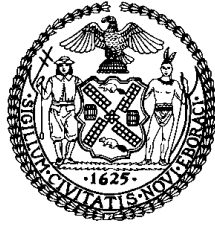


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THE COUNCIL OF THE CITY OF NEW YORK
COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION
Jeffrey T. Baker, Legislative Director
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COMMITTEE ON TRANSPORTATION
Hon. Ydanis Rodriguez, Chair

June 18, 2020

PROPOSED INT. NO. 1354-A

By Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins, Maisel, Levin, Adams, Rivera, Kallos, Ampy-Samuel and Ayala

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixer trucks

ADMINISTRATIVE CODE:

Amends subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York by adding a new section 19-159.4

INTRODUCTION

On June 18, 2020, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 1354-A, a local law in relation to requiring certain spillage prevention equipment on concrete mixer trucks. This is the second hearing that the Committee has held on this legislative item. The first hearing on Int. No. 1354 was held on October 24, 2019. At that hearing, the Committee heard testimony from the Department of Transportation (DOT), the New York City Police Department (NYPD), advocates, and other interested stakeholders.

BACKGROUND

Vision Zero

In January 2014, Mayor Bill de Blasio announced that his Administration would commit to a “Vision Zero” initiative aimed at eliminating traffic fatalities from the City’s streets by 2024, especially those involving pedestrians and cyclists.¹ Vision Zero seeks to achieve its goals in a number of ways, including street redesigns and roadway enhancements, more effective enforcement strategies, regulatory and legislative changes, robust public education and awareness, and safety improvements to the City’s vehicle fleet.²

In order to reduce the likelihood of crashes and improve safety for pedestrians and individuals using bicycles, DOT has a toolkit of street redesign features that are meant to, among other things, change driving behavior and increase pedestrian and cyclist visibility. In 2018, DOT completed a total of 139 street redesign projects, 97 of which were located at Vision Zero priority locations, increasing the total number of projects since the start of Vision Zero to 495.³ According

¹ N.Y.C. Vision Zero Action Plan of 2014, available at: <http://www.nyc.gov/html/visionzero/assets/downloads/pdf/nyc-vision-zero-action-plan.pdf>

² *Id.*

³ City of New York, *Vision Zero: Year 5 Report* (Mar. 2019), available at <https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-5-report.pdf>.

to the City’s Vision Zero Year 5 Report, these “engineering projects took a variety of forms in 2018,” including pedestrian plazas, protected bike lanes, pedestrian islands, and raised crosswalks.⁴ Since the inception of Vision Zero in 2014, the city has seen a decline of more than twenty-five percent in the number of traffic fatalities.⁵

Bicycling

The popularity of bicycling in New York City is growing faster than both the City’s economy and population, at a pace twice as fast as in other U.S cities between 2010 and 2015.⁶ DOT reports that between 2007 and 2017, daily cycling in the City has grown 134% during that time period, with an estimated 490,000 daily cycling trips, up from 460,000 daily trips occurring in 2016.⁷

Estimates of Daily Cycling Activity by Year

	1980	1990	2000	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Bike Commuters (to work)	9,700	9,600	15,000	16,500	18,200	20,900	23,500	24,400	25,000	26,900	31,500	37,600	41,800	45,000	45,800	48,800
Bike Commute Trips (to work)	19,400	19,200	30,000	33,000	36,400	41,800	47,000	48,900	50,000	53,800	63,000	75,200	83,600	90,000	91,600	97,600
Total Daily Cycling Trips	100,000	100,000	150,000	170,000	180,000	210,000	240,000	240,000	250,000	270,000	320,000	380,000	420,000	450,000	460,000	490,000
Total Annual Cycling Trips (in millions)	36.6	36.5	54.8	62.1	65.7	76.7	87.8	87.6	91.3	98.6	117.1	138.7	153.3	164.3	167.9	178.8

