

**Department of  
Consumer Affairs**

**Testimony of Erik Joerss, Director of City Legislative Affairs  
New York City Department of Consumer Affairs**

**Before the  
New York City Council Committee on Consumer Affairs**

**On  
Intro T2011-2978 regarding pedicab fares and receipts, Proposed Intro 345-A regarding  
the display of a Bill of Rights and responsibilities in pedicabs and Proposed Intro 541-A  
regarding the prohibition of the sale of expired over-the-counter medication**

**June 13, 2011**

Good afternoon, Chairman Garodnick and Committee members. I am Erik Joerss, Director of City Legislative Affairs for the Department of Consumer Affairs. Commissioner Mintz asked me to thank you for the opportunity to appear before you at this hearing.

Because the Department testified at length on pedicab issues in February, our remarks are brief today, limited to the bills at hand. Our testimony from February is attached for those who wish to review it for context.

We have the following comments on the specific legislation:

### **Intro T2011-2978**

This bill requires pedicab drivers to provide cost estimates and detailed receipts to customers, and includes a technical amendment to the code to acknowledge the use of odometers in pedicabs. We appreciate the technical amendment and support the idea of disclosures as a consumer protection. Specifically, the bill requires pedicab drivers to provide at the beginning of a trip a written and binding price quote to passengers if the rates are not calculated by time or distance or in any instance where the driver quotes an estimate. Because the absence of a time or distance calculation of pricing makes it more difficult for a consumer to determine value, this provision is a useful consumer protection.

Similarly, the requirement to provide passengers with a detailed receipt will certainly make it easier for consumers who have been treated unfairly to hold those responsible accountable.

### **Intro 345-A**

This bill would require the display in a pedicab of a Bill of Rights for pedicab passengers. Informing customers of their rights is an important consumer protection. For practical reasons, and to highlight for customers their most significant protections, we recommend that the suggested Bill of Rights be shortened to focus only on the four most critical protections, as follows:

Pedicab passengers shall have the right to:

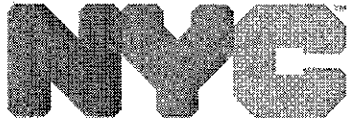
- 1) A working seatbelt;
- 2) A detailed receipt;
- 3) A timing device visible to the passenger if the rate is calculated by time or an odometer visible to the passenger if the rate is calculated by distance; and
- 4) A binding written estimate if the rate is not calculated by time or distance

### **Intro 541-A**

This bill prohibits the sale of expired over-the-counter medication. We defer to the experts at the Department of Health and Mental Hygiene to discuss the underlying medical necessity of this bill and to answer any health related questions. We appreciate that we've been included in the enforcement of this proposed legislation and have two recommendations to strengthen its consumer protections, which can be included in this legislation or left to the rule-making process:

- Require the prominent display of a sign at point of sale alerting consumers to their right to not be sold expired medications.
- Increase the fine described in Section 20-813 up to \$500 for each violation, to be consistent with existing State penalties in the General Business Law.

I am happy to answer any questions you may have.



**Department of  
Consumer Affairs**

**Testimony of Erik Joerss, Director of City Legislative Affairs  
New York City Department of Consumer Affairs**

**Before the  
New York City Council Committee on Consumer Affairs**

**Oversight Hearing on  
NYC Pedicab Regulations: First Year Review**

**and on  
Intro Numbers 334-A, 345, 466, and 467**

**February 18, 2011**

Good afternoon, Chairman Garodnick and Committee members. I am Erik Joerss, Director of City Legislative Affairs for the Department of Consumer Affairs, and with me is Deputy Commissioner for External Affairs, Fran Freedman. Commissioner Mintz asked me to thank you for the opportunity to appear before you at your oversight hearing on "NYC Pedicab Regulations: First Year Review" and your hearing on Intro Numbers 334-A, 345, 466, and 467.

The Department of Consumer Affairs was pleased to have the opportunity to work with its sister agencies and the City Council to help craft Local Law 53 in August, 2009 and to implement a market-driven licensing plan for this nascent but growing industry. The legally-required 59-day window allowed all who wished to compete in the market at that point in time to do so. Let me take you back, briefly, to the fall of 2009 so that we can share with you the massive and all-encompassing effort it was to implement this new legislation.

At the very outset, DCA instituted a business-friendly broad education, licensing and inspection protocol designed to protect the public's interests while providing a smooth, efficient and orderly process for the industry to follow. To assist the more than 170 pedicab businesses facing the City's new legal requirements, the Department immediately mounted a multi-pronged outreach campaign to the industry, including:

- Ongoing update bulletins as the City Council moved toward passing the new licensing legislation;
- Distribution of a detailed FAQ, explaining each step of the licensing and inspection process;
- Making all materials available on DCA's website, through 311 and at our Licensing Center;
- Repeated offers to the two industry associations to hold special sessions to walk prospective applicants through the process; and
- Near daily direct contact with the industry's two business associations regarding the low volume of early applications, including a meeting with the Commissioner.

