

thoi
thomasmae@gmail.com



**CITY OF NEW HAVEN
BOARD OF ALDERMEN**

Erin Sturgis-Pascale
Alderwoman, 14th Ward

332 Front Street
New Haven, CT 06513-3206
Telephone: (203) 787-7417
Ward14@newhavenct.net

Chair
City Services and Environmental Committee
Member, Aldermanic Affairs Committee
Tax Abatement Committee, Food Policy Council

September 4, 2009

Honorable Carl Goldfield
President, New Haven Board of Aldermen

Dear President Goldfield:

I would like to respectfully submit to the Board of Aldermen, the attached communication, a proposed ordinance amendment which would establish rules and regulations governing the operation of pedal cabs in the City of New Haven. Pedal cabs (pedicabs) are a fuel-efficient, environmentally sound mode of short-distance transportation which may provide significant benefit to New Haven residents.

Other cities and towns in this state and nationwide have seen increasing utilization of pedicabs, as it has become a popular form of non-motorized transportation for hire, particularly in dense, urban areas. In many locations, pedicabs have been successfully integrated into the network of transportation options available to residents and visitors, offering a "clean" ride across town to those seeking a more open-air way to experience the city or to make it to their destination.

Several individuals have already expressed an interest in providing pedicab service in New Haven, which would hopefully reduce the number of cars on our roads and emphasize our unique local flavor and commitment to environmentally friendly transportation. Presently, the operation of pedal cabs is not regulated by the State of Connecticut or the City of New Haven so there is a need to establish a regulatory framework to ensure that: (1) Pedal cabs are operated in a safe and businesslike manner; (2) that the undue and unrestrained proliferation of pedal cabs does not become an impediment to the flow of traffic on the public streets; and 3) that there is a system in place requiring registration and meeting of minimum operating standards.

I ask that the Board please review and approve this ordinance amendment which I believe would create a framework within which pedicab transport might be smoothly integrated into our network of local transportation options. Thank you for your consideration of this measure.

Respectfully submitted,

Erin Sturgis-Pascale
ERIN STURGIS-PASCALÉ
Alderwoman, 14th Ward

**AN ORDINANCE AMENDMENT OF THE NEW HAVEN
BOARD OF ALDERMEN REGULATING THE OPERATION OF PEDAL CABS.**

WHEREAS: Pedal cabs (pedicabs) are a fuel-efficient, environmentally sound mode of short-distance transportation which may provide significant benefit to the residents of New Haven, as well as visitors to this city; and

WHEREAS: other cities and towns in this state and across the nation have seen increasing utilization of pedicabs, as it has become a popular form of non-motorized transportation for hire, particularly in dense, urban areas; and

WHEREAS: in a variety of locations, pedicabs have been successfully integrated into the network of transportation options available to residents and visitors, offering a "clean" ride across town to those seeking a more open-air way to experience the city or to make it to their destination; and

WHEREAS: several individuals have expressed an interest in providing pedicab service in New Haven, which would hopefully reduce the number of cars on our roads and emphasize our unique local flavor and commitment to environmentally friendly transportation; and

WHEREAS: the operation of pedal cabs is not currently regulated by the State of Connecticut or the City of New Haven-but regulations should be established in order to ensure that: (1) pedal cabs are operated in a safe and businesslike manner; (2) that the undue and unrestrained proliferation of pedal cabs does not become an impediment to the flow of traffic on the public streets; and 3) that there is a system in place requiring registration and meeting of minimum standards of operation.

NOW, THEREFORE, BE IT ORDAINED that the New Haven Code of Ordinances is amended as follows:

Add a new section:

Chapter *Regulating the Operation of Pedal Cabs.**

Definitions.