Source: N.Y.C. Department of Transportation, *Cycling in the City, May 2019*

However, in 2019, approximately 787,000 New Yorkers rode a bicycle regularly (meaning they reported riding a bicycle at least once a month in a New York City Department of Health and Mental Hygiene Survey), down from the nearly 793,000 in 2018 and 828,000 that was reported in

⁴ *Id.*

⁵ New York City Office of the Mayor, *Vision Zero: De Blasio Administration Announces 2020 Major Projected Bicycle Lane Projects in Brooklyn*, The Official Website of the City of New York, (January 29, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/049-20/vision-zero-de-blasio-administration-2020-major-projected-bicycle-lane-projects-in#/0>

⁶ Transportation Alternatives, *BikeNYC 2020* (Nov. 2017), available at https://www.bikenyc2020.org/dl/BikeNYC_2020_Report.pdf.

⁷ N.Y.C. Department of Transportation, *Cycling in the City*, available at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

2017.⁸ Advocates have theorized that this reduction may be due to the lack of bike infrastructure in the outer boroughs.⁹

As of December 2018, there were roughly 1,240 miles of bike lanes in New York City,¹⁰ up from roughly half that in 2006.¹¹ According to DOT, the City installed 20.4 protected bike lane miles in 2018, bringing the number of overall protected bike lane miles in the city to 480.¹² However, the Administration fell short of its stated goal to install 30 miles of protected bike lanes in 2018.¹³ In 2019, the city installed an additional 21.4 of protected bike lane miles.¹⁴

On January 29, 2020, the city announced plans to create an additional thirty miles of protected bike lanes throughout this year, with at least ten of those miles being installed in Brooklyn due to the high number of cycling fatalities that occurred in the borough in 2019.¹⁵ As part of the plan, Manhattan will also get an additional ten miles of protected bike lanes in 2020.¹⁶ Since this announcement was made in January, the city, like so many other jurisdictions around the nation, has been impacted by the effects of the global COVID-19 pandemic. As such, the

⁸ Mayor's Management Report, p.259, September 2019, available at

https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf

⁹ David Meyer, *Fewer New Yorkers are cycling: city report*, N.Y. Post, September 17, 2019, available at

<https://nypost.com/2019/09/17/fewer-new-yorkers-are-cycling-city-report/>

¹⁰ *Id.*

¹¹ Winnie Hu, *More New Yorkers Opting for Life in the Bike Lane*, N.Y. TIMES, Jul. 30, 2017, available at

www.nytimes.com/2017/07/30/nyregion/new-yorkers-bike-lanes-commuting.html

¹² N.Y.C. Department of Transportation, *Cycling in the City*, available at

<http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

¹³ Gersh Kuntzman, *De Blasio Built 20.9 Miles Protected Bike Lanes This Year—Yet Falls Short of Record*, STREETBLOG NYC, December 19, 2018, available at <https://nyc.streetsblog.org/2018/12/19/de-blasio-falls-short-of-record-miles-of-protected-bike-lanes/>.

¹⁴ New York City Office of the Mayor, *Mayor de Blasio Announces Major Progress on Green Wave Plan to Make Streets Safer for Cyclists*, The Official Website of the City of New York, (February 19, 2020),

<https://www1.nyc.gov/office-of-the-mayor/news/087-20/mayor-de-blasio-major-progress-green-wave-plan-make-streets-safer-cyclists>

¹⁵ New York City Office of the Mayor, *Vision Zero: De Blasio Administration Announces 2020 Major Projected Bicycle Lane Projects in Brooklyn*, The Official Website of the City of New York, (January 29, 2020),

<https://www1.nyc.gov/office-of-the-mayor/news/049-20/vision-zero-de-blasio-administration-2020-major-projected-bicycle-lane-projects-in#0>

¹⁶ Julianne Caba, *Ten Miles of Protected Bike Lanes Coming To Manhattan This Year*,” STREETBLOG NYC, February 19, 2020, <https://nyc.streetsblog.org/2020/02/19/ten-miles-of-protected-bike-lanes-coming-to-manhattan-this-year/>

