

RESOLUTION

NO. R-11-309

CITY HALL: July 7, 2011


BY: COUNCILMEMBER GISLESON PALMER

SECONDED BY:

WHEREAS, the New Orleans City Council, on October 21, 2010, adopted Ordinance 24,156 M.C.S. to amend and reordain Chapter 162 of the Code of the City of New Orleans, "Vehicles for Hire", to add Article XIV, "Pedicab Service" to the provisions contained therein, to provide regulations and establish rates thereof; and

WHEREAS, Ordinance 24,156 M.C.S. provides for the issuance of certificates of public necessity and convenience ("CPNC") to pedicabs under the regulations set forth therein; and

WHEREAS, Ordinance 24,156 M.C.S. appoints the director of the Ground Transportation Bureau to receive applications for pedicab CPNCs and, under the regulations set forth therein, the director of the Ground Transportation Bureau is authorized to select and award pedicab CPNCs; and

WHEREAS, pursuant to Section 4-107(3) of the Home Rule Charter and Section 2-1000 of the Code of the City of New Orleans, the director of the Ground Transportation Bureau shall submit, to be approved by resolution of the City Council, all policies and procedures relative to the review of pedicab CPNC applications and the award of CPNCs ; and

WHEREAS, the Ground Transportation Bureau held public hearings and gathered public input on the drafts of the proposed pedicab policies and procedures; and

WHEREAS, the Transportation Committee held several public hearings over the past year which allowed for public input and consideration of such input; and

WHEREAS, through this public and open process, individuals from the general public, local businesses, civic and business associations, transportation and urban planning experts, and pedicab company owners have had the opportunity to weigh in on the process and give input into the process; and

WHEREAS, the Ground Transportation Bureau now submits to the full City Council the pedicab policies and procedures attached hereto and identified as Exhibits A through J; **NOW THEREFORE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, that the pedicab policies and procedures attached hereto and identified as Exhibits A through J are hereby approved in accordance with Section 4-107(3) of the Home Rule Charter and Section 2-1000 of the Code of the City of New Orleans.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE MOTION WAS ADOPTED.

NOTE:

AFTER CPNC PUBLIC HEARING, ALL QUALIFIED APPLICANTS WILL BE PLACED INTO A LOTTERY FOR THE AWARDING OF CPNC PEDICAB NUMBER(S).

(Exhibit A)



**CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY & PERMITS
GROUND TRANSPORTATION BUREAU**

**CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)
FOR PEDICABS
APPLICANT CHECKLIST**

When applying for CPNC number(s) applicants must submit the following by _____ before they can be placed on the agenda for the hearing.

1. Required to complete the Ground Transportation Bureau CPNC application by _____. The application must be affirmed by an authorized representative of the company.
2. A non-refundable application fee of \$50.00 by cashier's check or money order payable to the City of New Orleans.
3. A detailed description of the proposed service, business plan (forecasting model, marketing plan, organizational chart, product detail and description of inventory and supplies), financial plan, and standard operating procedures (hours of operation, employee training, employee manuals, rules of conduct).
4. Certified copies of Articles of Incorporation, Articles of Organization or Partnership Agreement that is required by state law. A statement from the Louisiana Secretary of State certifying that the business is in good standing and a copy of the occupational license from the City of New Orleans.
5. The name, address, telephone number and a copy of a valid Louisiana driver's license of each owner, officer, director, partner and any other person who will participate in business decisions or who has the authority to enter into contracts on behalf of the ground transportation service.
6. A description of the applicant's ground transportation service experience if applicable, pictures and proof of pedicab ownership.
7. Proof of insurance or commitment letter for specified requirement in Chapter 162 Section 162-1639-Pedicab liability coverage.
8. An affidavit that there are no outstanding judgments that arise out of circumstances related to ground transportation service against a person, if applicable.
9. A background check on each owner, officer, director, partner and any person who will participate in business decisions or who has the authority to enter into contracts on behalf of the ground transportation service. There will be an automatic disqualification if any principal has been convicted of a felony or if fraud discovered in application process.
10. The ground transportation service must show proof that the company is domiciled in Orleans Parish, show proof of a commercial address within Orleans Parish, and must show ability to lease or own a warehouse facility sufficient to house their fleet of pedicabs within the parish of Orleans.
11. The bureau must see and approve the physical uniform to be worn by pedicab operator.
12. No applicant or other individual included on the application may be an owner, partner, minority holder, or otherwise associated in a manner of ownership capacity with more than one pedicab company applying for CPNCs in the City of New Orleans.



**CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY AND PERMITS
GROUND TRANSPORTATION BUREAU**

**CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)
PEDICAB APPLICATION**

<u>THIS SECTION IS FOR OFFICE USE ONLY</u>		
Date Submitted: _____	Hearing Date: _____	Application Approved _____

PLEASE PRINT

Company Information

Type of Company: (check one)

Sole Proprietor _____ Partnership _____ Corporation _____ LLC _____

Federal Tax ID# _____

Name of Business _____

Business Address _____ City _____ State _____

Zip Code _____ Telephone # (____) _____ Fax # (____) _____

Is your company domiciled in Orleans Parish? _____

How many Pedicab CPNC numbers are you applying for? _____

Are you a registered Disadvantage Business Enterprise (DBE)? _____ if so, what type? _____

Name of Contact _____ Telephone # (____) _____

NOTE: APPLICATION SHALL BE SIGNED AND AFFIRMED BY AN AUTHORIZED REPRESENTATIVE OF THE COMPANY

I affirm that the information given on this application is true and correct to the best of my knowledge. It is unlawful to provide misleading or false information on this application. This may result in your application being denied.

Signature _____ Date _____

Principal Officer(s) or Partner(s)

Print Name _____ Title _____

Signature _____

Address _____ City _____ State _____

Zip Code _____ Telephone # (____) _____

Social Security # _____ - _____ - _____ Date of Birth ____/____/____

(Exhibit B)

Do you have any felony convictions? _____ Any pending charges? _____

Print Name _____ Title _____

Signature _____

Address _____ City _____ State _____

Zip Code _____ Telephone # (____) _____

Social Security # _____ - _____ - _____ Date of Birth ____/____/____

Do you have any felony convictions? _____ Any pending charges? _____

Print Name _____ Title _____

Signature _____

Address _____ City _____ State _____

Zip Code _____ Telephone # (____) _____

Social Security # _____ - _____ - _____ Date of Birth ____/____/____

Do you have any felony convictions? _____ Any pending charges? _____

Acknowledgment

STATE OF LOUISIANA, PARISH OF ORLEANS

Before me, the undersigned Notary Public, personally came and appeared _____, the person in the above and foregoing instrument, who declared under oath to me, Notary, that he/she prepared and signed the above and foregoing application, and the attached date and that the signature appearing thereon is his/her own, of his/her free will and voluntary act for the intent and purpose therein expressed, and that I swear the information given herein is true and correct.

Sworn and subscribed before me this _____ day of _____, 2011.

Notary Public

Application Received By: _____	Date: _____
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(Exhibit C)



**CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY & PERMITS
GROUND TRANSPORTATION BUREAU**

**CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)
PEDICAB INFORMATION SHEET**

Upon receipt of an Award Letter for Pedicab CPNC(s) number, the awardees have 30 days to comply with Chapter 162, Article XIV. The awardees are not authorized to operate a pedicab service until awarded a CPNC(s) number.

