



April 13, 2021

Via email - nycrules@dsny.nyc.gov.
New York City Department of Sanitation
Bureau of Legal Affairs
125 Worth Street, Room 710
New York, NY 10013

Via email – sarrona@bic.nyc.gov
NYC Business Integrity Commission
100 Church Street
New York, NY

Re: Proposed rules of DSNY & BIC; Hearing date April 13, 2021

To whom it may concern:

Please accept these comments on behalf of Interstate Waste Services, Inc., the parent company of licensee Action Carting Environmental Services, Inc. With respect to the proposed changes to Title 17 of the Rules of the City of New York to improve traffic and vehicle safety in commercial waste zones, we are generally supportive.

Despite improvement over the past decade, this industry has historically been and remains a dangerous industry. Thus, this creates an ideal situation for private companies, government and non-profit transportation groups to partner, to debate, and ultimately develop best practices. One thing we have learned is that the best safety practices must continuously be reviewed and discussed with the front line men and women responsible for driving, maintaining and dispatching vehicles and equipment.

We have strived for years to focus the discussion around safety and a uniform set of rules and aspirations for the entire industry. The safe and efficient collection of waste in New York City is vital to the quality of life that New Yorkers should expect and demand. The COVID-19 pandemic has only served to highlight the essential service provided by both by the Department of Sanitation's workers and those in the private sector serving the City's businesses.

While fully supporting and joining in the aspirations of safer streets for all, we do have some practical questions and considerations for DSNY and the BIC to consider.

Section 5-08 of Title 17 is amended by adding new Subdivisions (u) and (v). We support subdivision (u) and subdivision (v) 1 through 4. However we are concerned about section 5 which reads: "A trade waste vehicle must not obstruct a bike lane, bus stop, sidewalk, crosswalk, or intersection".

There are two areas of concern here. At times, a trade waste vehicle must choose between obstructing a bike lane or blocking traffic. Clearly a trade waste vehicle should not park in a bike lane or otherwise stop to take a lunch break. The practical question is the dilemma when no ideal option exists when collecting trash or recyclables. How much discretion is afforded a driver when faced with either blocking a bike lane or vehicular traffic?

Another common problem involves picking-up compactors by roll-off trucks. Many of Manhattan's office building have one or more compactors. Unfortunately, not only does the trade waste vehicle have to cross a sidewalk, often the loading dock cannot accommodate the truck, thus a portion of it may obstruct part of the sidewalk. It is literally impossible to remove the trash or recyclables without doing so. How do you propose to address that?

In our view, section 5 should be deleted in its entirety for the sake of clarity. Another suggestion would be to amend the section to read: *Except when in the process of servicing a customer a trade waste vehicle must not obstruct a bike lane, bus stop, sidewalk, crosswalk, or intersection.* We also have concerns about the general record keeping requirements that far exceed those of the Federal Department of Transportation. While record keeping issues are found throughout the BIC & DSNY rules, the following represent a key area of concern which we are adverse to.

(m) A licensee must maintain copies of all inspection and certification of repair forms required by Section 5-10(e) for at least five (5) years, and must also maintain copies of such forms in the corresponding vehicles at all times for twelve (12) months.

(n) A licensee must maintain copies of all daily inspection reports required by Section 5-10(f) for at least five (5) years, and must also maintain copies of such reports in the corresponding vehicles at all times for one (1) month.

While five years in general is long and arduous, our primary concern is the need to keep records in the vehicle. We see no reason or any public policy that is advanced by such a requirement. Presumably the records and more importantly what they show will be used in a post incident or post-crash scenario. As long as the company, however, keeps the records as they are required to do, they can readily be provided. Reviewing them on the scene offers little to no insight that cannot be readily provided hours later.

This is far more burdensome that it might appear at first. With computers, cameras, and first aid equipment the cabs of truck are simply running out of room. The Federal DOT rules require only that day's DVIR to be kept in the vehicles. That rule suffices for all trucks throughout the country.



We also draw your attention to § 20-51 Safe Vehicle Operation which holds that four violations results “*in a pattern of unsafe practices*”. We suggest a formula that considers the size of the company using its number of trucks, customers and/or vehicles miles traveled.

With respect to § 20-52 Vehicle Inspections, it states that a qualified inspection must be conducted every six months whereas the Federal DOT rules call for annual inspections. This added inspection will increase the cost of operating the fleet in addition to the maintenance of cameras, lights and telematics.

Moreover, the inspection must be on a *form prescribed by the Department*. We recommend that the industry is consulted on creating such a form and we have included a copy of one created by a third party company, JJ Kelleher, which specializes in truck safety for your consideration.

We have questions about § 20-56 *Telematics Systems in Commercial Waste Vehicles*. While we support requirements for telematics and have used them to for years, the industry and DSNY need to work closely on determining the methods for transmitting information. We have invested a great deal of capital developing our systems and should not be required to change them. It is our understanding that several competing systems are used throughout the industry.

