliss, who operates both a popular and a populace of  
23 bike and pedicab terminal in Lower Manhattan. And  
24 he disabused me of many of my concerns. And in any  
25 event, it is, I believe, one of the fundamental

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2 purposes of government not to impose our feelings or  
3 sensibilities, but rather to keep the doors wide  
4 open to opportunity for creativity, ingenuity, and  
5 enterprise of New Yorkers which continually

6 reinvents our City.

7                   And one of the fundamental ways in  
8 which we do that, and which we should do it, is to  
9 assure that such re- inventions, new developments,  
10 new products, new services, are enabled to be  
11 carried out safely, first and foremost, and without  
12 disruption to the rest of the City. That is what  
13 Intro. 75 seeks to do. To assure the safety of  
14 drivers, of passengers, and passer-byers (sic). To  
15 assure that when someone gets in a pedicab, they can  
16 feel more than reasonably secure that they will  
17 reach their destination as safely as they would  
18 through any other means of transportation.

19                   This bill was developed in  
20 consultation with a range of folks in the industry,  
21 a range of safety experts, conversation with the  
22 Administration, and now we are at the phase where we  
23 are continuing the conversation, and certainly, Mr.  
24 Chair, we look forward to the fact finding of this  
25 Committee, to your input, to the input of the Chair

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2 of our Transportation Committee, Council Member Liu,  
3 and to come up with the best possible bill, which  
4 will not hinder, but facilitate this development,  
5 which though still new, has clearly passed the

6 threshold of being just a passing phenomenon, and  
7 has become part and parcel of the scene of New York.

8 And therefore, we need to make sure that it's part  
9 and parcel of the safety scene of New York.

10 The safe and stable scene. And that  
11 is what we aim to do, and I'm sure with the ongoing  
12 proceedings of this Committee, this Committee, we  
13 will achieve that goal. And we need to do this as  
14 expeditiously as possible, because these pedicabs  
15 are operating as we speak, and we want the  
16 responsible members of this industry to be able to  
17 continue. And that's, I believe, the majority of  
18 this industry to be able to continue in that vein.

19 I just have to make a note of  
20 appreciation also, even if he veered off issue for a  
21 few moments, John Phillips has been nothing but a  
22 tireless advocate for good causes, and an  
23 inspiration, a source of information to me, my  
24 office, and I think all of us in the Council, so I  
25 just want to, since he's here, make note of that and

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2 thank him and Mr. Bliss, and all the other  
3 witnesses.

4 And I'll conclude where I began, Mr.

5 Chair, by thanking you, and Council Members Liu and  
6 Brewer, and the rest of this Committee, for your  
7 work and attention to this and all important  
8 matters. Thank you very much.

9 CHAIRPERSON COMRIE: Thank you.  
10 Council Member Brewer.

11 COUNCIL MEMBER BREWER: Thank you very  
12 much. I want thank George Bliss and James for  
13 meeting with me. And ask a very simple question on  
14 the insurance. When you mentioned the insurance,  
15 you indicated that Lloyds and Councilman Liu said  
16 it's not really an insurance company, but that  
17 they're the only insurer. And I assume that in other  
18 parts of the country, like San Diego, you also  
19 indicated that there too, they are the only insurer.

20 If in fact, we have Local Law 75, or some version  
21 of it, would that open up the insurance policies  
22 possibilities?

23 MR. BLISS: I say, in my written  
24 testimony, this is probably one of the greatest  
25 benefits of regulation. Here in New York

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2 specifically. Because New York is such a strategic  
3 City in the world. Even London would look to New  
4 York. I mean, Lloyds ironically, is an England-

5 based insurance company, but they have the same  
6 problem over there in terms of the availability of  
7 insurance.

8 COUNCIL MEMBER BREWER: But they are  
9 regulated in London and San Diego?

10 MR. BLISS: No. San Diego is  
11 regulated.

12 COUNCIL MEMBER BREWER: But if San  
13 Diego is regulated, and you indicate to us that  
14 Lloyds is still the only insurer there --

15 MR. BLISS: For drivers.

16 COUNCIL MEMBER BREWER: For drivers.  
17 Okay. But you feel that even here, with a  
18 regulation of some sort, do you feel the drivers  
19 could also get more choices in terms of policies?  
20 Because it doesn't seem to be happening elsewhere,  
21 that's why I'm asking.

22 MR. BLISS: That's not just  
23 conjectural. The brokers that I've dealt with have  
24 unanimously said the underwriters want to see  
25 standards. So not just within New York, but around

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2 the country. But the point is, that if -- and I  
3 think that these set of regulations are actually

4 better than I've seen from other cities. So the  
5 fact is, New York could actually imprint a standard  
6 for pedicab regulation that then would be picked up  
7 and used universally.

8 COUNCIL MEMBER BREWER: And that would  
9 help --

10 MR. BLISS: And that will bring other  
11 insurance companies to the table.

12 COUNCIL MEMBER BREWER: Okay. And I  
13 guess reading the testimony from Pauline Toole, it  
14 looks like they wanted a broader insurance  
15 discussion. Was that something that you heard? And  
16 do you have any opinion on it? Mostly to do with  
17 indemnifying. MR. BLISS: Every insurance

18 company I've dealt with is willing to add New York  
19 City as an additional insured.

20 COUNCIL MEMBER BREWER: Okay. Thank  
21 you.

22 CHAIRPERSON COMRIE: Council Member  
23 Liu had a question. Don't leave yet.

24 COUNCIL MEMBER LIU: Very quick. For  
25 Mr. Phillips. Thank you Mr. Chairman. And Mr.

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2 Phillips, I just want to make sure that I understand  
3 your testimony. You are supporting a ban on horse-

4 drawn carriages outside Central Park.

5 MR. PHILLIPS: Yes.

6 COUNCIL MEMBER LIU: Because it's

7 dangerous.

8 MR. PHILLIPS: Right.

9 COUNCIL MEMBER LIU: Dangerous,

10 presumably to the horse.

11 MR. PHILLIPS: It's dangerous to the

12 horse and to the passengers, and to the driver.

13 COUNCIL MEMBER LIU: But you support

14 the continued safe operations of pedicabs in New

15 York City. Do you support limiting them to Central

16 Park?

17 MR. PHILLIPS: No. The difference is

18 that humans are driving the pedicabs.

19 COUNCIL MEMBER LIU: Are what?

20 MR. PHILLIPS: Humans are driving the

21 pedicabs. And not horses. If horse were driving

22 the pedicabs, we would definitely support

23 restricting where they were.

24 COUNCIL MEMBER LIU: Okay. That's

25 where I thought I understood your testimony to be.

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2 I just -- I couldn't really believe it, but thanks

3 for clarifying. Okay. Thank you Mr. Chairman.

4 CHAIRPERSON COMRIE: Thank you.

5 That's why I didn't want to go down that line. But  
6 anyhow, yes. Just to Mr. Bliss and Mr. Phillips.  
7 The issues of how to get to concerns are profound. I  
8 can tell you that from my work with the van  
9 industry. Without having honest and open discussion  
10 about the entire spectrum of what it is, you're not  
11 going to be able to get an insurance pool to even  
12 pick you up. So you know, I know that this is your  
13 passion and your desire to see some regulation, but  
14 unless there's an opportunity to create a full set  
15 of regulatory opportunities, a full set of driver  
16 protection or driver instruction, you're not going  
17 to get any company to want to do the insurance.

18 We need to make sure that at the end  
19 of the day, everything is structured. And we  
20 probably ought to have to bring -- you're probably  
21 going to have to bring in some insurance companies  
22 to talk about how you can put it together where it  
23 is packaged properly for them to want to pick it up.

24 And I think that that requires, in my  
25 opinion, driver regulation, driver training, driver

3 or not, and clearly, a buy- in from the City's end.  
4 Or what our responsibilities are going to be before  
5 pull it. That's just from my experience with the  
6 van industry. And the fact that they still are not  
7 insured enough per incident with the amount of the  
8 insurance that they have to carry. And they also  
9 feel that because of the fact that there's not  
10 enough enforcement, they can't get the proper amount  
11 of insurance that they're buying is too high. So  
12 it's something that you really need to think about,  
13 and put some pieces together and then hopefully, we  
14 can help you work with them to make that happen.

15 MR. BLISS: Mr. Comrie, if I could  
16 just say that I definitely respect the need to make  
17 sure that this is very comprehensive, and  
18 enforceable, and that it gets the whole spectrum of  
19 needs, and the situation with the pedicabs, which  
20 obviously, are kind of mystery to most people who  
21 are not driving pedicabs every day. At the same  
22 time, I'd also like to stress the urgency of at  
23 least implementing certain aspects, which are one  
24 hundred percent agreeable, such as the licensing  
25 fee, and the licenses. And perhaps implementing it

2 in steps, rather than doing it all at once, because  
3 by waiting until it's perfect --

4 CHAIRPERSON COMRIE: Because you're  
5 out there now, and you're operating --

6 MR. BLISS: Exactly. And there's also  
7 the risk of perhaps, during like the warm season, or  
8 during the holiday season, of large numbers of  
9 people coming to the City to work without licenses,  
10 and not working in a way which is according to the  
11 standards that we'd eventually like to set.

12 CHAIRPERSON COMRIE: Great. Well we  
13 understand the urgency, but we also don't want to  
14 operate too precipitously and do something that  
15 would open up to the wild, wild west. In the van  
16 industry, where it's easier for an unlicensed  
17 operator to regulate than a licensed operator right  
18 now, and that's a problem. And thank you for being  
19 here.

20 In that regard, we're going to call  
21 up the next panel. I look forward to having many  
22 other meetings with you.

23 And in that regard, actually, we'll  
24 have Mr. Joseph Giannetto and Mr. Michael Levine.  
25 And I hope I didn't mangle your name too much. All

2 right. Thanks.

3 MR. LEVINE: If you don't mind, I'm  
4 just going to take a drink of water, it's really hot  
5 in here.

6 CHAIRPERSON COMRIE: It is hot in  
7 here. We could open a window, but --

8 MR. LEVINE: My name is Michael  
9 Levine. I am President of the Committee for Taxi  
10 Safety, an organization representing about 2,000  
11 cabs in New York City. And I use that term "cab" to  
12 mean yellow medallion taxicabs. As opposed to the  
13 term cab that's being used here, which, according to  
14 New York City regulations, may or may not be legal.

15 I'd first like to start by taking  
16 slight offense to Councilman Barron's comments. I  
17 know it's nice in parties and stuff to comment on  
18 taxicabs, but the derogatory comments about the  
19 safety record and the driving of taxicabs was  
20 probably uncalled for. We have a better safety and  
21 satisfaction record than practically any carrier in  
22 the country.

23 That being said, I'd like to start  
24 off by saying that when we came in here, I had  
25 thought that most of the pedicab operation was for

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2 recreational purposes. And it seems here that from  
3 testimony from the industry, and from other people,  
4 that really they're directly in competition with the  
5 taxicab industry. Which is more alarming to me than  
6 I originally thought.

7                   And that's because we, as the yellow  
8 taxicab industry, pay fees to the City on a regular  
9 basis, and have significant financial interest in  
10 the medallion process, which grants us the sole, and  
11 only right to pick up street hails in the City of  
12 New York.

13                   The pedicabs, in doing what they're  
14 doing, are violating our right that we are paying  
15 the City for. The City has taken hundreds and  
16 thousands of dollars, millions of dollars, in fees  
17 for sale of medallions.

18                   CHAIRPERSON COMRIE: Do you have --  
19 I'm sorry to cut you off, I'll try not to do it  
20 again, that was a legal question that we were trying  
21 to find some legal precedent, or legal reference  
22 for. And we haven't been able to find it.

