

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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April 27, 2011  
Start: 10:23am  
Recess: 10:34am

HELD AT: Committee Room  
250 Broadway - 16<sup>th</sup> Fl.

B E F O R E:  
DANIEL R. GARODNICK  
Chairperson

COUNCIL MEMBERS:  
Charles Barron  
Leroy G. Comrie, Jr.  
Karen Koslowitz  
G. Oliver Koppell  
Michael C. Nelson  
Julissa Ferreras

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[gavel]

CHAIRPERSON GARODNICK: Good

morning, everyone. Welcome to the Committee on Consumer Affairs, the New York City Council. Today's date is Wednesday, April 27<sup>th</sup>. My name is Dan Garodnick. I have the privilege of chairing this Committee. I'm joined by Council Member Karen Koslowitz, Council Member Charles Barron, Council Member Oliver Koppell and we are convening this morning to vote on three bills that have been heard before this Committee. We had a hearing on proposed Intros 344A, 466A and 467A on February 18<sup>th</sup>, 2011. We heard testimony from the Department of Consumer Affairs, Department of Transportation and NYPD, as well as from advocates—people in the industry, the New York Pedicab Owner's Association and others, as well as reps from the Broadway League and the Metropolitan Taxicab Board of Trade. And we heard support from DCA, DOT and NYPD for the bills with some minor suggestions, as well as support from the New York Pedicab Owner's Association, the Broadway League and the Metropolitan Taxicab Board of Trade. The drivers who came to testify supported the Council's

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2 efforts in professionalizing the industry and  
3 generally supported the essence of all three  
4 bills. Several of them expressed concerns about  
5 some of the nuts and bolts of a couple of the  
6 bills, and as a result, we made what we believe to  
7 be necessary amendments to make them fair and  
8 reasonable. These three bills all are an effort  
9 to strengthen existing laws governing pedicab  
10 operations and to address ongoing challenges with  
11 pedicab safety on the streets.

12 Intro 334A is a bill that will  
13 prohibit pedicab drivers from parking their  
14 pedicabs in areas where they do not belong, such  
15 as in no parking zones, no standing zones, making  
16 those rules that are applicable to all vehicles  
17 for parking applicable to them. The original  
18 version of the bill would have also required  
19 pedicab drivers to pay for metered parking. After  
20 hearing testimony on that subject, we limited the  
21 bill to the issues of public safety, where  
22 pedicabs are today parking in no standing zones—  
23 parking in no left turn areas. A lot of this of  
24 course happens in midtown Manhattan, around  
25 Central Park, an area which I am proud to

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2 represent, but it has been a real challenge for  
3 us.

4 Intro 466 imposes a greater risk of  
5 suspension and revocation of a pedicab  
6 registration by targeting those drivers and cabs  
7 that have failed to have the proper operation of  
8 the pedicabs—pedicab business owners who do not  
9 properly maintain pedicab equipment. For example,  
10 a pedicab will be taken off the road if they have  
11 three safety violations, which are significant  
12 safety violations—failure to have seat belts,  
13 failure to have working brakes. We in the initial  
14 version of the bill had had a three strike penalty  
15 for lesser violations. Having heard some of the  
16 testimony from pedicab drivers about their concern  
17 that they could be taken off the street if their  
18 blinkers for example went on the blink, we amended  
19 the bill and addresses the more serious safety  
20 concerns.

21 Finally, the conditions on the  
22 streets today make it clear that we need to better  
23 address safety concerns and make sure that we have  
24 rules in place that are enforced and enforceable  
25 before we ever even consider allowing more

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2 pedicabs to operate. Intro 467A will repeal the  
3 Sunset Provision of the 2009 restrictions on  
4 licensing and limit pedicab registration plates to  
5 their current number of 850. You will recall that  
6 there was a window of time in which pedicabs could  
7 come and be licensed by the Department of Consumer  
8 Affairs. That window was open. That window had a  
9 fixed period of time, and then the window closed.  
10 Without the law that we are voting on today, the  
11 window would reopen and allow for additional  
12 licensing of pedicabs beyond their existing number  
13 and their existing number today is 850. My view  
14 as somebody who represents a district that is  
15 fully saturated with pedicabs is that we are at  
16 our limit. Perhaps we are beyond our limit, but  
17 we need to make sure that the cap stays in place,  
18 and that's what this bill intends to do. The bill  
19 also was amended from its initial version, which  
20 includes a mechanism for issuing additional  
21 pedicab registration plates, if the number drops  
22 below 840. So the DCA Commissioner will have the  
23 power and ability to license pedicabs to the  
24 extent that the number after an annual review  
25 drops below 840. I believe that all three bills

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2 before us today will provide greater safety and  
3 consumer protections. I expect that we will have  
4 a couple more regulatory bills down the line to  
5 address issues which came up during the course of  
6 the hearing process as well as to provide more  
7 information for consumers when they are using  
8 pedicabs and that will be for a later date. For  
9 now we are voting on these three bills, Intro  
10 334A, 466A and 467A. I encourage my colleagues to  
11 support them. I also would like to open the floor  
12 for any comments from any of my colleagues.  
13 Council Member Barron and then Council Member  
14 Koppell.

