

# The Big Apple's Pedicab Industry

Today: Illegals  
Everywhere



Tomorrow: Quad  
State Standard



Report to the NYC Council Consumer Affairs Committee  
13 June 2011

by  
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*In Velo Veritas*

13 June 2011

Report to the Consumer Affairs Committee of the NYC Council

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

Honorable council members,

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

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

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

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

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

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

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

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

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

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

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

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

# NYC PEDICAB PASSENGER BILL OF RIGHTS

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

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

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



# **QUOTE REQUIRED BY LAW**

**FAILURE TO QUOTE = COMPLIMENTARY RIDE**

FARE:

**\$5 BASE RATE**

**\$1 PER BLOCK**

**\$3 PER AVENUE**

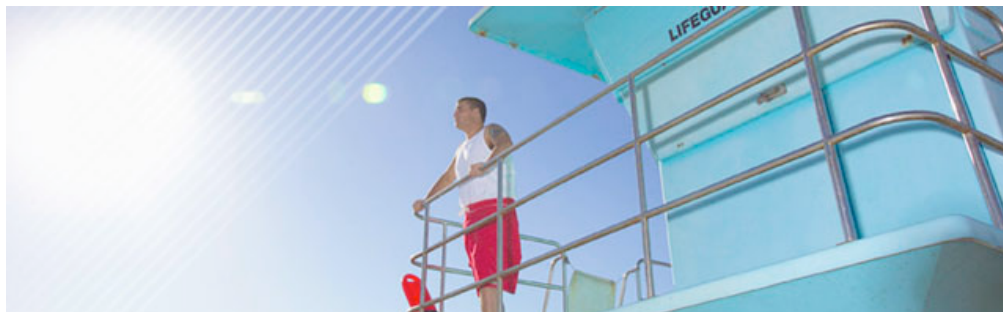
**ALL RATES PER PERSON**

**PROBLEMS? CALL 911 IMMEDIATELY**



## J-1 VISA

EXCHANGE VISITOR PROGRAM



## Summer Work Travel Program

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

### Participants

#### Summer Work Travel Students must be:

Sufficiently proficient in English to successfully interact in an English speaking environment;

Post-secondary school students enrolled in and actively pursuing a degree or other full-time course of study at an accredited post-secondary educational institution outside the United States;

Have successfully completed at least one semester or equivalent of post-secondary academic study; and

Pre-placed prior to entry unless from a visa waiver country.

#### Benefits

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

### More information

#### Readmittance, Program Length, and Returning Home

**Readmittance:** Participants can be admitted to the program more than once;

**Program Length:** The maximum length of the program is four months; and

**Returning Home:** Students must return to their home country prior to the start date of their university or college.

#### Program Exclusions

Participants cannot be placed:

**In any position in the adult entertainment industry;**

**In sales positions that require participant to purchase inventory that they must sell in order to support themselves;**

**In domestic help positions in private homes (e.g. child care, elder care, gardener, chauffeur);**

**As pedicab or rolling chair drivers or operators;**

**As operators of vehicles or vessels that carry passengers for hire and/or for which commercial drivers licenses are required;**

**In any position related to clinical care that involved patient contact; and**

**In any position that could bring notoriety or disrepute to the Exchange Visitor Program.**

## Program Sponsors

### Sponsors are required to:

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

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

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

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

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

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

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

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

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

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

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

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

### Employers

### Host employers are required to:

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

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

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

departure; and

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



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