23                   MR. LEVINE: We are in the process of  
24 putting together a legal argument in this matter,  
25 and we will be forwarding it to the Council.

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2 CHAIRPERSON COMRIE: So there is  
3 nothing presently in the TLC regulation that deals  
4 with it.

5 MR. LEVINE: Well, there is, as far as  
6 vehicles. It's just a question of your definition of  
7 a vehicle.

8 CHAIRPERSON COMRIE: Got it. All  
9 right. In other words, we're moving into new  
10 territory because of what's going on here.

11 MR. LEVINE: That is correct. But the  
12 question is, where does it stop? If I put a pogo  
13 stick on, and put a person on my back, is that  
14 considered a vehicle. I mean, you have all sorts of  
15 questions that go from there.

16 The other problems we have with this  
17 issue is that this particular bill, while we applaud  
18 the steps taken to start to regulate this process,  
19 we don't think that the bill goes far enough in  
20 certain areas. For one thing, there's obviously a  
21 safety issue that we've been talking about today.  
22 And to me, it seems like if the issue is safety, or  
23 the issue is insurance, those are two completely  
24 different issues.

25 If the issue is the safety of the

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2 public, then I'm very concerned. Because if you're  
3 telling me that you can't put seat belts in because  
4 you don't have a roll cage, well then, you should  
5 put a roll cage, not take out the seat belts. It  
6 makes a little more sense to me. From somebody who  
7 has lived in the City for a long time, and my wife  
8 and kids live in the City. So I was much more  
9 comfortable if they had seat belts in any kind of  
10 vehicle.

11                   As far as insurance is concerned, the  
12 taxicab industry has been around for a long time,  
13 and long before there were regulations providing for  
14 partitions, we had partitions. And long before  
15 there were regulations providing for seat belts, we  
16 had seat belts. And our insurance rates were lower,  
17 because we can do those things without regulations.

18                   To sum it up, the other issue that we  
19 have as an industry, is that the streets are already  
20 crowded enough. To add vehicles on the streets,  
21 which I don't know, one person is saying you can see  
22 it no matter where you are, and the other person is  
23 saying, as a bus, you can't see it at all. That's a  
24 concern to me. Both as someone who uses the streets  
25 as a pedestrian and someone who uses the streets for

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2 business.

3                   Joseph, you probably have the rest of  
4 the issues.

5                   I'm going to pass along to Giannetto.

6                   CHAIRPERSON COMRIE: I cut into your  
7 time, but I appreciate your being here.

8                   MR. GIANNETTO: I'll try not to be  
9 redundant. Good afternoon Mr. Chair and members of  
10 the Committee. My name is Joseph Giannetto. I'm  
11 the Director of Business Development for the  
12 Metropolitan Taxicab Board of Trade, which a 54-  
13 year old trade association, comprised of taxi fleet  
14 garages, and approximately 2,500 yellow medallion  
15 taxicabs.

16                   And we appreciate the Council's  
17 concern about the New York Pedicab industry.  
18 However, if Intro. 75 is implemented as it is  
19 written, it will only legitimize and encourage the  
20 limitless proliferation of what we consider to be an  
21 industry that poses a danger to motorists and  
22 passengers. And frankly, an industry that's grown  
23 out of control.

24                   Now, moreover, according to the New  
25 York City Administrative Code, Section 19504, "No

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2 motor vehicle other than a duly licensed taxicab  
3 shall be permitted to accept hails from passengers  
4 in the street". The law is not arbitrary. The taxi  
5 industry is among the most highly regulated  
6 industries in the City, and provides the riding  
7 public with the greatest level of safety and  
8 consumer protections.

9                   Now despite a lack of any of these  
10 assurance in the pedicab industry, pedicab operators  
11 have been able to thrive. But only through a  
12 loophole in the law, as Mike mentioned, in that they  
13 are not classified as motor vehicles. However, they  
14 profit from picking up street hails, and operate in  
15 many of the same areas as taxicabs. And most  
16 egregiously, in the tourist- heavy theater district.

17     And while hard- working taxi drivers and owners  
18 pay upwards of \$400,000 for a taxi medallion, and  
19 thousands of dollars per year in taxes, insurance,  
20 and other operating costs, pedicab operators pay no  
21 such fees.

22                   Now by operating outside of the  
23 stringently regulated transportation system,  
24 pedicabs are like illegal street peddlers, and  
25 they're stealing passengers away from taxi

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2 operators. Now regulating this  
3 industry, we feel, will do little to address one of  
4 the real problems, and that is that pedicabs are  
5 inherently dangerous. Now the bicycle service  
6 exposes passengers to obvious safety risks by  
7 subjecting them to vehicular traffic without any  
8 real protection. It's one thing for an individual  
9 bicyclist to assume the risks of riding on New York  
10 City streets, but it's quite another thing when the  
11 City condones a service that places passengers in a  
12 potentially dangerous situation.

13 Now according to Business Week, Las  
14 Vegas banned pedicabs from the Strip, in response to  
15 accidents, complaints, and competition for limited  
16 shared roadway space. Now last year, City Council  
17 Speaker Quinn submitted a bill that would ban  
18 pedicabs from Midtown business district. What we  
19 feel is a far better approach than Intro. 75. Now  
20 there are specific problems with Intro. 75. It sets  
21 no boundaries on where pedicabs can operate. At the  
22 very minimum, they should be banned from operating  
23 in Midtown. And absolutely, without a doubt, street  
24 hails should be prohibited.

25 It sets no limitation on the number

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2 of pedicabs, which, left unchecked, may have  
3 disastrous effects on traffic and public safety. It  
4 also has no regulated fare structure for pedicab  
5 service, allowing operators to gouge prices and  
6 violate consumer rights.

7                   And insurance requirements of \$25,000  
8 or \$50,000 as mandated in Intro. 75 kind of pales in  
9 comparison to the \$100,000 and \$300,000 limits that  
10 taxi owners are required to have, according to TLC  
11 rules.

12                   On a final note, if I may, Mr. Chair,

13 --

14                   CHAIRPERSON COMRIE: Yes. Go ahead.

15                   MR. GIANNETTO: I would like to point  
16 out that in 2002, the City Council called upon the  
17 State to authorize the public auction of 900 new  
18 taxi medallions. Now New Yorkers bought 600 of  
19 these medallions, with the understanding that they  
20 would have the exclusive right to pick up street  
21 hails. Without that assurance, a medallion is  
22 nothing more than a piece of tin on a car hood.  
23 This is problematic for the taxi industry, and  
24 should be a major concern for the City, which will  
25 be auctioning off the remaining 300 medallions some

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2 time this year.

3                   Now every time a pedicab or an  
4 illegal livery vehicle, for that matter, picks up a  
5 street hail in the City, the medallion's future is  
6 jeopardized.

7                   Now thank you for your time. We're  
8 available to answer any questions.

9                   CHAIRPERSON COMRIE: Yes, right now,  
10 your insurance requirements are what exactly?

11                   MR. GIANNETTO: One hundred thousand  
12 and \$300,000.

13                   COUNCIL MEMBER COMRIE: That's  
14 regardless of whether it's a driver or the owner.

15                   MR. GIANNETTO: No. The driver is  
16 protected by Workmen's Compensation Insurance. This  
17 is a separate issue.

18                   CHAIRPERSON COMRIE: I'm sorry, I  
19 mean, a self owner/driver

20                   MR. GIANNETTO: That's correct.

21                   CHAIRPERSON COMRIE: And you have a  
22 -- don't you have an insurance pool that you work  
23 with, or just a provider?

24                   MR. GIANNETTO: No. Everybody is  
25 responsible for their own insurance. There's one or

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2 two carriers in the City that do mostly taxicab  
3 insurance, and there are some other companies  
4 that do their own self insurance with a bonding  
5 company behind them.

6 CHAIRPERSON COMRIE: Okay. So there  
7 are some companies that get by and put together  
8 their own group --

9 MR. GIANNETTO: That's correct.

10 COUNCIL MEMBER COMRIE: But that's  
11 based on the fact that there are regulations and  
12 clear responsibilities.

13 MR. GIANNETTO: It's not so much the  
14 regulations, it's the manner of operation, like I  
15 was saying before. I own a company in Chicago as  
16 well, that runs 1,600 taxicabs there. And we had  
17 problems with our insurance. We went out, we looked  
18 for other insurance companies, and we proved to them  
19 that the manner that we operate is different from  
20 the manner that everybody else operates. It wasn't  
21 that we were regulated different, it was the same  
22 cabs. And we got new carriers into the market.

23 CHAIRPERSON COMRIE: Okay. And if I  
24 may, I'd also like to state that one of the other  
25 differences with taxicab drivers themselves. In

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2 addition to just safety training, they're finger  
3 printed, and they take drug tests every year. These  
4 are people that are picking up the public,  
5 especially in a street hail situation, where you  
6 have no idea who you're going to be getting into a  
7 pedicab or a taxicab with, and this should be  
8 considered as well.

9 CHAIRPERSON COMRIE: Okay. And you're  
10 saying that this is Administrative Code 19504? And  
11 that's something that you're going to be looking to  
12 do some more advocacy regarding.

13 MR. GIANNETTO: We will forward that  
14 to you.

15 CHAIRPERSON COMRIE: Okay. I'll look  
16 forward to seeing that.

17 Again, with my experience with the  
18 vans, I represent Southeast Queens, and to be  
19 perfectly clarifitive (sic), you know, people take  
20 these vans. They've started taking them because  
21 they thought there was a lack of service, or not  
22 even necessarily service, but a lack of respect for  
23 passengers. And the vans proliferated as a result  
24 of poor driver service from the buses. And it was

25 very to push back something once it's open. And

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2 it's very difficult to close Pandora's box, so to  
3 say. And so this is a real problem for the  
4 industry. It's a problem for -- how do we put  
5 this together to regulate it? How do we deal with  
6 it, so that it's inclusive? You know, how do you  
7 deal with something that people are actually taking?

8 It is something that we're going to have to deal  
9 with, and progressively, and hopefully, in some  
10 spirit of cooperation.

11 I am concerned we hadn't talked about  
12 it in detail. It was alluded to regarding the  
13 congregation of people around the theater area, and  
14 the theater owners are against the pedicabs and that  
15 whole issue. And the more we get into this, it is  
16 getting a little bit closer to the vendor's issue.

17 But I can assure you that we will be  
18 solving both issues in this Committee to end this  
19 issue and this issue. It's not unsolvable, and it's  
20 not impossible, if we can work together. But  
21 clearly, the ideas upon what we do to put this  
22 together, how we regulate this. There does need to  
23 be some regulation. I don't think we can wish it  
24 away. I'm not going to lie to either one of you

25 gentlemen. You don't look that old enough to own

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2 two different companies, but I guess I'm not seeing  
3 any grey hair from this distance.

4 MR. GIANNETTO: I'll show you later.  
5 It's mostly from the kids, though.

6 CHAIRPERSON COMRIE: Oh, all right.  
7 Well, I've got two myself, so -- you know, clearly  
8 that we have some issues that we've go to figure out  
9 here. And we've go to try and find a way to make it  
10 work so that -- you know, this is a City that has  
11 to embrace diversity and change, but we have to  
12 protect our citizens. And we have to protect  
13 commerce also, so it's quite a conundrum from time  
14 -- it's something we all have to work together on.

15 I'm glad that you're here today, especially you.

16 MR. GIANNETTO: Thanks for having us.

17 MR. LEVINE: Thanks for your time.

18 CHAIRPERSON COMRIE: Thank you.

19 Next we'll have Peter Meitzler, 88  
20 Eagle Street; and -- okay, this gentleman left, but  
21 Osman Zenk Pedicab. Then we have James Muessig,  
22 from 83rd Street; and Chris Strungis.