15 COUNCIL MEMBER BARRON: First, I  
16 would like to see some of these regulations—not on  
17 us, but the federal government—do the same thing  
18 from Wall Street. That would be very good.  
19 Secondly, any position I take on these bills here—  
20 you know, they seem to be fair. I just want to  
21 communicate a disclaimer of any kind of connection  
22 with the New York Post, who doesn't like pedicabs,  
23 I almost automatically wanted to vote no on this  
24 because the Post doesn't like pedicabs, so I want  
25 a disclaimer to maintain my community cred in

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2 terms of the New York Post. Thirdly, on a very  
3 serious note, it is a green industry. It is an  
4 industry that provides employment for individuals  
5 that probably couldn't get or are having  
6 difficulty getting employment anywhere else. I'm  
7 concerned about the cap--that particular area, but  
8 as you stated, Mr. Chairman, if we didn't have it,  
9 it might bring in 1700 more and overcrowd your  
10 district. So being sensitive to that, that's the  
11 only area that I have some concerns about. We're  
12 not allowing any growth for an industry that we  
13 may think is out of control and needs regulation  
14 and even the industry itself is supporting  
15 regulations, so I'll probably abstain on that one,  
16 but the rest--and I think I want to commend you for  
17 the amendments, the changes, the sensitivity and  
18 the balance that you attempted to strike between  
19 the needs of your community and the industry  
20 itself.

21 CHAIRPERSON GARODNICK: Council  
22 Member Koppell?

23 COUNCIL MEMBER KOPPELL: Is the  
24 suggestion--I just was looking at the memo--that  
25 the--what is it 840 registered cabs?

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CHAIRPERSON GARODNICK: 850.

COUNCIL MEMBER KOPPELL: 850. Is the suggestion that that is basically the number of applicants that are out there?

CHAIRPERSON GARODNICK: So, Council Member Koppell, the number of currently licensed pedicabs today is 850. What the bill does is it keeps that as the cap. It does not reopen the window for registration for new licenses beyond 850, but if the number drops below 840, it allows the commissioner to go ahead and issue more licenses back up to the 850 level.

COUNCIL MEMBER KOPPELL: And 850 was what was achieved when there was an open registration period?

CHAIRPERSON GARODNICK: Correct.

COUNCIL MEMBER KOPPELL: When there was open registration, that's all that applied.

CHAIRPERSON GARODNICK: That's correct.

COUNCIL MEMBER KOPPELL: This number is a two-year number, is that correct?

CHAIRPERSON GARODNICK: You mean the amount of time it has been in place for-



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COUNCIL MEMBER KOPPELL:

[Interposing] No, is there a sunset to the 850 number?

CHAIRPERSON GARODNICK: We do not have a sunset provision. The Council would need to pass a new law to reopen.

COUNCIL MEMBER KOPPELL: Hmm. I see. I'm inclined to support the number because you say that's all that applied, but I think a sunset might be a good idea in the sense that it always would be good to take another look at it both ways. There could be too many or there could be too few, and I think having a permanent cap creates it seems to me a barrier to reconsideration although of course the Council is always going to be there, so I'd be happier if there was a more flexible approach, but given that it's the way that it is, I'll support it because of what you say that there were no more applications than 850.

CHAIRPERSON GARODNICK: Thank you, Council Member Koppell. Seeing no other comments, we are going to put this to a vote. We're expecting some more Committee members shortly and

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2 so after we take the vote, we will leave the roll  
3 open for their ability to vote on these three  
4 bills. And with that, I'm going to ask the  
5 Committee clerk to call the roll, and again, I  
6 encourage my colleagues to vote aye on all three  
7 bills.

8 CLERK: William Martin, Committee  
9 Clerk, roll call vote in the Committee on Consumer  
10 Affairs. Council Member Garodnick?

11 COUNCIL MEMBER GARODNICK: I vote  
12 aye.

13 CLERK: Barron?

14 COUNCIL MEMBER BARRON: I vote aye  
15 on proposed Intro 334A and 466A, and I think I'm  
16 going to vote no on the cap. On 467A, I vote no.

17 CLERK: Koppell?

18 COUNCIL MEMBER KOPPELL: Aye on  
19 all.

20 CLERK: Koslowitz?

21 COUNCIL MEMBER KOSLOWITZ: [off  
22 mic] I just want to say that I believe that  
23 anybody doing business in New York City should  
24 have some regulations just like the street vendors  
25 have regulations and rules and they're also

1  
2 capped, and although pedicabs operate mainly in  
3 New York City, I've never seen a pedicab in Queens  
4 or in Brooklyn, so I'm happy to vote aye on all  
5 three bills.

6 [background conversation]

7 CHAIRPERSON GARODNICK: Thank you  
8 very much and we are going to leave the roll open  
9 and I thank my colleagues for their thoughtful  
10 comments and their presence here today, and with  
11 that, we will hold the roll open. Thank you,  
12 everybody.

13 CLERK: Continuation roll call in  
14 the Committee on Consumer Affairs. Council Member  
15 Comrie?

16 COUNCIL MEMBER COMRIE: Aye on all.  
17 I want to congratulate Council Member Garodnick  
18 and also all of those who were involved in  
19 ensuring that these bills were presented and  
20 passed.

21 CLERK: Ferreras?

22 COUNCIL MEMBER FERRERAS: I vote  
23 aye on all.

24 CLERK: Current vote in the  
25 Committee on Consumer Affairs now standards at six

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2 in the affirmative, zero in the negative and no  
3 abstentions, with the exception of Introduction  
4 467A, which is adopted by a vote of five in the  
5 affirmative, one in the negative and no  
6 abstentions. The roll is still open.

7 [background conversation]

8 CLERK: Council Member Nelson?

9 COUNCIL MEMBER NELSON: Aye.

10 CLERK: Final vote in the Committee  
11 on Consumer Affairs is now seven in the  
12 affirmative, zero in the negative and no  
13 abstentions, with the exception of Introduction  
14 467A, which is now adopted by a vote of six in the  
15 affirmative, one in the negative and no  
16 abstentions. Thank you.

17 COUNCIL MEMBER GARODNICK: Alright.

18 Thank you, Will. This meeting is adjourned.

19 [gavel]

C E R T I F I C A T E

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

Signature

Kimberley Uhlig

Date

April 29, 2011