Mayor announced plans to implement cost saving measures to plug any potential budget gaps. These measures made cuts to infrastructure and transportation projects including delaying the implementation of the city’s “Green Wave” bicycle plan, described below.¹⁷

The National Association of City Transportation Officials defines a protected bike lane as one that offers “physical protection from passing traffic” in the form of “a parking lane or other barrier between the cycle track and the motor vehicle travel lane.”¹⁸ The City’s definition of a “protected” bike lane has recently been brought into question, making it difficult to track the Administration’s progress on building this infrastructure. Streetsblog reported that nearly a quarter of the City’s “protected” bike lanes installed in 2018 lacked such a physical barrier, offering cyclists “just green paint and prayer.”¹⁹ DOT responded to that criticism with the following statement: “a protected bike lane is a path intended for the use of bicycles that is physically separated from motorized vehicle traffic by an open space, vertical delineation, or barrier.”²⁰

Cycling Safety and Green Wave Report

Having a physical barrier that separates cyclists from traffic is imperative to cycling safety. A comprehensive report released by DOT in 2017 revealed that between 2006 and 2014, 3,395 cyclists were either killed or severely injured and that 89 percent of cyclist fatalities occurred on streets without bicycle facilities, like bike lanes.²¹ Research demonstrates that having physically

¹⁷ New York City Office of the Mayor, “Facing Unprecedented Crisis, Mayor de Blasio Unveils Budget Plan that Protects New Yorkers by Prioritizing Health, Safety, Shelter and Access to Food,” The Official Website of the City of New York, (April 16, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/259-20/facing-unprecedented-crisis-mayor-de-blasio-budget-plan-protects-new-yorkers-by>

¹⁸ National Association of City Transportation Officials, One-Way Protected Cycle Tracks, available at <https://nacto.org/publication/urban-bike-way-design-guide/cycle-tracks/one-way-protected-cycle-tracks/> (last accessed June 7, 2019).

¹⁹ Gersh Kuntzman, *FACT CHECK: City Did Not Build 20.9 Miles of Protected Bike Lanes This Year*, STREETS BLOG NYC, December 20, 2018, available at <https://nyc.streetsblog.org/2018/12/20/fact-check-city-did-not-build-20-9-miles-of-protected-bike-lanes-this-year/>.

²⁰ *Id.*

²¹ N.Y.C. Department of Transportation, *Safer Cycling: Bicycle Ridership and Safety in New York City* (2017), available at <http://www.nyc.gov/html/dot/downloads/pdf/bike-safety-study-fullreport2017.pdf>.

separated bike lanes improves bike safety and can reduce instances of cyclist injuries and death.²² A 2014 DOT report on protected bike lanes found a 74 percent decrease in average risk to a cyclist, a 22 percent reduction in pedestrian injuries, a 17 percent reduction in crashes with injuries, increased travel times and even increased retail sales along corridors with protected lanes.²³

According to Transportation Alternatives' BikeNYC 2020 survey, two-thirds of the City's riders said they would ride more frequently if the City installed more protected bike lanes.²⁴ Of those respondents who had never ridden a bicycle in New York, but would not rule out trying in the future, 80 percent cited fear of drivers as a reason why they have not started riding yet, and 67 percent mentioned the lack of protected bike lanes making them feel unsafe.²⁵

These safety concerns came to the forefront in 2019 when the city experienced an uptick in cycling deaths. In calendar year 2018, there were 10 cycling fatalities reported in the city, the lowest number since 2013 when there were 12.²⁶ However, in 2019 there were 29 cycling deaths in the city.²⁷ So far this year, there have been seven cycling fatalities in the city with three of those deaths occurring in the month June. In the most recent accident, a cyclist was struck and killed by an MTA bus on the corner of 59th street and Fifth Avenue, in Manhattan.²⁸ This recent accident

²² Michael Anderson, *The First Major Academic Study of Protected Bike Lanes in the U.S. Is Out*, PEOPLE FOR BIKES, Jun. 2, 2014, available at <https://peopleforbikes.org/blog/the-first-major-academic-study-of-protected-bike-lanes-in-the-u-s-is-out/>.