23 I know we're running long. If

24 somebody has to leave, and they have copies of their  
25 testimony that they'd like to drop off. I know a

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2 lot of people that are here representing the pedicab  
3 industry. It seems to be the same --

4                   You gentlemen pick who is first. Do  
5 you want me to just read the names, since you don't  
6 know each other, obviously. Peter. Do you want to  
7 go first? Okay.

8                   MR. MEITZLER: I'd like to thank the  
9 Chair and the Committee for sticking it out on this.

10 A lot of people have testified so far, or should I  
11 say presented. So I appreciate your patience, and I  
12 appreciate everyone's patience in the room.

13                   And I too, like my colleague, George  
14 Bliss, was invited to speak, so my presentation  
15 might run into perhaps five minutes if that's okay.  
16 But I have elected to skip over the entire  
17 introduction, and just get into a bullet point  
18 description of the industry, because I think there  
19 are some misconceptions, and I heard some of the  
20 questioning earlier today, and I thought maybe if we  
21 just went very quickly how it's set up, that that  
22 might help the Chair and the Committee.

23                   CHAIRPERSON COMRIE: Okay.

24 MR. MEITZLER: Okay. So lets assume  
25 that a company, a pedicab company, is following what

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2 we call best practices. It begins with individuals.

3 And by the way, my name is Peter Meitzler. I  
4 should say. And I'm a Person in Charge of Manhattan  
5 Rickshaw Company, a company that's been operating  
6 safely for 11 years.

7 CHAIRPERSON COMRIE: What do you mean  
8 by a Person in Charge? Are you --

9 MR. MEITZLER: It's a lower- key way  
10 of saying President.

11 CHAIRPERSON COMRIE: Okay.

12 MR. MEITLER: I'm also the interim  
13 Treasurer and newly- elected Board member of the  
14 recently formed Owners Association.

15 And we, as an Owners Association,  
16 have been trying to create a system of best  
17 practices. So if you have individuals decide to  
18 purchase a few pedicabs and they form a company.  
19 When new, most U.S.- manufactured or British  
20 manufactured pedicabs can cost from \$3,600 to  
21 \$7,000. These are high- end pedicabs, featuring  
22 multiple gearing, 21 speeds, welded one- piece

23 frames. Fiberglass or other material for the bodies,  
24 hydraulic brakes, and a full complement of lighting.  
25

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2                   Some companies own their pedicabs,  
3 while others lease or lease to own their pedicabs  
4 from the manufacturer, and some companies have a  
5 little bit of both. I currently have a 17 cab  
6 fleet. Bicycle pedicab fleet.

7                   Companies expand gradually, adding a  
8 few pedicabs per year as they can be afforded.  
9 Either before the season, or mid season. Some  
10 companies take a larger financial risk by  
11 introducing larger fleets faster.

12                   Most of these companies are S corps,  
13 some are LLCs, and they lease pedicabs to  
14 individuals who are defined as independent  
15 contractors in most cases. And who, successfully  
16 complete a driver training program, which can  
17 include many hours of training and information  
18 exchange. Manhattan Rickshaw Company's driver  
19 training regimen was partly the subject of an  
20 episode of the first season of The Apprentice, and  
21 Committee Chair Comrie's information packet contains  
22 that DVD disc, with the scene.

23                   In some cases, a driver will provide  
24 proof of valid driver's license before being  
25 accepted as a driver. Not a universal practice yet.

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2     They sign a pedicab lease agreement. The owner is  
3 the lessor, the driver is the lessee. And they pay  
4 shift fees for use of cab, either daily, weekly, or  
5 monthly.

6                   I may ask the Chair to continue a  
7 little bit more.

8                   CHAIRPERSON COMRIE: Sorry, I forgot  
9 to tell the Sergeant to add another few minutes.

10                  MR. MEITZLER: Thank you. Other  
11 aspects of the ownership role. Lessor, or owner, if  
12 you will, must label each pedicab with company name  
13 and telephone number, and record pedicab serial  
14 number.

15                  CHAIRPERSON COMRIE: You don't need to  
16 read each bullet, I promise you I will read all of  
17 this. But if you could just talk about the things  
18 that you're most passionate about sharing with us at  
19 the moment.

20                  MR. MEITZLER: Okay. I was also given  
21 the responsibility of coming here and presenting the

22 organization's viewpoints on the specific  
23 legislation. And that will go rather quickly.

24 On the definition of an owner in  
25 Intro. 75. The New York City Pedicab Owner's

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2 Association, which hereafter I'll just say NYCPOA,  
3 proposes that the correction that a lessee of a  
4 pedicab is never considered an owner.

5 And the definition of a pedicab.  
6 This might be interesting. The NYCPOA proposes  
7 first, that the definition as written, be changed  
8 to: "pedicab is a bicycle, as defined by New York  
9 State Vehicle and Traffic Law, that is designed to  
10 seat and carry one or more passengers and operated  
11 for hire within the City of New York."

12 CHAIRPERSON COMRIE: Okay. You  
13 realize -- were you here when the Commissioner  
14 testified? They're looking at expanding the  
15 language on both of those segments.

16 MR. MEITZLER: And that's why I have a  
17 point two. The NYCPOA further proposes that the  
18 definition of the pedicab be restricted to a three-  
19 wheeled vehicle with a one- piece construction  
20 frame, or answering your point, it be expanded to  
21 include human powered carriages that would, in it's

22 sweep, address all of the varieties seen on City  
23 streets.

24                   In tandem with that alternative, we  
25 had thought that the name of Intro. 75 might be

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2 equally expanded, setting up different classes of  
3 human- powered, or electric assist carriages.

4                   Finally, the NYCPOA asks that the  
5 definition of a pedicab might not unintentionally  
6 restrict the use of electric assist motors to the  
7 extent allowed by federal and State law.

8                   CHAIRPERSON COMRIE: Are there  
9 electric- assist vehicles out on the street now?

10                   MR. MEITZLER: I would say there are  
11 less than six or seven of them on the street, some  
12 from manufacturers in England, and a few  
13 manufactured in the United States.

14                   On the subject of insurance, we took  
15 issue with -- and I did note the question earlier  
16 in the day of the Chair, asking for a copy of the  
17 -- or referring to the San Francisco regulations,  
18 and I've attached that to the Chair's package. On  
19 the question of insurance, which refers to Section  
20 370, on the question of insurance, which refers to

21 Section 370 of Article Eight, the NYCPOA suggests  
22 that as a model for insuring the pedicabs trade,  
23 that the City not turn to that used for for- hire  
24 vehicles, which is the structure of Article Eight.  
25 Because pedicabs are not vehicles, but bicycles

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2 following similar rules.

3                   And more importantly, commercial  
4 liability policies available to pedicab owners are  
5 not based on this method, but on an assessment of  
6 risk, particular to the kind of transport.

7                   Whether the City requires insurance  
8 or not, will not affect the risk exposer assessed by  
9 insurance companies and the premiums charged. A  
10 sample pedicab liability insurance policy, my  
11 policy, for 17 cabs, which includes driver coverage,  
12 and that is specifically that the drivers, if they  
13 cause bodily injury or property damage, that that  
14 would be covered, and that they would also be  
15 provided legal representation in the event that they  
16 were sued in the case of an accident.

17                   If anything, the NYCPOA would ask  
18 that the City require all pedicab owners to extend  
19 liability insurance to the drivers as additional  
20 insurance, such coverage offering protection to

21 third parties, for the previous bodily injury or  
22 property damage. This coverage included  
23 representing the driver in any claim against him or  
24 her in so far as she might be named in a lawsuit or  
25 claim. Most NYCPOA pedicab companies have purchased

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2 this kind of insurance.

3                   On the subject of the motor vehicle  
4 license, if I may say, while many individual owners  
5 prefer driver candidates to first possess a valid  
6 driver's license, regardless of whether it's a U.S.  
7 Issued or internationally issued, it is not a  
8 universal practice. If the NYC regulations would  
9 require a U.S. Issued license, the Owners  
10 Association has asked that it allow for any U.S.  
11 issued license or a State I.D., or other acceptable  
12 form of government I.D. Since many driver candidates  
13 do not own a car in New York City.

14                   In addition, will the regulations  
15 require the owner of the pedicabs to possess a  
16 driver's license, if he or she, as the owner, is not  
17 operating them?

18                   We had a question about inspections.  
19 And also about training. And then I think I'll

20 conclude.

21                   The Owners Association questions  
22 inspections every four months. And wondering how  
23 that would be possible, and what the inspector would  
24 know what to look for?

25                   CHAIRPERSON COMRIE: The Commissioner

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2 pretty much talked that one.

3                   MR. MEITZLER: Okay. Should I skip to  
4 training then?

5                   CHAIRPERSON COMRIE: Yes.

6                   MR. MEITZLER: On the subject of  
7 training, the Owner's Association requests, and I  
8 think the Drivers Organization as well, that  
9 standardized training for driver candidates be made  
10 available. And it endorses the idea of a private  
11 company either for profit or not- for- profit,  
12 conducting a training program approved by the  
13 Commissioner. The Owners Association asks that the  
14 training be available often enough to ensure a  
15 steady supply of drivers.

16                   In addition, the Owners Association  
17 asks the Commissioner to make provisions for  
18 permitting a driver trainee -- and this is sort of  
19 a practical question -- to operate a pedicab while

20 in training, as long as he or she is accompanied  
21 either by an instructor or an owner who is  
22 conducting the training. I, myself, was training  
23 two new drivers over this past cold weekend.

24                   It is customary in other cities, that  
25 the operating companies train the drivers prior to

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2 the driver approaching the city for a pedicab  
3 driver's permit. I brought two of those with me  
4 today. I used to be a driver in San Francisco,  
5 here's my San Francisco permit. And also one from  
6 when I was a driver for a Winter season in Denver.  
7 It is customary, then, in other cities that the  
8 drivers are sponsored by a company of sorts, before  
9 approaching the city for a permit. In San  
10 Francisco, a driver would approach the Police  
11 Department with such a sponsorship letter, and he or  
12 she completes a written test. Pays a small fee.

13                   And I guess, just in closing, thank  
14 you for your time. We feel that we don't displace  
15 other traffic, and certainly most of us are not  
16 anti- car, we're not anti- taxi, we're not anti  
17 horse carriage. We like to see ourselves as a  
18 niche, a very personal service that is human-

19 scaled, and there's actually one of my drivers who,  
20 as a licensed tour guide, has a pedicab downstairs,  
21 and his name is Stan, and he's in the audience  
22 today, and he's happy to take anyone here for a  
23 ride. Thank you very much.

24 CHAIRPERSON COMRIE: Thank you. Just  
25 to let you know, the Commissioner spoke about

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2 inspections. They thought four months, every four  
3 months was too frequent, and they didn't think they  
4 had the ability to do it. But they're looking at  
5 doing it when the license renewal comes up. This is  
6 to clear up on that particular issue.

7 Zenk. Am I saying that properly?  
8 The Zenk Pedicab?

9 MR. ZENK: Hello. My name is Osman  
10 Zenk. I represent the Zenk Pedicab Incorporates. I  
11 am the President of Zenk Pedicab Incorporate. Also,  
12 I am a member of Pedicab Owners Association. Also I  
13 am a pedicab driver close to five years. I operate  
14 pedicab garage in Midtown.

15 Pedicab is a great way to get around  
16 in this City. We help New Yorkers and tourists  
17 commute A to B, and give guided tours. People,  
18 especially tourists, love us. We help to increase

19 tourism in New York City. We work in the rain, in  
20 the cold severe weather. I was myself, last  
21 weekend, I was working in the ten degree freezing  
22 weather, take people from Midtown from hotels to the  
23 shows, out to the shows, bring them back to hotels.  
24 Which is basically helping New Yorkers to get  
25 around. At that time, there is no transportation,

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2 but pedicabs are available.