The task of imposing a licensing and inspection scheme on a previously unregulated industry in an incredibly short amount of time required an enormous amount of work, meticulous planning and a significant communications effort among all stakeholders.

Our outreach to the industry was meant to supplement an already streamlined licensing process, with most of the key information available online through the Business Toolbox section of our website. All required forms and requirements were easily accessible and wherever possible, downloadable.

The City opened its licensing window on September 22, 2009 and continued for 59 days through November 20, 2009. To receive a pedicab business license, applicants were required to own at least one registered pedicab which passed inspection, acquire legally compliant insurance, and submit a completed application to DCA. Applications for pedicab drivers licenses were submitted beginning on September 22, 2009 and submissions have been ongoing as there was no "window" or time limitation for such licenses.

In the first 60-day registration period before the window closed, DCA received 181 business license applications which included 943 individual pedicabs. Of those who

applied, 172 business licenses were issued, representing 889 pedicabs. We also issued pedicab driver licenses to 474 applicants during 2009.

From October, 2009 through December 21, 2009, DCA conducted 1,129 inspections (including re-inspections) of pedicabs to ensure that they met the rigorous legal requirements to be duly registered. The qualifying inspection was an intensive, comprehensive and vigorous 24-point review that focused on pedicab vehicle safety and consumer protections and tested the integrity of the product. These soup-to-nuts inspections included testing primary and secondary braking systems, lights, turn signals (both visual and audible), reflectors, timers and distance calculating devices, appropriate rate and other signage.

Each inspection generally took between 15 and 20 minutes, depending on whether or not problems were noted and depending on the method that rates for the pedicab were to be calculated. If a pedicab calculated rates based on distance, our inspectors measured a 330- foot trip. If timing was used, we checked the applicants' timer against our own stop watches.

DCA designed its process to be as accessible and convenient as possible for businesses, conducting onsite inspections for pedicab businesses with more than ten pedicabs in their own garages. The bulk of the inspections, however, took place in Central Park. We thank the Parks Department for graciously allowing us to use its venue, which was not only convenient for DCA inspectors and for the industry, but was spacious enough to allow us to perform the important testing that was required.

Almost before the Department could recover from the initial licensing period, it was time to renew existing pedicab business licenses, which were set to expire on November 1, 2010. The renewal period began on August 1, 2010. All licensees have an additional 59 days after the expiration date of their licenses to renew, so the renewal period ended on December 31, 2010

Of the 172 businesses comprising 889 registered pedicabs, eight licensed businesses with a total of 38 registered pedicabs failed to renew within the time frame allowed by law, including one business with 30 pedicabs, one business with three pedicabs and five businesses with one pedicab each. The license of one business with one registered pedicab was revoked during this period. Currently there are 163 licensed pedicab businesses with 850 registered pedicabs.

During the renewal period, we conducted 867 inspections, mainly in September and October, 2010, to meet the November 1, 2010 renewal deadline.

During the past 17 months, 22 businesses have applied for the transfer of 107 pedicabs.

Pedicab driver licenses expired on April 1, 2010. Of the 474 original licensed drivers, 231 failed to renew for 2010; and 13 others were denied; and 39 pedicab driver licenses were suspended, 34 because the licensees' New York State motor vehicle licenses were suspended and five for other reasons. Currently there are 1,528 licensed pedicab drivers.

To facilitate communications and ensure appropriate enforcement, DCA conducted three trainings in person and by phone with the Department of Parks and the Police

Department early in the licensing process in 2009. The first interagency meeting with Corporation Counsel, the Department of Parks and Recreation and the Police Department was held at DCA's office on September 11, 2009, followed by a conference call with Parks on September 22, 2009 and then another meeting with Parks at DCA on September 25, 2009. These trainings were particularly important because the requirements of the law regarding suspensions and revocations of licenses can only be triggered by our receipt of violations from those agencies.

Most recently, on November 23, 2010, the Department trained approximately 30 officers from the Police Department and the Department of Parks and Recreation to recognize common equipment and licensing violations. We also reiterated the importance of identifying the pedicab business that owns the pedicab being driven by a licensee who violates the law on the ticket so that the Department is able to revoke or suspend a business license if the number or type of violations issued to its drivers suggests that continued licensure may pose a public safety risk.

While DCA's enforcement derives largely from the violations issued by the Department of Parks and Recreation and the Police Department, the Agency does a substantial amount of in-house enforcement in tandem with its outreach efforts.

For example, in June 2010, the Department subpoenaed 40 pedicab businesses to determine compliance with insurance and driver training requirements and the requirement that pedicab businesses obtain and maintain copies of their drivers' tickets and dispositions.

