

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT JOINTLY WITH THE COMMITTEE ON
TRANSPORTATION

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November 27, 2017
Start: 10:21 a.m.
Recess: 1:41 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: ANTONIO REYNOSO
Chairperson

YDAN BROWNELLIS RODRIGUEZ
Co-Chair

COUNCIL MEMBERS:

ANDY L. KING
VANESSA L. GIBSON
COSTA G. CONSTANTINIDES
STEVEN MATTEO
DEBORAH ROSE
MARGARET CHIN

A P P E A R A N C E S (CONTINUED)

Dan Brownell
Commissioner of the New York Business Integrity
Commission, BIC

Juan Martinez
Director of Traffic Operations Policy at
Department of Transportation

Salvador Arrona
Director of Policy at the Business Integrity
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Noah Genel
Deputy Commissioner of Legal Affairs and General
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Sean Campbell
President of Teamsters Local 813 Private
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Wilson Perez
Private Sanitation Worker

Orrett Ewing
Carting Company Worker in the Bronx at Sanitation
Salvage

Carl Orlando
Former Sanitation Worker

Steve Vaccaro
Founding Member of the Board of StreetsPAC,
Attorney representing Crash Victims

Ben Weinstein
Cleanup North Brooklyn

A P P E A R A N C E S (CONTINUED)

Marco Conner
Legislative and Legal Director of Transportation
Alternatives

Steve Changaris
Regional Manager of National Waste and Recycling
Association

Kendall Christiansen
Executive Director of New Yorkers for Responsible
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Priya Mulgaonker
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Environmental Justice Alliance, NYC-EJA

Sarah Lilly
Resident of North Brooklyn for 21 Years

Annabel Short
Deputy Director for ALIGN: The Alliance for a
Greater New York

Justin Wood
New York Lawyers for the Public Interest and
Transform Don't Trash New York City Coalition

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2 [gavel]

3 CHAIRPERSON REYNOSO: Good morning, I'm
4 Council Member Antonio Reynoso, Chair of the
5 Committee on Sanitation and Solid Waste. I just want
6 to make sure I inform the public that we'll be going
7 into a short recess of about 15 minutes waiting for
8 the Chair of Transportation who's, who's caught up so
9 we're going to take just take a small recess, thank
10 you. And I just want to recognize the members that
11 are here; Council Member Jimmy Vacca from the Bronx,
12 Andy King from the Bronx and Steven Matteo from
13 Staten Island, thank you. And we are back, thank you
14 so much for your patience and for waiting. We will
15 start the hearing. I'm, again Council Member Antonio
16 Reynoso, the Chair of the Sanitation... the Committee
17 on Sanitation and Solid Waste. Thank you for all
18 being here today. I am pleased to Co-Chair this joint
19 oversight hearing on private sanitation fleet safety
20 with Council Ydanis Rodriguez who will join us
21 shortly and the Committee on Transportation. Vision
22 Zero makes it clear that the city of New York sees
23 every traffic crash as preventable. The incidents can
24 be systematically addressed and therefor no level of
25 fatality on the city's streets is acceptable. There

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2 have been several tragic, fatal crashes involving
3 private sanitation trucks and pedestrians or cyclists
4 over the last few years. I have concerns about the
5 safety of the private sanitation fleet including the
6 maintenance of trucks and the wellbeing and alertness
7 of drivers and helpers. Today I would like to learn
8 how the city is systematically addressing these
9 incidents and working to prevent future crashes.
10 Garbage collection whether handled by public or
11 private haulers is one of the most dangerous
12 industries in this country. The drivers often work
13 long hours which can lead to a decline in cognitive
14 function and slower reaction times. Drivers should
15 have regular breaks during shifts and long breaks
16 during driving... between driving shifts, helpers
17 should not be riding dangerously on the back of the
18 vehicle. Trucks should be equipped with essential
19 safety equipment. We must keep pedestrian, cyclists
20 and sanitation employees safe while they are
21 providing this essential service. I look forward to
22 understanding the current response to these crashes
23 and how as a city we can do better in the future. I
24 will now turn it over to the Commission of BIC,
25 Commissioner Dan Brownell, thank you so much for

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2 being here, Noah Genel who's the General Counsel and
3 Juan Martinez the Director of Policy for Traffic
4 Operations at the Department of Sanitation. Take it
5 away, thank you... oh I would like to acknowledge the
6 fact that we've been joined by Council Member
7 Margaret Chin as well.