3                   As a company in Summer time,  
4 especially, we provide a lot of jobs. We work all  
5 year round. Pedicab is safe. There have been any  
6 fatal accidents so far, there have been small  
7 accidents, but so far, there have been any no lives  
8 lost from pedicabs accident.

9                   And also, I'd like to thank the  
10 Committee. I support pedicab regulation. Thank  
11 you.

12                   CHAIRPERSON COMRIE: Thank you.

13                   Mr. James Muessig. Sorry.

14                   MR. MUESSIG: Thanks. Mr. Chairman, I  
15 sit before you a man under siege. It was a sunny  
16 day, blue sky, I came down here, not in my wildest  
17 dreams did I expect the Commissioner of DOT to spend

18 five minutes railing against party bikes. I do not  
19 work for Party Bike, I am the competition to Party  
20 Bike. You have an orange folder in front of you.  
21 We're Super Bike. You'll have time to go through  
22 that later, so I'd just like to say this to you.  
23 You may remember a few years ago, tour buses. Hop  
24 on, hop off tour buses were the big, bad boogie men  
25 in Times Square. And then we found out, that no,

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2 Big Apple Tours had an irresponsible operation, and  
3 when City Sites and Grey Line got into it, they  
4 provided a service that catered to the tourists, and  
5 they did it responsibly.

6 Party Bike gets all the press.  
7 They've been on ABC, CNN, Great Race, and they get  
8 all the bad press, because of the way they're  
9 operated. I have answer to your question. You  
10 wanted to know how many of them there are. Two.  
11 They had 20. The police seized them. Party Bike  
12 has two left. I have four. I operate the same  
13 area, Times Square. The police never took one of my  
14 bikes. I talked to them, and they said, "We don't  
15 have any problems with your drivers".

16 What was Party Bike doing that was  
17 dangerous? They were tailgating. They were

18 weaving, at 90 degree angles, into other vehicles  
19 and hitting the brakes at the last second. They  
20 were using the loading docks on 43rd Street to go on  
21 and off the sidewalks. It was a reckless operation.  
22 And the police did what they did for public safety.

23                   To say that the conference bike is an  
24 inherently unsafe vehicle, -- well, there's  
25 nothing for that, because even the way Party Bike

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2 operated, they never had an injury that required  
3 going to the hospital. As incredible as it sounds.  
4 There is something inherently safe about this  
5 vehicle.

6                   Now there are concerns about width.  
7 You've seen them going down the street. Yes,  
8 they're bigger than a -- they take up more space  
9 than a bike lane, in fact, their wheel base is 72  
10 inches. As opposed to a pedicab, that is 54 inches.

11       So what we're talking about here is 18 inches.

12                   Now if you decide that it's in the  
13 interest of the City of New York to ban these  
14 vehicles because of the 18 inches, I would like you  
15 to look at page eight of my presentation, because I  
16 want to show you that I'm not wedded to conference



17 to you about Times Square, is, we're there for a  
18 reason. You guys created it. You and the Empire  
19 Development Corporation, and multi- billionaire  
20 developers made a conscious decision to create an  
21 urban playground for tourists in Times Square. And  
22 that's why we're there, because we appeal to what  
23 tourists like.

24                               Now it's true, the few weeks before  
25 Christmas, we do circle the Christmas tree at

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2 Rockefeller Center, but we're not like pedicabs in  
3 that we're roaming all over town. I have four. If  
4 I were to expand, I would never see there being a  
5 market in Midtown Manhattan for more than ten of  
6 these vehicles. Probably a couple at Central Park  
7 and a couple in Times Square. And that's it. It's  
8 not -- they get a lot of attention. But they're  
9 not causing traffic, and they're not causing  
10 accidents. And if you feel you have to redefine  
11 this thing, please, don't put in there, that just  
12 because more than one person is pedaling, it can't  
13 be used in New York City.

14                               And common sense. Four wheels is  
15 more stable than three wheels. Three wheels is more

16 stable than two. But these are actually safer than  
17 three- wheeled vehicles.

18                               And also, we can move more people.  
19 And the new Escapade, as you're looking at it, we  
20 can see moving five or six people, let's say, from  
21 the Intrepid, in the Summertime, those people just  
22 sort of wander on the streets trying to find their  
23 way back to Times Square, lost. There really is no  
24 good mass transit network. It's just a four block  
25 run down quiet side streets.

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2                               We also see using these in Lower  
3 Manhattan. Greenwich Village, or possibly the  
4 financial district, giving historic tours. Because  
5 we're going to have canopies for these, so they can  
6 be used all weather, and we think it's very  
7 important to inform tourists to New York City, of  
8 the important roles that New York plays in America's  
9 history, and currently.

10                              So please keep all this in mind,  
11 Chairman.

12                              CHAIRPERSON COMRIE: Thank you for  
13 coming down this afternoon. You gave us a lot to  
14 work with. I appreciate your testimony. As usual,  
15 once you do one thing, you open up five other

16 possibilities. So clearly it's going to get more  
17 interesting as we get deeper into this.

18 Oh, one more person, I'm sorry. Mr.  
19 Strungis.

20 MR. STRUNGIS: Strungis. Christopher  
21 Strungis. I kind of represent a different aspect of  
22 the industry. I've been maintenance and repair --

23 CHAIRPERSON COMRIE: Maintenance and  
24 repairs?

25 MR. STRUNGIS: Of pedicabs for over

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2 the past six years, on a daily basis. And I have a  
3 different view of them. It's also, as opposed to  
4 being a driver, I've chosen to do this as opposed to  
5 the many people that do drive them, there's very few  
6 that can maintain and repair them.

7 And some of the fallacies I'd like to  
8 remove, is there are safety belts and they are  
9 manufactured with them.

10 CHAIRPERSON COMRIE: Some have safety  
11 belts.

12 MR. STRUNGIS: Yes. Some of them are  
13 manufactured with them, some you have the choice of  
14 getting them when they're delivered.

15                           CHAIRPERSON COMRIE: What's the  
16 maintenance regimen for them to be properly  
17 maintained? Once a week? Once a month? Do you have  
18 to oil them on a regular basis?

19                           MR. STRUNGIS: Roughly monthly. It's  
20 daily, certain things, certain aspects of daily,  
21 like checking tire pressure, that the lights work,  
22 safety issues.

23                           CHAIRPERSON COMRIE: Right. But those  
24 can be done by the drivers, say.

25                           MR. STRUNGIS: Yes. But what are the

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2 other maintenance issue that come up? The tire life  
3 in the City is nominal?

4                           MR. STRUNGIS: Yes, it's quite good.  
5 I mean, this City is tougher on them than any other  
6 city.

7                           CHAIRPERSON COMRIE: Okay. All right.

8                           MR. STRUNGIS: And they're very  
9 stable.

10                          CHAIRPERSON COMRIE: Where is your  
11 shop?

12                          MR. STRUNGIS: I've worked with fleet  
13 owners and independent owners. Right now, it's a  
14 Revolution Rickshaw.

15 CHAIRPERSON COMRIE: So you go to the  
16 locations and do the maintenance at the site.

17 MR. STRUNGIS: I work -- yes, I'll  
18 do that. And I've also worked for George for five  
19 years on Broome Street.

20 CHAIRPERSON COMRIE: Okay. All right.  
21 Anything else that you wanted to add?

22 MR. STRUNGIS: The times that I've  
23 seen them, or the results of an accident or fender  
24 bender, the wheels absorb all the impact,  
25 practically. It just sort of very stable. They

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2 don't tip too easy.

3 CHAIRPERSON COMRIE: Okay. All right.

4 I want to thank you for coming. Mr. Meitzler,  
5 just had another question that popped out of my  
6 head. I didn't write it down.

7 When you put together your insurance  
8 package, did you go over this with insurance  
9 providers to see if anybody else would want to pick  
10 this up?

11 MR. MEITZLER: The subject of  
12 insurance is a long one. And it began about ten  
13 years ago. Our first coverage was provided by

14 Diamond State. And then --

15 COUNCIL MEMBER COMRIE: But I mean,  
16 what you put together here, --

17 MR. MEITZLER: That's an actual --  
18 that's my policy. That's the first two- page summary  
19 of it.

20 COUNCIL MEMBER COMRIE: I mean, did  
21 you go to like insurance providers and see if that's  
22 something that they could live with, or this is just  
23 something you self created?

24 MR. MEITZLER: No, that's a policy  
25 that was identified to us. What happened was that

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2 we were all insured by, for a while, under a policy  
3 sold by McCade (phonetic) and the underwriter was  
4 Chubb. Then Chubb decided not to insure pedicabs  
5 any longer, so we were looking, and looking, and it  
6 was identified that Kalmanson, via Lloyds of London,  
7 insured horse- drawn carriage operations, and then  
8 we learned through a very clever driver, he did some  
9 research, that in fact, Lloyds of London does  
10 underwrite, or insure pedicab operations. We are  
11 aware of one other company right now called Stanton,  
12 and you know, because you renew annually, it takes a  
13 little lead time for us to figure out --



13 Pearlman. I have driven a pedicab for two years.  
14 This also gives me the opportunity to shed some  
15 light on the insurance issue. I am insured by  
16 Stanton Associates. They cover my liability for up  
17 to one million dollars.

18 My main issue I'd like to address is  
19 the effect of pedicabs as a transportation mode on  
20 traffic flow and traffic congestion in New York  
21 City.

22 New York is one of ten least drivable  
23 cities in the United States. We've got congestion  
24 costs in the billions of dollars. The majority of  
25 the vehicles on the streets of Manhattan are private

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2 cars. Ninety percent of commuters into the City  
3 could be using public transportation. As a pedicab  
4 driver, I can help to change that.

5 Pedicab occupies less than half the  
6 effective road space of a medium size motor vehicle  
7 without contributing anything to fuel or pollution  
8 costs. Besides that, people love it. Passengers who  
9 get in my pedicab feeling pressured and stressed out  
10 when they get on, and they get off feeling energized  
11 and refreshed. Even people who live here or work  
12 here every day, they still come to enjoy New York in

13 a whole new way after a pedicab ride.

14                   The existence of attractive short-  
15 distance transportation options would make every  
16 workplace easily accessible from a train or bus  
17 station, and encourage commuters to choose mass  
18 transit over the comfort and convenience of their  
19 cars.

20                   I'd like to also address a concern of  
21 the gentleman from the TLC. The vast majority of  
22 the rides, excluding the tours I give, are a mile or  
23 less. So it's a fairly specific transportation need.

24     If 200 pedicabs gave 20 rides a day, for 365 days  
25 a year, they would still give less than one percent

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2 of all the trips that are taken by yellow cabs.

3                   So I share the safety concerns with  
4 you --

5                   CHAIRPERSON COMRIE: Give me those  
6 numbers again.

7                   MS. PEARLMAN: Well, there are 465,000  
8 cab trips a day, on average.

9                   CHAIRPERSON COMRIE: Four hundred and  
10 sixty- five thousand. So you said 200 pedicabs, --

11                   MS. PEARLMAN: -- Gave 20 rides a

12 day, 365 days a year, which is almost physically  
13 impossible. I can't drive 365 days a year. It  
14 would still be something like 0.8 percent of the  
15 rides given by yellow cabs.

16 CHAIRPERSON COMRIE: Okay. Okay, go  
17 ahead.

18 MS. PEARLMAN: So I share the safety  
19 concerns, that's a large part of why I'm here. I'd  
20 like to address them. But the notion that we have  
21 presented an economic threat is not realistic.