We also have questions regarding the monthly reporting, the amount of data being transferred, and when the systems go down. Unfortunately, the present technology is not flawless. The complex wiring in the cab and a new requirement to connect to the engine will result in many mishaps. Just like cameras in trucks other systems will fail from time to time. It is not unusual to have 3-5% of some aspect of the system not working properly. We have full time technicians whose job is keeping it all up and running but it is challenging. These requirements should not become a means of revenue generation for any regulator.

From a more technical standpoint (and perhaps prematurely) we have the following telematics questions:

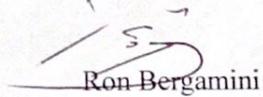
- 1) Are we are pushing the data or pulling it?
 - a. If pushing the data, will it be by way of a .csv / .xml / .xlsx upload or by API?
 - b. If DSNY is pulling – there are many more nuances.
- 2) Incident reporting:
 - a. Will there be a standard form provided to us, with fields to be automatically populated;
 - b. Will we transmit in similar fashion as the live data above?



Finally, how will the information be used? We would object to any public disclosure of the information or its use to punish our employees for relatively minor traffic or parking violations. In our case, all of our employees are subject to a collective bargaining agreement which govern such matters.

Thank you for the opportunity to comment on the proposed rules. We strongly support safer roads and uniformity across the industry. Safety is never proprietary.

Respectfully,



Ron Bergamini

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Action Environmental Services a division of
Interstate Waste Services, Inc.



Testimony of Thomas N. Toscano, CEO of Mr. T Carting Corp., on the Proposed Rules on Vehicle and Traffic Safety

My name is Thomas N. Toscano, and I am proud to be the CEO of Mr. T Carting Corp., a third-generation family business that has served New York City for nearly seventy-four (74) years.

As someone who has not spent a lot of time working on a sanitation truck, I will leave the comments on the equipment specific rules to my colleague and cousin, Paul Zambrotta.

The first issue I had with these proposed rules is the section on a “pattern of unsafe practices”. I am an attorney and I have a lot of experience in traffic court. There is really only one of the items listed in this section that is really problematic to me, and that is number 5. It states “[a] trade waste vehicle must not obstruct a bike line, bus stop, sidewalk, crosswalk, or intersection.” Please don’t hear my testimony as my advocating for these practices. All of these items are parking violations. If you have a driver’s license in this City and/or State you can get over 1,000 parking tickets in a year and they will have no effect on your license status, as long as they are paid. In other words, you are declaring sanitation drivers and their companies “unsafe” for parking violations. If this rule passes, they will be the only drivers in the City held to this standard.

This section also seems to have no perspective on what sanitation workers have to do to pick up in this City. The trucks are very large and it is impossible for them to find legal parking spaces to complete their routes. Where they have to stop is usually a list of bad choices, from double parking, blocking a one lane street, or trying to back into a corner for a large stop so as not to have to carry heavy bags a great distance. I am all for continuing discussions on best practices on how to pick up waste and recycling safely, but please don’t declare companies and their operators unsafe for parking infractions.

I want to address one last point on this section and it has to do with bike lanes. I am a cyclist and I biked over 5,000 miles in 2020, most of them in the borough of Queens. I use a lot of bike lanes, and I can honestly say I have never seen one blocked by a private sanitation truck. Most of the time it is a taxi, privately owned car, or a UPS or Amazon type delivery truck that causes me to have to go around them, in traffic in these lanes. I have asked the DOT the best method to pick up near a bike lane and they did not have an answer for me. You see, if the driver leaves the lane clear, that puts them further into traffic,

Testimony of Thomas N. Toscano, CEO of Mr. T Carting Corp., on the Proposed Rules on Vehicle and Traffic Safety

sometimes blocking the street for car traffic. Also, the driver and helper now have to repeatedly carry bags of garbage and recycling over an active bike lane and risk being hit by a cyclist. Again, this should be a discussion for best practices with cyclists and sanitation companies, including their workers, on how best to come up with an equitable solution instead of deeming them unsafe for what is at worst a parking violation.

The next section I want to discuss is the windshield obstruction. We have computers in all our trucks and they are suspended from the ceiling, next to the rearview mirror. Not only do they guide the drivers through their routes, but they also show cameras all around the truck and are a safety tool. This section is vague and subjective. Rearview mirrors, inspection stickers, and registrations all “obstruct” the windshield to a degree. Again, let’s discuss what is safe and what is unsafe and have a more objective rule.

The last item I will address is the real time telematics. This is only in the DSNY proposed regulations and only takes effect after CWZs are implemented. It is clear the City wants data from this rule and before something like this is implemented, a discussion should be had as to what is available in the marketplace and what carters have. As I already mentioned we have a fully integrated routing system with safety features that meets most of the requirements listed here, but not all. For example, these rules require that the trucks transmit if they are running properly in real time. I know our current system does not have that feature and it might be incredibly expensive to implement an entirely new system for one or two missing features.

I will conclude by, again, asking that we have collaborative discussion in forums like the BIC trade waste advisory meetings on safety goals. We all want this industry to be safer, so let’s work together towards that goal.

Comments to New York City Business Integrity Commission & New York City Dept. of Sanitation proposed rules.

