

**LOCAL LAWS  
OF  
THE CITY OF NEW YORK  
FOR THE YEAR 2021**

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**No. 108**

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Introduced by Council Members Rodriguez and Gennaro.

**A LOCAL LAW**

**To amend the administrative code of the city of New York, in relation to side guards**

*Be it enacted by the Council as follows:*

Section 1. Section 6-141 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

§ 6-141 Side guards in the city fleet *and on city contracted vehicles*. a. Definitions. For the purposes of this section, *the following terms have the following meanings:*

*City contracted vehicle. The term “city contracted vehicle” means any large vehicle that is utilized within the city on a weekly or more frequent basis to fulfill requirements material to the scope of a contract registered with the comptroller, where such contract has an estimated value of \$2 million or more. This definition does not include agency on-call emergency contracts, including on-call storm emergency contracts, or the following types of contracts that are governed by rules of the procurement policy board: emergency procurements; intergovernmental contracts; government to government contracts; and contracts for the provision of work or services by public utilities.*

Department. The term “department” means the department of citywide administrative services.

Large vehicle. The term “large vehicle” means a motor vehicle with a manufacturer’s gross vehicle weight rating exceeding 10,000 pounds. “Large vehicle” does not include street sweepers, fire engines, car carriers, off road construction vehicles, or any specialized vehicles or vehicle types on which side guard installation is deemed impractical by the department pursuant to subdivision c of this section.

*Notice to proceed. The term “notice to proceed” means the written direction to a contractor by an agency to commence work pursuant to a registered contract.*

Side guard. The term “side guard” means a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles. Except where otherwise authorized by rule of the department, side guards[:] shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided that such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders, *subject to the approval of the department.*

b. Side guards. 1. No later than January 1, [2024] 2023, all large vehicles in the city fleet shall be equipped with side guards.

2. *No later than 12 months from the issuance of a notice to proceed pursuant to an individual contract utilizing 10 or fewer trucks, and 18 months for an individual contract utilizing more than 10 trucks, any city contracted vehicle covered by such contract shall be equipped with side guards.*

c. The department shall have the authority to promulgate any rules necessary to administer the provision of this section, including but not limited to rules establishing side guard specifications that depart from the default specifications set forth in subdivision a of this section when such departure is deemed necessary by the department, as well as rules governing when the installation of side guards on certain city vehicles or city contracted vehicles is impractical *or will disrupt provision of public safety or public health services* and will not be required. *Such rules may also govern when written exemptions may be authorized, including due to limitations in vendor capacity to supply side-guards and circumstances in which city-owned trucks are in the order cycle for replacement.* The department shall be authorized to inspect side guards and side guard specifications for compliance with the requirements of this section.

*d. Enforcement. All agency contracts involving city contracted vehicles shall contain the requirements of this section, and shall be enforced as part of each agency's oversight with respect to each contract. The department shall provide technical guidance to each contracting agency with respect to their oversight responsibilities pursuant to this section. Contract requirements shall include, but not be limited to, a penalty of up to \$4,000 for each city contracted vehicle that is found to be out of compliance with the requirements of this section.*

§ 2. Subdivision f of section 16-509 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

f. On or after January 1, [2024] 2023, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will at all times meet the requirements of section 16-526 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration.

§ 3. Subdivision b of section 16-526 of the administrative code of the city of New York, as added by local law 56 for the year 2015, is amended to read as follows:

b. Side guards. No later than January 1, [2024] 2023, all trade waste hauling vehicles shall be equipped with side guards.

§ 4. This local law takes effect immediately; provided, however, that the provisions of subdivision b of section 6-141 of the administrative code of the city of New York, as amended by this local law, and the provisions of subdivision d of such section 6-141, as added by this local law, shall apply to contracts registered by the comptroller on or after January 1, 2023, and shall not apply to renewals, exemptions or modifications of contracts entered into prior to January 1, 2023.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on September 9, 2021 and returned unsigned by the Mayor on October 12, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 108 of 2021, Council Int. No. 1789-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.