Owners must contact the Ground Transportation Bureau at (504) 658-7102 or (504) 658-7170 to schedule an appointment to bring the following documentation within the 30 day time period:

- A non-refundable fee of \$100.00 for each CPNC number in the form of a cashier's check or money order payable to the City of New Orleans.
- The company will be listed as the holder of the CPNC(s) number and must be listed as the leasee or owner of the pedicabs.
- Proof of equipment ownership in the company's name with pictures. (example... purchase agreement, bill of sale).
- Manufacturer serial numbers or registration certificates for pedicabs.
 - Current insurance coverage declaration certificate for each pedicab in accordance with Chapter 162, Section 162-1639. \$100,000.00 bodily injury or death of any one person.
 - \$300,000.00 to satisfy all claims for damages by reason of bodily injury or death of two or more persons.
 - \$50,000.00 to satisfy all claims for damages to property.
- The company is required to list the City of New Orleans Ground Transportation Bureau as a primary contact to be notified.

When all documentation is received, an appointment can be made for pedicab inspection and issuance of CPNC(s) number.

- Annual inspections are required on each pedicab at a cost of \$20.00. If the inspection is not conducted prior to the expiration date, a delinquent fee of \$2.00 per day will be incurred. If the inspection is not conducted within 30 days of the expiration, the CPNC(s) number may be revoked.
- Each CPNC number is renewed annually at a cost of \$100.00 per renewal. Other criteria for renewals are outlined in Section 162-1664.
- All pedicab drivers must obtain a driver's permit from the Ground Transportation Bureau according to the rules and regulations of Chapter 162, Articles XIV. (see "Pedicab Driver's Checklist"). Drivers may apply at the Ground Transportation Bureau at 1300 Perdido Street, Rm. 2W84.

Reminder: Pedicab CPNC(s) number expires annually on December 31st and must be renewed by January 31st for an annual renewal fee of \$100.00 per CPNC number held.



CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY & PERMITS
GROUND TRANSPORTATION BUREAU

CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)

AWARD LETTER FOR PEDICABS

Date

Company Name
Applicants Name
Address

Name:

Congratulations! Your application for _____ Pedicab Certificate of Public Necessity and Convenience, (CPNC) has been awarded. **You have thirty (30) days from the above date to complete vehicle inspection and show proof of title or leasing agreements for the requested number of CPNCs.** If this is not completed within the specified time period, this approval will be voided. An extension may be requested in writing before the end of the 30 day time period, but you must show good cause for the extension.

As a CPNC holder operating a For-Hire Vehicle in the City of New Orleans, you are required to comply with Chapter 162 of the City Code, and to adhere to all administrative rules and regulations of the Ground Transportation Bureau.

The City of New Orleans owns the CPNC. Your CPNC is a privilege granted to you (*not ownership*) by the City of New Orleans, which entitles you as a holder of the CPNC(s) number to operate a pedicab service.

The company must be domiciled in Orleans Parish with a physical Orleans Parish business address, telephone number and City of New Orleans occupational license at all times. It is mandatory that all of your operators possess a pedicab driver's permit. A list of requirements to start the process is attached.

Failure to adhere to these requirements and Chapter 162 may cause your CPNC(s) to be revoked.

The Ground Transportation Bureau is here to serve you and your business, as well as to ensure that the "For-Hire" Industry offers the public safe and excellent service. The Bureau is here to assist you should you have any questions or concerns. We may be contacted at (504) 658-7102 or (504) 658-7170.

Cordially,
Paul May
Director

(Exhibit D)



**CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY & PERMITS
GROUND TRANSPORTATION BUREAU**

CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)

PEDICAB LOTTERY PROCEDURES

The City Council adopted an ordinance authorizing the operation of a pilot Pedicab Service in New Orleans. The Ground Transportation Bureau was responsible for the oversight and compliance of the pedicab industry. The bureau elected to use a lottery system in order to have a fair selection process for the applicants of the initial forty-five (45) CPNC numbers for pedicabs. As part of the pilot, a company is limited to a maximum of fifteen (15) non-transferrable CPNC numbers.

All participants must submit and meet the applicant requirements in order to participate in the lottery.