- By Paul Zambrotta, Safety Director at Mr. T Carting Corp.

1. Cab-over Design requirements for Commercial Waste Vehicles – I disagree with this proposed rule in that we stopped buying cab overs back in 2014 for a few reasons:
 - Driver & helper physical safety – they are sitting on top of the front axle which causes excessive bouncing. I personally had back surgery in 2007 and I can tell you with certainty, that the combination of picking up waste/recyclables and bouncing all light did not help my back.
 - Because the driver is lower to the ground, it is harder to see both sides of the vehicle when passing through tight places (double parked cars, alleyways, etc.)
 - the front cab “whips” when making left & right turns. We noticed substantially more sideswipe natured accidents in cab overs vs conventional cabs. Additionally we noticed that due to the nature of the way a cab over executed a turn, the weight distribution shifts to the rear end more, causing broken springs & trunnion bars.
 - the driver does not have as great a field of view
 - drivers & helpers have a tendency (due to the design) of putting things on the front dashboard i.e., work gloves, paperwork, drink bottles. This could potentially obstruct the drivers view.
2. Section 2 (m) – in today’s advanced times, I feel it is unnecessary to “clutter” the truck with 5yrs worth of inspections and certifications of repairs. These records should absolutely be kept on file—preferable electronically—for the time proposed. Please note that our Vehicle Condition Reports are kept in the trucks for a rolling 30days. Any more than that would not prove useful to the driver in that they only look back 1-2 days in the book when performing their pre/post trip inspections in accordance with DOT regs.
3. Section 4 (v)(1) – There ARE conditions that require a driver to back through an intersection such as a stop at the end of a dead-end street. There is simply no way to access the dead end without backing through the intersection. Mind you, a spotter is used when available. If the driver is alone, then a backup camera in addition to the “get out and check” rule would apply. Additionally, on occasion, a private lot with a dumpster may only be accessible via driving the wrong way on a one-way street. This is due to DOT signage permitting other vehicles to park in a manner that prohibits our vehicles from maneuvering in a way that follows the lawful direction of the street. In these instances, a spotter would be utilized to block off the street so the vehicle may navigate safely. Please note, this does NOT mean that the vehicle would drive the length of the full block in the wrong direction.
4. Section 5-14 (b) – We utilize “DDC Online Professional Truck Driver Online” via National Safety Council. It is a certified 5hr program that allows the driver to log on at their convenience and complete the course—and it does not have to be all at once. There is a test at the end that the driver must pass to complete the course. This is a much more effective course than the traditional “defensive driving course” which does not AT ALL focus on commercial drivers/vehicles.



**DSNY rules hearing
4.13.21**

Good Morning. Thank you for the opportunity to testify. My name is Phoebe Flaherty, I'm an Organizer at ALIGN: The Alliance for a Greater New York. ALIGN is a community-labor coalition dedicated to creating good jobs, vibrant communities, and an accountable democracy for all New Yorkers.

We coordinate the Transform Dont Trash coalition, a coalition of environmental justice groups, labor, climate and street safety organizations working towards reforming the way commercial waste is collected in New York City. We worked with the City Council to pass Commercial Waste Zones, Local Law 199.

The implementation of Commercial Waste Zones is essential to reducing New York's GHG emissions through reducing truck miles and increasing recycling and organics collection, to creating good green jobs, and to making our streets safer and cleaner. We are very pleased to see the process moving forward and the second round of rules being established with public input.

We know that, though truck miles have decreased, this year has still been the deadliest for waste collection collisions. We need safer vehicles and more training for workers. For the most part, we are happy to see these changes reflected in the safety rules.

There are some instances where more training should be required, however. In addition to the annual training required for workers, there should be a pre-training program for drivers before they start work on trucks, and a significant training program for helpers.

We'd like to address a few other specific areas within the Commercial Waste Zone rules as well:

- Regarding section 20-51 b.6: In addition to this rule prohibiting workers from riding on the back of the truck, there should be an additional rule to remove the rear step from the back of the truck to physically prevent people from riding there, such as what has occurred with DSNY trucks.
- Regarding section 20-52 4.b: In addition to this requirement, if someone is forced to operate an unsafe truck there must be a way to report it to the city and immediate action should be taken by the city.
- Regarding section 20-57 requiring a cab-over truck design: This rule should be reconsidered as it offers less protection between drivers and the road and can be more risky for drivers during an accident.

Overall we are please with the second round of rules but ask that you incorporate the above feedback which we believe will lead to greater safety for workers and pedestrians and cyclists in New York City.

Thank you for your time and dedication to this process.

ALIGN: The Alliance for a Greater New York

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ALIGN is a local affiliate of Jobs with Justice and the Partnership for Working Families



Northeast Region

Tuesday, April 13, 2021

Via Email: rulecomments@dny.nyc.gov
SArrona@bic.nyc.gov

Dear DSNY CAPA Process Administrator:

The NYC Chapter of NWRA (hereafter the chapter) today, submits these written comments, in addition to our oral comments made earlier today, on the jointly proposed DSNY Commercial Waste Zone safety rules and BICs Title 17 rules to improve traffic and vehicle safety in the trade waste industry.