8 DAN BROWNELL: Good morning Chair Reynoso
9 and when he gets here Chair Rodriguez and members of
10 the city council Sanitation and Solid Waste
11 Management and Transportation Committee and of course
12 the Department of Transportation Committee. I am Dan
13 Brownell, Commissioner of the New York City Business
14 Integrity Commission or BIC. Joining me today are
15 BIC's Deputy Commissioner of Legal Affairs and
16 General Counsel Noah Genel. Seated just behind us or
17 actually to my right is BIC's Director of Policy
18 Salvador Arrona, Executive Agency Counsel Emily
19 Anderson and Senior Legal Analyst Elise Ryan, Juan
20 Martinez Director of Policy for the Department of
21 Transportation's Traffic Operations and a key member
22 of the Vision Zero Task Force is seated next to me to
23 my immediate right is also here to provide testimony
24 and answer questions. Thank you for inviting us here
25 to testify today. I am here to provide you with an

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2 update on the many initiatives BIC has been
3 spearheading to make the trade waste industry safer.
4 In January 2014 Mayor Bill De Blasio announced his
5 Vision Zero Initiative to end traffic deaths and
6 injuries in New York City. As part of the initiative
7 the city created a permanent Vision Zero Task Force.
8 Headed by the Mayor's Office of Operations, the
9 Vision Zero Task Force is comprised of key agencies
10 and partners including the New York City Police
11 Department, Department of Transportation, Taxi and
12 Limousine Commission, Department of Health and Mental
13 Hygiene, Department of Citywide Administrative
14 Services, the Metropolitan Transit Authority and the
15 city's various District Attorneys' Offices among
16 other agencies. BIC joined the Vision Zero Task Force
17 in 2016 and is honored to be a part of what is a
18 total team effort. The Vision Zero Task Force meets
19 every two weeks and a member... and the member agencies
20 work together far more frequently to develop
21 strategies in an effort to meet the Mayor's bold goal
22 of eliminating fatal and serious vehicular crashes.
23 More than just a think tank we develop policies and
24 strategies that the city actually implements. Some of
25 these plans have included improvement in street

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2 design, innovations and enforcement of various rules
3 and regulations and public education. Early next year
4 the Mayor's Office of Operations will publish a
5 Vision Zero Year Four Report that will track the
6 progress of all the city agencies efforts towards
7 achieving Vision Zero. As part of the Vision Zero
8 Task Force, TLC created a short video that sets the
9 proper context I believe for today's conversation
10 with regard to safety on our city streets. We will
11 play that now, it's only about six minutes.

12 [video playing]

13 DAN BROWNELL: Vision Zero's goal is
14 founded on the assertion that every death or serious
15 injury involving a motor vehicle in New York is one
16 too many. While data and statistics are important to
17 help chart our progress in this effort the focus is
18 on protecting the life of everyone who lives, works
19 or visits our city. A month ago, we played this
20 particular TLC video at the start of a gathering of
21 trade waste industry members concerning safety. A
22 number of participants commented that hearing the
23 stories from the family members of the crash victims
24 altered their thinking about what is at stake when
25 they drive trucks on our city streets. Starting the

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2 event with this video also significantly changed the
3 tenure of the panel discussions that followed. It
4 fostered a productive environment to speak about
5 these complex issues where people actually listened
6 to each other as we talked about how best to make our
7 streets safer. I want to talk more... I want to speak
8 more specifically about what BIC is doing to improve
9 safety in the trade waste industry. The biggest part
10 of the effort to create a zone collection structure
11 for our local commercial waste collection. In
12 September of 2016 New York City Department of
13 Sanitation Commissioner, Kathryn Garcia and BIC held
14 the first meeting to engage various groups in the
15 conversation to develop this plan. While
16 implementation of the commercial waste zone system
17 will require a thorough analysis and is still a few
18 years off, the group decided that the concern for
19 making the trade waste industry safer was an effort
20 that could and should begin immediately. To that end
21 BIC and DSNY have formed the Commercial Waste Zone
22 Collection Safety Working Group or Working Group for
23 short and invited everyone from that initial
24 stakeholder meeting to participate. In addition to
25 members of city government the group includes members

