



sanitation

Kathryn Garcia Commissioner

Testimony of Kathryn Garcia, Commissioner

Oversight Hearing on the New York City Department of Sanitation Snow Plans for the 2018-2019 Snow Season and Intro No. 619

New York City Council Committee on Sanitation and Solid Waste

Wednesday, October 24, 2018 10:00 A.M.
250 Broadway, 14th Floor Committee Room

Good morning Chair Reynoso and members of the Committee on Sanitation and Solid Waste. I am Kathryn Garcia, Commissioner for the New York City Department of Sanitation. With me here today is First Deputy Commissioner Steven Costas. I would like to thank Chair Reynoso and the members of the Committee for holding this hearing to discuss with you the Department's Draft Snow Plans and our preparedness going into the upcoming 2018-2019 snow season.

In accordance with Local Law 28 of 2011, our Draft Snow Plans detail the Department's snow-fighting procedures from planning and preparedness to implementation. The Plans identify how we will allocate personnel and equipment resources in each borough and district, the coordination of services among agencies, and customer service protocols. We will consider all comments and recommendations received by elected officials on our draft Plans, and then we will publish the Final Borough Snow Plans on the Department's website by November 15th.

As this is the first snow hearing of this Council session, I'd like to walk through a basic refresher of our snow fighting planning and procedures. While the Department's workforce, and its vehicles and equipment, appear most visible in the public eye in the wintertime, the Department's preparation and planning process for each year's snow season is actually continuous throughout the year. Following each winter snow season, the Operations Office performs a review and assessment of its response to all storms during the previous season. The Department makes operational changes and adjustments, such as improving training and improving communications protocol, as we deem necessary.

In the spring and summer, agency staff review over 1,400 snow routes in all five boroughs and revise them as necessary based on the prior year's experiences. We also make adjustments for any changes that have occurred in the physical cityscape along a particular route, such as the construction of a new school or changes to traffic patterns. DSNY also performs preventative maintenance on all snow-related equipment and upgrades equipment as necessary.

Also in the months before the snow season begins, the Department ensures it has adequate equipment, parts and supplies to carry out our Snow Plans. We establish contracts with multiple vendors to replenish our salt stockpiles, and salt and calcium chloride are delivered to Department storage locations located in each borough. The Department ensures that it has sufficient snow chains on hand to have an adequate supply for the snow season.

The Department also holds winter operations training for Sanitation Workers from September through December each year. Training includes spreader operation, attachment of plows and chains, use of two-way radios and the use of Magellan return-to-route navigation. In total, this fall our employees will receive a total of more than 50,000 hours of snow training.

We also conduct a full-scale snow drill in late November, once the Night Plow season begins, to get everyone in "Snow Mode". This important exercise involves all Department divisions, including both operational and administrative functions. During Night Plow operations, the Department increases staffing on night shifts to ensure sufficient coverage for snow or winter weather. This year the Night Plow season will begin November 13th.

In order to formulate an effective snow removal plan, the Department has designed its snow-plowing routes into three classifications:

- Critical Routes are comprised of highways, major roadways, bus routes, and areas around schools, hospitals, police stations and firehouses.
- Sector Routes encompass other streets and are laid out in a compact, efficient manner to eliminate redundant travel miles.
- Haulster Routes service dead ends and streets that cannot be serviced with a standard collection truck or salt spreader. The Department maintains a fleet of smaller haulster plows to provide specialized service to these narrow areas.

During a heavy snowstorm where significant accumulation is expected, the Department begins plowing the critical, sector and haulster routes all at the same time, thus providing timely service for all residents. The Department began phasing in this sector approach in 2014, and we have used sector routes citywide for the last two seasons.

Throughout the winter season the Operations Office monitors weather forecasts through its contracted weather reporting services around the clock. When forecasts call for a potential snow event, the Department issues a "Snow Alert" to inform our staff, other city agencies and the public. Ahead of significant snowfall, the Department splits personnel into two 12-hour shifts – one from 7:00 a.m. to 7:00 p.m. and the other from 7:00 p.m. to 7:00 a.m.

At the onset of a snow event, the Department deploys salt spreaders to reduce the accumulation of snow and prevent the formation of icy conditions on more than 19,000 roadway lane miles across the five boroughs. Throughout the duration of a storm, Department field managers constantly monitor roadway conditions, equipment use, and variations in weather patterns. Our field officers report this information on an hourly basis back to their respective borough commands, which is then relayed to our Operations headquarters.

Salt spreading operations continue for the duration of the snowfall. Once the snow accumulation becomes greater than two inches, the Department deploys its snow plows. Plowing operations continue until all of the City's traffic lanes are passable. Following the completion of all roadways, we begin clearing bike lanes, bus stops, crosswalks, and other pedestrian infrastructure.

In recent years the Department has acquired additional snow equipment to more effectively remove snow from narrow streets, especially during storms with accumulations over 12 inches. Thanks to these investments, the Department now has a total of 695 large and small salt spreaders in our snow-fighting fleet, as well as 41 snow melters. This fleet not only makes us better prepared to respond more effectively to large snowstorms but also improves our ability to respond to ice storms and other types of frozen precipitation where plows alone are ineffective.

In addition, the Department and DoITT made PlowNYC available in near real-time to the public and software developers through the City's Open Data Portal. For the 2018-2019 season, the data will again be made available during snow events, with plow status being updated several times per hour.

The Department's snow budget for Fiscal Year 2019 is \$97.8 million. The Department has adequate staffing, with more than 6,400 Sanitation Workers available to manage this winter's snow and ice storms including 441 new Sanitation Workers inducted at a ceremony last week. We also have available approximately 300,000 tons of road salt stored at over 42 locations citywide, with contracts in place to deliver an additional 600,000 tons as necessary.