²³ N.Y.C. Department of Transportation, *Protected Bicycle Lanes in NYC* (Sept. 2014), available at <http://www.streetsblog.org/wp-content/uploads/2014/09/2014-09-03-bicycle-path-data-analysis.pdf>.

²⁴ "Bike NYC 2020: What New York Needs to be a World-Class Bicycling City," Transportation Alternatives, Published November 2017, https://www.bikenyc2020.org/dl/BikeNYC_2020_Report.pdf

²⁵ *Id.*

²⁶ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

²⁷ New York City Office of the Mayor, *Mayor de Blasio Announces Major Progress on Green Wave Plan to Make Streets Safer for Cyclists*, The Official Website of the City of New York, (February 19, 2020) <https://www1.nyc.gov/office-of-the-mayor/news/087-20/mayor-de-blasio-major-progress-green-wave-plan-make-streets-safer-cyclists>

²⁸ Gersh Kuntzman and Steven Vago, "Another Cyclist Killed by Driver — The Third This Month," STREETS BLOG NYC, June 16, 2020, <https://nyc.streetsblog.org/2020/06/16/another-cyclist-killed-by-driver-the-third-this-month/>

follows a pattern of bicycle collisions that occurred around the city. An analysis conducted by DOT of cycling fatalities since 2014 found that 60% of the fatalities occurred in intersections and that nearly 90% of them occurred in streets that did not have dedicated bike lanes.²⁹ Despite the increase in cycling fatalities last year, according to the Administration the overall risks to cyclists has declined relative to the growth and popularity of cycling.³⁰

Number of Cycling Fatalities in New York City, 2008-2018

BOROUGH	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Bronx	5	0	3	1	3	1	1	2	3	1	2
Brooklyn	8	8	7	12	5	6	6	4	9	10	2
Manhattan	4	0	4	6	4	3	6	2	2	9	3
Queens	5	4	4	3	5	2	7	5	3	4	3
Staten Island	0	0	1	0	1	0	0	1	1	0	0
CITYWIDE	22	12	19	22	18	12	20	14	18	24	10

Source: New York City Department of Transportation and New York City Police Department, July 2019

In an effort to address cycling fatalities and to further increase cycling safety, on July 25, 2019 the Mayor announced the release of the “Green Wave” Bicycle Plan (Green Wave report).³¹ The plan would cost the city approximately \$58 million over 5 years to implement³² and focuses on increasing the city’s network of protected bike lanes with the goal of having a fully connected network by the year 2030.³³

²⁹ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

³⁰ *Id.*

³¹ *Vision Zero: Mayor de Blasio Announces "Green Wave" Bicycle Plan to Address Cycling Fatalities -- With Citywide Protected Bike Lane Network and Increased Enforcement*, See <https://www1.nyc.gov/office-of-the-mayor/news/368-19/vision-zero-mayor-de-blasio-green-wave-bicycle-plan-address-cycling-fatalities---/#/0>

³² *Id.*

³³ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

Additionally, the Green Wave report spells out the plans that the city has for the 10 neighborhoods in Brooklyn and Queens that were designated in 2017 by DOT as Bike Priority Districts. These 10 districts were chosen due to the high number of cycling fatalities in those areas and because they lacked an inadequate amount of dedicated protected bike lanes.³⁴ In these 10 districts, the city plans to install more than 20 miles of protected bike lanes by the end of 2019, with a stated goal of installing 75 miles of protected bike lanes by the end of 2022.³⁵ DOT also plans to increase cycling safety by reducing the number of speeding cars by installing additional traffic calming treatments at 50 intersections throughout the city with a history of a high number of bike injuries in 2019.³⁶ Some of the measures that DOT utilizes to calm traffic include installing raised speed reducers like speed bumps and speed cushions, narrowing or removing lanes, extending or expanding a curb, installing traffic diverters and median barriers, and utilizing raised crossings that enhance visibility.³⁷

