

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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October 18, 2012
Start: 1:15 p.m.
Recess: 2:33 p.m.

HELD AT: Committee Room - 16th Floor
250 Broadway

B E F O R E:

DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:

Charles Barron
Leroy G. Comrie, Jr.
G. Oliver Koppell
Karen Koslowitz
Michael C. Nelson

A P P E A R A N C E S

Fran Freedman
Deputy Commissioner of External Affairs
NYC Department of Consumer Affairs

Laramie Flick
Representative
NYC Pedicab Owners' Association

Robert Tipton
Representative
NYC Pedicab Owners' Association

Gregg Zuman
Owner
Revolution Rickshaws

Ibrahim Donmez
Pedicab Driver

CHAIRPERSON GARODNICK: Good

morning everyone, and welcome to the Committee on Consumer Affairs, hello. Today is Thursday, October 18th, my name is Dan Garodnick, I have the privilege of chairing this Committee. I'm joined today by Council Member Oliver Koppell and Council Member Karen Koslowitz. The subject of today's hearing is pedicab fares, a topic which is all too frequently, and infamously, occupying space on the pages of local newspapers and in the lineups of television news broadcasts. The stories usually go something like this: unsuspecting tourists ask a pedicab driver what it will cost to go from point A to point B; the pedicab driver directs the tourists' attention to the driver's rate card, which appears to indicate, for example, one dollar per block. The tourist thinks, "Well, that sounds reasonable", and hops in the pedicab. Eleven minutes and twelve blocks later, the passengers arrive at the specified destination. As the passengers step out of the pedicab, the driver delivers the shocking news, "The fare is \$167". The passengers assume that they have heard incorrectly, twelve blocks at a dollar per block

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2 should be \$12.00, correct? The pedicab driver
3 again directs the passengers' attention to his
4 rate card. The passengers now see, in tiny
5 lettering, under the per-block rate, that there is
6 a \$20 initial charge and a \$55-per-passenger
7 charge. The other \$25, the driver explains, is
8 for tax and tip. Have I exaggerated what actually
9 goes on in midtown's wild west, where most of, if
10 not all, pedicabs operate? Hardly. Reports this
11 summer detailed the deceptive practices that one
12 pedicab driver used to scam two different families
13 out of ... sorry, two different families of four,
14 out of more than \$400 each, for trips that were
15 billed as one dollar per block rides, and that
16 traversed just 13 or 14 blocks. One of the
17 families' trips totaled \$442.54, which included a
18 \$100-per-person charge, plus \$36 in supposed tax.
19 The same driver charged the other family a total
20 of \$431.77, which included an \$86.35 tip and \$28
21 in tax. Even more shocking is that these
22 outrageous charges are, for the most part, legal.
23 Drivers may charge as much as \$100, or even
24 \$1,000, per passenger, as long as the rate is
25 conspicuously posted on the pedicab's outside

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2 panels in 28 point font, which from a distance of
3 a few feet is not very legible, as you can see
4 from the sign that I am holding up here, the sign
5 which says, "\$1.00 per minute", in contrast with
6 the sign which we are proposing, which would be a
7 whole lot clearer to be able to see, a sign in
8 two-inch letters, in contrast to 28 point font.
9 Pedicab drivers may not, however, charge tax or
10 mandate a tip, and are prohibited from
11 transporting more than three passengers. Clearly
12 the method used to calculate pedicab rates needs
13 an overhaul. Last year this Committee considered
14 a bill, Intro 597, that would require pedicab
15 drivers to quote a fare upfront. We listened to
16 testimony from the Department of Consumer Affairs,
17 DCA, as well as from pedicab drivers who are out
18 there every day, and witness people, mostly
19 tourists, getting ripped off. Since that hearing,
20 this Committee has considered various amendments
21 to Intro 597, based on the hearing testimony,
22 ongoing discussions with pedicab drivers,
23 constituents and tourists, and continued reports
24 of pedicab pricing abuses. Our primary concern
25 here is to adopt a rate calculation method that is

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2 simple. Forget the per-streets and per-avenue
3 rates, allowing a base or initial charge, and
4 half-day and full-day rates. Forget the Central
5 Park loop fares, \$25 for a small loop, \$40 for the
6 long ride. Forget the ongoing disputes that
7 appear to be constantly adjudicated by midtown
8 doormen. Using simplicity as a guiding principle,
9 we amended Intro 597 to require all pedicabs to
10 calculate rate based on time. Pedicab drivers
11 must each set a per-minute rate, and post that
12 rate in two-inch type, which looks like this, on
13 pedicabs' exterior vertical panels. And by
14 vertical panels we mean the panels on the outside
15 of, adjacent to, the passenger seating area that
16 are shown in these photos here. Every pedicab
17 would be equipped with a timer that is within
18 clear view of passengers. The timer would be
19 activated when all passengers are seated and the
20 ride begins, and would be stopped when the pedicab
21 reaches its destination. Rather than posting a
22 complete bill of rights, drivers would be required
23 to give passengers a pedicab information card at
24 the beginning of the ride. The information card
25 would include the permanent rate displayed on the

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2 pedicab's exterior, as well as the pedicab
3 driver's name, license number and pedicab business
4 information. At the ride's end, the pedicab
5 driver would record on the information card the
6 length of the ride in minutes, the number of
7 passengers and the total charge of the ride. This
8 becomes the passenger's receipt. Requiring all
9 pedicab drivers to use the same calculation method
10 and to post rate information in the same format
11 and in the same location simplifies what has
12 otherwise become an opportunity for predatory
13 deceptive practices. So there it is, that is our
14 proposal that we're going to consider today. We
15 look forward to hearing testimony today from all
16 interested parties in reaction to this proposal,
17 and we're going to start with the city's
18 Department of Consumer Affairs, with Fran
19 Freedman, the Deputy Commissioner. So Ms.
20 Freedman, whenever you are ready, please join us
21 at the witness table, and you can go ahead and
22 start your testimony. Thank you. I should also
23 note we've been joined by Council Member Barron
24 from Brooklyn, welcome. Council Member Barron has
25 a question. Go ahead.

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2 COUNCIL MEMBER BARRON: I was just
3 curious as to why per-minute and not mileage, like
4 taxicabs?

5 CHAIRPERSON GARODNICK: So I will,
6 as the bill's sponsor, I will give you my answer
7 to that, although we're certainly open to hearing
8 what people have to say. My thought was that the
9 per-minute charge is one that is universally-
10 recognized and understood by tourists. Distance,
11 perhaps, in New York City where people do not
12 necessarily know how far it is to go different
13 places, might be a little more confusing. But,
14 you know, that was the rationale, and certainly
15 we'll look forward to hearing your thoughts and
16 other witnesses' thoughts, on that subject. With
17 that, Ms. Freedman.

18 MS. FREEDMAN: Thank you, and good
19 afternoon, Chairman Garodnick and members of the
20 Consumer Affairs Committee, I'm Fran Freedman,
21 Deputy Commissioner for the Department of Consumer
22 Affairs. Commissioner Mintz has asked me to thank
23 you all for the opportunity to comment on Intro
24 597A, a bill, as Chairman Garodnick has told you,
25 that would amend the administrative code regarding

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2 pedicab fares and receipts. The Department of
3 Consumer Affairs and the City Council have a long
4 history, beginning in 2007, of working together to
5 bring the once-fledgling pedicab industry into the
6 regulatory fold. Together we forged a licensing
7 scheme for pedicab businesses and pedicab drivers
8 which focused on the gamut of pedicab safety
9 issues, including insurance. It required pedicab,
10 specific pedicab equipment, defined where pedicabs
11 could operate in the city, and required
12 transparency in posting required signage.

13 Currently the Department licenses 117 pedicab
14 businesses and 1,335 pedicab drivers. On the
15 issue of rates, the current licensing scheme
16 allows the industry to make its own pricing
17 choices. Specifically, current legislation states
18 that if rates are calculated by time, a timer --
19 fully-visible to passengers -- must be inspected
20 as part of the pedicab's equipment during the
21 qualifying inspection and at renewal. Similar
22 measures are in place if the rates are calculated
23 by distance using an odometer. Rides are also
24 calculated based on the number of blocks
25 traversed, as the Chairman has said, or simply as

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2 a ride as a whole. The only current legal
3 requirement regarding rates is that the amount to
4 be charged for the use of the pedicab, or the
5 basis for calculating that amount, be disclosed on
6 signage conspicuously posted on the exterior of
7 the pedicab, that is, on each side of the cab.
8 Unfortunately, from what we have learned from
9 industry leaders, Council members, New York City
10 and Company, the press, the public, and consumers
11 who have registered complaints with the
12 Department, in too many instances pricing options
13 have not led to fair play. We all seem to be in
14 agreement that refinements are needed. The
15 legislation before us today offers a narrowly-
16 tailored approach to providing relief from
17 unpleasant and unanticipated surprises to
18 customers at the conclusion of a pedicab ride.
19 The bill requires the use of timers as the basis
20 for calculating rates, forbids charging tax,
21 mandatory gratuities and extra charges of any
22 kind, requires more robust disclosures on the
23 exterior sides of every pedicab regarding rates
24 per passenger and mandates that uniform pedicab
25 information cards, designed by DCA, be filled out

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2 and given by drivers to every passenger before
3 each ride with certain basic consumer protection
4 information, including calling 311 for complaints
5 against pedicab drivers or companies, and it
6 further mandates that those cards be distributed
7 again after each ride, with basic receipt
8 information included, like the date, the total
9 number of minutes of the ride, the total number of
10 passengers, and the total charge for the ride. We
11 applaud Council's effort to restore the confidence
12 of tourists and the public at large in this
13 burgeoning industry by proposing measures that
14 restore fairness and transparency in the pedicab
15 industry itself. We thank you again for the
16 opportunity to comment, and I'll be happy to
17 answer any questions.