- A. For purposes of this Chapter, a "Pedal Cab" (Pedicab) is defined as a multi-wheeled vehicle propelled by human power, capable of transporting passengers other than the operator thereof and which is made available to the public as a mode of transportation. A Pedal Cab shall be deemed to be a type of bicycle for purposes of this Chapter and for purposes of the application of Connecticut laws applicable to the use of bicycles on public highways.

B. "Operator" means the individual who actually operates the pedicab whether as the owner, an employee of the owner or as an independent contractor.

C. "Owner" means any person who owns, leases, or otherwise has possession of the pedicab.

***** Licenses and Registrations Required for Operation of Pedal Cabs.**

A. No person shall utilize any portion of any public street or highway for the operation of a Pedal Cab unless said person is licensed to do so in accord with the requirements of this Chapter as administered by the New Haven Traffic Authority.

B. No Pedal Cab shall be operated on any portion of any public street or highway unless said Pedal Cab is registered by the owner in accord with the requirements of this Chapter as administered by the New Haven Traffic Authority.

***** Pedal Cab Operator's License.**

A. Application for a license to operate a Pedal Cab or for renewal thereof shall be made to the Chief of Police upon a form furnished by the Chief and shall contain information set out in this Chapter. Licenses shall only be issued to individuals who have a valid Connecticut motor vehicle driver's license and are at least 18 years-of-age, and shall not be issued to partnerships, corporations, limited liability companies or other similar legal entities. Information to be contained on said operator's application (or provided therewith) shall include:

- (1) Name.
- (2) Residence address and business address.
- (3) Date and place of birth.
- (4) Motor Vehicle Driver's License information, including any restrictions placed upon the applicant's operation of a motor vehicle.
- (5) A complete set of fingerprints.
- (6) Whether the driver has ever been convicted of any felony or a misdemeanor and, if so, the details thereof.
- (7) Whether the driver has ever been denied any form of driver's license or has had any driver's license suspended or revoked.

- (8) Proof of worker's compensation insurance coverage in accord with Connecticut law (if applicable), proof of liability insurance in such types and such amounts as approved by the Mayor including, where deemed appropriate by the Mayor, provision that the City of New Haven be named as an additional insured on the relevant policy or policies of insurance.
- (9) The name of the owner(s) of the Pedal Cab(s) to be operated by the driver.
- (10) Such additional detailed information as may, in the opinion of the Chief of Police, be necessary to evaluate the fitness of the applicant to be granted a Pedal Cab Operator's License.

The application form shall also require the operator to state, under oath that he has read the regulations set forth in this Chapter; that he understands those regulations; and that he agrees to abide by them at all times.

- B. Should any of the above-referenced information provided by the Licensee become inaccurate or outdated, the Licensee shall promptly provide correct and accurate information to the Chief of Police in the form of an amended application. No license fee shall be charged for such an amended application.
- C. License fee. The license fee for each license to operate a Pedal Cab shall be \$25 annually.
- D. License renewable, not transferable. An operator's license shall be valid for not more than one year. Such license may not be sold, assigned or otherwise transferred.
- E. License to be posted. The operator's license shall state that complaints about the Licensee may be made to the Chief of Police. The license shall be posted in any Pedal Cab while it is being operated by the Licensee in a place where it is clearly visible to the passengers being carried therein.

*****Pedal Cab Registration.**

- A. Application for a Pedal Cab registration or for renewal thereof shall be made by the owner of the Pedal Cab to the Chief of Police upon a form furnished by the Chief and shall contain information set out in this Chapter. Information to be contained on said application (or provided therewith) shall include:
 - (1) Name of the owner of the pedal cab.
 - (2) Business address.
 - (3) The following identifying information:

- (a) In the case of individual owners: Date and place of birth.
- (b) In the case of corporations, partnerships, limited liability companies or any other form of legally recognized entity:
 - (i) State and date of establishment or creation.
 - (ii) Certificate of legal existence or similar documentation establishing that the existence and operation of the entity is in current compliance with the laws of the State of Connecticut and the state in which it was created.
- (4) Whether the owner has ever been convicted of any felony or a misdemeanor and, if so, the details thereof.
- (5) A serial number, vehicle identification number or similar individual identification number permanently affixed to, and by which the registered Pedal Cab may be identified.
- (6) Proof of insurance in such types and such amounts as approved by the Mayor from time to time including, without limitation, liability insurance and, if applicable, worker's compensation insurance for any employees of the owner and further including, where deemed appropriate by the Mayor, provision that the City of New Haven be named as an additional insured on the relevant policy or policies of insurance. In addition, the owner shall indemnify and hold harmless the City of New Haven from any liability associated with the operation of the licensed pedal cab.
- (7) A cash or surety bond or other form of security in the amount of \$200 to ensure compliance with the provisions of this Chapter and to ensure prompt surrender of the Pedal Cab registration in the event that it is no longer in active use. A single bond or other form of security may be tendered to cover more than one registration issued to the same owner provided that the amount thereof shall, at all times, be maintained in an amount equal to \$200 multiplied by the number of Pedal Cab registrations issued to the same owner.
- (8) The fare schedule itemizing all charges which the owner and/or operator shall charge to passengers for transporting them.
- (9) Such additional detailed information as may, in the opinion of the Chief of Police, be necessary to evaluate the fitness of the applicant or the Pedal Cab vehicle to be granted a Pedal Cab Registration.

The application form shall also require the signatory for the applicant to state, under oath that he has read the regulations set forth in this article; that he understands those regulations; and that the applicant agrees to abide by them at all times.

- B. Registration fee. The fee for each Pedal Cab registration shall be \$50 annually.
- C. Should any of the above-referenced information provided by the owner become inaccurate or outdated, the owner shall promptly provide correct and accurate information to the Chief of Police in the form of an amended application. No registration fee shall be charged for such an amended application.
- D. Registration renewable, not transferable. A Pedal Cab registration shall be valid for not more than one year. A Pedal Cab registration shall be assigned to each individual Pedal Cab and may not be sold, assigned or otherwise transferred. Each Pedal Cab shall be inspected for compliance with the requirements of this Chapter at the time of initial registration and annually thereafter at the time of registration renewal.
- E. Registration to be posted. The Pedal Cab registration shall state that complaints about the Pedal Cab may be made to the Chief of Police. The registration shall be posted in the Pedal Cab at all times in a place where it is clearly visible to the passengers being carried therein.

*****Limitation upon Number of Registrations to be Issued.**

No more than ten (10) Pedal Cab registrations shall be issued and outstanding at any time. Applications for pedal cab registrations shall be processed in the order in which they are received.

*****Designated Hours and Areas of Operation.**

The Director of the city's Department of Transportation, Traffic and Parking shall determine appropriate hours of operation and acceptable streets and areas in which Pedal Cabs shall operate. It shall be unlawful for any person to operate a Pedal Cab at other times or in other locations than those designated by the Director.

*****Pedal Cab Equipment and Operation.**

Pedal Cabs shall be operated in accord with the laws of the State of Connecticut applicable to the use of bicycles on the public highways and shall follow all traffic laws without limitation, and shall meet the following requirements:

A. Pedal cabs shall be equipped with the safety equipment described in C.G.S. Section 14-288 at all times. In addition, pedal cabs shall:

- (1) Display a battery or generator-operated lighted lamp or lamps upon the rear part of such bicycle at all times when lamps are required to be lit pursuant to C.G.S. Section 14-96a. Such lamp or lamps shall, when lighted, emit a red light which in clear weather shall be visible at a distance of not less than five hundred feet in the direction from which such Pedal Cab is proceeding.
- (2) Be equipped with battery or generator-operated turn signal lamps. Such lamps shall, when lighted, emit a flashing yellow light which in clear weather shall be visible at a distance of not less than five hundred feet, both in the direction to and from which such Pedal Cab is proceeding.
- (3) Be equipped with a pedal-power delivery system of chains and gears (or the equivalent thereof) sufficient to permit the Pedal Cab to accelerate from a standing position at a rate which will not unduly impede the flow of traffic.
- (4) Be equipped with a hydraulic or mechanical disc brake system which will permit the Pedal Cab to stop safely in an emergency situation without affecting the stability of the vehicle.
- (5) Be equipped with spoke reflectors placed upon each wheel and reflective tape marking the side edges of the Pedal Cab at both front and rear.
- (6) Be equipped with at least one side-view or rear-view mirror designed to allow the driver to observe traffic to the rear of the Pedal Cab.

B. Pedal cabs shall be operated in the manner described in C.G.S. Section 14-286a and 14-288 at all times. In addition:

- (1) Turn signals shall be given by the use of the turn signal lamps required pursuant to this section.
- (2) Pedal cabs shall pick up and discharge passengers as close to the curb line of the street as possible.
- (3) Pedal cabs shall be operated in a manner which does not impede or block the normal or reasonable movement of vehicular or pedestrian traffic except where necessary to comply with applicable provisions of law.
- (4) Passengers shall be required to remain seated at all times while the Pedal Cab is in motion.

- (5) Not more than three (3) passengers shall be permitted in a Pedal Cab at any time.
- (6) Pedal cabs shall be liable to pay for metered on-street or off-street parking operated by the City of New Haven in the same manner as is applicable to any motor vehicle utilizing such a metered parking space.
- (7) Operators of Pedal Cabs shall comply with any restrictions set forth on their motor vehicle driver's license at all times while driving a Pedal Cab.
- (8) A clearly-legible copy of the fare schedule shall be posted in the Pedal Cab at all times in a place where it is clearly visible to the passengers being carried therein.
- (9) Pedal Cabs shall not be operated while the operator is under the influence of alcohol or controlled substances other than medication prescribed for the operator by a physician which does not adversely affect the ability of the Pedal Cab driver to operate the Pedal Cab.

***** Revocation of Registration or License.**

- A. The Police Chief shall also have the power to deny or revoke any registration or license issued hereunder for cause after due notice in writing to the applicant/owner/licensee and after affording the applicant/owner/licensee the opportunity to be heard thereupon. Cause shall be deemed to include, but not be limited to, conviction of any felony or a misdemeanor occurring subsequent to the granting of the license or registration, false information knowingly given in the application for a license or registration, physical or mental impairment which jeopardizes the safety of passengers or other members of the public, failure to maintain complete and accurate license or registration information on file, or for any violation of the provisions of this Chapter. In addition, a Pedal Cab registration shall be revoked for any Pedal Cab which, in the determination of the Police Chief, is not in active service. This authority shall be in addition to any other means of enforcement of City ordinances.
- B. In addition to the denial/revocation procedure authorized pursuant to subsection A of this section, the Police Chief may also suspend any registration or license immediately and for a period not to exceed five (5) days if he determines that the interests of public safety so require. In any such case the owner/licensee shall be afforded the opportunity to be heard within seventy-two (72) hours following such suspension.

*****Penalties.**

It shall be unlawful to violate any of the provisions of this Chapter, and the penalty for violation of any provision, as levied by the Police Chief and his designees or by the Director of Transportation, Traffic and Parking and his designees, shall be a fine of \$50.00 for the first offense, and an additional \$50.00 per offense thereafter to the maximum allowable under state statute (\$250). In any instance in which the operator or owner/licensee shall feel the penalty was unfairly imposed, he/she shall be afforded the opportunity to be heard within seventy-two (72) hours following receipt of notice of the violation.

*****Implementation.**

The provisions of this section are effective immediately upon passage and all provisions shall be enforced immediately.

*****Severability.**

If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions of this section, which shall remain in full force and effect.

Except as above amended, the New Haven Code of Ordinances shall remain in full force and effect.