On February 19, 2020, the Administration released a Progress Report on the Green Wave plan highlighting their most recent accomplishments. Some of these accomplishments included:

- Completing 21.4 lane-miles of protected bike lanes.
- Installing 22.8 lane-miles of bike lanes in priority districts.
- Having the NYPD stop the general practice of ticketing cyclists immediately following a fatal crash.
- Having the NYPD Deploy Operation Safe Passage, with a focus on truck enforcement
- Expanding the Off-Hour Deliveries Program, as well as Neighborhood Loading Zones.
- Initiating a cargo bike pilot.
- Updating the Vision Zero “Signs” and “Worth It” campaigns to include cycling imagery.³⁸

³⁴ *Id.*

³⁵ *Id.* at p. 9.

³⁶ *Id.* at p. 16.

³⁷ *Id.*

³⁸ New York City Department of Transportation, *Green Wave Progress Report*, February 2020, <https://www1.nyc.gov/html/dot/downloads/pdf/green-wave-report-feb2020.pdf>

Cycling Safety and Commercial Trucks

Of the 14 cyclists killed from January 1st through July 3rd of 2019, six were killed by trucks.³⁹ On September 21, 2019, a 14 year-old teenager was also killed when he was struck by a private sanitation truck on Borden Avenue in Long Island City.⁴⁰ On the same day, a 16 year-old teenager was critically injured while riding her bicycle in Staten Island.⁴¹ During the first week of 2020, four pedestrians were killed in vehicular crashes. One of them was a 10-year old boy who was struck and killed by a sanitation truck in Corona, Queens while he was walking to school with his mom, who was also injured but survived.⁴² Another fatality occurred in Borough Park, Brooklyn when a 68 year-old woman was struck and killed by a cement truck while she was crossing the street.⁴³ Then in mid-January within the span of 48 hours, three women were killed in separate traffic incidents in Brooklyn involving an SUV,⁴⁴ a private sanitation truck,⁴⁵ and a city bus.⁴⁶

³⁹ Winnie Hu and John Surico, *Cyclist Killed by Cement Truck and 2 Other Deaths Spur 'Emergency'*, N.Y. TIMES, July 3, 2019, available at <https://www.nytimes.com/2019/07/03/nyregion/nyc-bicycling-deaths.html>

⁴⁰ Gersh Kuntzman, <https://nyc.streetsblog.org/2019/09/21/teen-cyclist-killed-by-uncharged-truck-driver-22nd-biker-death-this-year/>

⁴¹ Jake Offenhartz, *Teenage Cyclist Killed By Truck Driver In Queens, Another Critically Injured On Staten Island*, Gothamist, September 23, 2019, available at <https://gothamist.com/news/teenage-cyclist-killed-truck-driver-queens-another-critically-injured-staten-island>

⁴² Brittany Kriegstein, Kerry Burke and Thomas Tracy, *Boy, 10, walking to school dies after he and mom struck by NYC garbage truck*, New York Daily News, January 7, 2020, available at <https://www.nydailynews.com/new-york/nyc-crime/ny-mom-and-son-mowed-down-by-garbage-truck-queens-20200107-acu2pwn5yfg5zfbldezrocl7wi-story.html>

⁴³ Anna Quinn, *68-Year-Old Killed By Cement Truck In Brooklyn, Cops Say*, Patch.com, January 7, 2020, <https://patch.com/new-york/sunset-park/68-year-old-killed-cement-truck-brooklyn-cops-say>

⁴⁴ Anabel Sosa, *83-year-old man fatally runs over woman with pickup truck in Brooklyn*, NY Post, January 15, 2020, available at <https://nypost.com/2020/01/15/83-year-old-man-fatally-runs-over-woman-with-pickup-truck-in-brooklyn/>