As we have said before generally when commenting in CAPA proceedings, we hope our thoughts and perspectives reveal well for city officials the kinds of issues we -- as trade waste licensees and future commercial waste zone awardees -- will encounter when all manner of proposed rules under consideration are eventually adopted and implemented.

We believe in high safety standards and performance. These proposed regulations will move the safety needle for trade waste operations in NYC positively both now and in the future. While overall supportive of these proposed rules, we will use this opportunity to note some areas where we have varying degrees of concern, should they not be modified prior to final adoption.

BIC Proposed Rules

Section 1

Generally the chapter sees no problem with the merits of the kinds of record keeping tasks to be required in this section. We do, however, have concerns about the various sets of records being required to be kept in various vehicles. We believe that this will end-up causing severe administrative management problems for licensees as drivers and helpers are not office workers and the cab of collection and other trade waste vehicles are not a good place for filing and hosting records. We would propose, in the alternative, that these records be available upon demand by city officials as opposed to in the trade waste licensee's vehicles.

Section 3

Compliance with applicable laws. We believe this is an important statement to make and to be crystal clear about safety being a trade waste regulated concern of the BIC.



Steve Changaris, Northeast V.P.

508 868 4523

Section 4

Regarding hours of service and establishing what is a pattern of unsafe practices. We agree that compliance to the federal hours of service requirements should be maintained and is the standard we operate under today.

Furthermore, we recognize the need to call out and decrease unsafe practices. We have some questions and great practical concerns though about establishing the four incidents over six-month period trigger – in the aggregate -- as proposed. The unsafe practices enumerated are: backing-up; prohibited u-turns; obeying traffic lights; driving in proper roadway direction; obstructing bike lanes, sidewalks, bus stops, crosswalks or intersections; and not riding on the back of the collection vehicle.

We are concerned about how this unsafe practice rule will apply relative to the size and scale of various trade waste company operations. The risk exposure and likelihood of triggering this unsafe practice rule will likely increase as an operator has more trucks and its drivers are working more hours. How -- or will - - the BIC and DSNY address these size and scope issues with a hard four incident trigger? Also, we believe that the proposed unsafe practice criteria -- from the safety perspective -- are sound except for the obstruction of the bike lanes, sidewalks, bus stops and crosswalks. We call for the removal of this obstruction criterion in these instances as an unsafe practice. If it will not be removed, we then ask for an exception be added that it not apply while trade waste licensees or CWZ awardees are actively engaged in collecting materials. We call for this since there is no other option – many times per route -- than to do these things while we are on our routes getting the commercial trade waste material set-out by the City's commercial waste and recyclable material generators.

Section 5

Generally, like most of these proposed regulations, we welcome this section on specifications and inspections as we believe they too will help move the safety needle positively.

We reiterate our concerns about the impracticality of keeping inspection records in each vehicle. We propose in the alternative that they be made available upon demand when needed or appropriate.

Obstructing the windshield; we understand the concerns here and we share them. That said, there are new and emerging electronic based safety systems that take up space in our truck cabs. These systems represent overall operational and safety improvements. We are genuinely concerned if the use of any one of these systems might trigger a violation of this section. Technical guidance issued here by city officials after consultation with industry members would be greatly welcomed by trade waste licensees.

Section 6

The worker training requirements are clear and to the point. Here again we request technical guidance be issued in this area also by city officials to further ensure the standards and efficacy of the training is attained across all covered trade waste licensee employees.

Section 8

This section is about specifications and inspection requirements for BIC registrants. Our concerns with the kinds of proposed changes and additional regulations are noted earlier in these comments.

Sections 9 and 10

This regards the operations and training of BIC registrants. Our concerns with the kinds of proposed changes and additional regulations are noted earlier in these comments.

DSNY Proposed Rules

20-50 Safety Records

We generally support these new requirements as noted in the corresponding BIC section above. We again reiterate our concern with the various records being kept in the vehicles. This will be an administrative issue for all parties. Making them available upon demand will be both more effective and efficient.

20-51 Safe Vehicle Operation

We generally support these new requirements as noted in the corresponding BIC section above. We again note our concerns with the aggregate four unsafe practice trigger. Also we have great concerns with the blocking of bike lanes, sidewalks, bus stops and crosswalks as being trigger events for the reasons noted earlier.

20-52 Vehicle Inspections

We generally support these new requirements as noted in the corresponding BIC section above. We again reiterate our concern with the various records being kept in the vehicles. This will be an administrative issue for all parties. Making them available upon demand will be both more effective and efficient.

20-53 Cross-over mirrors; obstructions to the windshield

We generally support these new requirements as noted in the corresponding BIC section above. Regarding obstructions to the windshield; we understand the concerns here and we share them. That said, to reiterate, there are new and emerging electronic based safety systems that take up space in our truck cabs. These systems represent overall operational and safety improvements. We are genuinely concerned if the use of any one of these systems might trigger a violation of this section. Technical guidance issued here by city officials, after consultation with trade waste industry representatives, would be greatly welcomed by trade waste licensees.