18 CHAIRPERSON GARODNICK: Thank you
19 very much, Ms. Freedman, we appreciate your
20 testimony. I wanted just to be very clear though,
21 you noted that the bill is narrowly-tailored, and
22 that it will restore fairness and transparency.
23 We just want to make sure that that is an
24 expression of DCA's support of this legislation.

25 MS. FREEDMAN: Support it ...

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affirmative support.

CHAIRPERSON GARODNICK: Affirmative support.

MS. FREEDMAN: Affirmative and hearty support.

CHAIRPERSON GARODNICK: And enthusiastic support, okay.

MS. FREEDMAN: Enthusiastic.

CHAIRPERSON GARODNICK: Good, all right, terrific. And do you have any proposed changes to the bill, or do you believe that it is workable in the drafted form?

MS. FREEDMAN: We think it is workable in the form drafted.

CHAIRPERSON GARODNICK: So let me raise two concerns that I have that I think it's important for DCA to address at this point. One of them is the issue of the need to inspect timers. You presently inspect timers of part of--

MS. FREEDMAN: (Interposing) We do, absolutely.

CHAIRPERSON GARODNICK: ... the process, as you noted in your testimony, during the qualifying inspection, and at renewal.

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MS. FREEDMAN: Exactly right.

CHAIRPERSON GARODNICK: This would require that all pedicabs use timers. Do you believe that DCA has the capability to be able to do the evaluation of all those timers? Does this create any burdens on you that concern you at all?

MS. FREEDMAN: Not at all.

CHAIRPERSON GARODNICK: Okay.

Another question that we have is about the ... I'm sorry, let me just note we've been joined by the former Chair of this Committee, Council Member Leroy Comrie. All right, who also wants to be added to the bill, as does Council Member Koslowitz, also former Chair of this Committee, so we're glad to have both of their names on the bill. On the subject of where to put this information, we are making this much clearer for people to be able to read, but not all pedicabs are made the same way.

MS. FREEDMAN: Right.

CHAIRPERSON GARODNICK: They look slightly different, they have different places to post information, some of them have cloth siding, some of them have, you know, vast vertical panels

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2 on the side, and some of them have much smaller
3 vertical panels. Help us understand from your
4 perspective what you have seen in terms of the
5 differences, and whether you feel confident or
6 concerned about our ability to actually get this
7 information in two-inch font up on the side of a
8 pedicab.

9 MS. FREEDMAN: I think the industry
10 could speak better to that point, but you might ...
11 I might suggest that you might want to amend the
12 bill and not say the vertical panels and just say
13 the exterior panels. I mean, that's the only ...
14 because previously we had, I think, in Council's
15 original bills called them exterior panels.

16 CHAIRPERSON GARODNICK: Does
17 exterior ... what does exterior panel mean to you?

18 MS. FREEDMAN: Those on the
19 outside, whatever is on the outside.

20 CHAIRPERSON GARODNICK: The sides?

21 MS. FREEDMAN: The sides, as
22 opposed to the back, which I think Council had
23 reserved for those taxicabs that wanted to put
24 advertisements.

25 CHAIRPERSON GARODNICK: Well, my

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question for you is where do you think it should be? Do you think it should be on the side panels, is that correct?

MS. FREEDMAN: Both, on both side panels.

CHAIRPERSON GARODNICK: Both side panels.

MS. FREEDMAN: Absolutely.

CHAIRPERSON GARODNICK: Not on the back and not anywhere else. On the side panels.

MS. FREEDMAN: The side panels.

CHAIRPERSON GARODNICK: Okay, so whether we're calling them ... however we define it, your point is it should be on those two side panels.

MS. FREEDMAN: Exterior panels.

CHAIRPERSON GARODNICK: But my question for you is, is more ... and by the way, if you think that we should just wait for testimony from the industry.

MS. FREEDMAN: I would.

CHAIRPERSON GARODNICK: That is fine, but the question for DCA is, do you have any concerns, sitting here, about requiring what we

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are trying to require on the two side panels?

MS. FREEDMAN: None.

CHAIRPERSON GARODNICK: Okay. I have questions from Council Member Koppell, and we're going to give him a chance to ask them.

COUNCIL MEMBER KOPPELL: Thank you, Mr. Chairman. While I am a sponsor of this legislation and support it, I believe that I would support turning at least the rate regulation, if not other regulations, over from the Department of Consumer Affairs to the Taxi and Limousine Commission. I mean, pedicabs are just another form of transporting people, mostly within Manhattan, but it could be anywhere in the City of New York, from one place to another, and I don't know why the regulation of pedicabs should vary, in terms of the scope of regulation, from the regulation of Yellow Taxis, say. So I'm just curious as to what you would feel about transferring jurisdiction to the TLC.

MS. FREEDMAN: Obviously it's up to Council, we would not have ... we wouldn't comment on that.

COUNCIL MEMBER KOPPELL: Well then

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2 let me take a sub-set of that. With respect to
3 the Yellow Cabs, fares are regulated by the TLC,
4 they're set by the TLC. Whether TLC does it or
5 you do it, because we could assign that
6 responsibility to you as well, or your department,
7 what do you think about having set fares? Do you
8 think that would be a good idea? And if not, why
9 not?

10 MS. FREEDMAN: I really would
11 prefer not to comment on that actually. I think
12 that the Department is very much in accord with
13 the current proposal.

14 COUNCIL MEMBER KOPPELL: Well, but
15 the problem is that, while it's true that the
16 current proposal, which is as I say one that I
17 support, makes it more likely that the rider will
18 know what he or she is faced with, there still is
19 the opportunity here to, you know, to take
20 advantage, because there's no price regulation, so
21 they can charge a much higher fee in terms of
22 minutes than might be warranted. So, and I don't
23 know that competition works very well in this
24 particular ... I mean, a person picking up a pedicab
25 is not going to easily make a choice of one over

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2 the other based on price. So I'm still concerned
3 that people are getting, or may be getting ripped
4 off if we don't have some form of price control,
5 so to speak. That doesn't concern you?

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MS. FREEDMAN: Here's my feeling.
7 I think that this is a very good bill and should
8 be considered a first step, perhaps, a pilot. I
9 think it's something that Council may want to
10 watch, and see how it works out, that's what I
11 think.

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COUNCIL MEMBER KOPPELL: Well, I
13 think, you know, I think that ... I think that I
14 support this bill in that context, if you will, in
15 that sense. And you know, I can't force you to
16 answer the question, but Mr. Chairman, I do hope
17 that maybe we should see what happens with this
18 over a limited period, but I do hope the Committee
19 will consider the possibility of some price
20 regulation, which I think would be best done by
21 the TLC. Really Consumer Affairs I don't think
22 has much of a history of price regulation. Do
23 you?

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MS. FREEDMAN: We regulate,
25 actually, the rates are regulated by Council for

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the horse-drawn carriages.

COUNCIL MEMBER KOPPELL: But you don't do that.

MS. FREEDMAN: DCA does not regulate any prices.

COUNCIL MEMBER KOPPELL: Right, right. But TLC does, so that's why I think TLC might be the more relevant, logical source of that kind of regulation. But I made the point, thank you.

CHAIRPERSON GARODNICK: Thank you, Council Member Koppell, and I will say that I certainly am open to taking a look at this question again, if necessary. And as this is a still new and emerging industry, we want to make sure that we get it right, and ... but your points are certainly well-taken. Let me turn to Council Member--

COUNCIL MEMBER KOPPELL: And let me just mention to you, Mr. Chairman, that I have in my hand a request to the, you know, to the bill drafters to do the bill, it hasn't yet been drafted. Maybe you could help us to get that done.

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CHAIRPERSON GARODNICK: Okay,
certainly, that's my LS request is that--

COUNCIL MEMBER KOPPELL:
(Interposing) Because we put the LS request in on
August 10th, while that's not a huge amount of time
ago, but it still is some time ago, and we're
already, I guess, August 10th, September 10th, we're
past the deadline, I think 60 days it's supposed
to be done.

CHAIRPERSON GARODNICK: Okay, it
went to a different Committee, just so you know.

COUNCIL MEMBER KOPPELL: Well,
okay.