The lottery will be conducted as follows:

- The lottery will be open to the public in the City Council Chambers
- A 3 x 5 card with the applicant's name and requesting number of CPNCs will be alphabetically displayed for public viewing
- The name on each card is read aloud and placed in an envelope
- The envelope is placed in the drum
- The drawing is conducted by a person not affiliated with the bureau
- When pulled the name and the number of CPNCs awarded is read aloud
- If the remaining numbers are less than requested, the participant has the option to accept or decline
- Continue pulling until all forty-five (45) CPNC numbers are awarded
- Each recipient will receive an award letter outlining the next steps in the process
- There will be three additional drawings to select alternate companies in the event the companies that are awarded cannot fulfill the requirements.

No individual may be an owner, partner, minority holder, or otherwise associated in a manner of ownership capacity with more than one pedicab company.

(Exhibit E)



**CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY AND PERMITS
GROUND TRANSPORTATION BUREAU**

**PEDICAB DRIVERS
CHECKLIST**

- ___ 1. Applicant must be at least 18 years old with a valid Louisiana driver's license
- ___ 2. Employment Letter
- ___ 3. Federal Criminal History Report (\$50.00 paid to that facility)
- ___ 4. Drug Test (\$20.00 paid to drug testing facility)
- ___ 5. Has applicant ever been licensed as a driver or chauffeur and, if so, has license ever been revoked and why?
- ___ 6. Proof that driver is physically qualified to drive a pedicab safely and that hearing and eyesight is unimpaired.
- ___ 7. Defensive Driving Certificate from the Metropolitan Safety Council (\$40.00 paid to defensive driving facility).
- ___ 8. A non-refundable Driver's Permit fee of \$40.00 payable by cashier's check or money order payable to the City of New Orleans.

(Exhibit F)



**CITY OF NEW ORLEANS
GROUND TRANSPORTATION BUREAU
PEDICAB INSPECTION SHEET**

COMPANY NAME:		
DATE OF INSPECTION:		
PEDICAB #		
PERMIT #	INSPECTION #	
	REQUIREMENT	PASS FAIL
	Based on proof of manufacturer's date pedicab cannot be more than six (6) years old.	
	Frame – maximum measurement 10' long 55" wide	
	Bike type for trailers	
	Bike Tires 26 X 1.75 minimum	
	Trailer tires – 20 x 1.75 or larger	
	Permit Posted	
	Company Name Posted	
	Pedicab Number Posted	
	Fare Posted	
	Exterior Clean	
	Exterior Condition	
	Interior Clean	
	Upholstery	
	Floorboards are non-skid, no holes	
	Slow Moving Vehicle Sign Displayed. Reflective surface visible day or night from 500'. Mounted base down on rear of vehicle at a height from 3-5' above road surface	
	Brake capable of braked wheel skid on dry, level, clean pavement	
	Brakes – visually inspected, if worn approx to 1/8 inch of its life, brake pad will need changing	
	Front White Lamp visible from 300'	
	Rear Red Reflector visible when directly in front of upper beams of motor vehicle headlamps	
	Rear Red Lamp visible from 500'	
	All spokes tight, not missing /broken	
	Spokes – minimum 32 spokes or more, all wheels	
	Wheels secure on vehicle	
	Seat size – the bottom seat needs to 17 in. or larger	
	Sharp edges – all sharp edges need to be capped	
	All open tubes need to be capped	
	Appearance – exterior paint may not be noticeably rusted, flaked, scraped, or faded. Any noticeable exterior paint must be repaired in a neat and inconspicuous manner	
	If a vehicle is inspected and fails under these standards, the holder will have ten days to complete repairs and present the pedicab to the Ground Transportation Bureau for reinspection. Failure to do so will result in revocation of CPNC number.	