22 It's being aware of the rules of the  
23 road that makes me able to help fill the  
24 transportation need. When I began driving several  
25 years ago, I was instructed in proper driving

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2 behavior by the owner of the pedicab I rented, and  
3 by experienced drivers. The common practice for  
4 pedicab fleet owners is to train their drivers and  
5 give them road tests. Which results in responsible  
6 pedicab operators. I've been dismayed recently, to  
7 see a minority of other drivers, pedicab drivers,  
8 disregarding their effect on safety and traffic  
9 flow. I've seen these pedicabs blocking crosswalks,  
10 they impede vehicles attempting to turn, depending  
11 on --

12 CHAIRPERSON COMRIE: You can sum up.  
13 It doesn't automatically cut you off. We haven't  
14 gotten to that level yet.

15 MS. PEARLMAN: The concern I share  
16 with the drivers over the last -- the drivers I've  
17 worked with for several years, is to maintain  
18 industry standards. There are powerful economic  
19 reasons that alternative transportation is, and must  
20 be, part of the future of New York City. My goal is  
21 for pedicabs to contribute to that future.  
22 Regulations are needed to impose strict standards of  
23 practice and training requirements on pedicab owners  
24 and drivers to that we can continue to serve New  
25 York as part of its transportation network.

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2 CHAIRPERSON COMRIE: Thank you. Ms.  
3 Lund.

4 MS. LUND: Okay. Hi. My name is  
5 Rachel Lund. And I'm a performance artist here in  
6 the City. I graduated NYU in 2004, and this is the  
7 best way that I've found to be a performance artist,  
8 to maintain my schedule, and be my own boss, as  
9 Melissa said before.

10 The amount of responsibility,

11 integrity, self management, and physical energy  
12 necessary to be a driver far surpasses that of any  
13 other artist, actor or day job requirements such as  
14 temping, waitressing, child sitting, or coat  
15 checking. And yet, I feel pedicabbing is the one in  
16 which I have the most creative energy left to  
17 utilize at the end of the day.

18                   So this is my own and personal  
19 experience. But the best -- what I can also say  
20 about what I do on a daily basis, is I show up at  
21 Central Park, and I give at least two to five tours  
22 a day. And tourists are there and they're ready at  
23 Nine A.M., to go through the park. And there's an  
24 abundance of them taking the horse and carriages,  
25 and abundance taking the pedicabs. And we really

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2 offer a way for them to experience the park  
3 comfortably, and come out knowing more than they  
4 would have otherwise.

5                   And I just wanted to share my  
6 experience in that way.

7                   CHAIRPERSON COMRIE: All right. Thank  
8 you. I appreciate your coming down to see us this  
9 afternoon.

10                   Mr. Dixon.

11 MR. DIXON: Good afternoon Mr.  
12 Chairman. My name is Fred Dixon. I am Vice  
13 President of Tourism Development for NYC and  
14 Company, the City's official tourism marketing  
15 organization.

16 Together with our 1,800 members  
17 Citywide, NYC and Company markets events,  
18 promotions, and tourism activities to increase the  
19 number of visitors to the City, and encourage them  
20 to spend more time and more money when they are  
21 here.

22 New York City's Travel and Tourism  
23 industry generates well over \$21 billion in spending  
24 annually. Economic activity that supports over  
25 330,000 jobs Citywide. And drives over \$5 billion

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2 in the City, State, and federal tax collections.

3 Thank you for this opportunity to  
4 comment on Intro. 75, the proposed Local Law to  
5 amend the Administrative Code of the City of New  
6 York in relation to safe operation and regulation of  
7 the growing number of pedicabs on the City streets.

8 We want to thank the Council for  
9 their initiative in this important area of public

10 safety, but the legislation also underpins the  
11 City's commitment to provide fair and appropriate  
12 consumer protection. NYC and Company has long  
13 advocated for the necessity of regulations of this  
14 burgeoning transportation alternative, and applaud  
15 the Council's hearing today.

16                   As we learned when the travel  
17 industry faced difficulties after 9- 11, visitors  
18 are actually one of the City's most important  
19 consumer segments. Representing over 42 million  
20 people from around the world, and across the  
21 country, they travel to New York City for a one- of-  
22 a- kind experiences.

23                   The streets of New York are about  
24 energy and excitement. NYC and Company believes  
25 that the proposed legislation will preserve the

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2 character of our City, while creating a regulatory  
3 framework that establishes fair and workable  
4 guidelines for continuing the operation of the  
5 pedicabs as a transportation alternative.

6                   The creation of equitable regulations  
7 will level the playing field for tourist  
8 transportation options, and allow pedicabs to  
9 continue operations on City streets.

10                   There are three key issues addressed  
11 in the proposed legislation. Licensing and  
12 training; insurance coverage and inspection, and  
13 enforcement. We at NYC and Company would like to  
14 ask you to consider a fourth. And that be regarding  
15 fares.

16                   First, we in the travel and tourism  
17 industry in New York City applaud the Council's aim  
18 to define the vehicles, owners and operators, and  
19 provide clarity and standardization regarding the  
20 licensing and operation to these new additions to  
21 Midtown street life. The promulgation of these  
22 requirements and regulations will help establish a  
23 level playing field in providing transportation  
24 services and still provide consumers, in this case,  
25 the City's visitors, with transportation

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2 alternatives.

3                   By licensing the vehicles and the  
4 operators, the City is acting as it does in the case  
5 of other transportation providers, responsibly and  
6 in the interest of the consumer.

7                   We believe this must include a  
8 specific pedicab license, including a numbered

9 license plate that can easily be observed by  
10 passengers, the vehicle owners, and pedestrians, for  
11 each pedicab. As well as an operator's license for  
12 each person authorized to operate a pedicab. That  
13 will maintain both training, and examination.

14                   Those of us who work in Midtown, have  
15 often observed the interaction between drivers and  
16 passengers, where many drivers function as de facto  
17 tour guides. We would like to remind the Council  
18 members that in this City, we require that tour  
19 guides be examined and licensed by the Department of  
20 Consumer Affairs, and require that tour buses carry  
21 licensed tour guides when they operate within City  
22 limits. We can ask no less from pedicab operators.

23                   Second, the requirement that each  
24 pedicab license and applicant be conditioned upon  
25 the proof of adequate liability insurance will

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2 protect not only the passengers, vehicle owners, and  
3 bystanders, in this case of an accident, but also  
4 protects the small businesses and entrepreneurs who  
5 find their livelihood in this new business  
6 opportunity. Even a minor accident or fender bender  
7 could --

8                   CHAIRPERSON COMRIE: Do you have much

9 more to go?

10 MR. DIXON: Just one more, if you  
11 will, Mr. Chairman. Just one final thing. The one  
12 thing that's important to us is about the posting of  
13 fares. And we would just ask that they be clearly  
14 posted and prominently displayed for the fairness of  
15 all passengers, especially the City's tourists who  
16 are visiting and spending lots of money in our City.

17 And in conclusion, we just want to  
18 congratulate you for taking this issue up. And we  
19 are here to assist you in any way we can.

20 CHAIRPERSON COMRIE: Thank you. Thank  
21 you for coming. I wasn't sure where you were headed  
22 with the issue until you got in the middle of your  
23 text there. But now that I understand, I appreciate  
24 your being here.

25 MR. DIXON: In the interest of our

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2 City's visitors.

3 CHAIRPERSON COMRIE: Okay. Great. If  
4 you could give us a copy of that, but give us --  
5 so we could make some copies of it. Did we get a  
6 copy?

7 MR. DIXON: Yes. I think they were

8 --

9 CHAIRPERSON COMRIE: Give one to the  
10 Sergeant at Arms, he can make one.

11 Mr. -- Let me just say Gregg, and  
12 you say your last name.

13 MR. ZUKOWSKI: That's great, no  
14 problem.

15 Chairman Comrie, thank you for  
16 sticking this out. I know there's a lot of interest  
17 in this topic, and as you can see. I'd just like to  
18 -- I don't know if you've opened up my  
19 presentation here, a little small one, but you can  
20 see what Council Member Barron's pedicab lane might  
21 look like here, with two pedicabs versus a van.

22 I would also like to say I was  
23 pleased to hear testimony from the DOT expressing  
24 interest in keeping up with 21st century transport  
25 solutions. The 20th century solutions continue to

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2 demand attention, and I'm sure the DOT will continue  
3 to balance the 20th and 21st century solutions going  
4 forward.

5 Oh, and I'll just say, I'm an owner  
6 and driver of Revolution Rickshaws, L.L.C. I have  
7 18 and I'm also acting Secretary of the New York

8 Pedicab Association. Pedicab Owners Association.

9                   New York City can effectually handle  
10 only so many gas and diesel burning vehicles at any  
11 given time. And practical limitations are obvious,  
12 not only to City planners. Each time a resident or  
13 business, or visitor, commuter, reveler, theater  
14 goer, traveler attempts to traverse Midtown in an  
15 auto taxi during rush hours, he or she understands  
16 all too well these limits as well. Gridlocks have  
17 been with us since Sam Schwartz coined the term in  
18 the 1960s, and it's not going away. The economic  
19 loss to the City from people paralyzed in motor  
20 vehicle traffic jams is measured in billions, not  
21 millions of dollars annually. And the air polluting  
22 emissions that have generated child asthma rates  
23 that are the highest in the nation.

24                   Pedicabbing, meanwhile, is quickly  
25 establishing itself as the sensible, effective, and

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2 sustainable solution for Midtown movers, and soon  
3 for us in the better boroughs as well. Featuring a  
4 small footprint, tight turning radius, easy boarding  
5 and safe human speed and power, the pedicab  
6 maneuvers very effectively within our urban

7 transport nexus. In 2005 alone, I estimate  
8 approximately one million rides were taken in  
9 pedicabs in New York City, up from zero ten years  
10 ago. This number will continue to grow due to both  
11 rising oil prices and increasing understanding of  
12 our effective services. Typical pedicab services  
13 include street hails, Times Square spins, commuter  
14 runs, City tours, theater trips, event services,  
15 late- night Downtown cruises, Central Park loops,  
16 and corporate excursions.

17                   As pedicab usage increases locally,  
18 the City will benefit from dropping asthma rates due  
19 to lower level of air pollutants. Last year, each  
20 borough earned a failing grade for the sixth  
21 consecutive year from the American Lung Association.

22     Yet the Council of late has made a real commitment  
23 to granting New York City's 160,000 children  
24 suffering asthma a fighting chance. Part of Local  
25 Law 77- 2003, mandates -- clarify the City

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2 Council's concern here where it says, they find air  
3 quality is a concern in all parts of New York City,  
4 particularly since the City suffers from some of the  
5 highest asthma rates in the country.

6                   This legislation may annually save

7 millions of dollars to the City in avoided health  
8 care costs. I feel that pedicabs will add to these  
9 savings as well.

10 By fostering our growth, this Council  
11 will also support the commitment made by Mayor  
12 Bloomberg last year, for New York City to join 400  
13 other U.S. Cities in proactively reducing greenhouse  
14 gas emissions within City limits.

15 Finally, 40,000 persons are killed  
16 every year in automobile accidents in the United  
17 States. Over 1.2 million people have been killed in  
18 the last 30 years since pedicabs started operating  
19 in the United States, in automobiles. However,  
20 including decades of operation, in urban areas of  
21 the United States without seat belts or helmets, in  
22 many urban centers, for 30 years, no fatalities have  
23 ever occurred in pedicabs. It's a remarkable  
24 record. As traffic commerce, by their very nature,  
25 pedicabs are a growing force in saving people's

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2 lives, I feel, as well.