CHAIRPERSON GARODNICK: And so I
just want to--

COUNCIL MEMBER KOPPELL:
(Interposing) But whatever you could--

CHAIRPERSON GARODNICK:
(Interposing) ... protect my Committee counsel here,
but--

COUNCIL MEMBER KOPPELL:
(Interposing) No, I'm not ... let me ... if you--

CHAIRPERSON GARODNICK:
(Interposing) No, I got it.

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COUNCIL MEMBER KOPPELL: If you could communicate with them, since--

CHAIRPERSON GARODNICK:
(Interposing) Certainly.

COUNCIL MEMBER KOPPELL: ... dealing with the subject.

CHAIRPERSON GARODNICK: I'd be happy to.

COUNCIL MEMBER KOPPELL: Thank you.

CHAIRPERSON GARODNICK: Sure.
Council Member Barron.

COUNCIL MEMBER BARRON: I just want to get clarity. So even though you're going by their per-minute rate, the driver determines how much per minute? Yes, I'm sorry.

CHAIRPERSON GARODNICK: The answer is yes, we are not having this Committee or the Council, at least under this proposal, set the specific dollar amount per minute, but we felt that creating uniformity on the standard of the basis on which they could charge--

COUNCIL MEMBER BARRON:
(Interposing) The basis.

CHAIRPERSON GARODNICK: ... that that

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would be a strong improvement.

COUNCIL MEMBER BARRON: And the flat rate is like half of Central Park is such and such amount, full Central Park is another amount. You think that a driver setting, they'll have their own competition, I guess whoever has the lowest rate will probably get the most customers, so that you think would bring the rip-off possibilities down.

CHAIRPERSON GARODNICK: I certainly do, I think that this will, at least by making it really clear and really apparent as to what the rates are for a tourist, who's usually the one who is using a pedicab, they will be able to make their own determinations as to whether this has value to them. And what we don't want is a surprise at the end, which is what we're seeing too frequently. If somebody wants to pay a dollar or two dollars or three dollars per minute to ride around in a pedicab, they should be able to do that.

COUNCIL MEMBER BARRON: Okay.

CHAIRPERSON GARODNICK: But it should be their choice, and there should be no

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surprises, and that's what we're trying to do.

COUNCIL MEMBER BARRON: So if they ask the driver, "You know, I want to go from here to here, about how much time will that take?" And they'll have to tell them, "That'll take you ten minutes, and it's a dollar per minute, so that will be ten dollars", something like that?

CHAIRPERSON GARODNICK: Well, they can give them an estimate, if they want, but at the end of the day what they can charge is what the timer--

COUNCIL MEMBER BARRON:
(Interposing) What the timer is.

CHAIRPERSON GARODNICK: Correct.

COUNCIL MEMBER BARRON: And I guess this is for the industry, is there any complaints from the industry on the installation of timers and obtaining timers?

CHAIRPERSON GARODNICK: We're going to hear from them in a second.

COUNCIL MEMBER BARRON: Okay.

CHAIRPERSON GARODNICK: So we'll let you ask them directly.

COUNCIL MEMBER BARRON: Thank you.

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CHAIRPERSON GARODNICK: All right.

Any other questions? Seeing no other questions from the panel, we will relieve Fran Freedman.

MS. FREEDMAN: Thank you.

CHAIRPERSON GARODNICK: Thank you for your testimony, and we're going to call up our next panel. We're going to call one full panel, since we have at the moment four people wishing to testify, we're going to call them all up together, we've got Laramie Flick of the New York City Pedicab Owners' Association, Gregg Zuman of Revolution Rickshaws, Ibrahim Donmez, a pedicab driver, and Robert Tipton, I think. Did I get it right? Okay, Robert, come on up, and if we need an extra chair, we'll just pull one up. Who are we missing here? Okay, all right, good. And I will note, while you all are getting settled, it's particularly nice to see Mr. Flick here, because in thinking about this issue and trying to study the various concerns of pedicab drivers, owners, tourists, New Yorkers, etc., one of the things that I did from time to time was pull over random pedicab drivers for a chat to see if they'd be willing to offer me some insights on their own

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2 personal experience, and it so happened one of
3 those times I just happened to pull over Mr.
4 Flick, who was kind enough to spend a few minutes
5 with me and give me his response and feedback. So
6 I thank you for that, and we're glad you're here,
7 so why don't you kick it off?

8 MR. FLICK: My name is Laramie
9 Flick, I'm going to be taking a little more time,
10 because I'm representing the New York City Pedicab
11 Owners' Association. The New York City Pedicab
12 Owners' Association is a 501C6 trade association
13 representing NYC's pedicab owners who are
14 interested in the long-term health and well-being
15 of the local pedicab industry. It was established
16 in 2005, and continues to stand as the only
17 industry association with dues-paying members and
18 it represents over 100 of the city's licensed
19 pedicabs. We met the other day for several hours
20 to try to come to some sort of consensus so we
21 don't overwhelm the Council with contradictory
22 opinions that slow down the legislative process,
23 because the industry is in crisis now because of
24 price gouging, every day hundreds of new price-
25 gouging complaints and victims are telling their

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2 friends to never take a pedicab. On every issue
3 there was vigorous debate, except one. We all
4 believe the industry will benefit profoundly from
5 a requirement for quad-state licenses to bring
6 true operator accountability and encourage a
7 community of longer-term drivers. It is my
8 understanding at the moment the NYPD cannot write
9 tickets to foreign licenses, they can only record
10 a driver's name and date of birth, yet the DCA
11 this year used tickets received from the NYPD to
12 deny or suspend licenses, only NY state-licensed
13 drivers seemed to have suffered from this, so this
14 is unequal treatment, is a sin against
15 commonsense. Not requiring local licenses also
16 discourages green card holders and F1 visa
17 students from getting local licenses. Meanwhile,
18 it allows short-term J1 students to work despite a
19 State Department memo banning them from working as
20 pedicab drivers. Recently in San Diego about 40
21 more pedicab drivers were deported for violating
22 their visas. But now to the Intro at hand. We
23 generally believe a move to timers is a
24 significant improvement over the current per-block
25 rate schemes. Customers need to only do simple

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2 math, it's basically an algebraic formula to
3 figure out the per-block, per-avenue, per-person
4 charges. They don't need to know city geography
5 and there's a tally. However, we believe there's
6 three significant loopholes that rogue drivers who
7 are accustomed at this point to charging 50 plus
8 dollars a mile can use to continue to extort their
9 customers. Without these changes, we believe the
10 rate cards should just be banned and replaced with
11 a card provided by the DCA that states "prices
12 negotiable and must be quoted in full prior to the
13 ride". So these are the changes basically.
14 Number one is per-person pricing must end. Per-
15 person pricing is the number one tool used by
16 price gougers, this is how a \$25 ride you get
17 beforehand becomes a \$75 ride for three people,
18 and that will happen with permitted pricing,
19 because not everybody will check the rate signs.
20 Passengers who don't ... yeah, when the ride is
21 over, they will be told it was per-person, after
22 getting a two dollar-a-minute or a five dollar-a-
23 minute quote upfront. And then per-person charges
24 don't actually reflect difficulty. If you'll turn
25 to the last page, you'll see a picture of four

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different pedicabs, and as you can see, there's a base ... do you have ... there you go. So you can ... there's a ... it should be the last page, I have other ones.

CHAIRPERSON GARODNICK: Hold on a second, Mr. Flick.

MR. FLICK: Sure.

CHAIRPERSON GARODNICK: Let's see if we can get the copies from the sergeant, and ... okay, this is the last page of your testimony, is that right?

MR. FLICK: Yes, this is just--

CHAIRPERSON GARODNICK:
(Interposing) All right, go ahead.

MR. FLICK: This is a basic table that we'll reference a little bit later. It's just showing that we already have a base rate of 350 pounds, and you have to go back to, you know, your grade school fractions or whatever. But, you know, we start out with 350 pounds, our weight and the bike's weight, the first person we're up to 500 pounds, and then the second person, it's only a 30% increase to 650, and then ... I'm sorry, the second person is a 30% increase and the third

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2 person is about a 25% increase or so. So it means
3 the overall weight that's added is about 50%.
4 That's why if you ever watch pedicabs, somebody
5 with three people is not going a third as slow as
6 somebody with just one person. And sometimes you
7 pass somebody with just one person. So hold on
8 for just a second. And then the great thing about
9 charging by time is it takes into account extra
10 weight, going uphill takes longer when there are
11 more people, and going downhill is easier, you
12 actually go faster, because it powers you through
13 the bumps and everything else, so why should they
14 pay more? With per-person charges removed, the
15 rate sign ... and the bill bans a bunch of
16 additional charges, with per-person charges
17 removed ... per-person charges removed, the rate
18 sign below the number per-minute need only say ...
19 it doesn't have to say mandatory gratuity or taxes
20 or additional fees or initial charges then, it can
21 simply say "no additional fees allowed", and
22 that's simple and is not open to interpretation.
23 Secondly, the next loophole that's extremely
24 serious is how our customers and NYPD are going to
25 know they're entitled to a pedicab information

