

NOTICE OF PUBLIC HEARING

Subject: Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Pedicab Rules regarding signage and timing devices for pedicabs.

Date/Time: May 28, 2013 at 10:00 a.m.

Location: Department of Consumer Affairs
66 John Street, 11th floor Hearing Room
New York, NY 10038

Contact: Fran Freedman
Deputy Commissioner for External Affairs
Department of Consumer Affairs
42 Broadway
8th floor
New York, N.Y. 10004
(212) 487-4407

Proposed Rule Amendment

NOTICE IS HEREBY GIVEN IN ACCORDANCE WITH THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs (the "Department") by section 2203 of the New York City Charter and sections 20-104(b) and 20-265(a) of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department intends to amend rules regarding the signs that must be posted on licensed pedicabs, an information card that a pedicab driver must provide to passengers, and the timing device a pedicab driver must use when transporting passengers for a fare.

Instructions

Written comments regarding this amendment may be sent to Fran Freedman by mail or electronically through NYC Rules www.nyc.gov/nycrules on May 28, 2013 by 5:00 p.m.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify the Office of the Commissioner at the above address by May 14, 2013.

Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9 a.m. and 5 p.m. at the office of Fran Freedman.

Statement of Basis and Purpose of Proposed Rule

Local Law 59 of 2012 amended sections 20-254 and 20-260 of subchapter nine of chapter two of Title 20 of the Administrative Code of the City of New York to modify the information concerning rates on signs that must be posted on a pedicab when it is available for transporting a passenger for a fare, to require a pedicab driver to provide a completed Pedicab Information Card to each passenger paying a fare, and to require that fares charged for pedicab rides be determined according to the time of the ride. Sections 20-104(b) and 20-265(a) of the Administrative Code of the City of New York grant the Commissioner authority to promulgate rules and require forms necessary to carry out the provisions of subchapter nine of chapter two of Title 20 of the Administrative Code.

Section 1 amends section 2-415 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to define the terms “clear view of passengers” and “exterior panels”.

Section 2 amends section 2-425 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements for the signage that must be posted on the exterior panels of a pedicab and on the rear of the pedicab bicycle seat pursuant to paragraph 14 of subdivision a of section 20-254 of the Administrative Code.

Section 3 adds a new section 2-429 to subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements for the Pedicab Information Card that must be provided to passengers in accordance with paragraph 3 of subdivision c of section 20-260 of the Administrative Code. The rule also requires that a pedicab driver keep sufficient quantities of the Department’s Pedicab Information Card in the pedicab to ensure that it can distribute a card to each paying customer.

Section 4 adds a new section 2-430 to subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements of the timing device a pedicab driver must use for the purpose of calculating a fare for a ride.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

RULE

Section 1. Section 2-415 of subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding subdivisions (e) and (f) to read as follows:

(e) “Clear view of passengers” means that the object or sign that is the subject of regulation is visible at all times to all seated passengers and is not obstructed by the driver, the driver’s clothing, or other parts of the pedicab.

(f) “Exterior panels” means the flat outside surfaces of the pedicab body immediately adjacent to where passengers enter and exit and do not include any part of the pedicab steps.

§ 2. Section 2-425 of subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§ 2-425 **Required Signs on Pedicabs.**

(a) Every pedicab shall have posted on the interior of the cab, where it is clearly visible at all times to any seated passenger, a sign with letters [in] and numbers at least [twenty-eight point] one-half (½) of an inch high, boldfaced type containing the following information:

- Licensee: (Insert name appearing on pedicab business license to which pedicab is registered or the DBA name of such licensee).
- Telephone Number: (Insert phone number of licensee).
- Pedicab Registration Number: (Insert registration number of pedicab).
- “If you have a complaint about this business, contact the NYC Department of Consumer Affairs at:” (Insert Department's current complaint number and web address).

(b) The [printing] letters and numbers on the sign displaying the [rate information that is required to be posted] dollar amount to be charged per minute per ride shall be [in] at least [twenty-eight point type,] two (2) inches high, in boldfaced type and such sign shall be clearly posted on [the outside panel on each side of a] both exterior panels of the pedicab where it shall be visible to persons prior to entering such pedicab. The sign must also state, in letters and numbers no less than one-half (½) of an inch high, in boldfaced type, that:

(i) no additional fees may be charged; and

(ii) drivers must give passengers a Pedicab Information Card.

The sign must be laminated or protected by a clear plastic sheeting or other suitable material so that the text will not be destroyed, soiled, distorted or rendered illegible by water, snow or other weather conditions.

(c) A required sign to be attached to the rear of the pedicab bicycle seat must:

(i) hang freely from the rear of the bicycle seat in clear view of passengers;

(ii) be laminated or protected by a clear plastic sheeting or other suitable materials so that the text will not be destroyed, soiled, distorted or rendered illegible by water, snow or other weather condition; and

(iii) state clearly in letters and numbers at least one (1) inch high the dollar amount to be charged per minute per ride.

§ 3. Subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-429 to read as follows:

§ 2-429 Pedicab Information Card.

(a) A pedicab driver must download and use the Pedicab Information Card published by the Department on its website. A pedicab driver must not change or delete any text in the Pedicab Information Card and must provide all information required by the Department.

(b) The Department's Pedicab Information Card must be printed in black ink or toner on white paper. The typeface must be no less than 12 point.

(c) The size of the Pedicab Information Card must be no less than five and one-half (5 ½) inches by eight (8) inches in height and width.

(d) A pedicab driver must not issue Pedicab Information Cards by electronic mail, SMS (texting), or other electronic means.

(e) A pedicab driver must ensure that each Pedicab Information Card provided to a paying passenger is complete, accurate, and legible.

(f) When offering to transport passengers for hire, a pedicab driver operating a pedicab must keep in the pedicab sufficient quantities of the Department's Pedicab Information Card to be able to provide one to each passenger. Failure to produce copies of the Department's Pedicab Information Card upon request by Department inspectors or law enforcement officers will be deemed a violation of this subdivision.

§ 4. Subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-430 to read as follows:

§ 2-430 Approved Timer.

A pedicab driver must use a timer that has been inspected and sealed by the Department. The Department will apply the specifications, tolerances, and regulations set forth in the most current version of Handbook 44 and the amendments thereto and Special Publication 960-12 of the National Institute of Standards and Technology when inspecting a timer presented for sealing. A driver may not use a timing device, such as a cell phone or other personal digital assistant, which uses a digital application or a mechanism that a pedicab driver can replace or modify after sealing.

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Regulations Concerning Licensed Pedicabs

REFERENCE NUMBER: DCA-11

RULEMAKING AGENCY: Department of Consumer Affairs

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and

- (iii) Does not provide a cure period because the requirement for a cure period is mitigated by the extensive notice period, outreach, and guidance on compliance to the regulated individuals and communities.

/s/ Amy Bishop

Mayor's Office of Operations

April 24, 2013

Date

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-788-1087

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Proposed Amendments to Pedicab Rules Regarding Signage and Timing Devices for Pedicabs

REFERENCE NUMBER: 2013 RG 023

RULEMAKING AGENCY: Department of Consumer Affairs

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: April 24, 2013

Acting Corporation Counsel