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2 of the trade waste industry, union leaders and
3 environmental and other advocates. The Working Group
4 has met ten times since November of 2016, our initial
5 project has been to create a universal safety manual
6 that every carting company in the city will be
7 expected to use as a guide to develop their own
8 robust safety program. The meetings have been
9 extremely productive. Impressively even though the
10 participants view various issues in the trade waste
11 industry differently we all can agree that safety is
12 the priority, that notion has dominated the groups
13 discussions. We are in the process of finalizing the
14 safety manual and anticipate that it be... will be
15 released in conjunction with the Vision Zero Four
16 Year Report early next year with an initial version
17 available electronically on BIC's website. The manual
18 is quite comprehensive and covers everything from a
19 checklist of things that drivers should do in their
20 pre-trip and post-trip truck inspections to the
21 safety equipment all trade waste trucks should have.
22 For example, we focus significant attention on the
23 latest truck camera technology and will continue to
24 discuss whether it should be considered essential
25 safety equipment on a truck. We also spent time

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2 identifying distractions for drivers on the road like
3 cell phones and unusual occurrences on the street and
4 what drivers can do to manage those hazards to avoid
5 crashes. Not surprisingly anticipating problems and
6 thinking through solutions to create a culture of
7 safety at a trade waste company are the most
8 effective means to improve safety and prevent
9 tragedies on the road. Creating the universal safety
10 manual is just the start for the Working Group. The
11 group has already begun the next phase which is to
12 take key sections of the manual and develop the ideas
13 into a video training curriculum that will be made
14 available to all trade waste companies. The Working
15 Group has members from the Carting Industry and
16 government agencies particularly DSNY that have
17 experience in delivering trade waste safety
18 trainings. We are pooling this collective expertise
19 to build a library of video trainings that are
20 interactive, personal and engaging. We are also
21 tapping into the video production skills of the
22 Vision Zero Task Force to make the videos a reality.
23 The overall goal of both the manual and the videos is
24 to ensure that every trade waste company operating in
25 the city creates a culture of safety with specific

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2 procedures and protocols to better protect their
3 workers and the public. As BIC has engaged in these
4 safe, safety initiatives it has been clear that we
5 need to make significant additions to our rules to
6 increase our effectiveness in the area of in,
7 industry safety. We anticipate such rule updates will
8 not only compel all Carting Companies to adopt what
9 the Working Group has determined to be critical
10 safety measures but also will create more enforcement
11 options for us to more effectively push carters to
12 operate more safely. In 2015 BIC established a group
13 called the Trade Waste Advisory Board, an idea from
14 an earlier administration that had fallen into disuse
15 over the years. The Board is comprised of leaders
16 from several trade waste carting companies and trade
17 waste organizations along with myself and several
18 members of my staff. We meet monthly to discuss
19 topics in the industry and issues about BIC
20 regulations. These meetings have been highly
21 productive and have helped to develop a relationship
22 of trust and respect among the board members with the
23 knowledge that we are all working toward a common
24 goal of making this industry better. The topic of
25 industry safety has always been a major component of

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2 our discussions, in fact in the 20 meetings that we
3 have held since November of 2015 shortly after the
4 board was formed the issue of safety has been
5 featured at every meeting. Early on the board decided
6 to regularly organize safety symposia with the
7 intention of engaging trade waste company owners,
8 managers, drivers and helpers in conversations about
9 critical industry safety issues. The symposia have
10 been semiannual events attended by many members of
11 the trade waste industry. We have had well over 100
12 attendees at each of the three symposia held to date.
13 The symposia have addressed topics such as distracted
14 driving, creating a culture of safety at trade waste
15 companies, counterterrorism considerations in the
16 trade waste industry and improving safety for drivers
17 and helpers specifically. At the most recent
18 symposium on October 24th of 2017 I opened the
19 gathering by discussing results from a recently
20 released DOT study about... that showed that while
21 bicycle trips in the city have increased by 150
22 percent in the last few years fatalities and serious
23 industries... injuries to cyclists have significantly
24 dropped. The study concludes that the dramatic
25 increase of bicycle fatalities on city streets