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2 card? This one is equally important. The revised
3 rate card must inform passengers of their right to
4 a pedicab information card. Drivers can charge
5 whatever they want, and we support that. This
6 isn't in the testimony, but as a side to Council
7 Member Koppell, basically every ride is different,
8 our energy levels are different, sometimes we're
9 going into the wind, sometimes we're going out of
10 midtown and have to account for coming back. We
11 only get rides in certain places, not all over the
12 place. Passenger weight is different, there's
13 just countless variables that go into each pedicab
14 ride, and as a result it's always worked better to
15 be able, for individual drivers to set their own
16 rates. There's also the issue of, there's, you
17 know, one woman who won't be speaking today, her
18 name is Meredith, she's about 40 and she's about
19 5'1", and she's pedaling a pedicab. She obviously
20 works significantly harder than somebody like me
21 who is 6'3" or some, you know, 22-year-old 6'5"
22 Russian kid, whatever, who, you know, each ride,
23 each rider, age, energy levels, like there's so
24 many variables, extremely complicated to set
25 rates, and we believe that's the last step after

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2 everything else has failed. Just getting back to
3 this testimony, judging from how rarely drivers
4 give out receipts after rides, we all do when
5 asked for them, but nobody volunteers those
6 receipts after the ride. As a result, the price
7 gougers, who this bill is aimed at, are never
8 going to volunteer that pedicab information card.
9 So we believe that it needs to be posted on the
10 rate card, and, you know, in simple language. It
11 can sound like our bosses, you know, even though
12 most of us are self-employed, it can make it seem
13 like our bosses are requiring it, it doesn't have
14 to be in legalese. So I mean, I just came up with
15 three suggestions: no price up-front, pay what you
16 want, or rate is valid only with pedicab
17 information card or flat written rate, or didn't
18 get a pedicab information card before boarding,
19 the ride is free. Just got the customers ... and if
20 NYPD gets called or doormen get involved, they
21 need a reference, because police, you know, they
22 have to look over a lot of different agencies and
23 don't know, always know the specifics of every
24 industry's law. All right, the last thing is just
25 getting into the rate cards on the side panels.

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2 It's not an ideal location for a lot of reasons.
3 We believe, actually, that the rate card is best
4 attached to the driver's seat, it's most visible
5 here, and the TLC set a precedent by moving rates
6 inside Yellow Cabs. People always look at our
7 posteriors, and it's right in front of them, and
8 will naturally look at the rate card below.
9 Exterior rate cards are on the side, they're
10 sometimes obscured by canopies in the rain or in
11 cold weather. Unscrupulous operators sometimes
12 actually switch rate cards in the middle of rides
13 to a higher rate card, while pretending like
14 they're adjusting the canopy, so this is somewhere
15 where obviously there can be no manipulation of
16 any kind, and every passenger will see it. The
17 rate card also accounts for the different types of
18 pedicabs. If you look at table one again, you'll
19 see figure four is the boardwalk Main Street
20 pedicab, it's the most common pedicab on the
21 street at this point because it's the cheapest
22 one. It's still, you know, still \$3,500, but it's
23 less than the \$6,000 pedicabs that ... So that one
24 doesn't have an exterior vertical panel. Some of
25 them have little like leather flaps, but it's a

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2 very small little area, and as I said, they don't
3 have that. On the other hand, all pedicabs
4 obviously have a bike seat, and yeah, also because
5 pedicabs are open, passengers can see the rates
6 that other pedicabs have, it's not hidden like it
7 is in a taxi or in a black car. So as you're
8 passing by, people can still see your rate,
9 because it's an open vehicle. And lastly, for
10 pedicabs that do have side panels, a lot of fleet
11 owners desperately need that real estate to sell
12 advertising. Currently pedicabs rent for about
13 \$150 a week on average, and only in the high
14 season. You'll actually make a lot more money if
15 you rent out a regular \$100 bicycle than you will
16 renting out a pedicab. Factor in storage,
17 insurance, fines from the DCA, repairs and the
18 profit margins are extremely thin without
19 advertising. I say this as a single owner and
20 operator who knows that my overhead is about
21 \$3,500 a year. \$150 a week for about 30 busy
22 weeks adds up to, you know, \$4,500 rental revenue,
23 and because it's such a tough job and there's so
24 much changeover in pedicab drivership, it's a
25 renter's market. Renters easily move from company

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2 to company for the lower rate, and that's always
3 kept these rates at a really bizarrely-low amount.
4 So if the pedicab ... you know, if the viability of
5 these small businesses -- and none of them are big
6 -- except a lot got shut down for having 90 bikes.
7 If these pedicab businesses are going to survive,
8 they have to have advertising. Just these are the
9 three essential things, and then just another
10 minute for, we have a little wish list or whatever
11 we put in. We support the bill as it goes, but
12 there's minor adjustments that would make our
13 lives a little bit easier. First of all, simplify
14 the pedicab information card, specifically, only
15 the driver is responsible for price gouging, the
16 owners do not set that rate. Pedicab fleet owners
17 cannot be responsible for what their drivers
18 charge, as drivers often change the rate cards
19 when they leave the garage. And also what happens
20 is when the customer goes to complain to the DCA,
21 they report the pedicab owner, and that doesn't
22 help the DCA know who is price-gouging. So if
23 only the driver's information is there, only the
24 driver's information will be written down and
25 reported to ... we do support the owner's telephone

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2 number being there, so the customers can call the
3 owner and let them know that that driver is guilty
4 of price-gouging. And as far as putting some of
5 the other information, as far as putting the
6 owner's full information, you know, address, this
7 year the DCA began issuing a standard information
8 sign, it's in a big font, it's laminated, it's in
9 orange, it's pretty much in the same place on
10 every pedicab. The new complaints that ... one of
11 the new complaints we've gotten, it was clear the
12 person had read that. All this information might
13 be superfluous, the more information you have,
14 probably the less gets read. And then lastly,
15 this is the bone that you can throw to us, define
16 children under 12 as half a person. This is done
17 for taxis and horse carriages. I referenced the
18 last time it's not 3/5 of a person, it's just ... it
19 allows a family of four to take one pedicab
20 instead of two, this saves the customers, you
21 know, 50% and it expands our customer base. Very
22 frequently we have to refuse a family of four, and
23 whereas they might be able to, you know, might be
24 willing to drop \$30 or \$25 for a ride, they're not
25 going to drop as often \$60 or \$70. And, you know,

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2 how do we prevent children over 12 from riding in
3 a pedicab? Well, the small width of a pedicab
4 means older children will have to sit in their
5 parent's lap, how many teenagers will submit to
6 that indignity? So it's one of those things that
7 is self-enforcing. You know, small children can
8 sit on their parent's lap, obviously teenagers
9 won't. So thank you for your time, we look
10 forward to working with you beyond today,
11 providing a street-level view of whatever the
12 final bill might look like.

13 CHAIRPERSON GARODNICK: We
14 appreciate it, and thank you for your testimony,
15 and I want to note we've been joined by Council
16 Member Mike Nelson from Brooklyn, and we'll ask
17 the other three folks who are testifying, to the
18 extent that you were not going to address any of
19 the comments made by, you know, the folks before
20 you, to the extent you're inclined, please do,
21 because we're, you know, we're interested in
22 getting your reaction to everybody else as well,
23 so thank you. Go right ahead.

24 MR. TIPTON: Hello, good afternoon,
25 my name is Robert Tipton. I've been involved in

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2 the pedicab business here in New York City since
3 2001, so I've seen my fair share of pedicabs, and
4 I would like to think I know something about it.
5 It's my personal opinion that 597A will fail to
6 protect pedicab passengers in several ways, and
7 that's what we're here to do. Rate cards on the
8 exterior of the pedicab do nothing to inform as to
9 what the actual rate or means by which the rate is
10 calculated. Approximately 75% of the pedicabs on
11 the street today do not physically have that
12 exterior panel, the vertical exterior panel. Had
13 the city done their homework, they would already
14 know that a Main Street boardwalk pedicab has only
15 a piece of vinyl or leather, if you will, in this
16 location that we're referring to. Every pedicab
17 has a perfect location for displaying fares, and
18 that is in the front portion of the frame or
19 chassis. It's very clean, it's uniform, every cab
20 has it, it's clear to see as passengers are
21 boarding the cab, it's clear to even see that as
22 you're seated in the cab. Livery cabs or gypsy
23 cabs do not have posted rates nor a meter, but
24 instead negotiate the price as you open the door.
25 Two-inch letters on a pedicab is excessive and

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2 unnecessary. If the price of the ride is set
3 before the trip begins, there will be no surprises
4 in the end, no complaints, everybody knows what's
5 happening. Rate cards and posted fares are not
6 the solution, but instead only a verbal and/or a
7 written quote for the total price of the ride
8 before the ride begins will insure passengers are
9 informed of the cost. That's all I got.