As a result of the investigation, the Department charged 20 pedicab businesses with maintaining insurance in amounts below the minimums provided for in the Administrative Code. Four pedicab businesses were found guilty of violating the insurance requirements and were fined a total of \$36,500. We also entered into settlement agreements with nine businesses, requiring them to obtain compliant insurance policies and pay penalty. Four hearings were adjourned to early March in contemplation of settlements.

In an effort to ensure proper insurance compliance, prior to the renewal period DCA invited insurance agents to submit their policies to the Department for pre-review to ascertain compliance with the Code. After the review process, DCA distributed a list of agents offering compliant insurance policies to pedicab businesses. Because some insurance policies excluded coverage for foreign drivers and drivers under 21 years old, (even though such drivers are eligible to be licensed), the Department contacted all fourteen insurance agents that cover pedicab businesses in New York City and reminded them of the requirement that their policies cover all pedicab drivers and the minimum dollar amounts required by the Code. The Department also sent letters to the two pedicab business associations reminding them of the insurance requirements.

In its enforcement efforts, the Department charged four pedicab businesses with violating driver training requirements and the requirement that they maintain copies of their drivers' tickets and the dispositions of the tickets. Two businesses entered into settlement agreements that require compliance with the law and payment of penalties totaling \$11,550. Anecdotally, businesses have stated that drivers fail to provide them with copies of tickets and tickets.

The Department's Tribunal revoked a pedicab driver's license after the ECB found him guilty of 12 violations issued by the Department of Parks and Recreation, in a case that was highlighted in the local papers.

The Police Department and Department of Parks and Recreation issue most violations to pedicab drivers and businesses that occur in the street or in a public park. Most of these violations have been tried in Criminal Court or Traffic Court or heard by the Environmental Control Board. We will defer to those Agencies to testify to their efforts.

Pedicab drivers and businesses are required to report accidents to the Department. On July 24, 2010, a pedicab owned by Ugdur Corp. was involved in a minor accident with a car causing \$1,556.93 in property damage. The pedicab business failed to report the accident to DCA but the Department learned about it when the car owner complained that the pedicab company refused to pay for the damage. The Department charged the pedicab business with violating various provisions of the pedicab licensing law and entered into a settlement providing for restitution to the consumer and penalties totaling \$5,000 and enhanced compliance with driver training requirements.

On September 12, 2010, a pedicab owned by Cycle Cab, Inc. slid on wet pavement and hit the rear bumper of a car that was stopped at a red light. No one was injured in this accident, which was reported by the pedicab business. The pedicab business agreed to reimburse the car owner for the damage.

Turning now to the proposed bills before us, we have the following comments:

**Intro No. 0334a-2010**

This bill would require pedicabs to comply with parking rules for motor vehicles. We defer to our sister agencies regarding this proposal.

**Intro No. 0345-2010**

This bill describes, and would require the display of, a Bill of Rights for pedicab passengers. The Department supports the posting of a Bill of Rights for pedicab passengers. We would, however, suggest that the language regarding receipts either includes all the information that the Administrative Code requires: the total charge, business telephone and contact information for DCA or it simply states: "call for a detailed receipt". We leave it to the industry to describe for the Council where legible signage could be placed appropriately in pedicabs.

**Intro No, 0466-2011**

This bill expands the range of violations for which a mandatory suspension or revocation of pedicab drivers licenses and registration plates would apply. The Department has serious concerns about No. 466, particularly about the provisions in subdivision e(1) expanding the causes of mandatory suspension and revocation.

Currently the law requires the mandatory suspension or revocation for only the most egregious violations. Otherwise, the Commissioner has discretion to suspend or revoke for any violations after a hearing if the driver violates any law applicable to a pedicab.

By contrast, No. 466 mandates the suspension of a pedicab driver license after two violations of section 20-259 within 12 months and the revocation of a pedicab driver

license after three or more violations of section 20-259 within 12 months. In this case, the suspension or revocation is automatic and there is no hearing.

DCA cannot support No. 466 as it diminishes the Commissioner's discretion by providing for an automatic suspension or revocation. There are two good reasons for maintaining the flexibility that exists in the current law. The first is that it allows the Department to negotiate effective settlements. For example, suppose we learn that a pedicab driver was found guilty of rolling through a stop sign in April and making an illegal u-turn in October. Under current law, we could offer a settlement and require instruction in traffic rules so that the driver knows what he's supposed to do going forward. Under the proposed law, the driver just loses his license for a month and the Department loses its opportunity to correct the problem. The driver may be out on the street a month later doing it again until he gets caught and found guilty. No one is a winner here. With the flexibility of the current law, everyone wins: the driver keeps his license, DCA gets a settlement, the licensee becomes compliant and the public has safer streets.

The second reason to maintain the Commissioner's flexibility is simply justice. Under the proposed change a pedicab driver found guilty of failure to signal twice and operating in a bicycle lane once in one year would automatically lose his license for at least three years. These violations would not appear to be worthy of such a punishment, yet there would be no way to exercise judgment in such a case.