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2 particularly bike lanes over the last ten years is
3 likely the greatest contributor to this drop. Two of
4 the panel discussions that followed my remarks were
5 especially pertinent to this issue, the first panel...
6 the first was a panel moderated by Juan Martinez of
7 DOT to my right that brought together trade waste
8 truck operators, the Executive Director of
9 Transportation Alternatives and DOT's Head of Bicycle
10 Projects. The second was a panel with two members of
11 the NYPD's Collision Investigation Squad that
12 conducted case studies of three past crashes
13 involving trade waste trucks. It became a group
14 discussion among audience members to evaluate what
15 could have been done differently in each case to
16 prevent similar tragedies in the future. The question
17 of who was to blame was not the point, the goal was
18 prevention going forward. While attendance at the
19 three symposia has been good the audience comprised
20 only a small percentage of the overall industry. We
21 continued to look for ways to reach a higher
22 percentage of the industry with future events. The
23 next symposium will be in the spring likely focusing
24 on safety equipment available for trucks, you are all
25 invited. In addition, we are planning a separate

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2 event geared specifically to drivers and helpers at a
3 time and location most convenient for their difficult
4 schedules. Two years ago, BIC began to take on the
5 improvement of safety in the trade waste industry as
6 a priority, this is the first in the 20-year life of
7 this agency. For those of you on the Transportation
8 Committee who may not know much about BIC it was
9 created in response to a series of criminal
10 prosecutions in the 1990's that proved that the trade
11 waste industry was completely controlled by organized
12 crime then Mayor Giuliani reasoned that putting
13 industry leaders in jail alone would not stop the
14 systematic corruption. City Council legislation
15 created my agency then known as the trade waste
16 commission to enforce a stringent licensing structure
17 in the industry with a robust backgrounding process
18 to identify and eliminate the corrupt actors by
19 denying them a license or registration to operate.
20 Under the Bloomberg Administration our name was
21 changed to the Business Integrity Commission after
22 also taking on regulatory authority over the city's
23 public wholesale food markets. We are a small law
24 enforcement agency staffed by investigators,
25 auditors, attorneys and background analysts with a

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2 small squad of NYPD detectives. Our main focus has
3 always been investigations of those in the carting
4 industry and public wholesale markets both in the
5 context of making a regulatory decision and in many
6 criminal investigations... and the many criminal
7 investigations that we conduct with other law
8 enforcement and prosecutorial agencies at all levels
9 of government. BIC was specifically tasked to enforce
10 and maintain integrity in the trade waste industry
11 acting as the gatekeeper against corrupt carting
12 companies in New York and keeping the trade waste
13 industry open and competitive. Elimination of
14 corruption has been our main goal with a focus on
15 protecting the cart... the carting customer not
16 occupational health and safety and the safety of the
17 public as a whole but in keeping with the strong
18 mayoral policy of Vision Zero BIC along with many
19 other city agencies has added safety as one of our
20 top priorities. Not surprisingly given the purpose
21 for, for which BIC was created our section of the
22 administrative code says little about safety. Title
23 16A grants us nebulous powers to establish standards
24 for compliance with safety and health measures in the
25 trade waste industry but the overall regulatory

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2 scheme is focused on eliminating corruption and
3 consumer protection for the trade waste customers.
4 Before we update our rules to enhance BIC's ability
5 to regulate the carters in the area of safety we want
6 to work with you Chair Reynoso and your committee in
7 the coming new term to update our section of the
8 administrative code to ensure that it... that it
9 authorizes all of the additional safety measures we
10 contemplate for the industry. Such action will better
11 arm us to prevail over the legal challenges that will
12 likely follow the addition of our new safety rules.
13 As I noted we want to foster industry wide use of the
14 universal safety manual for trade waste companies and
15 the production of the corresponding training videos.
16 It is likely we will need mandatory measures in place
17 to ensure that companies are actually using the
18 materials and creating their own safety plans. Also
19 with the rapid development of improved safety
20 equipment and technology in this industry we are
21 considering the possibility of making certain new
22 truck safety equipment standard. This action would be
23 similar to Local Law 56 of 2014 which made side
24 guards mandatory for certain vehicles by 2024.
25 Additionally, we want to develop reporting