10 CHAIRPERSON GARODNICK: Thank you
11 very much.

12 MR. DONMEZ: Ibrahim, pedicab
13 driver--

14 CHAIRPERSON GARODNICK:
15 (Interposing) Hold that microphone closer to you,
16 Ibrahim.

17 MR. DONMEZ: Pedicab driver/owner
18 Ibrahim, I just wanted to first say that all the
19 signs on the pedicab should be in a place where
20 it's visible to seated passengers. We have
21 drivers that change the rate card in the middle of
22 the ride, so I mean, they are like changing the
23 canopy supposedly, and you know, the rate card is
24 changed in the middle of the ride, so there's no
25 way putting them on the side will help our cause.

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2 And I see the real problem is the rate cards,
3 there's no way you guys can stop this rip-off
4 problem by putting something on the pedicab that
5 is regulated by the business itself. So you're
6 telling me that, you know, I can charge five
7 dollars per minute per person, and it's like from
8 Central Park to Penn Station it's like \$300 per ...
9 you know, for the ride for three people. I mean,
10 it just doesn't make sense, and the only way these
11 guys, the rip-off guys, can do this thing is by
12 the rate cards, and that's the root of the
13 problem, the rate cards have to go. We didn't
14 have this problem before the rate cards, and I
15 think you guys either need to get rid of the rate
16 card or put a government-regulated fare, just like
17 Mr. Koppell mentioned, but my question is, how are
18 you going to do that with the human power? We're
19 not taxis, we're not run by engines. So that's
20 the problem, so whatever you put on the side,
21 that's going to be legal, so you're not going to
22 be able to stop this without getting rid of the
23 rate cards. And I just want to say, you know,
24 about, you know, some discrimination issues. The
25 NYPD is constantly asking us the question, where

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2 are you from, right now, so, I mean, I need you
3 guys' help on that matter right now. That's
4 what's going on. They're like, where are you
5 from, to us right now. And another thing is, why
6 are we getting charged \$4,000 for not having the
7 copy of the license on the pedicab? I mean, I'm
8 going to show you, like I'm going to tell you the
9 code 5833 A1, that's the taxicab law, it says you
10 need to have the license copy. Do you know how
11 much the driver pays? \$25 for that violation.
12 What am I paying up to? It's up to \$4,000,
13 there's no other street business that is paying as
14 much as the pedicab drivers do. That's a part of
15 what's wrong with the pedicab law, and this year
16 we've been really being harassed by the Parks
17 Department and DCA, they were right here, and they
18 are charging us \$4,000 for not having the copy of
19 the license. The law is nonsense, you know, you
20 guys need to work on section 2263. I mean, why
21 are we paying, you know, \$4,000 for not having a
22 copy of the license? So what I'm saying is like,
23 this is not going to work, this bill is totally
24 useless, so please get rid of the rate cards or,
25 you know, it should be a government-regulated

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2 fare. And you cannot do that, we are human-
3 powered, so thank you.

4 MR. ZUMAN: Hi everybody, good
5 afternoon, my name is Gregg Zuman. The last time
6 I was in front of this group I was Gregg Zukowski,
7 I got married last year and merged my name,
8 actually, a little unusual. So in case you were
9 wondering, thank you. My beautiful wife is right
10 there. I don't know if she wanted that attention.
11 Real quick, I'm a nine-year practitioner, I've
12 been riding a pedicab since 2003 in the streets,
13 I'll be going out tonight, I went out last night,
14 a seven-year owner of Revolution Rickshaws. We
15 have 21 permits at the moment to operate. Also
16 I'm the co-founder and past president and current
17 VP of the NYCPOA. A couple of things, one is, how
18 many of you have taken a pedicab ride in midtown?
19 Raise your hand. Okay, we have a winner, we have
20 one. So there's one out of one, two, three, four
21 Council members. Mr. Koppell, please tell me a
22 bit about your experience?

23 COUNCIL MEMBER KOPPELL: It was a
24 while ago, I took it to Penn Station. I
25 negotiated the fee in advance.

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MR. ZUMAN: What year was that?

COUNCIL MEMBER KOPPELL: I don't remember.

MR. ZUMAN: Do you know if it was pre- or post-regulation, I'm just curious?

COUNCIL MEMBER KOPPELL: I think it was post-regulation.

MR. ZUMAN: Okay.

COUNCIL MEMBER KOPPELL: It was a while ago.

MR. ZUMAN: So you've experienced it.

COUNCIL MEMBER KOPPELL: Yes.

MR. ZUMAN: And you negotiated smartly, you know, for the ride.

COUNCIL MEMBER KOPPELL: Yes.

MR. ZUMAN: Which most people honestly don't, or the people who get on don't, it's kind of stunning.

COUNCIL MEMBER KOPPELL: I will say, just anecdotally, that I was ripped off in London, so I learned.

MR. ZUMAN: I hear the same thing about people in India and Vietnam, or they're

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2 like, these guys, these rickshaw guys, you know,
3 they're always trying to get it over on you. So,
4 you know, there is somewhat of a nature, you know,
5 I don't like to say that, but you know, if you
6 don't have a lot of protection or a lot of, you
7 know, you're working with that, you are kind of
8 entering into, you know, a very one-on-one
9 situation. So if you ... what the City Council, I
10 think, unknowingly or unwittingly did is create
11 this unbelievable environment in which scams could
12 just blossom. It was kind of shocking and I don't
13 think people saw that, but what we've done is, you
14 guys have sort of codified the ability for them to
15 say, oh, you know, that's the rate and that's the
16 city rate, you know what, that's what the city
17 says, and they've okayed it, and I can call the
18 cops on you. That's okay, and we can work this
19 out that way if you want to, or you can pay, you
20 know. And you've also done this thing, where I
21 handed out a sheet, it's just a web posting of a
22 recent act by ICE, they've been cracking down in
23 San Diego. Twice in the last year they've now
24 pulled this time 40 J1 students on student visas
25 who were taken into custody for working illegally

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2 as pedicab drivers. There's a misnomer here, it's
3 important to understand, pedicab drivers are sole-
4 proprietor businesses. There's a massive sort of
5 disconnect between even the language in this bill
6 and the last bill and the bill before, about
7 treating the practitioner as a sort of subservient
8 or what have you, to the owner. You kind of push
9 forward the owner of the rickshaw, his
10 information, his address, his phone number, it's
11 supposed to be on the receipt, now you're saying
12 it's on this pick, whereas really the focus is on
13 the practitioner himself. You know, it's the
14 practitioner ... like even me, I feel awful because
15 ... I don't feel awful, but I mean, the guys that I
16 work with, you know, I rent them, I rent them out,
17 right? So I'm riding and I'm renting, so I do
18 both, I'm experiencing all this all the time in
19 real time on both sides. And I can't really tell
20 my renters, like, hey, you can't have this rate
21 card, because they're their own business, you
22 know, and as long as we have respect for a
23 relationship and they're paying, you know, the
24 rent and this and that, then I'm going to rent to
25 them pretty much, you know. If I'm getting

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2 feedback all the time -- and I don't, you know,
3 interestingly -- but you know, that, hey, your guy
4 is ripping people off all the time and da, da, da,
5 then yeah, I'll probably act. I have acted
6 before, but I just want to bring that to your
7 attention, you know, that it's gotten to an
8 incredible level, largely because the city has
9 actually created these conditions unwittingly.
10 So, you know, it's great that we are back here a
11 year and a half, sort of a year or so later,
12 talking about, you know, our issues and our brutal
13 conditions, to be honest, you know, that we sort
14 of persist in. You know, a few of us are just
15 really committed, and everybody else disappears,
16 and you've got literally 70 to 80 to 90 percent of
17 everybody who's riding is probably ... well, I guess
18 Ibrahim mentioned that some of them have green
19 cards now. But probably 50 to 60, 70 percent are
20 riding illegally insofar as Federal law is
21 concerned. So this is something I just, because I
22 only get here once a year now, I just want to say
23 hi and bring that up to you guys. As for the bill
24 itself, there are ... it's good in spirit, you know,
25 I like the spirit of it, I'm ... I think the quoting

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2 up-front is the safest, soundest way. I know
3 discrimination keeps bubbling up, you know, and
4 I'd love to see that lawsuit, if it ever did show
5 up, against the city. But in the meantime we have
6 this bill. There are a couple of real issues with
7 it, one is vertical panels on each side of the
8 exterior of the pedicab, that's unenforceable. I
9 went to the court in August and the DCA with this
10 exact wording, except vertical, stood down on the
11 case and they will continue to. Even with this
12 wording I will destroy this in court, because it's
13 meaningless. Vertical, this is ... let's just say
14 for argument's sake this is a panel. What's
15 vertical here? Is that vertical? Is that
16 vertical? Is that vertical? There's nothing,
17 it's just simply ... I know what you mean, but in
18 law it will fall apart, and what I'm telling you
19 is I'm happy to work, and I think that we've kind
20 of come up with a better situation, which may be
21 like hanging it from the saddle post, you know, or
22 hanging it from the rear, and I think we need to
23 work with somebody, either DCA or you guys, to
24 physically ... to physically work this out, because,
25 Council Member Garodnick, you sort of held out