(Exhibit H)



**CITY OF NEW ORLEANS
DEPARTMENT OF SAFETY & PERMIT
GROUND TRANSPORTATION BUREAU**

CERTIFICATE OF PUBLIC NECESSITY AND CONVENIENCE (CPNC)

PEDICAB FEE SUMMARY

Fees for CPNC Holder

Application	\$ 50.00
Inspection	\$ 20.00/pedicab
CPNC License	\$100.00/number

Fees for Pedicab Driver \$150.00

Federal History Report	\$ 50.00
Drug Test	\$ 20.00
Defensive Driving Class	\$ 40.00
Pedicab Permit	\$ 40.00

(Exhibit I)

**CITY OF NEW ORLEANS
GROUND TRANSPORTATION BUREAU**

PEDICAB PROCEDURES

The Council of the City of New Orleans adopted Ordinance No. 24,156 MCS on September 30, 2010 to amend Chapter 162 of the City Code to enact Sections 162-1634 through 162-1669 to provide regulations for the operation of Pedicab Service in the City.

A Motion by the City Council directed the Ground Transportation Bureau to prepare and submit the policies and procedures that the Ground Transportation Bureau will utilize to review applications and award or deny applications for pedicab Certificate of Public Necessity and Convenience (CPNCs).

The Ground Transportation Bureau submits the following policies and procedures to the City Council for approval pursuant to the Home Rule Charter, Section 4-107(3), and Section 2-1000 of the City Code.

The Ground Transportation Bureau is authorized to issue a maximum of 45 CPNCs during the pilot period. An owner or company is limited to a maximum of 15 CPNCs during the pilot period. **No individual may be an owner, partner, minority holder, or otherwise associated in a manner of ownership capacity with more than one pedicab company.**

Application:

1. Upon City Council's approval of the pedicab procedures, applications must be completed and submitted within 30 days.
2. A written application must be submitted to the Ground Transportation Bureau on a form prescribed by the bureau. Applications will be available at the Ground Transportation Bureau in room 2W84 of City Hall, Monday through Friday from 8:00 a.m. until 5:30 p.m. and on the City of New Orleans website: www.nola.gov. The application shall be sworn or affirmed. Applications are considered completed on a determination by the bureau that all information required has been provided. Incomplete applications shall not be considered.
3. In determining whether to qualify for the lottery, the Ground Transportation Bureau shall consider the following pursuant to 162-1662:
 - a. Whether all applicable requirements of the City Code have been met.
 - b. Whether a previous operating authority of the applicant has been revoked or suspended.

(Exhibit J)

- c. At time of application, each owner, officer, director, partner and any person who will participate in business decisions or who has the authority to enter into contracts on behalf of the ground transportation service must submit to a background check. There will be an automatic disqualification if any principal has been convicted of a felony.

- d. The applicant must show proof that the company is domiciled in Orleans Parish and show proof of a commercial address within Orleans Parish, and must show ability to lease or own a warehouse facility sufficient to house their fleet of pedicabs within the parish of Orleans.

Hearing/Lottery:

4. The Ground Transportation Bureau shall hold a public hearing on all qualified applications as specified in the City Code. The Ground Transportation Bureau will then place the qualified application in lottery for selection.

5. The Ground Transportation Bureau has elected to use a lottery system in order to have a fair selection process of the initial 45 CPNC numbers for pedicabs. Following the public hearing the public lottery will be conducted to award CPNC licenses.

Award Letter:

6. Lottery recipients will receive an award letter identifying the number of CPNC (s) awarded. Applicants will have 30 days from the date of the award letter to provide required documents.

Applicants must show proof of the following:

1. Pedicab title and or license
2. Verification of commercial address
3. Verification of Orleans Parish domicile
4. Verification of insurance coverage

Once received, an appointment shall be made with the Ground Transportation Bureau to inspect and tag pedicab with CPNC number.

7. After completion of the pilot program, the Ground Transportation Bureau shall consider whether the holder has performed satisfactorily under the terms of the CPNC and complied with applicable provisions. This includes a review of the holder's record on the number of complaints sustained by the bureau after investigation and on non-compliance with the applicable rules and regulations pertaining to pedicab service.