Subdivision (i) of No. 466, which provides for suspensions of pedicab registrations for equipment violations, is beneficial but we believe it would be more helpful if this power is discretionary so that the Department and licensees are able to enter into settlement agreements. For example, as No. 466 is written, two instances of a turn signal that works visually but not audibly would trigger the punishment of an automatic month off the road. If the Department had discretion, a settlement agreement could require an inspection before the pedicab was allowed to be operated again or it could require periodic inspections. Under this law, the pedicab with the illegal turn signals could be returned to the streets after a month without a correction and be operated until yet another violation is issued.

### **Intro No. 0467-2011**

This bill would repeal the sunset provision of the current law and cap the number of pedicabs registered to operate in the City. We support the bill and urge that the window remain closed as per the status quo.

DCA is committed to working with the Council to address any outstanding issues regarding this newly-regulated industry and commends the Council for its continuing attention and concern.

We would be happy to answer any questions you may have.



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AND HELPERS OF NEW YORK CITY AND VICINITY, NASSAU AND SUFFOLK COUNTIES, NEW YORK

# Teamsters Local Union No. 553

Affiliated with the International Brotherhood of Teamsters  
265 West 14<sup>th</sup> Street, Suite 305, New York, NY 10011-7189  
Phone: 212-929-6828 Fax: 212-691-8025

Demos P. Demopoulos  
Secretary - Treasurer



John "Jack" Dresch  
President

**Testimony of  
Demos P. Demopoulos, Secretary – Treasurer / Executive Officer  
Teamsters Local 553, International Brotherhood of Teamsters  
Before the New York City Council  
Committee on Consumer Affairs - June 13, 2011**

Good morning Chairman Garodnick and Council Members of the Consumers Affairs Committee.

I am Demos P. Demopoulos, Secretary -Treasurer and Executive Officer of Teamsters Local 553, and Secretary - Treasurer of Teamsters Joint Council 16, which represents 125,000 Teamsters in New York City, and is affiliated with the 1.4 million member strong International Brotherhood of Teamsters.

I testify before you today in support of two bills. The first is Intro No. 345-A, a Local Law to amend the administrative code of the city of New York, in relation to displaying a bill of rights and responsibilities in pedicabs, sponsored by Chairman, Council Member Daniel Garodnick. I am also in support of the preconsidered Bill which would amend the administrative code of the City of New York, in relation to pedicabs odometers, fares and receipts.

This will not only protect city residents but also tourists visiting our great city that choose to use the services of a Pedicab. I myself have witnessed disputes over fares between Pedicab drivers and Pedicab customers at Central Park and at Penn Station, where the NYPD had to intervene.

The Teamsters wish to thank Council Member Daniel Garodnick and applaud his efforts in increasing regulation to this industry.

The Teamsters respectfully ask Council Members to vote yes on this Intro.

Thank you,

Demos P. Demopoulos  
Secretary–Treasurer / Executive Officer



Testimony

Of

**Nancy Clark, MA, CIH, CSP**  
**Assistant Commissioner**  
**Bureau of Environmental Disease Prevention**

before the

**New York City Council Committee on Consumer Affairs**

regarding

**Intro. 541 Relating to Prohibiting the Sale of Expired Over-the-Counter Medication**

June 13, 2011

250 Broadway  
New York, NY

Good morning Chairman Garodnick and members of the Consumer Affairs Committee. My name is Nancy Clark, Assistant Commissioner for Bureau of Environmental Disease Prevention for the NYC Department of Health and Mental Hygiene. Thank you for this opportunity to comment on Intro. 541, a bill that would prohibit the sale of expired over-the-counter medications.

The Food and Drug Administration (FDA) began requiring expiration dates on over-the-counter (OTC) medications in the 1970's, in recognition that the potency and effectiveness of some medications may be diminished over time, and because some products may actually be chemically modified over time, causing unintended consequences. In reality, very little is known about how long most OTC medications remain effective as few have been studied for longevity of effectiveness. Expiration dates serve to alert consumers as to how long they may expect OTC products to retain their intended effects. A product sold past its expiration date should not be used given the uncertainties over its potency or safety. Other conditions, such as improper storage of the medication, may also have an impact on the potency or effectiveness in medication. For these reasons, the Department supports Intro. 541.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

DAVID SIRK Pedicab driver since 2002  
330 w 51 st #al  
NYC NY 10019  
June 13, 2011

## **Committee on Consumer Affairs**

*Daniel R. Garodnick, Chair*

*Members: Charles Barron, Leroy. G. Comrie, Jr., Karen Koslowitz,  
G. Oliver Koppell, Michael C. Nelson and Julissa Ferreras*

