



Legislation Details (With Text)

**File #:** Int 1274-2025 **Version:** \* **Name:** Restrictions on the operation of pedicabs in the theatre district zone.  
**Type:** Introduction **Status:** Filed (End of Session)  
**In control:** Committee on Consumer and Worker Protection  
**On agenda:** 5/1/2025  
**Enactment date:** **Enactment #:**  
**Title:** A Local Law to amend the administrative code of the city of New York, in relation to restrictions on the operation of pedicabs in the theatre district zone  
**Sponsors:**  
**Indexes:**  
**Attachments:** 1. Summary of Int. No. 1274, 2. Int. No. 1274, 3. May 1, 2025 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 5-1-25

Date	Ver.	Action By	Action	Result
5/1/2025	*	City Council	Introduced by Council	
5/1/2025	*	City Council	Referred to Comm by Council	
12/31/2025	*	City Council	Filed (End of Session)	

Int. No. 1274

By Council Members Powers, Bottcher and Banks

A Local Law to amend the administrative code of the city of New York, in relation to restrictions on the operation of pedicabs in the theatre district zone

Be it enacted by the Council as follows:

Section 1. Section 19-157.1 of the administrative code of the city of New York, as added by local law number 99 for the year 2021, is amended to read as follows:

d. Pedicab restricted zones. The department shall designate by signage or markings pedicab restricted zones in the theatre district zone within which the parking, stopping or standing of a pedicab and the pick up or drop off of passengers by pedicab operators are prohibited, consistent with the restrictions on pedicab operation in subdivision d of section 20-259.

[d] e. Rules. The department may promulgate rules applicable to pedicab restricted zones, pedestrian flow zones, and designated activity zones within the theater district zone, including, but not limited to,

establishing the parameters of such zones and setting general rules of conduct.

§ 2. Section 20-259 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, is amended to read as follows:

§ 20-259 Restrictions on the operation of pedicabs. a. A pedicab driver shall be subject to all provisions of state and local law governing the operation of a bicycle, which include, but are not limited to, provisions of the vehicle and traffic law, the New York city administrative code, and rules of the city of New York promulgated by the department of transportation and the department of parks and recreation.

b. A pedicab driver shall not:

1. [operate] Operate a pedicab to transport more than three passengers.
2. [operate] Operate a pedicab in motion while a passenger is standing in such pedicab.
3. [operate] Operate a pedicab on any bridge or in any tunnel or in any bicycle lane, or within any pedestrian plaza. For purposes of this section "pedestrian plaza" shall mean an area designated by the New York city department of transportation for use by pedestrians located fully within the bed of a roadway, which may vary in size and shape; may abut a sidewalk; may be at the same level as the roadway or raised above the level of the roadway; may be physically separated from the roadway by curbing, bollards, or other barrier; may be treated with special markings and materials; and may contain benches, tables or other facilities for pedestrian use.
4. [permit] Permit a pedicab to be operated simultaneously by anyone in addition to him or herself.
5. [operate] Operate a pedicab that is designed or constructed to permit propulsion by more than [one] 1 individual at [any one] a time.
6. [operate] Operate a pedicab while such pedicab driver's ability to operate such pedicab is impaired by the consumption of alcohol, the use of any drug or by any other means or while such pedicab driver is in an intoxicated condition. A pedicab driver operating a pedicab which has been involved in an accident or has been operated in violation of subdivision a of this section shall be deemed to have given consent to a breath test and

shall, at the request of a police officer, submit to a breath test to be administered by the police officer. Failure to submit to such breath test shall serve as the basis for an immediate suspension of the pedicab driver's license, subject to a prompt post-suspension hearing.

7. [operate] Operate a pedicab without a currently valid motor vehicle driver's license or while such pedicab driver's New York State motor vehicle driver's license is suspended or revoked.

c. Pedicabs can be operated within any public park or any property under the charge or control of the department of parks and recreation pursuant to the rules of the department of parks and recreation and in accordance with the rules of the department of transportation.

d. A pedicab driver shall not park, stop, or stand a pedicab, or pick up or drop off a passenger, within 50 feet of any entrance or exit of a theatre located in the theatre district zone, as such zone is defined in subdivision a of section 19-157.1.

[d.] e. A pedicab business shall submit to the department, upon such form prescribed by the commissioner, a written report of every accident relating to a pedicab by such pedicab business within [twenty-four] 24 hours after the occurrence of such accident. Such form shall be signed by a principal or officer of such pedicab business as well as by the pedicab driver involved in such accident with an affirmation of the truth of the contents of the form.

[e.] f. If there are exigent circumstances and a police officer or other authorized officer or employee of any city agency directs a pedicab driver to move his or her pedicab from any street, avenue or other location, such pedicab driver shall not operate his or her pedicab at such street, avenue or location for the duration of such exigent circumstances.

1. For the purposes of this subdivision, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency, a parade, demonstration or other such event at or near such location.

[f.] g. If there are exceptional circumstances, the police commissioner, in consultation with the

commissioners of the departments of consumer and worker protection and transportation, shall be authorized, upon notice, to restrict or prohibit any pedicab driver from operating his or her pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed [fourteen] 14 days except, during the period that commences November 12 and concludes January 7 of the following year, in and around the area of Manhattan bound on the north by Fifty-ninth Street, on the south by Thirty-ninth Street, on the east by Lexington Avenue and on the west by Eighth Avenue, the [fourteen] 14 day time limit shall not be in effect.

1. For the purposes of this subdivision, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, demonstration or other such event or occurrence at or near such location.

[g.] h. Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department, the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

[h.] i. A pedicab business shall design and implement policies and procedures to train all pedicab drivers that operate any pedicabs owned by such pedicab business of the obligation to follow all provisions of state and local law governing the operation of a bicycle, as described in subdivision a of this section, and shall require such drivers to provide a copy of any summons, complaint, or notice of violation of any law or regulation received while operating a pedicab to such pedicab business, as well as a copy of the disposition of such summons, complaint or notice of violation of such pedicab business, within [five] 5 business days of such drivers' receipt of such documents. It shall be unlawful for a pedicab business to fail to train pedicab drivers to ensure compliance with such requirements.

[i.] j. A pedicab driver who is arrested, or who receives a summons or complaint for a traffic-related

offense or other notice of violation of any law or regulation, while operating a pedicab, shall provide a copy of the record of such arrest or a copy of such summons, complaint or notice of violation to the pedicab business to which such pedicab is registered within [five] 5 business days of such driver's receipt of such documents. A pedicab driver shall also provide a copy of the disposition of such arrest, summons, complaint, or notice of violation to such pedicab business within [five] 5 days of receipt of such disposition. It shall be unlawful for a pedicab driver to fail to provide any of these documents to the pedicab business.

§ 3. This local law takes effect 120 days after it becomes law.

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LS #15928  
4/25/2025 4:00 PM