⁴⁵ Olivia Bensimon, Ruth Weissmann and Vincent Barone, *Woman fatally struck by hit-and-run dump truck in Brooklyn*, NY Post, January 16, 2020, available at <https://nypost.com/2020/01/16/woman-fatally-struck-by-hit-and-run-dump-truck-in-brooklyn/>

⁴⁶ Georgett Roberts, Larry Celona and Aaron Feis, *Woman struck and killed after kicking open MTA bus door in Brooklyn*, NY Post, January 16, 2020, available at <https://nypost.com/2020/01/16/woman-struck-and-killed-by-mta-bus-in-brooklyn/>

Since 30% of the city’s cycling fatalities involve trucks, the Green Wave report outlines several initiatives targeted at improving the interactions between the city’s cyclists and the various fleets of commercial trucks driving around our streets.⁴⁷ One of the initiatives includes a Vision Zero Truck Safety Task Force, which will examine improving cycling safety.⁴⁸ Other initiatives would expand the city’s Off-hours Delivery program, develop additional instructional videos and material for the trucking industry, and expand the “Truck’s Eye View” educational program.⁴⁹ ⁵⁰

Chute Closure Devices on Concrete Mixer Trucks

Concrete mixer trucks are used to carry liquid concrete to jobsites. Concrete is a mixture of cement, water, and aggregate material.⁵¹ Concrete mixer trucks come in various sizes with some weighing as much as 60,000 pounds when fully loaded and carrying up to 20 cubic yards of concrete.⁵² The basic features of concrete mixer trucks include a driver cab, a mixer drum and mechanical drive, a dispenser chute with extensions, a water tank, additive tanks, and fixed ladders.⁵³

While travelling to a job site loaded with concrete, the mixer drum on the trucks is constantly rotating to mix the concrete. Sometimes if a mixer truck is overloaded with concrete, it can cause spillage onto the streets, which may eventually harden if not removed promptly posing

⁴⁷ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

⁴⁸ *Id.* at p.17.

⁴⁹ *Id.*

⁵⁰ DOT developed the Trucks Eye View (TEV) program in 2011 to provide education to the public on the blind spots around large trucks. The Trucks Eye View program demonstrates to the public where the blind spots around large trucks are located. At events citywide, participants can sit in the driver’s seat of a truck and learn about the vehicle’s blind spots from a professional truck driver, to increase safety awareness for all roadway users. *See* <http://www.nyc.gov/html/dot/html/motorist/trucks.shtml/sizewt.shtml>

⁵¹ United States Environmental Protection Agency, <https://www3.epa.gov/npdes/pubs/concretewashout.pdf>

⁵² “Ready Mixed Concrete Truck Drivers: Work-Related Hazards and Recommendations for Controls,” Electronic Library of Construction Occupational Safety and Health, September 2001, <http://elcosh.org/document/1429/d000493/ready-mixed-concrete-truck-drivers%3A-work-related-hazards-and-recommendations-for-controls.html>

⁵³ *Id.*

a threat to motorists and cyclists.⁵⁴ After discharging the concrete at a jobsite, the driver should hose down both the inside and outside of the truck to clean any potential concrete residue that may spill on the ground and harden.⁵⁵ During her testimony at the initial Transportation Committee hearing on Int. No. 1354, DOT Commissioner Polly Trottenberg indicated that concrete spillage in the city poses a particular hazard to cyclists and made the following statement:⁵⁶

“DOT does identify in concrete spillage as having a significant detrimental impact on our roadways and posing a particular hazard to cyclists. And it can be prevented with a simple piece of equipment that costs a few hundred dollars that the proposed law would require for all loaded concrete trucks while traveling in New York City.”⁵⁷



Hardened piles of cement dropped on the road by overloaded cement trucks, such as this one on Eastern Ave., [Toronto], can be hard for cyclists to avoid without swinging into fast-moving traffic. Photo and quote by Jack Lakey, The Toronto Star