**Monday, June 13, 2011 10:00 AM 250 Broadway**

This is the 4<sup>th</sup> time that I have spoken on the public record. Since 2007. I am a very stubborn fellow. If I see what I feel in my heart as wrong being committed, and I feel that I can do something about it, rather than just complain, I will take action I have been harping about the root cause of the Pedi cab problem, being illegal J1 students owning and operating the majority of Pedi cabs, for years now. How the fact that the DCA Allowed anyone with a ticket and a foreign drives license to own up to 30 Pedi cabs was the worst form of government that I have ever witnessed. Now to add insult to injury it's been common knowledge that a Mister Osmond Zenk has owned well over 30 Pedi cabs, 109 to be exact. Many emails have been sent to the DCA by numerous parties. Nothing had been done. So I took it upon myself to use the NY State Data bank and with the help of Candice Giove of the NY POST we came up with the Feb 20<sup>th</sup> 2011 Article "A wheel Cheater Pedi, King an illegal menace." I just saw Osmond last Friday. He laughed at me and thanked me for making him famous .Yes in regards to Pedi cab regulation the DCA and this committee, has to be a joke. You can't be taking any of this seriously. Osmond Zenk was the one who hired a lawyer to insist on foreign licenses even when the Original city council document had a USA license provision in the bill two weeks before signage. Why would the DCA and this committee allow a crook to call the tune here? Now let's talk about this latest act of insanity. Your Pedi cab bill of rights proposal. Let's get real for a second shall we? Do you really think that 80% of the Pedi cab drivers who illegal J1 students, who have realize that their tickets will most likely have no effect on them because only USA licenses are hooked up to a Data bank with the NYPD AND THE DCA. These punks know this. The Pedi Pirates defiantly break the law with impunity and make a \$1000 a day charging \$100 rides for short distances. All this started after the DCA allowed tiny rate cards with convoluted formulas. No rate cards and 1000's of tourists a week would not be getting ripped off like they are now. Now Councilman Garodnick. I know that in many ways that you have inherited this problem. But your office and yourself have been aware of these problems since October of 2010, since 2007 if you cared to have listen to my previous testimony. I will make a promise to you here and now. That if one of these illegal J1 students riding one of Osmond Zenks illegal Pedi cabs, kills someone like what happened in San Diego, prompting proper regulation, requiring a California Drivers license only. I will make sure that you are held personally responsible for ignoring the obvious and instituting regulation that does nothing but hurt the few NY STATE drivers license holders left.

To: NYC Consumer Affairs Committee 6/13/2011 Re: My concerns over the new pedicab legislation:

- 1) Why is the limit on number of passengers three?
  - a. People on holiday or dates are often in the form of two couples. Hansom cabs, taxis, etc. all have room for four people, as do restaurants etc.
  - b. Kids often end up in pairs too and families therefore number four people
  - c. There is nothing inherently more dangerous with four rather than three passengers
  - d. One way to keep costs lower would be to encourage shared rides, often two couples
  - e. Drivers and vehicles are capable of handling this load, albeit at a slightly slower pace
  - f. This number was chosen somewhat arbitrarily, not too much, not too little. It is too little
- 2) Why are bikes not allowed in bike lanes and on bridges?
  - a. Lanes are the safest territory to use and there have been few if any complaints from cyclists about this. A test could be arranged for a period of time to determine if this is a sensible prohibition. Do pedicabs take up too much room? Do they stop for passengers and disrupt flows? Shouldn't we channel a variety of modes, runners, bikes, pedicabs, wheelchairs etc. into the same paths?
  - b. Bike Ferries over bridges could be a favorite attraction for tourists and others.
  - c. We are approaching an age in which human-powered trikes with weather protection and other amenities will abound. A single unfortunate accident should not be the determining factor in crafting future policy, especially when you are working hard to upgrade transport options, clean the air and encourage healthy exercise
- 3) Why may propulsion be accomplished by only one individual?
  - a. Evolving human-scale transportation will become a key tool in dealing with the resource-challenged future. Learning to cooperate in this endeavor is healthy and realistic. It can also be very enjoyable as anybody who has ridden a tandem bike knows.
  - b. The notorious conversion of circular "Conference" bikes into "Party" bikes caused so much friction in Times Square that this unreasonable, even irrational blanket prohibition against co-operative cycling was enacted. If some particular configuration is determined to be inappropriate for NYC streets, other designs, which do not raise the same issues, should not only be allowed, but be encouraged as well.
- 4) Why must wheels be propelled solely by human power?
  - a. If the goal is to keep pedicabs from flying down the street at dangerous speeds because of the addition of small electric-assist motors, a better way to accomplish this is to set a speed limit of 10 MPH on all pedicabs and insist that any motors be pedal activated, so there is no danger of these vehicles becoming mopeds in effect.
  - b. The extreme physical demands of propelling non electric-assist pedicabs mean that this profession is very difficult for women or older persons to pursue. Since one element is the ability to provide historical and other contexts for tours, this is a good money-generating activity that an older person might well excel in and women would certainly be as capable as males in providing. This is an academic issue at the moment since even tiny electric-assist motors are currently illegal in this State for all human powered vehicles but that could change and if it does, this provision should be re-visited.

