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BY FACSIMILE

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Marla Tepper, Esq.
General Counsel
New York City Department of Consumer Affairs
42 Broadway
New York, New York 10004

Dear Ms. Tepper:

I represent the New York City Pedicab Owners' Association. As you know, over the past few weeks, we have been inquiring repeatedly as to when the Department of Consumer Affairs (DCA) is going to begin to assume its regulatory responsibilities under the pedicab law (Local Law 19-2007), which is now in full force and effect. Several persons at DCA, yourself included, answered my inquiry with a response akin to "we'll get back to you when we get back to you."

The purpose of this letter is to advise you, as General Counsel to DCA, that DCA's inactions are exposing your Department, the City of New York and its taxpayers to great financial risk. Specifically, if one of the numerous safety provisions in the pedicab law is not enforced because of DCA's ongoing inaction, and the failure to enforce such a provision leads to the injury of a pedicab passenger, DCA will be liable for damages. For example, the pedicab law requires that all pedicabs provide seatbelts for use by their passengers. Today, not all pedicabs have seatbelts. If a passenger in a pedicab without seatbelts gets injured in an accident (which are rare amongst pedicabs but nevertheless are a possibility) and a seatbelt would have prevented the injury, DCA would be liable. The liability would stem from the fact that had DCA met its licensure and inspection obligations under the pedicab law, no pedicabs without seatbelts would be operating in the City of New York. I simply cannot imagine the Mayor approving of DCA's present course of (in)action.

Again, DCA's actions in refusing to meet its obligations under an existing New York City law is not only illegal, but place consumers at risk and expose DCA and the City to liability in the event of a



pedicab accident. DCA's Commissioner and other relevant parties should be so informed.

Sincerely,

Chad Marlow

CC: Hon. Jonathan Mintz, Commissioner, DCA (via fax)
Michael Cardozo, Esq., Corporation Counsel (via fax)
Hon. Edward Skyler, Deputy Mayor for Operations (via fax)
Jeffrey Kay, Director, Mayor's Office of Operations (via fax)
Christopher Gonzales, Mayor's Office of State Legislative Affairs (via fax)