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2 this like, you know, one dollar a minute, now I'm
3 going to read what actually you have to put on
4 there, what you guys are still telling us to put
5 on. "A sign conspicuously posted on the vertical
6 panels ... indicating in letters and numbers at
7 least two inches high the dollar amount to be
8 charged each passenger", so the way I do it today,
9 and the way this is written, as far as I can tell,
10 you can have, you know, one passenger, two
11 passengers, three passengers, which is, you know,
12 it's open for you here to do that. If ... well,
13 that's what I'm getting to. Look at what else you
14 have to put on that sign that you had, you have to
15 put "Gratuity is not required", that single phrase
16 will take up my entire panel, you know, or the
17 majority of it, at least. And then when we get to
18 "No taxes and additional fees", you know what,
19 then we're going to have to have a new panel to
20 put that piece of information on, the next ... you
21 know, so that you guys get what you want. So I'm
22 ... I think what you put ... and you keep, you know,
23 Council Member Garodnick, honestly, you have this
24 instinct which is right, you know, you want to
25 keep things super-simple, and you put that. If

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2 you had that, and just stripped out everything
3 else, that would be kind of interesting. But you
4 don't, you know, you guys have this, all this
5 verbiage, which I ... again, you have the right ...
6 that's a good feeling to it, but it's just not
7 practical in reality. So what you put, let's ... I
8 think going towards what you put is spot-on, at
9 this point. Finally, not to take up too much
10 time, I wanted to put in, Council Member Koppell,
11 I actually agree with you in principle, I think we
12 should be under TLC, and I think that fixed rates
13 are good, but I think there's a ton of devil-in-
14 the-details stuff and we've got to be careful what
15 we want, so your ... that's another good instinct,
16 but a lot of work to do there. Thank you.

17 CHAIRPERSON GARODNICK: All right,
18 so gentlemen, thank you, you've given us a lot to
19 consider. But let me pose a few questions,
20 because we're certainly open to a lot of the ...
21 well, I'll speak for myself, I'm certainly open to
22 a lot of the suggestions that you made, and we
23 appreciate your being here to share the thoughts
24 with us. So let me just start with Mr. Flick on
25 the subject of per-person pricing, because this

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2 deals with a couple of issues, one it deals with
3 the, what you regarded as the number one tool used
4 by price gougers, it also deals with space. So it
5 was our impression, from the last hearing and
6 other conversations, that there was some concern
7 from pedicab drivers and owners that the absence
8 of per-passenger pricing opportunities really
9 inhibited your ability to do business, or it was
10 somehow unfair to pedicab drivers or owners. So
11 correct us now, because that is in there.

12 MR. FLICK: Sure.

13 CHAIRPERSON GARODNICK: In an
14 effort to try to be fair to pedicab drivers and
15 owners. So if that does not belong in there, this
16 is the right moment. So we appreciate the
17 suggestion, but just to be clear, we have that
18 because we were under the impression that, you
19 know, that that was a concern from drivers and
20 owners. So, go ahead.

21 MR. FLICK: Yes, I mean, I
22 currently use a system where I charge an initial
23 charge of \$5 a person, partly because it takes
24 longer for two or three people to just get
25 situated, like to jam them in there. And then I

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2 charge \$2 a minute after that, and in adds up
3 perfectly to the 20, 30, 35 dollars that we have
4 always been charging for a, you know, ten minute
5 ride around midtown. The problem is, is that as
6 soon as you allow these additional fees, it's
7 going to be like San Diego, where they just say 20
8 to 50 dollars initial charge, or per-person
9 initial charge. So thinking about how I should ...
10 well, I'll put three dollars a minute and then
11 I'll give a discount when it's two people or it's
12 one person, you know, give them a 25% discount if
13 it's one and a 15% discount if it's two, and that
14 sounds good to the customers, and it just prevents
15 these extra surprise charges. I mean, it makes it
16 a little more inconvenient for me, and I might
17 still verbally say, you know, five dollars to get
18 in and two dollars a minute, but you know, we're
19 both after simplicity and we're both trying to
20 close the loopholes. And then secondly, what I
21 discovered, once I started charging per person
22 rather than per block was that, you know, it ends
23 up taking longer to get more people places, they
24 weigh more, and so it's just slower unless it's
25 going downhill, and, you know, there's no reason

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2 three people should pay more going from Central
3 Park South to Times Square, because it's easy, you
4 don't even have to pedal, basically. But going
5 the other direction, it's the difference between
6 taking seven ... you know, say it's two dollars ...
7 like, you know, two dollars a minute, and it's one
8 person and you go seven ... you know, you go up from
9 44th to 59th, maybe it takes eight minutes, so it's
10 \$16. If you've got three people it's going to
11 take about 12,13,14 minutes, you're at 28, so you
12 pay more anyway if you do it by time.

13 CHAIRPERSON GARODNICK: Right.

14 MR. FLICK: But meters and per-
15 block pricing don't account for that at all, so
16 you actually need to charge more.

17 CHAIRPERSON GARODNICK: Okay, so
18 your point is that with the timer you deal with
19 the additional work necessary to go up those hills
20 when you have more people, which is why you're
21 willing to dispense with the per-passenger
22 opportunity. Is that right?

23 MR. FLICK: Exactly.

24 CHAIRPERSON GARODNICK: Okay,
25 great. Anybody else want to address that point?

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2 MR. ZUMAN: Yes, thank you, Council
3 Member, I would say that ... well, Laramie already
4 does that. I had the per-person, which I sent to
5 you guys. Honestly, it's cutting losses, just for
6 cutting our losses, you want to get something
7 simple, like you said. I mean, I like mine, I use
8 it today, I think it's very sensible, however,
9 it's kind of ... again, the way this is written,
10 it's just important what's in the language, and
11 the language again opens it up to, you could have
12 that three dollars, you know, or you could have
13 again, the five and nine, whatever that number is,
14 and then you could just say per-person as well,
15 and then that's just again going to open it up.
16 So if you wanted to get really hard-line and like
17 try to make the language so it would look like
18 mine, you know, but at the end of the day I'm
19 willing to compromise and to cut back into what
20 you put, is again, you know, you have that super-
21 simple, and then at this point it's just cutting
22 losses, because otherwise, you know, quoting
23 upfront is a nice thing where there's nothing, I
24 guess. But if we're going to do this law, then we
25 need to have kind of what you put.

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CHAIRPERSON GARODNICK: Okay.

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Other questions. On the subject of the placement

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of the rate cards, we agree, we want this to be

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useful and we want it to be enforceable and we

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want it to be obvious. So your suggestion of

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putting it on the back of the seat is totally, as

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far as I'm concerned, it's much more visible, it's

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much easier to see. You feel confident that there

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is a way to attach it in the back of the pedicabs

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or in the back of the seat, you all are much more

12

familiar with the equipment there than we are.

13

Just address that for a moment.

14

MR. FLICK: Yeah, I mean, there's

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no ideal place to put it. I mean, I would

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actually ... I mean, we could even combine the two,

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there's nothing to prevent there being extra, you

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know, rate signs, so have one in the triangle on

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both sides, and then have one also attached to the

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seat. I mean, maybe put ... there's a lot more

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information on that triangle, so you could just

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have the number and the--

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CHAIRPERSON GARODNICK:

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(Interposing) Could you just define what the

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triangle is, and from your mind--

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MR. FLICK: (Interposing) So you have that ... the women's bikes wouldn't have it, but all pedicab bikes have that bar that ... actually--

MR. ZUMAN: (Interposing) The equipment.

MR. FLICK: Sorry?

MR. ZUMAN: No, keep going, I'm going to comment later.

MR. FLICK: What is the maximum--

MR. ZUMAN: (Interposing) Well, I was going to say, sorry, I don't want to bump in too much here, but really what this boils down to is an equipment issue, you know. I think you guys don't get on the ground enough, like, it would be great if you guys stop by and say, hey, you have this equipment, you know, Laramie put in that sheet two different ... there's four different types of pedicabs, which is equipment. You know, the TLC regulates the type of equipment which can be used, how, what it's got, what panels, this and that. There's none of that going on with pedicabs, so you guys are sort of struggling in a world where--

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CHAIRPERSON GARODNICK:

(Interposing) We have all the images of the pedicabs, just so you know, we have all of the images here.

MR. ZUMAN: Okay.

CHAIRPERSON GARODNICK: I just want to make sure that we are all, and for the record, which is transcribed, understanding clearly what Mr. Flick is describing when he says the triangle, so please take it in that vein. So--

MR. FLICK: (Interposing) Yeah, this is my visual memory--

CHAIRPERSON GARODNICK:

(Interposing) Go ahead, just--

MR. FLICK: (Interposing) Basically my own bike. It would have to be something that was attached to the frame next to the driver, and in combination with the ... with going behind the seat. The seat is the place ... is going to be the same for all pedicabs, all of them have them. There are little coils underneath the seat for creating a sort of spring, you can attach to those quite easily, and it's something that's in full view of the passengers. And then it would also,

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2 if we could also, I would be completely fine with
3 attaching it to the side of the bike as well,
4 wherever that's possible. So on the Maximus it
5 would be probably on the steps, and then on every
6 other bike, because it's a weird bike, it's made
7 by the English, and they do all sorts of funny
8 things. But every single other bike, except for
9 about 30, of which belong to either Gregg or a few
10 of us, those ones you would have to do something
11 slightly different to attach it to the frame. So
12 95% of the bikes you have that triangle, which is
13 the bar that your legs go between that you stand
14 over, and then the bar that goes up from the
15 pedals, up to ... yeah, right there. See, the
16 Maximus is missing that, because it's completely
17 different.