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2 requirements that put the onerous on carters to
3 inform BIC promptly when their vehicles are involved
4 in a serious crash with severe consequences for
5 noncompliance. Drawing from the collective effort of
6 the Vision Zero Task Force BIC is establishing an
7 interagency collision review panel, after any crash
8 involving a vehicle operated by a BIC licensed or
9 registered company that results in a fatality or
10 serious injury BIC will convene a review panel
11 consisting of representatives from BIC and other city
12 agencies to examine the contributing factors that led
13 to the crash. The goal is to exact... is, is to extract
14 lessons from the tragic events for the industry and
15 for city agencies to use... to... for use to make policy
16 and operational decisions. BIC also has established
17 an internal response team to receive notification of
18 serious crashes involving trade waste vehicles. This
19 process helps us stay informed of these events and
20 were necessarily formulate a response. Receiving this
21 information also allows us to meet... maintain our own
22 statistics regarding safety in the trade waste
23 industry. Lastly, we have... we have been regularly
24 issuing safety bulletins to the trade waste industry,
25 we send them out to an, an email, email blast and

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2 they are also available on our website. In closing I
3 want to thank you Chair Reynoso for your commitment
4 to move all of us forward in developing the best and
5 most efficient ways to deal with the city's solid
6 waste disposal issues. The challenges are daunting
7 but what I particularly appreciate about your
8 leadership is that you include all sides and
9 perspectives in the conversations we are having from
10 zone collection to trying to even out truck traffic
11 for all areas of the city. While the safety
12 considerations I have discussed today are relatively
13 new for BIC we have a lot to contribute on this topic
14 and look forward to expanding the role. With regard
15 to the Transportation Committee I also appreciate
16 your interest in BIC's safety initiatives and I am
17 happy to meet with any of you at any time and discuss
18 any issues that you think are important with regard
19 to the trade waste industry. Lastly, I want to
20 address the representatives of the public and the
21 advocacy groups that are present today. As I have
22 said BIC is a small law enforcement agency whose core
23 mission has always been weeding out and keeping out
24 corruption. As part of our commitment to improving
25 the industry we are now taking on more active roles

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2 in other areas of trade waste such as recycling and
3 safety, but we cannot do it alone. I have a total of
4 ten BIC investigators available for enforcement, our
5 first investigative priority must be background
6 investigations on the applicants for licenses and
7 registrations. That having been said three of our ten
8 investigators are now assigned solely to conducting
9 investigations into violations of the new recycling
10 rules. To date we have issued 16 such violations and
11 are working on others, to settle these violations we
12 are requiring hefty penalties. To be as effective as
13 possible with the limited resources we have we need
14 tips from the public and advocates in the industry
15 about carters who are breaking our rules and
16 regulations. We have reached out to advocates
17 including many present here today and have gotten few
18 leads. We have created a link on our website to
19 encourage generators with information to email us but
20 so far that has yielded little, so my investigators
21 have been trolling the streets at night when lucky we
22 find carters breaking the recycling rules and issue
23 administrative violations. There is a better way to
24 do this, but it must include all of us. Holding
25 carters responsible for their bad driving is of

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2 greater... of, of even greater concern than the
3 recycling violations. The consequences of such safety
4 violation are far more dire and immediate with the
5 potential to result in death or serious injury. Like
6 it or not you, the public are the best eyes and ears
7 on the street to catch unsafe drivers. Our contact
8 information is on our website, let us know if you see
9 these things, report information anonymously if you
10 are not... if you are more comfortable, if you provide
11 us with your contact information we will get back to
12 you with the results of our investigation while also
13 concealing your identity. We know that some companies
14 create unsafe working conditions for their employees
15 by overloading their routes or pressuring drivers to
16 complete them too quickly. Some of the trucks may not
17 be properly maintained or critical safety equipment
18 may not be functioning. Those in the labor force of
19 this industry know best when these things are
20 happening, report it to us. Again, it can be
21 anonymous, improving safety on our streets is a job
22 for all of us. It is counterproductive to take sides
23 when it comes to these critical issues, we must all
24 work together to make a real impact. Thank you.

25

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2 CHAIRPERSON REYNOSO: Thank you

3 Commissioner, now DOT is making a statement. I just
4 want to make sure I acknowledge we've been join,
5 joined by Council Member Menchaca of Brooklyn and
6 Council Member Debi Rose of Staten Island. Juan.