20-54 Back-up Cameras

We are supportive of this new requirement.

20-55 Auxiliary exterior lighting

We are supportive of this new requirement.



20-56 Telematics systems in commercial waste vehicles

This is big change and the data sought is very aggressive, very state-of-the-art. This will be costly to the city, to our trade waste customers and we have concerns about some of the real time access issues contemplated by this section. The overhead cost to achieve the prescribed regulations may well exceed the safety and informational value of the information sought on this proposed real time basis. We question what city officials will do with all this data being streamed virtually 24 hours a day for six or seven days per week. If this kind of telematics systems use is the new standard the city is planning to establish, we believe there are many more practical ways to gather and retain this information and then have it available to city officials, than is written in this section. This section will be improved if withdrawn and then included in the contract terms with CWZ awardees.

20-57 Cab-over design requirements for commercial waste vehicles

We are generally supportive of this new requirement.

Thank-you for your review and consideration of our comments.

Respectfully submitted,

/electronically signed/ with hard copy in USPS 1st class mail

Steve Changaris

NYC NWRA Chapter Director

Comments from Stephen Leone, President, Industrial Carting on DSNY Proposed Rule Relating to Public Safety Requirements for Carters Operating in Commercial Waste Zones

Industrial Carting is a Brooklyn-based, third generation waste and recycling removal company, serving New Yorkers for over 90 years. Along with its sister company which owns a recycling facility, Emerson Recycling Corp., Industrial Carting is located in Clinton Hill, Brooklyn and operates primarily in the proposed Brooklyn West Commercial Waste Zone.

The company has been consistently committed to providing the best customer service possible, while minimizing our impact on the environment and quality of life. We have been ahead of the curve, evident through our environmentally friendly fleet of cab-over trucks, equipped with onboard 360 camera systems and side guards, and our work to reduce emissions and miles travelled, improve pedestrian and cyclist safety, reduce noise pollution, and more.

Ultimately, we are pleased to see City leadership and the Department of Sanitation (DSNY) working to improve the commercial waste hauling system to improve and advance public health, safety, and the general welfare of all New Yorkers.

In order to ensure the City meets its goals through this program, and businesses are best served, we advocate for a scoring advantage for locally owned and operated carting companies. We believe that local companies will be more accountable and responsive in customer dealings, and that operating in their local areas will add an extra incentive to operate safely and sustainably. Additionally, rules promulgated through this process must be accommodating to awardees, considering that there is no guaranteed market share within a zone.

It is also necessary to note that there need to be more guard rails against predatory pricing. The Department must also promulgate rules that acknowledge and address downward fluctuations in the value of recyclables, and provide awardees protections against a recycling market unable to fully accept all volumes of materials collected.

Specific Responses to Proposed Rules

§ 20-56 Telematics Systems in Commercial Waste Vehicles

Regarding the real time transmission of telematics information to DSNY, the Department ought to outline and promulgate rules and expectations for how this data will be used and stored.

§ 20-56 f: Regarding Telematics Systems Malfunction

§ 20-56 Section f outlines that when “any material feature of the telematics system of a commercial waste vehicle is not functioning, the commercial waste vehicle must not operate for more than 48 hours following the start of the malfunction or the timely filing of an incident report, whichever is later, until the system is repaired.”

Currently there are not rules governing when a telematics system must be repaired. Under the proposed rules, a properly functioning \$300,000 truck could be placed out of service due to an auxiliary piece of equipment being inoperable, and it is financially and operationally burdensome for an awardee to have a fleet of unused trucks to take its place. If such rules are to be promulgated, they must take into account the process for repairs – which are done through outside vendors and are often subcontracted out.

The company ought to be permitted to show documentation that proves intention of repair, instead of putting a truck out of commission. This proposed rule risks a company's ability to properly provide service to all of their customers.

Additionally, the rule ought to also take into account the possibility that the telematic system malfunction is the fault of the vendor.



DSNY hearing on rules for commercial waste zones

April 13, 2021

Testimony of Lauren Pine, Families For Safe Streets

Hello, my name is Lauren Pine and I am a member of Families for Safe Streets.

On November 15, 2017, I was crossing with the light in the crosswalk and was struck and dragged by a ten-wheel dump truck making a right turn. Watching the surveillance video, the truck had not slowed before turning, even after a cyclist went past on the adjoining street immediately before.

Thankfully, bystanders yelled at the driver to stop. He had not even seen me and may just have kept going.

An avid cyclist in NYC for over 24 years, I couldn't believe this was happening to me. I was awake the entire time, my left leg was pinned under the driver's side tire. Someone at the scene filmed me laying in the street, bleeding out after the driver backed up. That video is available online should you wish to see the horror of what being injured in a crash looks like.

I was rushed to Bellevue Hospital, where I was put into a medically induced coma for four days. My leg was amputated in three stages. They eventually had to perform a hip disarticulation amputation, completely removing my femur. My broken pelvis had to be stabilized with an external fixation rod, due to high infection risk it could not be internally repaired. It is now uneven, causing pain when sitting or when wearing a prosthesis.