PEDICAB POLICIES

Pedicab Equipment

Before a pedicab can operate it must go through a thorough inspection. The age of the pedicab must not exceed six (6) years old based on proof of manufacturer's date. The actual color of the pedicab(s) must coordinate with color of uniform(s). The maximum measurement of the pedicab must not exceed 10' long 55" wide, a minimum bike tire no less than 26 X 1.75, and the trailer tires at least 20 X 1.75 or larger. The exterior appearance must not be rusted, flaked, scraped, or faded. The interior condition must be clean and free of any tears or discoloration. The pedicab(s) must pass all requirements outlined on the "Pedicab Inspection Sheet".

Uniformed Operators

Safety and image are enhanced with uniformed operators. Passengers are assured with uniforms and properly worn permits that the operator is legitimate; uniforms will also make it easier for bureau personnel and police to spot illegal operators. This is very important during the pilot period as we anticipate illegal operators to pop up, especially at special events. This activity will have to be strictly controlled so that newly commissioned businesses do not fail due to illegal competition.

In times of warm weather, operators should be attired in short sleeved polo-type shirts with the company logo or emblem over the upper left chest. In cooler weather the upper garment should be a button-down shirt or pullover sweatshirt. Operators wearing long-sleeved shirts shall be prohibited from operating with rolled-up sleeves. Given our changing weather, however, operators will have an option, based on his or her personal comfort to wear either as necessary. The color of all upper garments shall be the same color as the pedicab (i.e., sky blue pedicab would require a sky blue upper garment).

Authorized trousers (e.g. khakis) may be shorts that are no shorter than three inches above the knee; cut-offs will not be allowed. The company will be authorized to choose any contrasting color it desires for trousers.

Finally, operators shall be authorized to wear a baseball-type cap, provided it is of matching color and with the company logo on its front.

Reporting of Disputes (supplementing Section 162-1651)

All disputes between operators and passengers shall be reported immediately to a manager by the operator. Depending on the nature and/or severity of the dispute,

the manager, if necessary, should make every effort to meet his operator in the field. Settling disputes in a professional and courteous manner is not only expected by the bureau, but is vital to our image as a city, and will perhaps factor into determining the long-term continuation of the program.

All disputes shall be reported either by e-mail, FAX, or letter to the bureau within 24 hours. The information contained shall describe the nature of the dispute; names and contact information of involved parties (operators and passengers); and a brief narrative on how the dispute was settled.

Reporting of Accidents

Regardless of severity, all accidents shall be reported to police. Managers shall be responsible for notifying the bureau immediately when made aware of an accident. When available, the bureau shall dispatch an investigator to the scene; NOPD may or may not write a report depending on circumstances, but in all cases an item number shall be generated. The item number shall be reported to the bureau by the company manager. Damaged pedicabs shall be taken out of service until the damage has been repaired.

Smoking Policy

Operators shall be prohibited from smoking while operating the pedicab; they shall further be prohibited from smoking while seated on the cab when not in motion. As with motor cabs, the bureau believes that passengers should not be allowed to smoke while seated aboard the pedicab.

As the program progresses, the bureau will propose future policy initiatives to the Transportation Committee as may be necessary.

GENERAL
FISCAL NOTE

DEPARTMENT: Safety & Permits/ Ground Transportation Bureau

PURPOSE:

To implement Pedicab Services as set forth in the City Code.

SOURCE/AMOUNT OF REVENUE TO BE GAINED:

Annual Estimated Revenue	\$10,350.00
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BASIS FOR REVENUE ESTIMATE:

Operation fees collected per pedicab and operator: application fees, inspection fees, renewal fees and permit fees.

EXPENDITURE REQUIREMENTS AND AMOUNTS:

The Ground Transportation Bureau expenditures are funded by the general fund budget and there will be no additional cost.