5) Why must passengers not stand while riding?

- a. The more sensible policy is to insist that any passengers riding while standing must be provided with harnesses that safely give them stability in that position. If these are tourist attractions why not make them as enjoyable (but not dangerous) as possible?
- b. This is not a vital issue at the moment but it should be acknowledged that bus and subway passengers, for instance, ride in a standing position, with nothing but a pole to cling to, all the time, on vehicles that lurch and brake sharply, with no safety harnesses.

There are a great many other provisions here that do work to protect the public from abuse and assure a positive experience. It is important to use these rules and others that you may decide are needed and helpful, to further encourage responsibility and the evolution of human-powered transportation. With the proper guidance, human-scale and human-powered transport can become the preferred means of moving through dense urban spaces safely, expeditiously, healthfully, and enjoyably.

Thank you for keeping an open mind and continuing this conversation. As the mid-wife of this industry I maintain a strong interest in its direction. There have been and continue to be problems and I believe that it is only still in its troubled teens here with a bright future before it but it needs attention to the qualification of drivers and their behavior. There are also questions like the lack of needed facilities, like a cooperative livery service, which results in the concentration of too many vehicles in too few places. This is a business issue of course, and everything is not about legislation alone, but you can do more to demand a higher degree of training and orientation and appropriate behavior from those who make their living in this industry. You've started the process but it needs to develop further and structures put in place to monitor and guide the process.

Thank you

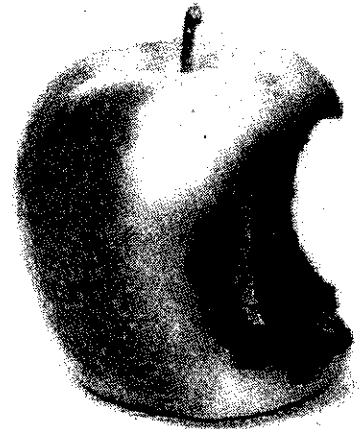
Steve Stollman

Lightwheels.com

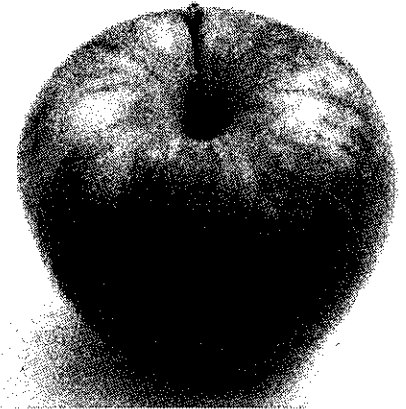
Meetme@TheAutomat.com

# The Big Apple's Pedicab Industry

Today: Illegals  
Everywhere



Tomorrow: Quad  
State Standard



Report to the NYC Council Consumer Affairs Committee  
13 June 2011

by  
Gregg Zukowski:  
Pedicab Practitioner  
Pedicab Fleet Renter/Owner  
NYCPOA Co-Founder  
[gzukowski@revolutionrickshaws.com](mailto:gzukowski@revolutionrickshaws.com)  
*In Velo Veritas*

13 June 2011

Report to the Consumer Affairs Committee of the NYC Council

Regarding Proposed Intro. No. 345-A ("bill of rights") and Intro. No. undetermined (pricing)

Honorable council members,

my name is Gregg Zukowski. I'm an NYC pedicab practitioner going on eight years, NYC pedicab fleet renter and owner of Revolution Rickshaws for over six years; and co-founder, past president, and current board member of the New York City Pedicab Owners' Association.

I'd like to thank this subcommittee, and Councilmember Garodnick in particular, for investing a surprising amount of time, effort, and resources of late in attempts to optimize regulation of the local pedicab industry.

The two proposed laws up for discussion today are evidence that your search continues for ways to improve the conditions for all stakeholders in the local pedicab space.

Briefly: The "bill of rights for pedicab passengers" law, though well-meaning, needs a major overhaul. Please see the NYCPOA Pedicab Passenger Bill of Rights, included in my kit, for an example of a simplified and, I believe, more effective version. The pricing law reflects a continued attempt to placate substandard service providers within our industry. Its Byzantine framework is unenforceable for city enforcement agents, not to mention unintelligible to passengers who simply wish to receive safe, accountable transport or tour service.

To put the situation in perspective, pedicab practitioners in our city serve a wide array of customers, including businessmen, commuters, theatergoers, and tourists - to name but a few. Each set of customers demands a different type of service, e.g., taxi-type service, tour-type service, gypsy-type service, joy-ride service, livery-type service. To attempt to account for each of these services by offering pedicab practitioners an array of pricing schemes from which to select quickly becomes unmanageable for stakeholders.