The skin on my remaining leg was degloved, all the subcutaneous fat on almost my entire thigh was immediately ripped from the muscle, which makes it impossible to reattach. Donor skin from my entire back was peeled off and used as a skin graft to cover my leg. I remained in ICU care for two months, one month in inpatient rehabilitation, and several months in outpatient rehab. I have residual nerve damage and foot drop in my right leg, requiring me to use a brace and crutches in addition to a prosthetic leg that weighs 17 pounds and is only operated using lower abdominal muscles.

I live alone. My family had to come from the west coast to take care of me for the first year, taking turns and using all of their leave from work. My sister even left her job to live with me for six months. I suddenly found myself on disability, which is not a living wage. I have to rely on the charity of my community just to live day-to-day with expenses. I cannot walk more than a few blocks, and rely on Access-a-Ride for Para-transit, which can take many hours just to go to and from one medical appointment.

People may complain about the cost of making the changes proven to prevent crashes, but failure to do so also comes not only with a horrific cost of lives lost and forever altered. It also has huge costs to individuals and to our City which often bears the costs in lost wages, medical bills, emergency services, and more.

I am here to give a face to this epidemic and show you what life is like for the thousands of people seriously injured in traffic crashes each year. Crashes like mine are preventable and I am fortunate to be alive.

The private waste collection trucking industry claimed the lives of more than 22 people since 2016, including this past weekend. Today, large vehicles, including waste hauling trucks, account for 6 percent of vehicles on the road in NYC, yet are involved in approximately 20 percent of crashes where pedestrians are killed or seriously injured. Between 2018 and 2020¹, the city's largest trade waste hauling companies were involved in 85 crashes, a terrible increase of 140 percent over the previous six years.

If there is any silver lining to my story, it is that even if I cannot return to my former career as a medical surgery nurse in a cancer center, I can use my voice to support legislation and rules to end this epidemic. I am here in support of the long overdue reform of waste collection in our city and support the zoning solutions proposed today, which will cut down on the miles travelled by these lethal trucks and reduce the risk of others being injured like me. Today you are also considering other safety measures. I implore you to also implement those changes in their strongest possible form, as well as every other possible safety measure available to protect people like me and those working on our streets in the waste industry each day.

Thank you for your time.

¹ Source data for this report published by the Federal Motor Carrier Safety Administration (FMCSA) was accessed in early December, 2020, approximately one year after the passage of the Commercial Waste Zone Law (Local Law 199 of 2019).

From NYCRULES Website

Nuala O'Doherty

The private carting industry for too long has skirted around basic safety issues. We must mandate these critical safety measures to keep pedestrians, cyclists, other drivers, and the carting industry workers safe.



NYC-EJA Testimony on the Public Safety Requirements for Carters Operating in Commercial Waste Zones

April 13, 2021

My name is Dr. Tok Michelle Oyewole, and I am testifying on behalf of the New York City Environmental Justice Alliance (NYC-EJA).

Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their fight for environmental and climate justice.

For decades, NYC-EJA has led efforts for comprehensive policy reforms to address the disproportionate burden of New York's solid waste system on a handful of environmental justice communities. The impacts of the solid waste system are greatest in a few low-income and communities of color where truck-dependent transfer stations are clustered, causing higher proportions of health consequences such as asthma, heart disease, and various cancers, in addition to a variety of physical safety hazards (accidents, damage, intimidation, etc.).

We are here today to advocate alongside other members of the Transform Don't Trash coalition to express support and concerns regarding the proposed safety rules. One primary theme of our testimony is that public safety relating to commercial waste is inclusive of more than just vehicle design and driving practices, even while these are critical pieces of the picture.

We are pleased to see many current emphases within the proposed rules, including the requirement of telematics/ GPS system on trucks, and particularly their use in monitoring vehicle miles travelled.

Today we urge that the safety rules for truck design requirements do not preclude, and in fact build in room for the transition to different types of electric vehicles for waste transport. Additionally, we urge that the specific concerns of small-scale microhaulers can be addressed as they relate to the use of different types of zero- and low- emissions vehicles.

Critically, the rules pertaining to vehicle inspections should add engines among components regularly monitored, to ensure that there is not an excess in particulate matter (PM) 2.5 emissions during this time when waste vehicles are still powered by polluting fossil fuels.



In addition to prevention of road blocking, we hope to see that the truck engines are not idling for extended periods of time. We also hope to see carters financially accountable for road and other damage, particularly in overburdened neighborhoods.

We hope to hear about facility compliance later, and today remark that it is an important part of considering safety. We particularly want to see facilities that have not been in compliance with laws relating to public health and safety either 1) not contracted with in the Commercial Waste Zones (CWZ) system or 2) brought up to code without any further delay. These compliance issues include things like building codes, odors, and leachate.

And last, safety includes relationships and the ability to be transparent. In Southeast Queens for example, there have been reports of intimidation of members of the public by carting/transfer station companies, which breeds a system where hazards and concerns can not be safely reported without fear of retaliation.