3 And I wanted to thank you for your  
4 time.

5 CHAIRPERSON COMRIE: Thank you. Have

6 any of the drivers developed asthma? You guys keep  
7 talking about healthy and wonderful it is. You  
8 brought up something that was in the back of my mind  
9 for a while, dealing with Midtown traffic and all of  
10 the gasoline fumes. I mean, I guess I would have to  
11 ask the owners and I think they might have left,  
12 have any of the drivers developed asthma, and what  
13 kind of medical and health insurance do you have for  
14 drivers.

15 MR. ZUKOWSKI: Well, the drivers are  
16 generally independent contractors, and as far as I  
17 know, we haven't -- as far as we know, I guess  
18 health- developed challenges are around that haven't  
19 cropped up to date. I mean, obviously, --

20 CHAIRPERSON COMRIE: Are you a driver  
21 or just an owner? You said owner and driver on  
22 here.

23 MR. ZUKOWSKI: I do both. I have a --

24 CHAIRPERSON COMRIE: How much time do  
25 you put in driving?

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2 MR. ZUKOWSKI: How much time?

3 Generally 20 to 30 hours a week these days. I used  
4 to do 40.

5 CHAIRPERSON COMRIE: And how long have

6 you been driving?

7 MR. ZUKOWSKI: Two and a half years.

8 CHAIRPERSON COMRIE: Okay. And you're  
9 totally healthy.

10 MR. ZUKOWSKI: I think so. I feel  
11 good. Actually, it's helped a lot. I lost 25  
12 pounds since I started, and it's really made a  
13 difference for that. But I feel like -- I guess  
14 my point was this: --

15 CHAIRPERSON COMRIE: My wife is going  
16 to have me driving it.

17 MR. ZUKOWSKI: I need some drivers, so  
18 you're welcome to join. I guess I was more  
19 referring to the trend, really now that's going on.  
20 And we are concerned, obviously, for our own health.  
21 And I don't want to push for cars being limited,  
22 because they are the air polluting vehicles.

23 CHAIRPERSON COMRIE: Yes. I hear it.  
24 I mean, that's not the major issue here today, but I  
25 appreciate it. I'm just curious about driver health

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2 and safety. I'm sorry.

3 MS. PEARLMAN: I think I'd also like  
4 to add that there's a lot of self- selection going

5 on. People who stick with pedicab driving as a  
6 long- term option tend to be innately pretty healthy  
7 people. But the long- term effects really aren't  
8 known. There's not enough data.

9 CHAIRPERSON COMRIE: It's only been  
10 about five years. Okay. All right.  
11 Thank you for coming. Thank you all for coming.

12 The next panel is Gligor. Mr. Gligor  
13 from 95th Street. Stanley O'Connor. James Frimm.  
14 That's testimony for the record. Michael from 181st  
15 Street in Jamaica. Forgive me for not pronouncing  
16 your last names, because little I know. And Doug  
17 Korman.

18 James Frimm did leave the testimony.  
19 You're not here, right? Are you James Frimm?

20 MR. O'CONNOR: I'm Stan O'Connor.

21 CHAIRPERSON COMRIE: Okay.

22 MR. TASKOVICH: Hi Chairman Comrie,  
23 Council Ferrugia, Mr. Pastor. Thank you for your  
24 interest, your staying power and this opportunity to  
25 address you on the subject of legislation regarding

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2 the pedicab industry. My name is Glihor Taskovich,  
3 and I'm currently the Executive Vice President for  
4 Media Relations for the Ambo TransValcan Crude Oil

5 Pipeline Project. And I am providing business  
6 expertise to my two partners, who are currently  
7 experienced and committed pedicab drivers.

8                   We have met with senior staff members  
9 in the offices of Council Members Gerson and Brewer,  
10 and more recently, with Council Member Koppell and  
11 his Counsel, to review our suggested modifications  
12 to this proposed legislation. All three parties  
13 have expressed significant interest in our work, and  
14 I believe our document has found its way to your  
15 Committee staff by now. I will not address that at  
16 this time.

17                   Further, to Assistant Commissioner  
18 Toole's testimony, my partners and I intend to form  
19 a nonprofit company which will be called PILOTT,  
20 L.L.C. PILOTT L.L.C. Is an acronym for Pedicab  
21 Inspection and Licensing Operator Training and  
22 Testing. Currently, similar programs exist elsewhere  
23 in the country. Since we believe that New York City  
24 has the largest number of operating pedicabs in the  
25 country, we want to build on the experiences of

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2 other cities to create a new national standard for  
3 the industry.

4                   Our interest in creating this  
5 nonprofit company stems from our observations that  
6 it is in the mutual interest of the City of New York  
7 and the pedicab industry to be regulated and  
8 licensed at this time, like other forms of pay- for-  
9 hire transportation. Of the more than 350 -- not  
10 200 -- 350 pedicabs on the streets of New York,  
11 none of them are inspected for safety, none of the  
12 pedicab owners are licensed, and none of the pedicab  
13 drivers are licensed. It's a complete free for all.

14

15                   We join with the New York City  
16 Pedicab Owner's Association in proposing this  
17 nonprofit company, which would be a subcontractor to  
18 the Department of Consumer Affairs for handling all  
19 matters of pedicab inspection and licensing,  
20 operator training and testing.

21                   After reasonable start- up costs,  
22 funded by the Department of Consumer Affairs, PILOTT  
23 intends to be one hundred percent self-financing  
24 based on inspections, licensing, training, and  
25 testing fees.

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2                   CHAIRPERSON COMRIE: Did you say that  
3 you're looking for Consumer Affairs to start you up?

4 MR. TASHKOVICH: Yes. On the  
5 assumption that you would refer this matter to the  
6 Department of Consumer Affairs, there would be some  
7 start- up costs. But then after that, the revenue  
8 flow that comes in from the fees we would be self  
9 sufficient.

10 PILOTT will develop systems for  
11 inspecting fleets of pedicabs, licensing the pedicab  
12 owners, training and testing pedicab operators under  
13 vehicle and traffic laws of New York State and the  
14 City, on their knowledge of local geography, on  
15 proper care and maintenance of the pedicab, on how  
16 to drive the pedicab, how to sell their services,  
17 and finally, on proper customer service.

18 It is our intention, as the proposed  
19 owners of PILOTT L.L.C., to hire a manager who has  
20 trained over 600 pedicab drivers in New York City as  
21 our consultant in designing and executing the PILOTT  
22 program.

23 Thank you for this opportunity to  
24 address you concerning our proposed pedicab  
25 inspection and licensing, operator training and

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2 testing program. I look forward to your questions.

3 CHAIRPERSON COMRIE: Next. Mr.  
4 O'Connor.

5 MR. O'CONNOR: All right. Hi. My  
6 name is Stan O'Connor. Thanks for hearing us today.

7 I currently serve as the Secretary of the Pedicab  
8 Driver Association. And Secretary of the  
9 Sightseeing Guides Association of New York City.

10 The job driving a pedicab was few  
11 available for myself, a tourism professional, over  
12 45 years of age during the recession of 2001/2002,  
13 when, due to the terror attacks, there was  
14 absolutely no tourism work to be had in New York  
15 City. My first work was shuttling people from the  
16 World Trade Center observation platform down to  
17 South Street Seaport ticket office and back up the  
18 hill. After a few weeks, having realized the  
19 tourism opportunities inherent in a pedicab, with  
20 its 360 degree views, I began offering guided  
21 pedicab tours of the financial district, followed by  
22 tours of Chinatown, and Greenwich Village, Central  
23 Park, Times Square.

24 As I'm a DCA licensed guide, my  
25 information is as accurate and up- to- date as I can

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2 make it. I truly enjoy taking people through

3 Central Park, after years spent on tour buses. And  
4 by the way, I lost 35 pounds.

5                   Four years later, hundreds of  
6 customers have told me that my tours there are  
7 great, and I get repeat business. People come to  
8 appreciate New York more because of my work. During  
9 the blackout of August, 2003, I worked 17 hours that  
10 night, and into the next morning. I carried a woman  
11 with blistered feet, then an older man walking with  
12 a cane to their respective homes. The man could not  
13 pay, so I carried him for free, subsidized by fares  
14 who got on along the way, and were going in the same  
15 direction. His was the first of two rides I gave  
16 away that day.

17                   In fact, if someone is going in the  
18 same direction as me, and has not ridden a pedicab  
19 before I often give them a free ride. Everyone  
20 loves to ride pedicabs once they've tried it, and  
21 they may become a future customer, based on this  
22 pleasant experience.

23                   And that Summer, 2003, I witnessed a  
24 man in Times Square, stomp on a baby in a carriage  
25 and walk away. I called 911, tailed him into a

2 store and pointed him out to police officers. Based  
3 on my threat to testify against him, he plead, and  
4 is currently in jail.

5                   Times Square is a high- priority for  
6 terror protection. Since we drivers are out in the  
7 open, and are always watching the street and  
8 sidewalks, our drivers could be the eyes and ears of  
9 the City there. If the need for evacuation arises,  
10 the agility and speed of pedicabs gives us the  
11 capacity to get people out of danger more quickly  
12 than motor vehicles can.

13                   This is a wonderful job, that earns  
14 me a living, keeps me fit, puts me in touch with the  
15 community, and allows my guests a beautiful view of  
16 the fabulous City of New York.

17                   And I'm the one with the pedicab out  
18 in front, over by Wilner Chemists, if anybody wants  
19 a ride after work. The seats are heated.

20                   CHAIRPERSON COMRIE: Thank you.

21                   MR. KORMAN: Good afternoon  
22 Councilman. I am Doug Korman. I am founder of the  
23 New York Pedicab Drivers Association, and President  
24 of Trike Taxi, Incorporated.

25                   Pedicabs represent an appealing and

2 convenient service, which many municipalities  
3 throughout the world are embracing. They're  
4 flexibility of use makes this form of non polluting  
5 transport a worthy alternative. Evolved from the  
6 ancient rickshaw, pedicabs have overcome through  
7 technology, the stigma as being perceived as feudal  
8 labor.

9                   Western manufacturers have developed  
10 a renewed interest in this age- old mainstay of  
11 Eastern commerce. Development of advanced human  
12 powered and hybrid technology vehicles is spawning a  
13 genesis of livery and delivery work bikes, trikes,  
14 and quadricycles being designed for this new age and  
15 contributing to a less polluted environment.

16                   New York provides an appropriate  
17 market to introduce alternative forms of  
18 transportation to serve our communities and those  
19 who visit. It is incumbent upon the City Council to  
20 help foster an environmentally friendly policy which  
21 embraces the acceptance and integration of these  
22 newer types of light- weight and low speed vehicles  
23 into the regular traffic flow of the City's  
24 neighborhoods and tourist destinations.

25                   As the third most polluted

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2 municipality in the country, New York City has the  
3 burden of responsibility to do all that is possible  
4 to reduce emissions in compliance with the Federal  
5 Clean Air Act. Local transport by zero emission  
6 vehicles should not be regulated in any manner that  
7 would result in the limitation or discouragement of  
8 their increased use.

9                   As the alternative transportation  
10 industry propels us into the new hydrogen economy,  
11 we must develop new standards of acceptance for  
12 safe, efficient, non- polluting transportation.

13                   Our local pedicab industry has been  
14 permitted to function as a ten- year environmental  
15 bench test that has proved the value and benefit of  
16 these types of vehicles in the urban environment.  
17 My experience with being involved with pedicabs for  
18 the past nine years in New York has enabled me to  
19 identify best practices policies. Sensing the need  
20 to protect the industry, a group of concerned  
21 drivers founded the New York Pedicab Drivers  
22 Association in an effort to formulate and promote  
23 self- regulation within the industry, as well as  
24 provide a forum for worker issues.