7 JUAN MARTINEZ: Good morning Chair

8 Reynoso, members of the Sanitation and Transportation
9 Committee. I'm Juan Martinez, Director of Traffic
10 Operations Policy at DOT. Thank you for inviting me
11 on behalf of Commissioner Trottenberg to discuss
12 trade waste industry street safety. Thank you. Nearly
13 four years Mayor De Blasio set a goal of eliminating
14 traffic deaths and serious injuries, it was and
15 remains an ambitious commitment, but we are
16 encouraged by our progress. In 2016 68 fewer people
17 were killed in traffic crashes than in 2013, the year
18 before the Mayor launched Vision Zero. The last four
19 years have been the safest four years in the city's
20 history. While fatality has declined 23 percent in
21 New York City everywhere else in the United States
22 traffic fatalities went up 15 percent. Our progress
23 on this complex multidimensional public policy
24 problem is attributable in large part to the city's
25 data drive Vision Zero strategy. The members of the

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2 Vision Zero Task Force analyzed crash data and other
3 evidence to target the causes of serious injuries and
4 deaths, identify and implement counter measures,
5 monitor the effectiveness of those interventions and
6 revise our approaches accordingly. Ever since began...
7 BIC began to participate in the task force we've been
8 taking a close look at fatal crashes involving trucks
9 which are used by trade waste licensees. What follows
10 are some of the notable findings from our analysis of
11 these quote, unquote "trade waste industry truck
12 fatal crashes" and how key Vision Zero strategies
13 address some of the predominate factors in those
14 crashes. Since 2010 there have been 43 people killed
15 in crashes involving BIC registered and non-BIC
16 registered trade waste industry trucks. These trucks
17 involve... the trucks involved in these crashes include
18 packer trucks, roll on roll off trucks and dump
19 trucks. Although only 31 of these crashes involved a
20 trade waste industry truck which was registered with
21 the Business Integrity Commission for the purposes of
22 today's discussion we will focus on the 43 fatalities
23 since there are lessons that can be applied to all
24 operators of these particular trucks. Of the 43-
25 people killed, 32 were pedestrians, six were riding a

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2 bicycle, four were motor vehicle drivers or
3 passengers and one was operating a motorcycle. These
4 43 fatalities represent one quarter of the 175 fatal
5 crashes involving all types of trucks, public and
6 private during the same period. Overall 2,022 people
7 were killed by vehicle crashes in New York during the
8 same period. Ninety percent of fatal pedestrian
9 crashes involving trucks utilized by the trade waste
10 industry occurred on or in a Vision Zero priority
11 corridor, intersection or area. The geographies which
12 NYP and DOT identified in the 2015 borough pedestrian
13 safety action plans as locations where pedestrian
14 deaths and severe injuries are significantly
15 overrepresented. With the help of every Council
16 Member on these committees the city has implemented
17 an array of safety measures at these high crash
18 locations including a record number of street
19 redesigns, record number of bicycle lanes with an
20 emphasis on physically protected bicycle lanes, the
21 lowering of the speed limit, concentration of our
22 speed camera enforcement, red light camera
23 enforcement and police enforcement, the retiming of
24 traffic signals to reduce overnight speeding, the
25 addition of leading pedestrian intervals and much

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2 more. In the years prior to Vision Zero there were
3 typically 99 pedestrian deaths annually at these
4 priority locations. Last year there were 73
5 pedestrian deaths, a 25 percent decrease. The city's
6 continued focus on these streets will serve to
7 prevent trade waste industry truck fatal crashes as
8 well. Approximately four percent of pedestrian travel
9 occurs during overnight hours from midnight through
10 six a.m. yet 17 percent of all pedestrian fatalities
11 in New York City occur during those same hours. This
12 statistic is even more disproportionate when it comes
13 to crashes involving trade waste industry trucks
14 which by the nature of their business often operate
15 at night, ten of 32 fatal pedestrian crashes or 31
16 percent occur between 12 a.m. and six a.m. DOT has
17 implemented a series of counter measures in an effort
18 to prevent severe overnight crashes, these include
19 the conversion to LED street lights which provide
20 better color contrast, make pedestrians more visible.
21 This project is well underway and expected to be
22 completed by February of 2019 and DOT recently
23 installed additional lighting at 1,000 intersections
24 with high rates of pedestrian nighttime crashes. We
25 expect to complete another 1,000 intersections by

