

Testimony of Chief of Staff Carlos A. Ortiz
New York City Department of Consumer and Worker Protection

Before the Committee on Consumer and Worker Protection
on Introductions 64, 77, 673, 992, 1063

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Introduction

Good morning, Chair Epstein, and members of the Committee on Consumer and Worker Protection. My name is Carlos Ortiz, and I am the Chief of Staff of the Department of Consumer and Worker Protection (DCWP). I am joined by our Associate Commissioner of Intergovernmental Affairs, Hali Radecker. Thank you for the opportunity to testify before the committee on today's legislation.

Protecting New Yorkers

The NYC Department of Consumer and Worker Protection (DCWP) is the nation's leading municipal enforcement agency, charged with delivering economic justice. DCWP leverages its authority to bring New Yorkers real economic relief and protect them from predatory, deceptive, and unfair practices that violate their rights as consumers and workers. This includes pioneering cutting-edge protections, such as the City's Consumer Protection Law, Protected Time Off Law, Fair Workweek Law, and Delivery Worker Laws, including the Minimum Pay Rate for delivery workers. Through licensing more than 45,000 businesses in over 45 industries, DCWP ensures fair competition and a level playing field for responsible small businesses that are integral to New York City's vibrant communities. DCWP also provides essential services such as free tax preparation and financial counseling to ensure New Yorkers keep more of what they earn and can plan for their futures. DCWP is committed to making sure New York City is a fairer, more affordable place to live.

Pedicabs in New York City

DCWP is the licensing agency for both pedicab businesses and drivers, and registers pedicab vehicles in New York City. There are currently ~130 active pedicab business licensees associated with 330 registered pedicab vehicles, and ~600 active pedicab driver licensees. Pedicab businesses are only allowed to operate a registered pedicab vehicle with a licensed pedicab driver. A pedicab business can have up to 30 registered vehicles. However, the total number of pedicab vehicles allowed to be registered with the City is capped at 840 vehicles.

DCWP enforces rules regarding pricing and disclosure to consumers, as well as conducts annual compliance checks on pedicabs for issues, like cab condition, rate signage and license disclosures. On street enforcement of pedicab activity is conducted by the NYPD, or by the Parks Department if the activity is occurring in parkland. Over the past 3 years, our sister agencies have issued ~5,000 summonses to pedicabs for illegal activity.

Candidly, in recent years, the pedicab industry has struggled with non-compliance, including unlicensed activity. This not only impacts consumers, but also the businesses that want to be in compliance and who engage hundreds of workers. DCWP and our sister agencies have worked closely with each other, and key

community stakeholders, to coordinate enforcement and education activities to support this industry. This includes the development of educational literature, outreach initiatives, working closely with local industry associations, such as the New York Pedicab Alliance (NYPA), standing up a Central Park Taskforce, and the enforcement activities referenced above.

We remain committed to working with our partners to come together on commonsense solutions for this industry.

Introduction 64

Turning to today's legislation, Introduction 64 prohibits pedicab drivers from parking, stopping, or standing a pedicab, or picking up or dropping off passengers, within 50 feet of any entrance or exit of a theatre located in the Theatre District Zone. It would also require the Department of Transportation (DOT) to post signs or other markings indicating the areas in which such pedicab restrictions are applicable.

Pedicabs are already subject to all existing curb regulations for vehicles, such as existing no standing signage. Most theaters have no standing signs already and there is an established process for a theater to request a no standing signage, if there happens to be any locations that do not have it already. We defer to our colleagues at DOT and NYPD for further considerations regarding this bill.

Introduction 77

Introduction 77 would require that the timer in pedicabs be affixed to the rear of the bicycle seat, within clear view of all the pedicab passengers. DCWP supports this bill. We share Council's concerns related to consumer deception and scams for pedicab riders. We believe this legislation would not only assist consumers against overcharges but also on-street enforcement agencies against bad actors.

Introduction 673

Introduction 673 would require the DCWP to set fixed per minute rates for pedicab rides indexed to inflation.

DCWP supports bringing better price clarity to consumers. Particularly, in the context of consumer deception and overcharges reported in this industry. However, price controls can also be an overly burdensome measure, for the agency to set, as well for businesses that are otherwise complying with the law. Today, we are interested to hear from business and worker stakeholders to understand the implications of price controls on their take home pay, and ability to operate.

Introduction 992

Introduction 992 would require pedicabs to have meters to calculate the price of pedicab rides, and registration plates with a scannable code that displays the pedicab registration number and business name. The bill would also require pedicab drivers to take a safety training, developed by DCWP, to obtain or renew a license, remove imprisonment for pedicab-related violations and specify that a pedicab driver may not use any device that makes illegal noise.

DCWP supports the intent of this legislation. Requiring a meter would improve the consumer experience in this industry, especially for greater pricing clarity. Imprisonment should not be a penalty for pedicab-related violations, and devices that make illegal noise should be explicitly prohibited. However, other facets of this bill raise concerns for the agency. In particular, we do not have street safety expertise to develop a safety course that would be adequate for drivers. Additionally, we are evaluating the potential high costs to mandating scannable registration plates.

Introduction 1063

Introduction 1063 would allow pedicabs to be equipped with an electric motor of less than 750 watts that limits pedaling assistance when the pedicab reaches a speed of 15 miles per hour or any other speed determined by the Department of Transportation (DOT) by rule.

The NYPD is concerned that allowing pedal assist would be problematic because it is very difficult for an officer in the field to determine a pedicab's top speed.

Conclusion

Thank you for the opportunity to testify before your committee on today's legislation. We look forward to hearing from all relevant stakeholders today. The Administration stands ready to work with the Council, stakeholders, and our partners across city government to support a vibrant and robust pedicab industry that protects consumers, workers and small businesses.