To ensure transparency for all parties, today only one option exists: Up-Front Quote Required by Law. Failure to Quote = Complimentary Ride. In large typeface, as you'll find in my packet. Consumer protection must be paramount. Today, gullible customers from near and far daily fall victim to the ploy of predatory pedicab practitioners - the vast majority of whom are practicing business illegally in the first place . . .

Which once again leads us to the 800-lb gorilla in the room that continues to be ignored by local lawmakers: The DCA's practice of issuing NYC pedicab driver business permits to drivers whom federal law prohibits from driving a pedicab.

Included in my packet for your review is a recent policy clarification on the U.S. State



Department's Web site regarding its Summer Work Travel Program. The site now explicitly lists "pedicab . . . drivers or operators" as being excluded from eligibility - to provide unambiguous direction to any municipality in the business of licencing pedicab practitioners. NYCPOA estimates that 75-95% of pedicab driver businesses created by DCA every year are illegal per U.S. law, as 75-95% of pedicab driver licensees either hold expired visas or fall under the auspices of a Summer Work Travel program.

There are so many reasons to adopt the TLC's quad state approach to driver business licensing that I'm unable to fully illustrate the case in the allotted time. Suffice it to note that, if the quad state standard were introduced, issues around pedicab safety, accountability, transparency, legality, enforcement, legitimacy, reputation, stewardship, and craft would all but disappear.

There's a reason most cities across the republic require in-state DMV licenses - and it's not xenophobia. Note I've also included in my packet a list of major cities and their DMV licensing requirements for your edification.

In summary, the time has come to raise transparency and accountability to their rightful positions in the pedicab industry of New York City - for the well-being of practitioners and rental companies as well as for consumers. Anything less robs our city's residents, workers, and visitors of their lawful right to a fair and vibrant pedicab marketplace - not to mention, oftentimes, their hard-earned money.

# NYC PEDICAB PASSENGER BILL OF RIGHTS

Riding on a New York City Pedicab Owners' Association member-owned pedicab, you have the right during your experience to the following conditions:

- a fare quoted up-front.
- a courteous, English-speaking driver.
- a driver who knows Manhattan and the ways to its major destinations.
- a safe ride including a driver who knows and respects all traffic law.
- a receipt, to be furnished upon request.
- refuse to tip, if each of the abovementioned conditions is not met.

If you feel these rights were violated during your ride, file a complaint at [info@nycpoa.org](mailto:info@nycpoa.org).  
Always look for the great NYCPOA seal on the side of a pedicab before boarding.  
Thank you for investing in sensible city transport today here in The Big Apple.



**QUOTE REQUIRED BY LAW**

**FAILURE TO QUOTE = COMPLIMENTARY RIDE**

**FARE:**

**\$5 BASE RATE**

**\$1 PER BLOCK**

**\$3 PER AVENUE**

**ALL RATES PER PERSON**

**PROBLEMS? CALL 911 IMMEDIATELY**



# J-1 VISA

EXCHANGE VISITOR PROGRAM



## Summer Work Travel Program

Post-secondary students enrolled full time and pursuing studies at a post secondary accredited academic institutions located outside the United States who come to the United States to work and travel during their summer vacation.

## Participants

### Summer Work Travel Students must be:

- Sufficiently proficient in English to successfully interact in an English speaking environment;
- Post-secondary school students enrolled in and actively pursuing a degree or other full-time course of study at an accredited post-secondary educational institution outside the United States;
- Have successfully completed at least one semester or equivalent of post-secondary academic study; and
- Pre-placed prior to entry unless from a visa waiver country.

### Benefits

The Summer Work Travel program provides foreign students with an opportunity to live and work in the United States during their summer vacation from college or university to experience and to be exposed to the people and way of life in the United States.

## More information

### Readmittance, Program Length, and Returning Home

- Readmittance:** Participants can be admitted to the program more than once;
- Program Length:** The maximum length of the program is four months; and
- Returning Home:** Students must return to their home country prior to the start date of their university or college.

### Program Exclusions

Participants cannot be placed:

- In any position in the adult entertainment industry;**
- In sales positions that require participant to purchase inventory that they must sell in order to support themselves;**
- In domestic help positions in private homes (e.g. child care, elder care, gardener, chauffeur);**
- As pedicab or rolling chair drivers or operators;**
- As operators of vehicles or vessels that carry passengers for hire and/or for which commercial drivers licenses are required;**
- In any position related to clinical care that involved patient contact; and**
- In any position that could bring notoriety or disrepute to the Exchange Visitor Program.**

## Program Sponsors

### Sponsors are required to:

Provide pre-arranged and fully vetted employment of all participants who are not from a non-visa waiver country. Provide all participants, prior to entry:

A copy of the Department of State Summer Work Travel Program Brochure;

The Department of State's toll-free help line telephone number;

The sponsor's 24/7 immediate contact telephone number;

Information advising participants of their obligation to notify their sponsor when they arrive in the United and to provide information of any change in jobs or residence; and

Information concerning any contractual obligations related to participants' acceptance of paid employment in the United States, if pre-arranged.