25                   The NYPDA accepts the challenge, and

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2 assumes the duty to fulfill its goals of educating  
3 and promoting a sustainable agenda to, and after,  
4 until, and after, the regulations.

5                   The NYPDA plans to develop an effort  
6 to establish a cooperative program with the police  
7 to help with conduct and compliance.

8                   CHAIRPERSON COMRIE: Thank you. All  
9 right. I want to thank all of you for coming. I'm  
10 curious to understand -- were you here for the  
11 testimony for the Commissioner, Mr. Tashkovich?

12                   MR. TASHKOVICH: Yes, I was.

13                   CHAIRPERSON COMRIE: Okay. And you  
14 think that you can still do this training program  
15 and meet their particular guidelines?

16                   MR. TASHKOVICH: Absolutely. We plan  
17 to meet with her as soon as her schedule permits.

18                   CHAIRPERSON COMRIE: Okay. All right.  
19 I want to thank you all for coming down.

20                   MR. TASHKOVICH: May I just address

21 --

22                   CHAIRPERSON COMRIE: Sure.

23                   MR. TASHKOVICH: Coming in to the  
24 hearing today, we met with two people who are  
25 representing the Police Department. They apparently

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2 are testifying or are coming up next. But they were  
3 explaining they were impounding pedicabs in  
4 Manhattan because they didn't have a general vendors  
5 license. And I just wanted to make you aware of  
6 that.

7 CHAIRPERSON COMRIE: Yes. That's why  
8 we're doing this meeting. We understand the sense  
9 of urgency for trying to put some regulations in,  
10 and it's necessary that industry does come to some  
11 final regulatory process.

12 And if the police are taking this  
13 step, it's probably because they're getting a high  
14 level of complaints. Or they feel that it's unsafe.  
15 And we don't want the agency to necessarily change  
16 the standard or practice -- well, there is no  
17 standard or practice, and that's the problem. So  
18 without a standard or practice, it's really left up  
19 to the Police Department right now to be the sole  
20 arbiters of what is proper. And that hurts, and it  
21 could hurt the industry, and it could -- it might  
22 help the industry on one hand, because it might  
23 foster drivers to be more aware of their  
24 surroundings. I'm sure that they're not -- I would  
25 hope that they're not seizing the vehicle just out

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2 of a whim, but it's due to the fact that they're not  
3 operating properly. Or that they've had either bad  
4 customer service complaints or bad driving  
5 complaints.

6                   So I don't know, I'm just throwing it  
7 out there. But clearly, that is the impetus as to  
8 why this is the first thing on my Committee, because  
9 it's an issue that we need to resolve quick. Thank  
10 you.

11                   Michael Geoghagen. Are you still  
12 here? Okay. You're next. Christian Farrell. Joe  
13 Grunbers. Sorry, thank you. And Wendy Scher.

14                   MR. GEOGHAGEN: Good afternoon. My  
15 name is Michael Geoghagen. I'm a citizen of 181st  
16 Street in Queens. This is an open territory, which  
17 hasn't yet been discovered by any of the memberships  
18 that I've seen here today.

19                   I'd like to say also, that having  
20 lived in quite a lot of developing countries working  
21 for the United Nations, I was very impressed by the  
22 bad condition of a lot of their cabs, pedicabs and  
23 so forth. But also by the enthusiasm and ability to  
24 survive financially in countries which are very  
25 poor.

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2                   It's a different situation in New  
3 York City and that's why I don't have too much to  
4 say, because I listened today, and found fascinating  
5 the gentle, encouraging push coming from the City of  
6 New York, giving them a chance to say what they have  
7 to say. And I was very impressed by the eloquence  
8 of quite a few speakers and their ability to look  
9 down to the bottom of the problems, which have to be  
10 regulated one way or another.

11                   And I have a lot of sympathy for this  
12 New York development, and I wish it will do well and  
13 not self- destruct, but rather self- develop which  
14 is the best way to go.

15                   I hope I'll have a chance to come  
16 back later another day. Thanks very much.

17                   CHAIRPERSON COMRIE: Thank you for  
18 spending your afternoon with us.

19                   Christine, I'm going to save you for  
20 last, because I just realized that you checked off a  
21 different subject.

22                   Mr. Joe Grunberg. You're next.

23                   MR. GRUNBERG: Good afternoon Council  
24 Members and staff. I'm Joe Grunberg and I'm a  
25 partner in Trike Taxi, Incorporated. I would like

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2 to express my gratitude to this City Council for  
3 their wise consideration of the introduction of  
4 pedicab regulations, one of New York City's youngest  
5 and most promising start- up industries.

6 I'm a local entrepreneur who was born  
7 and raised in Manhattan. After maintaining my  
8 Downtown business for nearly 30 years, I lost  
9 everything due to the economic impact of 9- 11. As  
10 a way of coping with my loss, I decided to learn how  
11 to drive a pedicab, by taking a training course with  
12 George Bliss. I quickly realized what a wonderful  
13 concept pedicabs are, for economic development,  
14 local transportation, and tourism.

15 The evolution of the pedicab industry  
16 is a great New York story in the making. For me,  
17 the rest is history. I fell in love with the  
18 pedicab, as most first- time customers do. A  
19 significant percentage of repeat customer confirm  
20 that people appreciate pedicabs as much as I do.

21 This is why I decided to partner with  
22 Doug Korman and create Trike Taxi, Inc., located in  
23 Long Island City. Our company designs and develops  
24 pedicabs and alternative vehicles for livery and  
25 delivery solutions in the urban environment. Trike

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2 Taxi is a grant partner with two cutting edge  
3 engineering firms and the application of funding  
4 through NYSERDA, PON 957 (phonetic), to develop  
5 advanced versions of alternative transportation  
6 vehicles. As a participant in the development of the  
7 hydrogen energy road map for New York State, Trike  
8 Taxi seeks to provide transportation solutions, new  
9 jobs, and business opportunities.

10                   With the redevelopment of Lower  
11 Manhattan, Harlem, and areas such as Queens Plaza,  
12 the shoreline areas of Long Island City, and the  
13 upcoming development of Governor's Island, pedicabs  
14 and other forms of alternative transport offer a  
15 practical and green venue of people movers for these  
16 developing locations.

17                   I believe that it would be prudent  
18 for the regulations to be balanced in a manner that  
19 promotes the development of the industry with clear  
20 guidelines and the ability for the market to  
21 determine the limitations of growth. Thank you.

22                   CHAIRPERSON COMRIE: What have you  
23 developed as far as alternative --

24                   MR. GRUNBERG: We have hybrid bike  
25 taxis that are part electric, part pedal assisted.

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2 And we're currently in preparation for the NYSERDA  
3 grant. We're going to be designing hydrogen fuel  
4 cell powered pedicabs. Electric and hydrogen fuel  
5 cell powered pedicabs. And delivery vehicles, which  
6 is probably two years down the road with these  
7 engineering companies to satisfy NYSERDA's request  
8 for hydrogen vehicles, starting with what they  
9 called neighborhood electric vehicles. But they're  
10 going to be the hydrogen vehicles that precede  
11 automobiles as hydrogen vehicles.

12 CHAIRPERSON COMRIE: I see. Okay.

13 Thank you.

14 MR. GRUNBERG: You're welcome.

15 CHAIRPERSON COMRIE: Christian

16 Farrell.

17 Mr. FARRELL: My name is Christian  
18 Farrell, and I own my own bike, and I drove it --  
19 have driven for two and a half years. And now I  
20 lease my bike. And I've been out there on the  
21 street for a long time, and before I stopped  
22 driving, I've seen a lot of congestion problems in  
23 the streets. And I've seen the huge crowds at  
24 Christmas, the pedestrians. I've seen charter  
25 buses, I've seen people from out of state blocking

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2 the box, or random people. I've seen pedicabs, like  
3 you were saying, at the theaters.

4                   So I know that there's probably  
5 congestion, but the difference between us and those  
6 people is that a lot of the crowds at Christmas are  
7 random people. The people that block the box, a lot  
8 of times, are people from out of state. And I see  
9 it happen all the time. That's one thing we don't  
10 do.

11                   And unlike that, we're the same  
12 people going around a given area, and I think we're  
13 very governable. So those problems are more  
14 complicated. To govern pedicabs, I think isn't as  
15 complicated as people make it out to be. To make  
16 sure that these same people that frequent the same  
17 area every day, it's a given amount of people, it's  
18 about 300 people, that they drive safely, that they  
19 don't cause congestion problems.

20                   So that's the point I wanted to make,  
21 is that there's a lot of hope, there's a lot of  
22 potential and there's a uniqueness to the problem  
23 that makes it particularly, I think, easy to --  
24 not easier -- I'm not going to say it's easy --  
25 but it's easier to deal with.

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2 CHAIRPERSON COMRIE: So you think it's  
3 resolvable but you're in favor of regulation.

4 MR. FARRELL: Yes. But I think a law  
5 isn't going to necessarily -- you know, the actual  
6 inspection, the way the police enforce it, that type  
7 of thing is going to make what makes the difference.  
8 When it happens.

9 Another point I wanted to make is, I  
10 talked to McCay insurance, which is used to  
11 insurance, and they said that in San Francisco, they  
12 used Kalmanson, which is Lloyds of London  
13 underwriter. Kalmanson is the underwriter.  
14 Kalmanson is the company that you get it from. And  
15 McCay does insurance. Other states could be using  
16 McCay. I don't know about that. There's also  
17 another company, Insurance for Bicycles, that  
18 insures -- i talked to them once, but apparently  
19 other people talked to them, and they said that they  
20 insure the business, they don't insure the driver.  
21 So it's more like -- but they're recognized --  
22 they pointed out that Lloyds of London wasn't  
23 recognized and they are.

24 Those are the points that I wanted to

25 make.

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2 CHAIRPERSON COMRIE: All right.

3 Thank you.

4 Ms. Scher.

5 MS. SCHER: Yes. My name is Wendy

6 Scher. I work for Party Bike and I hope I don't

7 repeat any of the points that the representative of

8 Super Bike made, because I wasn't here for part of

9 this testimony. But well, I'm glad to see the kind

10 of support here for Intro. 75, and I wasn't planning

11 to speak here at all until I saw that red herring

12 thrown in about Party Bikes and we say Super Bikes.

13 I mean conference bikes.

14 Yes. Instead, I support the

15 regulation of conference bikes along with every

16 other bicycle powered- business. Party Bikes in my

17 experience, have provided an exciting enjoyable

18 experience to thousands of riders since 2004. As

19 someone who enjoys riding one for almost a year, I

20 see the regulation of party bikes, conference bikes,

21 as key their safety.

22 First, to clear up some points that

23 other people made today. They are not wider than a

24 traffic lane. They are about roughly the size of a

25 mini Cooper, a tiny subcompact car. But even

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2 slightly smaller than that. We do not operate  
3 during rush hours. And all of the bikes are  
4 properly insured.

5                   These bikes are not inherently  
6 unsafe, especially considering the slow speed of  
7 Midtown traffic.

8                   Regulations such as the ones we've  
9 discussed, that cover all of these bicycles, in some  
10 form, would increase the safety of both the driver  
11 and equipment standpoint.

12                   The driver, I've seen a variety of  
13 good and bad drivers at my company, and they may not  
14 stick around very long. If all of these prospective  
15 drives were licensed and examined in the same way  
16 that any pedicab drivers would, this would ensure  
17 safer and more experienced drivers.

18                   And as far as the bicycles  
19 themselves, though they are overall in very good  
20 working order, I would suggest that all human  
21 powered vehicles operating for hire, be fitted with  
22 lights if they intend to be operating at night.  
23 These are essential for public safety. And

24 unfortunately right now, there is little incentive  
25 at both my company and at any pedicab business, for

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2 these to be required.