Thank you for the opportunity to raise these urgent concerns. We encourage you to invest in the development of long-term waste reduction and waste equity plans, to reduce burdens unjustly faced by a handful of communities in and out of NYC, to transition to safer vehicles and facilities, and to better preserve our planet's limited resources.



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**Testimony of Corey Schoellkopf at
The Department of Sanitation and The New York City Business Integrity
Commission Public Hearing on Proposed Rule Establishing Safety
Requirements for Carters Operating in the Trade Waste Industry
Dated April 13, 2021**

Good morning, my name is Corey Schoellkopf, and I am a legal intern working with the Environmental Justice Program at New York Lawyers for the Public Interest (“NYLPI”). NYLPI’s Environmental Justice program has worked to make the city’s waste system safer and more efficient for over two decades. NYLPI is a member of the Transform Don’t Trash coalition, and together with our coalition partners, we have spent over seven years advocating for a systemic overhaul of the city’s private waste system, and so it is exciting to be here today, as the next step of transforming the industry is taking shape.

I would like to thank the Department of Sanitation and Business Integrity Commission, along with their staff, for putting forward such comprehensive safety requirements for workers and vehicles used in the collection, removal, transportation or disposal of trade waste. The current waste system has a long history of dangerous conditions for drivers and the public at large, and has caused hundreds of injuries and multiple fatalities over the years. Additionally, the current waste system’s inefficiency has had a negative environmental impact. The commercial waste zone system, and the implementation of more robust traffic and environmental safety requirements, is a huge advancement for public safety, the safety of private sanitation workers, and the reduction of the environmental impact of waste removal, particularly on environmental justice communities.

The proposed rule takes the key pieces of Local Law 199 regarding safety in the waste industry, and begins to put them into action, which will make concrete improvements in the day-to-day operations in this industry. In particular, we are pleased to see the robust vehicle safety requirements in the rules, the specific safe vehicle operational requirements, and the number of environmental considerations that have likewise been made a part of these rules.

In particular,

Vehicle Safety Requirements

- The proposed rules mandate annual and daily commercial waste vehicle inspections;
- and assert explicit repercussions for failing to comply with safety requirements, including the immediate removal of any trade waste vehicle from service.
- This is critical because:
 - as TDT's report released this week, Still More Dangerous, indicates, many of the current threats to safety are caused by aging commercial waste vehicles in disrepair, and the new requirements will ensure they're taken out of service, improving safety for the public and workers.

Safe Vehicle Operation Requirements

- The proposed rules establish comprehensive safety training requirements for operators of commercial waste vehicles;
- and require the maintenance of accurate time records for each vehicle operator.
- This is critical because
 - Currently, many accidents occur due to overworked and fatigued operators who are pressured to finish long and inefficient routes in unrealistic time frames, and as a result frequently violate traffic safety rules.

Environmental Considerations

- The DSNY proposed rule imposes a comprehensive telematics system requirement for commercial waste vehicles which will allow DSNY to monitor compliance with safety rules, and hold carters accountable.
- This vehicle equipment requirement is critical because:
 - it will ensure that the commercial waste zone system is efficient, safe, and transparent;

- and that the environmental impacts of the commercial waste system are minimized.

Aside from commenting in strong support of the proposed Rule, we also have the following proposals to further advance the spirit of Local Law 199 and raise safety standards for workers and the public with these rules:

- §16-1008 of Local Law 199 specifies certain worker training requirements that are not delineated in the rules, including:
 - that each designated carter shall provide for a worker safety training program at no cost to its workers; and
 - the requirement that such training “shall consist of no less than 40 hours, of which no fewer than 16 hours shall be dedicated to classroom instruction.”
 - **We would like these specific worker training requirements to be reiterated in the rules.**
- The worker training requirements in the proposed Rule echo the minimum training requirements delineated in Local Law 199. **We would like to see additional training requirements, including a required pre-training program for drivers before they are put on commercial waste vehicles, and a significant training program for helpers.**
- §16-1005 of Local Law 199 lists categories of records that should be maintained by awardee and designated carters, including customer complaints. **As customer complaints may relate to safety, there should be rules included in this set that require the maintenance of safety-related complaint records, in addition to the records specified by the rules.**
- §20-52(b) of DSNY’s proposed rule states that a commercial waste vehicle must not be operated unless the operator is satisfied it is in safe operating condition. In addition to this requirement, **we would like the rules to include a way for an operator to report if they are forced to operate an unsafe commercial waste vehicle, and if such a report is made there should be immediate action taken by the city.**