Sponsors of participants who are nationals of Visa Waiver Program countries must:

Ensure that participants entering the United States without prearranged employment have sufficient financial resources to support themselves during their search for employment; and

Provide such participants with information on how to seek employment and secure lodging in the United States before they depart their home countries, and with a job directory that includes at least as many job listings as the number of participants in their program who are entering the United States without prearranged employment.

Sponsors must undertake reasonable efforts to secure suitable employment for participants unable to find jobs on their own after one week;

Sponsors must inform program participants of Federal Minimum Wage requirements and ensure that, at a minimum, participants are compensated at the prevailing local wage, which must meet the higher of either the applicable state or the Federal minimum wage requirement, including payment for overtime in accordance with state-specific employment; and

Sponsors must maintain, at a minimum, a monthly schedule of personal contact with the program participants (in-person, by telephone or via-electronic mail), document such contact, and ensure that issues affecting the health, safety or welfare of participants are addressed immediately.

### Employers

#### Host employers are required to:

Provide participants the number of hours of paid employment per week as identified on the job offer and agreed to when the sponsor vetted the jobs;

Pay those participants eligible for overtime worked in accordance with applicable state or federal law;

Notify sponsors promptly when participants arrive at the work site and begins their programs; when there are any changes or deviations in the job placements during the participants' programs; when participants are not meeting the requirements of job placements; or when participants leave their position ahead of their planned

departure; and

Contact sponsors immediately in the event of any emergency involving participants or any situation that impacts the welfare of participants.

Pedicab DMV Requirements by City		nycpoa.org 13Jun2011 report
City	Motor Vehicle License Requirement	Of note
Denver	CO license	
SF	CA license	
Philadelphia	PA license	
Austin	TX license	
San Diego	CA license	
Miami	FL license	
Boston	U.S. state (not explicit)	Police Commissioner Directive
		Driver Safety, Customer Service
		Training; Driver Knowledge and
Portland, OR	U.S. state (not explicit)	Skills Testing Requirements
Sacramento	CA license	
Houston	TX license	
Savannah	GA license	
Phoenix	U.S. state	
Jacksonville	not allowed currently	
Chicago	unregulated?	
Los Angeles	unknown	
San Antonio	unknown	
Dallas	unknown	
Milwaukee	WI license	

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345/541 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/13/11

(PLEASE PRINT)  
Name: ERIK JOESS

Address: \_\_\_\_\_

I represent: DCA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 541 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 6/13/11

(PLEASE PRINT)  
Name: NANCY CLARK

Address: ASSISTANT COMMISSIONER

I represent: DOHMH

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

Date: 6/13

(PLEASE PRINT)  
Name: STEPHEN MALINZ

Address: 98 Birch St.

I represent: Horse/Carrriage Association

Address: \_\_\_\_\_

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



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6-13-11

(PLEASE PRINT)

Name: Laramie Flick

Address: 470 Flushing Ave, #4r Brooklyn

I represent: My self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/13/11

(PLEASE PRINT)

Name: Meredith Smyth

Address: 297 Monticello Ave #1 Jersey City

I represent: Pedicabs NJ 07326

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 345-A/541-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/13/11

(PLEASE PRINT)

Name: Fran Feerman

Address: DCA

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

*pedicabs*

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: *13 Jun 11*

(PLEASE PRINT)

Name: *Gregg Zukowski*

Address: *1106 Baltic St*

I represent: *MYSELF, NYCPDA*

Address: *432 W 31*

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. *Pedicabs* Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: *John Solitto*

Address: *369 Columbia St*

I represent: *MYSELF*

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. *34 SA* Res. No. \_\_\_\_\_

in favor  in opposition

Date: *6/13/11*

(PLEASE PRINT)

Name: *Joseph William*

Address: *121 Wilson St, Brooklyn*

I represent: *Civic Action*

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 345 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/13/10

Name: Peter Metzler (PLEASE PRINT)

Address: 88 Eagle St # 3R NY 11222

I represent: New York Pedicabs, Inc.

Address: FDR Station, P.O. Box 176 NY NY 10150

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. Pedicab Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/13/2011

Name: DAVID SIRK (PLEASE PRINT)

Address: 330 W 5th St # A2 NYC

I represent: NYSRCT NY 10014

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 6/13/11

Name: STEVE STOLLMAN (PLEASE PRINT)

Address: 20 PRINCE ST #31 NYC 10012

I represent: LIGHTWHEELS

Address: \_\_\_\_\_