18 CHAIRPERSON GARODNICK: This is,
19 what I'm holding up is not the Maximus.

20 MR. FLICK: That is a Turkish frame
21 on probably a Main Street body.

22 CHAIRPERSON GARODNICK: Okay.
23 Okay, so what you're suggesting is posting the
24 fare on the back of the seat, one, and then
25 additionally adding it to--

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MR. FLICK: (Interposing) On either side of the pedicab.

CHAIRPERSON GARODNICK: On either side of the pedicab, or are you suggesting--

MR. FLICK: (Interposing) Well, no, no, no, not on either side of the pedicab, on either side of the frame.

CHAIRPERSON GARODNICK: Of the frame.

MR. FLICK: Yes.

CHAIRPERSON GARODNICK: Not of the body.

MR. FLICK: Not on the body, not on the body.

CHAIRPERSON GARODNICK: Okay, and the reason why you're suggesting the frame and not the body?

MR. FLICK: Two reasons, one is to allow for advertising, and then secondly, people who get ... if we're behind people, like if I pull up to you now and I stay in front of you, you climb straight into the bike and you never see ... you never see the rate card. And then also they can change it, and it's hidden when there's a

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canopy, and there's not really much they can do to hide it when it's on the frame and when it's attached to the seat. So we want it to be obvious.

CHAIRPERSON GARODNICK: Okay, and then for the one category of pedicab that you noted that does not have that vertical triangle, where would you put it for that one?

MR. FLICK: Well, you can attach it to the frame, there's also--

CHAIRPERSON GARODNICK:
(Interposing) Sorry, wait a minute.

MR. FLICK: Sure, sorry--

CHAIRPERSON GARODNICK:
(Interposing) In that scenario, when you say the frame (crosstalk) the triangle as being the ... that's not the frame?

MR. TIPTON: It's not the frame, it's not even the frame, it's the plastic piece, it's a piece--

CHAIRPERSON GARODNICK:
(Interposing) Speak into the microphone, please.

MR. TIPTON: There's lots of different types of pedicabs. The one you have

1
2 there a picture of is basically obsolete, I
3 haven't seen one of those for years.

4 CHAIRPERSON GARODNICK: Okay.

5 MR. TIPTON: But 80% or 90% of the
6 cabs out there are made in Colorado, they're Main
7 Street pedicabs, they have the usable space, as
8 Laramie, Mr. Flick here is describing, behind the
9 driver seat, and I think that's important. When I
10 get into a taxicab, I don't look outside the door
11 to find out what I'm being charged, it's there in
12 front of me, okay. The same should be true with
13 the pedicab. If they're looking outside the bike,
14 no one's doing that. And there's two places where
15 people could be able to see what they're being
16 charged, that's behind the driver's seat and also
17 utilizing the space in between the frame or the
18 chassis in the front, underneath the driver,
19 between his legs, he's right there, you're looking
20 at him, that's as conspicuous as it gets.

21 CHAIRPERSON GARODNICK: Okay, and
22 just so you understand where we're coming from
23 when we're trying to dig into this question, is we
24 have the ability to either write it directly into
25 the law, defer to the city agency to have them

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2 make a rule on the subject, or do nothing at all.
3 So when you hear us struggling through exactly
4 where and how, it's not because, you know, the
5 legislative body of the city really is, you know,
6 interested necessarily in putting it into the
7 administrative code precisely where in the frame
8 of certain Turkish pedicabs it needs to go, but we
9 want to make sure that whatever we pass here is
10 broadly applicable and is consistent, and may
11 allow for DCA to make rules that make sense. So
12 we take point ... by the way, I totally agree with
13 you that the most visible place is right behind
14 the seat. So we start from a, you know, point of
15 absolute agreement. And so if that is physically
16 possible, that's certainly something that I will
17 want to do. On the subject of side vertical
18 panels, well, let's just talk about the vertical
19 panels for a second. I hear vertical panels, that
20 to me means the side of the pedicab, but that does
21 not mean that to you, so let's just understand, if
22 we were to define, which we may or may not do,
23 that the sides of the pedicab itself, which it
24 sounds like is a place which you guys want to
25 reserve for advertising, is where we wanted to put

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something, how would you define that place?

MR. FLICK: I mean, looking at the Maximus now, which I can't show you in front, there is again a space between two bars, it's just lower, like a girl's bike, or whatever. So there's still a space in between there that you could put ... I mean, it says that it's just in the law that already exists, I think it just says that it needs to be visible from both sides, so as long as you don't specifically mandate that it is on the cab of the pedicab, that allows us to have a variety of places that we can put it. I mean, the Maximus, the second place it has steps, and we, Gregg puts them on his steps, and so, you know, people always look down to step on that. But if you just mandate that it goes ... that it's visible on both sides somewhere on the pedicab, as opposed to only the cab, then we're completely fine with that. So that allows Rob to put it in his triangle chastity, whatever, and it allows ... or not, wrong word, it's not chastity, sorry. And then it allows Maximus owners to put it on the step or to also put it in a similar area.

CHAIRPERSON GARODNICK: And this

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would all be, in your view, on top of the--

MR. FLICK: (Interposing) The seat,
yeah.

CHAIRPERSON GARODNICK: Behind the
seat.

MR. FLICK: Yes.

CHAIRPERSON GARODNICK: Okay.
Might you not be concerned that some drivers would
have it on the body of the cab and some would have
it in that triangular area in the frame and it
might be a--

MR. FLICK: (Interposing) As long
as you have it behind the seat, then you have one
consistent place that it always is, and then the
other ones just increase the chances that it will
studied.

MR. DONMEZ: I was just going to
say that in the language it can just be like
"visible to seated passengers", that will, you
know, do it, you know, that's simple. And it can,
you know, you can add like behind the driver, you
know, but that's not necessary, you know, when you
put it ... when you put the language as visible to
seated passengers, that will, you know, solve the

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whole problem.

MR. FLICK: But they might put it ... the only thing is they might put it on the inside side panels, whatever, which when you're sitting down you can't see. So it would need to be located between ... in the space, in the space located between the passengers and the driver.

MR. DONMEZ: Yeah.

CHAIRPERSON GARODNICK: That's right, we want it to be visible to somebody who is sitting in the pedicab, and also somebody who is approaching the pedicab.

MR. FLICK: Right.

CHAIRPERSON GARODNICK: Okay. So--

MR. DONMEZ: (Interposing) And please do not refer it to DCA, please.

CHAIRPERSON GARODNICK: You want us to take care of this matter here, okay.

MR. FLICK: I mean, they should never have allowed per-block pricing. You wouldn't be here today if they were actually enforcing the law, which has a basis that a block and an avenue differ all throughout the city, it's a violation of the law, I don't understand why

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they continue to permit them, especially considering all the problems that have occurred.

CHAIRPERSON GARODNICK: Ibrahim, a question for you, your feeling on the subject of the per-person requirement. Do you agree with what is being proposed here, that there is no need to allow for a bump-up for pedicab per-person, or are you comfortable with just the straight--

MR. DONMEZ: (Interposing) Well, I'm totally opposed to per-person, especially if it's required as a law, that totally doesn't make sense at all. I mean, like I said, this is not going to work. Like tweaking the rate card is not going to work, the problem is the rate card, that's the root of the problem. So I mean, yeah, I can, you know, say okay, let's do it that way, but I'm just saying, you know, in the end it doesn't really matter. Like the per-person, you know, requirement should go as well, it's just, I don't know.

MR. FLICK: Yeah, this is what we were arguing the most intensely about.

MR. DONMEZ: Yeah.

MR. FLICK: I'm perfectly fine with

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2 the rate card just being replaced by saying rate
3 is ... well, rate is negotiable and must be quoted
4 prior to ride, but on the other ... you know, if you
5 don't have something that's ... you do have what
6 happens with the black cars, I mean, people end up
7 with 200 plus dollar charges (crosstalk)

8 MR. DONMEZ: Everything should be--

9 CHAIRPERSON GARODNICK:

10 (Interposing) Wait, wait, wait, we have to do one
11 at a time, guys.