3                   On a personal note, I love my job  
4 more than any I've ever had. I have a degree in  
5 communications, but I get more enjoyment out of  
6 driving a party bike than anything else I could be  
7 doing. There is nothing more exhilarating than  
8 sharing with others, an exciting aerobic experience.

9

10                   In conclusion, some safety  
11 regulations would be a great benefit for all  
12 bicycles for hire, for both the business and the  
13 City as a whole.

14                   CHAIRPERSON COMRIE: Okay. Thank you.

15       So you're in favor of regulations. You just don't  
16 like all the regulations that you heard.

17                   MS. SCHER: No. I don't like if  
18 people exclude the conference bikes, in order to  
19 allow the party bikes to be banned. Not to mention  
20 the human- powered rickshaws and the quads and the  
21 other things that are out there. That haven't made  
22 so much of a noise.

23                   CHAIRPERSON COMRIE: Okay. All right.

24 Thank you. Thank you all for coming.

25 And the last panel will be Jayson

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2 Gladstone and Deron Sobers.

3 MR. SOBERS: Yes. My name is Deron  
4 Sobers. I am a native New Yorker. I was born in  
5 Queens. Currently, I live in Harlem. I'm also a  
6 veteran. I'm a father of three children. And the  
7 reason why I ride pedicabs, and I've been doing it  
8 for the last three years, because I'm a  
9 singer/songwriter. I also have taken the test for  
10 the taxi, which I took Friday, which I believe I  
11 passed with flying colors. I also have a horse-  
12 carriage license. And I also will be doing that.  
13 And basically, any job that gives me the ability to  
14 leave it at any time, and pursue my career and then  
15 come back without having to talk to somebody about  
16 it, that's what I'm in favor of.

17 So basically, every day, thousands of  
18 theater goers and business people, tourists,  
19 commuters, and residents are frustrated when they  
20 search for transportation. The average speed of  
21 traffic in Midtown during a day is about seven to  
22 eight miles an hour. The cross- town traffic is

23 about four to five miles an hour. And during the  
24 peak hours, it can be moving far slower than  
25 walking.

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2 Often, the voyage can only start  
3 after waiting an hour for a cab. What makes it even  
4 more frustrating is that seven percent of the cabs  
5 -- or 70 percent of the cabs -- of the taxis in  
6 motion are carrying less than one passenger.

7 For example, try to get from the back  
8 of a taxi line at Grand Central Statio, to the front  
9 of Penn Station at Five P.M. on a busy Friday.  
10 You're likely to be still in that line, and stuck in  
11 traffic more than 45 minutes later.

12 A pedicab accomplishes the same  
13 mission in ten minutes or less. Or we give you the  
14 ride free.

15 Yes, a pedicab can make most trips  
16 within Midtown in ten minutes or less. A pedicab  
17 takes at most, half of the road of a typical motor  
18 vehicle, and has three- quarters of the legal  
19 passenger capacity. It's a tiny turning radius and  
20 high maneuverability that allows it to make the most  
21 of available road. In a typical cross- town trip, a  
22 pedicab will pass at least ten motor vehicles every

23 mile. Every half mile, excuse me.

24 This puts to rest the contention that  
25 a pedicab is responsible for the slow traffic. In

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2 fact, a pedicab can average eight miles an hour in  
3 almost any condition, and usually, it beats the rush  
4 hour traffic.

5 Let's remember that Sam Schwartz who  
6 coined the phrase, "gridlock", described New York  
7 City, back in 1965, and in the City, there were no  
8 pedicabs.

9 In a city, the majority of people who  
10 are looking for a taxi have a destination no more  
11 than a mile or a half mile away. And pedicabs are a  
12 valuable part of this transportation network.

13 We're really looking to the City  
14 Council because we would like you to see how we have  
15 added to traffic, and not taken away from it.

16 CHAIRPERSON COMRIE: Thank you. Mr.  
17 Gladstone.

18 MR. GLADSTONE: My name is Jayson  
19 Gladstone. I've been a pedicab driver in Manhattan  
20 for four years. I'm an actor as well, and I can  
21 honestly say, besides acting itself, pedicabbing is

22 the best job I've ever had. Even though I've worked  
23 in the snow and the rain, in the sleet and in the  
24 cold, but I do it with a smile on my face.

25                   The friendships I've forged with some

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2 of the other pedicab drivers will last a lifetime.  
3 These are good, quality people, hard working, honest  
4 and passionate, smart and funny, and eccentric.  
5 Basically, the best people in the world. When we  
6 interact with our passengers, we put a good face on  
7 the City. After all, being colorful is what New York  
8 City is all about.

9                   It can be hard to find a good job  
10 while struggling to succeed as an actor. Driving a  
11 pedicab is a unique opportunity to make a good  
12 living with flexible hours. Let's not lose these  
13 wonderful, creative people to other cities.

14                   Tourists absolutely love us. I don't  
15 know how many times I've had somebody on the back of  
16 my bike from Texas, Florida, California, or Georgia  
17 who, at the end of the ride says, what a great time  
18 they've had, or what an unusual experience they've  
19 had. They are clearly fascinated with the concept,  
20 and are bewildered by how we do it. I don't know  
21 how many times I've had somebody on the back of my

22 cab say, "Wow. You must have strong legs".

23                               There's no question in my mind that a  
24 tourist pedicab experience enhances their New York  
25 experience. Tourism is a colossal part of New York

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2 City's economy. We get them to their shows on time,  
3 we take them on tours around the City, around  
4 Central Park. We provide them with the service  
5 that's an anomaly from regular transportation. One  
6 that is unusual, exciting, and environmentally  
7 friendly.

8                               I think it's important to protect and  
9 cultivate this business. And to accomplish this, I  
10 believe it's important for drivers to hold to a  
11 standard of behavior. Ideally, I want the same  
12 standard of accountability for other drivers that I  
13 have for myself. Drivers should be required to have  
14 a permit to which they are accountable for  
15 infractions. Requirements for this permit should be  
16 strict and include a U.S. Driver's license and proof  
17 of liability insurance. Regulation and enforcement  
18 in a practical format is a welcome solution to  
19 curtail the behavior of irresponsible drivers so we  
20 can maintain our positive image.

21 I can't emphasize enough that tourism  
22 is a vital part of the economy of New York City. As  
23 New Yorkers, we should take advantage of the fact  
24 that this service creates entertainment and  
25 enjoyment for tourists. Pedicabs provide tourist-

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2 friendly environment for Manhattan, and encourage  
3 people to come back again.

4 The concept of pedicabbing is so  
5 unusual, that a lot of our tourists, I'm certain, go  
6 home and spread the word to their friends and loved  
7 ones. Please let's do what we can to protect this  
8 valuable and unusual service that provides us with a  
9 greater sense of humanity. Thank you.

10 CHAIRPERSON COMRIE: I want to thank  
11 you both for testifying. Has anyone invited you to  
12 Italy, or --

13 MR. SOBERS: I was invited to England.  
14 I have some famous relatives from over there.

15 CHAIRPERSON COMRIE: Oh really? Okay.

16 MR. SOBERS: So Gary Sobers is my  
17 second cousin. The cricket player.

18 CHAIRPERSON COMRIE: Excellent.  
19 Excellent.

20 All right. I want to thank you both

21 for coming down. I appreciate your testimony.

22                   With that, unless there's somebody  
23 that hasn't requested testimony, we finished at five  
24 minutes after five. Yes. Jim Frimmel. I think I  
25 read his name earlier said that he wanted it read

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2 into the record.

3                   Just to sum up again, this is an  
4 initial hearing. There's a lot of work we need to  
5 do. We need to do it quickly to deal with all of  
6 the aspects of this industry. Again, thank you all  
7 for coming down this afternoon. I would say that  
8 the hearing is closed at this point. And have a  
9 safe evening.

10                   (Hearing concluded at 5:10 p.m.)

11                   (The following written testimony was  
12 read into the record.)

13

14

15 Written Testimony Of:

16 Jim Frimmel

17 Pedicab Driver

18

19                   I would now like to address the issue

20 of the safety of driving and riding in a pedicab.

21                   First, I must tell you that I love  
22 this job. The exercise, being part of the New York  
23 street scene, but most of all, the pleasure that I  
24 bring to people. I hear comments like, "That was  
25 great". "That was fantastic". "Loved it". When

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2 weather is nasty, I hear things like "You saved my  
3 life". Best of all are the excited cries of joy  
4 from little children.

5                   To do this job, just like any driving  
6 job in the City, you must be on top of things  
7 constantly. I like the fact that the demands of the  
8 job require me to stay "in the moment", but most  
9 people would find it nerve- racking.

10                   No pedicab passenger has ever been  
11 seriously hurt in New York City. It is a testament  
12 to the skill of our drivers that our record is so  
13 good. In my opinion, it is self- selective thing,  
14 most people who aren't suited to being a good  
15 pedicab driver won't even try because they can't  
16 deal with the traffic.

17                   My favorite rides are when I carry  
18 little kids. It's great to see them having loads of  
19 fun. When my own daughters visited NY recently, I

20 had no qualms about loading everyone up, including  
21 my own grandson, for a tour of Fifth Avenue, Central  
22 Park, and Times Square.

23                   Once, a 92- year old lady asked me  
24 for a ride on Park Avenue. I was happy to oblige,  
25 and she was just tickled by the experience. I'd say

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2 she qualifies as a kid, too.

3                   Since pedicabs exist in a legal grey  
4 area, drivers are forced to make their own rules.  
5 They may use the tolerated behavior of bicycles in  
6 NYC as a guide. This leads to drivers doing thing  
7 that are inappropriate. For example, it's common  
8 for bicycles to go through red lights as pedestrians  
9 do. Since pedicabs are small, it's also easy for  
10 them to scoot around a corner at a red light and go.

11 I believe that the penalties for running a red  
12 light should be severe. It's simply too dangerous. This  
13 example shows how important it is to clarify what is  
14 allowable for us. Just saying that we must obey  
15 "applicable" traffic laws is not enough. This  
16 leaves us in the current untenable position of being  
17 at the mercy of a policeman's interpretation and  
18 with drivers free to interpret abusively.

19                   Even so, please don't throw out the  
20 baby with the bath water. There are things we can  
21 do that make us a great alternative. Since we are  
22 half the width of a car, we are able to weave around  
23 and squeeze past stopped traffic. In this way, we  
24 get passengers to destinations despite gridlock.

25                   Similarly, we can stop or wait in

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2 zones where stopped cars would create a major issue.

3 We simply need guidelines so that we can all do  
4 things safely.

5                   Please allow the industry itself to  
6 get involved in creating regulations so that we end  
7 up with guidelines that work, and that don't quash  
8 the future of alternative transportation in the  
9 City. I ask you all to lead the way out of oil  
10 dependence, pollution, and gridlock.

11                   (Hearing concluded at 5:10 p.m.)

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CERTIFICATION

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STATE OF NEW YORK )

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COUNTY OF NEW YORK )

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I, JOAN GARCIA, do hereby certify

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that the foregoing is a true and accurate transcript

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of the within proceeding.

12

I further certify that I am not

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related to any of the parties to this action by

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blood or marriage, and that I am in no way

15

interested in the outcome of this matter.

16

IN WITNESS WHEREOF, I have hereunto

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set my hand this 28th day of February 2006.

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JOAN GARCIA

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C E R T I F I C A T I O N

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I, JOAN GARCIA, do hereby certify the  
aforesaid to be a true and accurate copy of the  
transcription of the audio tapes of this hearing.

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JOAN GARCIA

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