⁵⁴ Jack Lakey, “Cement spills caused by overloaded mixer trucks that ‘burp’: The Fixer,” The Toronto Star, August 7, 2017, https://www.thestar.com/yourtoronto/the_fixer/2017/08/07/cement-spills-caused-by-overloaded-mixer-trucks-that-burp-the-fixer.html

⁵⁵ “Ready Mixed Concrete Truck Drivers: Work-Related Hazards and Recommendations for Controls,” Electronic Library of Construction Occupational Safety and Health, September 2001, <http://elcosh.org/document/1429/d000493/ready-mixed-concrete-truck-drivers%3A-work-related-hazards-and-recommendations-for-controls.html>

⁵⁶ See Hearing Transcript of the October 24, 2019 Transportation Committee hearing available for download at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3844833&GUID=FA95BD5C-2008-4CE2-8EEA-F5775552EF56&Options=ID|Text|&Search=1354>

⁵⁷ *Id.*

Analysis of Proposed Int. No. 1354-A

Section one of Proposed Int. No. 1354-A would add a new section 19-159.4 to the Administrative Code.

Subdivision a of the new section would define the following:

- Chute closure device. The term “chute closure device” means a device attached to the end of the chute of a concrete mixer truck which is used to seal the chute.
- Concrete mixer truck. The term “concrete mixer truck” means a truck used for the transport of liquid concrete.
- Truck. The term “truck” has the same meaning as in section 158 of the vehicle and traffic law.

Subdivision b of the new section would state that no later than June 30, 2021, all concrete mixer trucks driving in or through New York City would be equipped with chute closure devices during the transport of liquid concrete.

Subdivision c of the new section would state that DOT has the authority to promulgate any rules necessary to administer the provisions of this section, including, but not limited to, rules establishing chute closure device specifications as deemed necessary by DOT.

Subdivision d of the new section would state that DOT, the Police Department, and any other agency designated by the Commissioner of DOT to enforce the provisions of this section are authorized to inspect chute closure devices and chute closure device specifications for compliance with the requirements of this section in accordance with rules of the department and any applicable law.

Section two of Proposed Int. No. 1354-A would state that this local law would take effect immediately.

Amendments in Proposed Int. No. 1354-A

Subdivision a and b of new section 19-159.4 was amended to remove references to volumetric concrete mixer trucks since they tend not to spill wet concrete onto the streets. The date for compliance with the provisions of this bill in subdivision b was changed from January 1, 2020 to June 30, 2021. Additionally, new subdivision d clarifies enforcement capabilities by including the Police Department, and any other agency designated by the Commissioner of DOT to enforce the provisions of this section and provides authorization to inspect chute closure devices and chute closure device specifications for compliance.

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Proposed Int. No. 1354-A

By Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins, Maisel, Levin, Adams, Rivera, Kallos, Ampy-Samuel and Ayala

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixer trucks

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.4 to read as follows:

§ 19-159.4 Chute closure devices required on concrete mixing trucks. a. Definitions. As used in this section, the following terms have the following meanings:

Chute closure device. The term “chute closure device” means a device attached to the end of the chute of a concrete mixer truck which is used to seal the chute.

Concrete mixer truck. The term “concrete mixer truck” means a truck used for the transport of liquid concrete.

Truck. The term “truck” has the same meaning as in section 158 of the vehicle and traffic law.

b. No later than June 30, 2021, all concrete mixer trucks driven in or through the city of New York shall be equipped with chute closure devices during the transport of liquid concrete.

c. The department may promulgate any rules necessary to administer the provisions of this section, including, but not limited to, rules establishing chute closure device specifications as deemed necessary by the department.

d. The department, the police department and any other agency designated by the commissioner to enforce the provisions of this section are authorized to inspect chute closure

devices and chute closure device specifications for compliance with the requirements of this section in accordance with rules of the department and any applicable law.

§ 2. This local law takes effect immediately.

AS/AW
LS # 8612, 8613, 8874
6/10/2020, 5:07 pm