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2 January of 2020. Furthermore, DOT has sought to
3 discourage speeding during the evening and overnight
4 hours by recalibrating our traffic signals to ensure
5 a safe progression aligned with the 25 mile an hour
6 speed limit. Through 2016 DOT has retimed over 300
7 miles or 72 percent of all priority corridor miles so
8 far. And over the past year NYP officers who are on
9 patrol during overnight hours particularly in
10 Manhattan have been directed to focus on trade waste
11 industry trucks and will continue to do so in 2018.
12 Operator turns were a factor in 38.. 13 of 38 fatal
13 bicycle and pedestrian trade waste industry trucks
14 since 2010, 34 percent. As a comparison
15 approximately, 25 percent of all bicycle and
16 pedestrian fatal and severe injury crashes in New
17 York City involve vehicle turns. DOT has implemented
18 a number of solutions to prevent severe injuries from
19 turning crashes across the city. In 2016 we launched
20 our left turn traffic culming pilot program which has
21 installed treatments at over 100 intersections. These
22 treatments have been shown to reduce left turns
23 speeds by 24 percent. Leading pedestrian intervals
24 are another key element of our tool kit and they have
25 been installed at over 2,000 intersections since the

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2 launch of Vision Zero. This treatment has been shown
3 to reduce severe injuries and deaths to pedestrians
4 and bicyclists by over 60 percent attributing to... in,
5 involving turning crashes, in turning crashes it's
6 reduced 60 percent, got it. NYP has tripled
7 enforcement of failure to yield from 9,900 annually
8 before Vision Zero to over 33,000 in 2016. In
9 addition, last year NYP issued over 1,900 summonses
10 and made 39 arrests of drivers who carelessly caused
11 crashes by failing to yield. These enforcement
12 actions were made possible because of the right of
13 way law enacted by the council and Mayor in 2014.
14 These efforts are not specifically targeted at trade
15 waste industry trucks but because these trucks are
16 involved in a greater proportion of fatal crashes
17 involving turns all of these efforts can have a
18 disproportionate safety benefit in this industry.
19 Nations and cities around the world which have
20 adopted Vision Zero goals have found success by
21 initially concentrating on professional drivers in
22 large fleets. Professional drivers and the
23 organizations which employ them tend to have a higher
24 commitment to safety and be more likely to rapidly
25 improve their conduct than individual drivers. This

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2 is true here as well as our experience with the
3 largest fleets in this indicates. DCAS manages or
4 sets policies for vehicles in the city's fleet. In
5 order to advance Vision Zero, the agency has focused
6 on training and technology. Before Vision Zero just
7 over 3,000 of the city's authorized drivers had
8 completed a full day crash prevention course. Today
9 that number is over 43,000 and all authorized drivers
10 are required to retake the course every three years.
11 Participants in this course were asked about safety
12 equipment that is important to add to city vehicles
13 including cameras and automatic braking systems, DCAS
14 has incorporated that feedback into the safe fleet
15 transition plan which is informing the crash
16 prevention technology which will be incorporated into
17 city vehicles. An element of the safe fleet
18 transition plan which is especially relevant here is
19 side guards which are panels that can be added to
20 trucks with large ground clearance to prevent
21 pedestrians and bicyclists from being run over by a
22 turning trucks rear wheels. Prior to Vision Zero no
23 New York City trucks had side guards and very few
24 trucks had them nationally but today over 1,250
25 trucks in the city's fleet have side guards and their

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2 use is growing nationwide. This combination of
3 training and technology has contributed to a 36
4 percent decline in the rate of injury crashes
5 involving city vehicles. TLC is implementing similar
6 strategies for the For-Hire Vehicle fleet, each
7 prospective operator must first undergo 24 hours of
8 taxi school including a thorough exploration of
9 safety strategies. Over 37,000 drivers completed the
10 course in 2016 alone. TLC has conducted over 500
11 direct outreach efforts to fleet owners at bases and
12 garages in the form of a driver outreach meetings
13 program to emphasize safety education. TLC is also
14 innovating by focusing on driver fatigue and is
15 currently implementing newly passed rules that seek
16 to prevent acute and chronic fatigue among For-Hire
17 Vehicle drivers. These rules were developed after a
18 review of scientific research on fatigued driving
19 best practices and other transportation and safety
20 sensitive industries and an analysis of the data on
21 TLC's own driver licensees. Finally, when it comes to
22 trade waste industry fleet safety the NYP's citywide
23 traffic task force which is responsible for on street
24 truck inspections have been paying particular
25 attention to this in this sector and is preparing to

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2 perform even more inspections in 2018. Thank you
3 again to the committees for inviting us today and I
4 would be happy to answer any questions that you have.