The Department makes every effort to clear snow and ice from the City's highways, streets and bicycle lanes as expeditiously as possible, but this can be an extended process when persistent or heavy snowfall occurs combined with falling temperatures and high winds. Because every storm brings different challenges which impact the speed with which the streets are cleared, including storm intensity, temperature, time of day and accumulation, we ask the public to be patient and allow Department workers, who are performing under tough and often brutal conditions, to safely complete their tasks timely and effectively.

Intro No. 619

I will turn my focus now to Intro No. 619. As proposed, this bill would impose higher civil penalties against chain businesses that fail to remove snow and ice from the sidewalks, as currently required under Section 16-123 of the New York City Administrative Code. The legislation defines a chain business as any establishment that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined under the New York State General Business Law.

The bill would increase civil penalties for any chain business meeting the proposed definition to \$500 to \$1,000 for a first time violation, \$1,000 to \$3,000 for a second violation within a twelve-month period and \$3,000 to \$5,000 for a third or subsequent violation within a twelve-month period.

Clearing sidewalks after a snowstorm is the law. Property owners and businesses – large and small – have an obligation to make our sidewalks safe for pedestrians after a snowfall. Doing so is not only a legal requirement, but it is also an obligation as a neighbor and community partner. We expect the same partnership and level of compliance from chain establishments as we do from mom-and-pop stores.

I have heard from a number of residents, community groups, and elected officials about concerns that certain chain establishments, whether banks, office supply stores, pharmacies, or restaurants,

routinely fail to clear their sidewalks. And many of these businesses are delinquent at keeping them clean in warmer weather as well.

We strongly support efforts to hold violators accountable, especially those that repeatedly fail clear their sidewalks, as they impede mobility and create dangerous conditions for New Yorkers. I look forward to continued discussions with this Council on steps we can take to hold these violators accountable and keep our sidewalks safe this winter season.

Conclusion

In closing, I want everyone to be assure that snow-fighting is a core component of the Department's mission, and our workforce understands that their performance is critical to keeping this City functioning 24/7. As we approach the official start of the 2018-2019 snow season, I'm confident that the Department's workforce can and will respond quickly and effectively to any major snow event. I look forward to your input and suggested comments on our Draft Snow Plans.

My staff and I are now happy to answer your questions.

October 24, 2018
TESTIMONY OF LAWRENCE A. MANDELKER for
THE NEW YORK METROPOLITAN RETAIL ASSOCIATION (NYMRA)
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT
Chair: Hon. Antonio Reynoso
NYC COUNCIL INTRO 0619 (2018)

Chairperson Reynoso and members of the Committee: I represent NYMRA, the New York Metropolitan Retail Association, an organization of national chain retailers with stores in the City of New York. Thank you for providing us with an opportunity to discuss this bill with you.

Administrative Code §16-123 requires a business having charge of any building abutting a street where the sidewalk is paved to remove snow, ice, dirt or other material from the sidewalk or gutter within 4 hours (excluding the period from 9 pm to 7 am). If the snow and ice is frozen too hard to move without damaging the pavement, the business is required to strew ashes, sand, sawdust or the like on the abutting sidewalk. Violations are punishable by fines up to a maximum of \$350, imprisonment for up to 10 days or both. The City can also remove the snow, ice or dirt and charge the business for the cost of removal.

Intro 0619 would increase the maximum fine from \$350 to \$5,000 if the violator is a chain business. A "chain business" means any establishment that is part of a group of establishments that share a common owner or principal who owns at least 30% of each establishment, where the establishments engage in the same business or operate pursuant to franchise agreements with the same franchisor.

Apparently, the sponsors believe that the current level of fines is insufficient to deter violations of Section 16-123. However, no data has been presented to define the problem that this legislation purports to address. No data has been provided that would demonstrate that chain businesses are the source of the problem as opposed to schools, universities, hospitals, government or even other large non-chain businesses such as operators/managers of large office or multi-family buildings, hedge funds, investment banks, large cap public corporations and the like.

NYMRA's members are retailers. Retail is the fourth largest source of jobs in the City following financial services, health care and professional/technical services. But our jobs are open to all without years of training and certification, and no barriers preventing a stock clerk from rising to the highest level of management. Over the past number of years, the City has imposed many requirements on us, each worthy, but each bearing a cost.

All of your constituents are our customers. We are forced to operate on small profit margins that are sensitive to every cost and expense that government and the market impose on us. Either we pass the cost on to our customers or lay employees off in our brick and mortar stores and increase online operations. We have been warning about this for years; and it has now come to pass.

The cost of this bill will fall on our customers – your taxpayers—and our employees – your constituents. Intro 0619 will unduly burden NYMRA'S members without having a correspondingly ameliorative effect on the problem the bill purports to address. Accordingly, and for that sole reason, NYMRA opposes adoption of the bill.

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10-24-2018

(PLEASE PRINT)

Name: STEVEN COSTAS

Address: FIRST DEPUTY COMMISSIONER

I represent: FOR OPERATIONS

Address: NYC DEPT. OF SANITATION

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Date: 10-24-2018

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Name: KATHRYN GARCIA

Address: COMMISSIONER

I represent: NYC DEPT OF SANITATION

Address: _____

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THE CITY OF NEW YORK**

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in favor in opposition

Date: 10-24-2018

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Name: Lawrence A. Mandelker

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I represent: New York Metropolitan Retail Assoc

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Please complete this card and return to the Sergeant-at-Arms