



Pedicab Safety Rules Were Never Put Into Effect

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By MICHAEL M. GRYNBAUM
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It was a longstanding controversy over a booming city industry: should pedicabs — the pedal-powered rickshaws that delight tourists and bedevil taxis — be regulated?



Richard Perry/The New York Times
Julian Isaza works on a pedicab at a maintenance shop in Manhattan.

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The [City Council](#) passed a bill in 2007, and overrode a veto of it, only to see a court challenge from pedicab owners. That delayed imposing the rules for two years. An appeal was decided in April, but by then the debate had died down and key players hardly noticed.

Now, two months after the lawsuit ended, the city acknowledges that its safety and licensing provisions are still not being enforced — a lack of oversight highlighted by an accident on Wednesday at the foot of the Williamsburg Bridge in Brooklyn, where a taxi collided with a speeding pedicab. The pedicab driver was seriously injured.

Pedicab owners said that there was no excuse for the police and city to ignore the safety laws enacted by the Council. City officials said their hands have been tied.

It was not supposed to be this complicated. The law called for a licensing system that would issue permits to pedicabs and require them to display registration plates, carry insurance, and install seat belts and hydraulic brakes, among other measures.

The [Department of Consumer Affairs](#) issued rules to carry out the law in July 2007. That prompted the pedicab owners to sue, arguing that the licensing process would allow inexperienced drivers to gain permits and hurt established businesses. The rules were thrown out by a judge, and an appellate court concurred.

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The next step was for the city's Department of Consumer Affairs to create a new set of rules to issue permits.

But so far, that has not happened. And in the interim, the safety provisions — including a ban on bridge travel — are not being enforced.

"It doesn't make any sense: if we're arguing over who gets registration plates, that doesn't change the law that you have to have seat belts," said Chad Marlow, a lawyer who represents the New York City Pedicab Owners Association.

"We begged the city, for the sake of safety, to please enforce these things before someone gets hurt," Mr. Marlow said. City officials said that the safety rules were intended to apply to licensed pedicabs; without a licensing process, they say, the rules are moot.

"Until you can figure out who can have a license, you can't begin to enforce some or all of the regulations," said Jonathan Mintz, the city's commissioner of consumer affairs.

But he declined to say when the new licensing procedure would be put in place.

"This is not a question of me initialing the bottom of a piece of paper, and tomorrow everyone's out there regulating," Mr. Mintz said, noting that the process requires public hearings and other time-consuming steps that could take months. "We are anxious to start regulating, as we were two years ago," he added.

Officials noted that some provisions of the law can be enforced only through formal inspections, a difficult option when the city has not issued licenses to begin with.

But what about a pedicab that carries too many passengers, or does not have any seat belts? Can a police officer flag it down?

No, according to the city's lawyers: police officers would have to be trained about rules that may change again in a matter of months. And they say a piecemeal enforcement of the law is not an option.

In the meantime, the Police Department considers pedicabs to be bicycles, and is enforcing applicable traffic laws. "We are treating them as bicycles until the lawsuit is clarified," said Paul J. Browne, a spokesman for the Police Department. Informed that the suit was over, Mr. Browne said, "I'm not aware of that," and referred further questions to the city's lawyers.

And at least one other official expressed surprise on Thursday that the suit was over. "I hadn't heard that," said Councilman Leroy G. Comrie Jr., a sponsor of the original bill. "I've been working on the budget. I haven't paid much attention to it at all."

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