12 MR. FLICK: Sure.

13 CHAIRPERSON GARODNICK: But let's
14 just talk about that issue for a moment.

15 MR. FLICK: Sure.

16 CHAIRPERSON GARODNICK: About the
17 fare quoted at the top of the ride, because I know
18 that that's ... I mean, that's not an unreasonable
19 proposal either, in fairness. But, you know, in
20 the conversations that I have had, when you really
21 probe the question of a binding fare quoted
22 upfront, frequently I have heard from pedicab
23 drivers, and they say, yeah, I'm comfortable with
24 a binding fare upfront. And I say, really? So if
25 you say it's going to cost \$25 to get you from

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2 here to there, and that is it, that is the whole
3 complete package, you are totally comfortable with
4 that? And they say yes. And I say, well, what
5 happens if you get stuck in an hour's worth of
6 traffic, or you hit something which you did not
7 expect, or fill in the blank? And the response
8 that I got was, I would say in every circumstance,
9 well, look, in those situations we would have to
10 talk about, you know, the situation, we would have
11 to, you know, talk about what the fare should be.
12 Now, that's not really a binding fare quote
13 upfront, that's a binding fare quote upfront until
14 point of renegotiation. So I just want to, you
15 know, flag for you the reason why that's, you
16 know, as one of the reasons why that's not the
17 proposal on the table, but it's something which
18 is, you know, relevant here. Go ahead.

19 MR. ZUMAN: Okay, so I brought this
20 up to Teresa a while ago. We're a service
21 provider, all right, so fundamentally, let's say
22 you're hiring somebody to paint a wall, and the
23 guy is like, hey, it's \$250 to paint that wall.
24 All right, so the guy comes, he shows up, he
25 paints the wall, he gets \$250. Maybe there's

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2 another guy that shows up and he discovers that
3 there is leakage in the back and that the wall is
4 actually a mess. Now, he can ... or he just for
5 whatever reason takes a longer time to execute.
6 Now, you know, in one case he's probably bound to
7 keep that price, and in the other case where, if
8 there's some structural failure or a misleading
9 statement and he agrees to something that he can't
10 provide, then it's a different matter. But really
11 it's just to me like looking at this issue as any
12 service that you would provide a quote, if you'd
13 be a plumber you'd say, hey, this is \$500, this is
14 \$5,000, whatever, \$10,000, and you're going to
15 stick with that quote. And you know what, hey,
16 that's the way life goes and that's how you learn,
17 you learn because you're a service provider who is
18 going to learn the ropes, and it's really one of
19 those provisions that encourages, it favors people
20 who have been doing it a little while, because
21 you're going to go through that learning curve,
22 and then you're going to become really pretty good
23 practitioners. And, you know, part of what we ...
24 we've all been riding for literally like seven
25 years or more I think here, or, you know, we've

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2 ridden over the years. So we're very committed to
3 long-term success, we're practitioners, you know,
4 who are transparent, who are going to just suck it
5 up and be like, I do this all the time. I feel
6 horrible, because when somebody is like, I'll say,
7 oh, it's \$19 to go, you know, from like Grand
8 Central to maybe Penn Station or somewhere, and
9 then they're like, what's the price again? And
10 they'll ask me again, you know, and I'm just like,
11 well, and this happens every day, and I just feel
12 stupid, because I'm like I know they're saying
13 they liked it, and they're probably ... I could
14 probably say twice as much and I bet they would be
15 fine, but I can't, because I quoted a price. And
16 this is what I do, and I've been doing this,
17 again, for nine years, and I'm a service provider.
18 I'm not like some special person who is in a
19 special industry with like very special
20 conditions, you know. I'm doing this as a service
21 provider in an industry, and that's that. So I
22 just wanted to give you a picture.

23 CHAIRPERSON GARODNICK: No, we got
24 it, and by the way, I appreciate that you treat
25 this with that spirit, and unfortunately, it is

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2 those folks who do not who prompt this
3 conversation that we're having. But I am totally
4 with you. Okay, we have another comment. Go
5 ahead.

6 MR. TIPTON: The only way to insure
7 that the passenger gets what they're paying for,
8 and agreed price on, is that information card
9 handed to the customer with the price written
10 down, verbally spoken, it's agreed upon right then
11 and there. If there's an hour worth of traffic,
12 well, then that's the fault of the pedicab driver,
13 he should have anticipated, look, I know it's
14 going to take a long time to get crosstown,
15 because I've done this for a couple of years.
16 Well, it's just a lot of traffic today, it's
17 Friday, that ride is \$65. Okay, now you
18 negotiate, and if the person says no, then no
19 deal, then you lower your price. I mean, that's
20 the only way to insure that somebody gets what
21 they're paying for, is that upfront rate. Rate
22 cards on the side could help, could not help, I
23 disagree. I think that the only way to make sure
24 that somebody does not get ripped off is they know
25 exactly what they're getting, and how much. I'm

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going from point A to point B, how much does that cost, it's very simple.

MR. FLICK: Well, for the record it never takes us an hour to get anywhere across town, it's way faster than that. I mean, as I said, we went back and forth on this issue. I, you know, with the current legislation, I feel like it makes it virtually impossible for the guys to pull out the per-block rate signs again, you know, hide them and then show them to people at the end of the ride. So either the current legislation with the adjustments that I suggested, and especially with people knowing that they're entitled to a rate card or nobody will ever hand them out, or if we do get rid of the rate cards, which is fine, it has to be clear that the rate is negotiable and that it has to be quoted upfront. So I mean, we support both. My feeling, what I argued was that city, you know, governments rarely get rid of legislation that they've already passed, and so that's where I expect the permanent pricing and I think, you know, it sets an industry standard and it makes it equally as hard, you know, to try the per-block tricks again.

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2 CHAIRPERSON GARODNICK: So let me
3 leave it there, and I will ... I certainly thank you
4 for the thoughtful suggestions on the per-person
5 pricing, adding the reference to the card and
6 entitlement to the card. I think that's a--

7 MR. FLICK: (Interposing) You had a
8 passenger bill of rights before, it would just be
9 this--

10 CHAIRPERSON GARODNICK:
11 (Interposing) Exactly, and again, this would ...
12 this is an effort to try not to load up with, you
13 know, too much, but I think that we can ... I take
14 your point on that. And then the last suggestion
15 on the placement of the information, I think
16 that's also a good suggestion. And then we go to
17 Council Member Koppell. Go ahead.

18 MR. FLICK: Yeah, the last thing I
19 was just going to add was, it would basically be a
20 number per minute, no additional fees permitted,
21 you know, customer is entitled to a pedicab
22 information card prior to ride, and that's all
23 that would be on the sign, and all of the signs,
24 and I mean, people that don't speak English and
25 don't ask the price beforehand, they're the only

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ones that would really have any trouble.

CHAIRPERSON GARODNICK: Council Member Koppell.

COUNCIL MEMBER KOPPELL: So I would ... I don't want to belabor this point, but the four of you are experienced. All I want you to do is answer yes or no, that's all, just yes or no. Do you agree with a bill which says that the only basis that you can charge on is time? Do you agree with that or don't agree with that?

MR. DONMEZ: Don't agree.

MR. FLICK: Yes.

MR. DONMEZ: No.

COUNCIL MEMBER KOPPELL: Wait, wait, one ... go this way.

MR. ZUMAN: Repeat the question, please.

COUNCIL MEMBER KOPPELL: The question is, do you agree with the provision of the bill that says that the only basis for charging is time expired during the ride, agree or disagree? Go this way, please. Yes or no?

MR. FLICK: Yes, basically.

MR. TIPTON: I would disagree, each

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2 ride is inherently different, you have ... it could
3 be 100 degrees, it could be 10 degrees, it could
4 be 60 degrees.

5 COUNCIL MEMBER KOPPELL: Okay, just
6 yes or no. Next.

7 MR. DONMEZ: No.

8 COUNCIL MEMBER KOPPELL: Next.

9 MR. ZUMAN: No.

10 COUNCIL MEMBER KOPPELL: No, so Mr.
11 Chairman, at least with the industry there seems
12 to be a problem, although the first spokesman
13 supported it. So, but I'm just indicating. Now
14 the next, I have one other thing, I'd like to do
15 the same thing, yes or no, that's all. Do you
16 agree with the bill that allows for per-person
17 pricing?

18 MR. FLICK: No.

19 MR. TIPTON: No.

20 MR. DONMEZ: No.

21 MR. ZUMAN: No.

22 COUNCIL MEMBER KOPPELL: So that's
23 very interesting. I think, Mr. Chairman, we have
24 unanimity on that, and personally you don't have
25 per-person pricing in the taxicabs, in my opinion,

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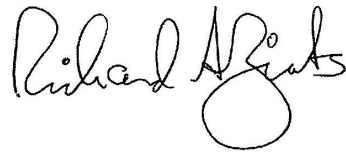
given that view of the industry, that would be my position. Thank you.

CHAIRPERSON GARODNICK: I

appreciate that, and we certainly appreciate your testimony and your presence here, some of you repeatedly, and we appreciate that too. And as you know, we are looking to try to find a fair and responsible solution here, so we're going to be working on this in the coming days and weeks. And we'll look forward to consulting with you further as appropriate. So thank you very much. And with that, we do not have any other witnesses interested in testifying today, so we will adjourn this hearing, and again thank everybody for their presence today.

C E R T I F I C A T E

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



Signature _____

Date _____ November 8, 2012 _____