

Police Commissioner's Special Order



Number: SO-07-062

Date: November 5, 2007

Post/Mention: Indefinite

SUBJECT: Interim Regulations for Pedi-cabs

In accordance with City of Boston Code 16-12.39 the Police Commissioner hereby enacts the following interim regulations to govern the operation of Pedi-cabs within the City of Boston. These regulations shall be in effect pending the development of permanent regulations through a public process.

A) Definition of Pedicabs.

- i) A bicycle like vehicle that has at least three wheels, that transports or is capable of transporting passengers on seats attached to the bicycle, that is propelled by an individual or individuals, and that is used for transporting passengers for hire.

B) Operation of Pedicabs.

- i) Unless otherwise permitted by City rule or regulation, it shall be unlawful for any person to ride or operate a pedicab upon public property in the City of Boston without a license for the vehicle from the Boston Police Department's Hackney Division. The vehicle's license must be renewed annually and a fee as determined by the Boston Police Commissioner shall apply. Public property includes, but is not limited to, all streets, sidewalks, parks, plazas, or any area under the care, custody, and control of the City. Notwithstanding the above, an additional license from the Parks Commission may be required to operate within certain public property.
- ii) Unless otherwise permitted by City rule or regulation, it shall be unlawful for any person to ride or operate a pedicab upon public property in the City of Boston without a license to operate a pedicab from the Boston Police Department's Hackney Division. The operator's license must be renewed annually and a fee as determined by the Boston Police Commissioner shall apply.
- iii) No person may operate a pedicab in the City of Boston unless the person possesses a valid driver's license.
- iv) No person may operate a pedicab in the City of Boston unless the proposed route and times of operation have been approved by the Boston Transportation Department.

- v) No person may place into service or operate any pedicab or other like vehicle, three wheeled or otherwise, with a fixed bench or trailer, unless approved by the Police Commissioner and inspected for condition and proven to be safe and roadworthy.

C) Penalties.

- i) An individual who violates paragraph a. of this subsection shall be subject to a fine of five hundred (\$500.00) dollars for a first offense and one thousand (\$1,000.00) dollars for any subsequent offense, but a court may authorize public service in lieu of all or part of this fine. Depending upon the severity of the offense, a violation of any rule or regulation regarding the operation of such a pedicab may also result in suspension or revocation of the pedicab owner's license to operate from the Boston Police Department's Hackney Carriage Unit.

D) Enforcement.

- i) The Boston Transportation Department and the Boston Police Department shall have the authority to enforce these sections. The provisions of Massachusetts General Laws c. 40, s. 21D may be used to enforce this section. The Boston Police Department shall have the authority to impound any vehicle in violation of these sections.

E) Regulatory Authority.

- i) The Commissioner of the Boston Transportation Department and the Commissioner of the Boston Police Department shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections.

F) Severability.

- i) The provisions of this section shall be severable and if any section, part or portion hereof shall be held invalid for any purpose by any court of competent jurisdiction, the decision of the court shall not affect or impair any remaining section, part or portion thereof.

G) Vehicle Registration

- i) Every person, firm or corporation operating one or more Pedicabs in the City of Boston shall register each Pedicab with the Hackney Carriage Unit, providing such information as the Inspector of Carriages shall require.

H) Operator Registration

- i) Every person, firm or corporation operating one or more Pedicabs in the City of Boston as shall register each Pedicab Operator with the Hackney Carriage Unit prior to allowing such person to operate a Pedicab in the City of Boston, providing such information as the Inspector of Carriages shall require.

I) *Registration Stickers*

- i) The Inspector of Carriages shall affix to each Pedicab a sticker indicating that such vehicle has been registered with the Hackney Carriage Unit.

J) *Limit on Number of Pedicabs*

- i) The number of Pedicabs shall be fixed at the number in operation as of September 1, 2007, but in no event more than 25.

K) *Conformance with Traffic Laws*

- i) Every Pedicab operator shall operate the pedicab in conformance with all State and City traffic laws, ordinances, and rules as if the pedicab were a motor vehicle;

(1) Except:

- (a) that pedicab's shall be prohibited from operating where bicycles are prohibited.
- (b) that the pedicab may pass on the right side of vehicles traveling in the same direction.