- §20-51(b) of the proposed rules outline instances of prohibited conduct that would constitute a pattern of unsafe practices, and §20-51(b)(6) prohibits an individual from riding on or clinging to the outside of a commercial waste vehicle while the vehicle is operating on a roadway. In addition to this provision, **we would like there to be a requirement to remove the rear step from the back of the truck in order to physically prevent people from riding there.**
- §20-54 of DSNY's proposed rule require every commercial waste vehicle be equipped with a back-up camera by January 1, 2026. BIC's rules have no such requirement. While we understand that there must be a phase-in period for these rules, page 6 of DSNY's Statement of Purpose acknowledges that there have been fatalities and injuries that have resulted while a trade waste vehicle was backing up. Because back-up cameras, according to data, will decrease the risk of public harm, **we would like back-up cameras to be required in commercial waste vehicles sooner than January 1, 2026. With the rules process as notice, we feel that back-up camera installation in commercial waste vehicles can be accomplished by January 1, 2023. This gives companies almost a 2-year period to phase in this regulation.**
- §20-55 of DSNY's proposed rule require auxiliary lighting on every commercial waste vehicle by January 1, 2026. BIC's rules do not have this requirement. DSNY highlights the danger of low visibility at night, when the hauling of commercial waste primarily occurs. **Because auxiliary lighting will reduce the risk of injuries and fatalities for the public and for sanitation workers, we would like the rules to call for this implementation before January 1, 2026. With the rules process as notice, we feel that auxiliary lighting in commercial waste vehicles can be accomplished by January 1, 2023. This gives almost a 2-year period to phase in this regulation.**
- §20-57 of the proposed rule requires a cab-over design for commercial waste vehicles to be phased-in. **Cab-over designs offer less protection between**



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drivers and the road, and therefor can be riskier for drivers during an accident. We therefore believe that this rule should be reconsidered.

We look forward to seeing the commercial waste zone be implemented, with the inclusion of the robust safety rules from the Department of Sanitation, and in the meantime from the Business Integrity Commission.

Thank you.



WASTE CONNECTIONS
Connect with the Future

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April 13, 2021

Via electronic submission: nycrules@dsny.nyc.gov

New York City Department of Sanitation
Bureau of Legal Affairs
125 Worth Street, Room 710
New York, NY 10013

Re: Proposed Safety Rules

Dear Department of Sanitation and Staff:

Waste Connections of New York, Inc. (“Waste Connections”) appreciates the opportunity to provide comments on the proposed rules that would establish requirements for carters operating in commercial waste zones related to public safety. For Waste Connections, safety is and always will be our number one operating value. Waste Connections has a proven record of industry-leading safety performance, robust and ongoing training, and efficient, well-run operations. We welcome the proposed regulatory enhancements and these comments are offered in the spirit of improving the regulations and increasing safety.

Section 20-50 (b) – This provision requires inspection, certification and repair forms to be kept inside a truck for at least 12 months. Generally speaking, there is not a lot of room inside a truck’s cab. Modern cabs have computers, safety equipment, fans, radios, first aid kits and more, making it a crowded space. This provision that requires one year’s worth of inspection, certification and repair forms (along with subsection (c)’s requirement of 30 days of inspection reports) simply requires too much paperwork to be kept inside a vehicle. All this information, beyond which is already required by the Federal Department of Transportation, can be safely stored at an Awardee’s site and quickly made available upon request. This in-truck storage provision, along with 20-50(c), is an increased burden and cost that does not increase safety even marginally. In fact, we believe it potentially hinders safety as it makes the cab more cluttered and adds another chore for the driver who should otherwise be focusing on his or her pre-trip inspection.

Section 20-50 (c) – This section requires 30 days of vehicle inspection reports be kept inside a truck and stored for five years. This is much longer than required by the Federal Department of Transportation. Again, for the reasons set forth in 20-50(b), all this information should not be needed inside a crowded truck cabin. It can be safely stored off-site and produced upon demand.

Section 20-51 (b) – This provision defines “patterns of unsafe practices”. We note that unsafe practices one through four and six all involve moving violations. Number five, however, is more in the nature of a parking violation which does not fit with the other instances. Parking violations do not accrue against a driver or vehicle owner’s record once the violation is paid. Similarly, we do not believe this infraction should be counted as part of a pattern.

Absent this change, this provision should be amended to include an exception for commercial waste vehicles actively engaging in waste, recycling or organics collection. If this proposed regulation is not modified, our workers will be endangered by having to cross an active bike lane at night under low visibility conditions. The choice is either blocking a bike lane or blocking traffic. When the traffic lane is blocked, we endanger our workers by subjecting them to a potential automobile collision. The burden should be on the bicyclist, who can see our lit up truck, to stop and walk around our vehicle. As written, the regulations require our workers to cross the bike lane several times in order to transport material to the truck.

Finally, we do not believe a fixed number should aggregate to a violation absent a formula that considers the number of company trucks, number of customers, and vehicles miles traveled.

Section 20-53 – The proposed rule states that nothing may be placed or suspended in or on the vehicle or windshield so as to obstruct the operator’s vision through the windshield or other windows. We are concerned that this statement is too broad as literally anything mounted on a windshield including a rearview mirror and registration sticker are technical obstructions. We mount camera systems, monitors, radios, and other safety equipment on the windshield and do not want them to be considered obstructions.

Section 20-56(c)(1) – This provision requires that real time “diagnostic information” be provided in real time. This requirement, as written, is too broad. We request additional specificity.

Waste Connections appreciates the opportunity to comment on these proposed safety rules and we look forward to continuing to work with the Department on this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew Moss". The signature is stylized and cursive.

Andrew Moss
Northeast Government Affairs Manager