5 CHAIRPERSON REYNOSO: Thank you for your
6 testimonies, I'm extremely encouraged by, by the
7 testimony that I'm hearing today, a little concerned,
8 we only have till 2020 to get to zero and I know that
9 in... especially in the Department of Transportation's
10 testimony it speaks 43 fatalities and giving, giving
11 a, a percentage that is extremely low. When we talk
12 about the bigger picture here but again its Vision
13 Zero not Vision One, not Vision Two, it's Vision Zero
14 so that 43 is significant to us and we've seen
15 actually an increase, so we feel we've been seeing an
16 increase. I want to thank the folks in
17 transportation, alternative streets blogs and a lot
18 of these independent streets advocates that are
19 really starting to bring attention to an issue that
20 we think is a... is a huge concern. So, just regarding
21 the last two years, 20... well this year and last year,
22 2017 and 2016 how many crashes involving private
23 sanitation carters have there been, do we keep track
24 of that and if we do how many have there been?

25

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2 JUAN MARTINEZ: So, there have been eight
3 fatal crashes from, from 2016 through present day
4 involving private carters... trucks in the industry
5 including vehicles which are registered with BIC and
6 those that are not but of the type that are used by
7 BIC licensees or the roll on roll off trucks, the
8 private... the collectors, the packers that sort of
9 thing.

10 CHAIRPERSON REYNOSO: Are there any
11 investigations regarding these crashes or these
12 fatalities?

13 JUAN MARTINEZ: Every fatal crash and
14 many severe injury crashes are investigated by NYPD's
15 collision investigation squad. They have detectives
16 who go out and pull video, measure skid marks,
17 download the vehicles black box and perform very
18 thorough investigations of those... of that class of
19 crash. We do know less about injury... crashes that
20 don't result in serious injuries.

21 CHAIRPERSON REYNOSO: Okay.

22 DAN BROWNELL: And by the way Chair what
23 we do at BIC is we wait for the completion of the
24 investigation by the, the, the NYPD's collision
25 investigation unit and then we... [cross-talk]

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2 CHAIRPERSON REYNOSO: Uh-huh... [cross-
3 talk]

4 DAN BROWNELL: ...take action and do what
5 we think is appropriate.

6 CHAIRPERSON REYNOSO: Right, so I'm, I'm
7 actually very interested in the capacity that BIC
8 currently has to, to investigate possible crashes by
9 the trade waste industry and using their authority as
10 the licensee to a lot of these trucks to, to hold
11 them accountable but you state that in the charter
12 you have a very broad and vague take on safety or an
13 opportunity to take on safety.

14 DAN BROWNELL: Right, the concern is and
15 Noah can speak to this much more authoritatively than
16 I can but the... when the legislation under Title 16
17 was drafted the, the focus really was, you know
18 corruption and integrity in the industry and while we
19 have a long list of thing that we want to put in our
20 rules and some additional things that would have to
21 go into the legislation itself making it clear by
22 amending and updating the legislation that this kind
23 of safety is very much in... as part of BIC's
24 regulation just makes it much more efficient.

25

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2 CHAIRPERSON REYNOSO: So... what was the
3 original name of the BIC Integrity Commission when it
4 first existed?

5 DAN BROWNELL: It was the Trade Waste
6 Commission.

7 CHAIRPERSON REYNOSO: The Trade Waste
8 Commission...

9 DAN BROWNELL: Right because it was only
10 the trade waste industry, the fish markets, the
11 produce market those were all... to the extent there
12 was regulation, it was all small business services.

13 CHAIRPERSON REYNOSO: So, your authority
14 has been modified or expanded to some degree?

15 DAN BROWNELL: Exactly, I, I believe...
16 [cross-talk]

17 CHAIRPERSON REYNOSO: Over the last...
18 [cross-talk]

19 DAN BROWNELL: ...it was at the... I think it
20 was at the very beginning of the Bloomberg
21 Administration that the wholesale markets were added
22 into my agency's repertoire and therefore you
23 couldn't keep it trade waste anymore you had to
24 expand the name.

25

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2 CHAIRPERSON REYNOSO: Okay. Thanks for
3 that and thank you for that information. So, you, you
4 mentioned an email that you send out regarding safety
5 opportunities for the private sanitation industry,
6 can you just explain what it is that you're sending
7 and what authority I guess you have to send that and,
8 and also whether or not it's just an initiative
9 you're taking on independent of your authority?

10 NOAH GENEL: I'll answer that Council
11 Member. So, we send out periodic safety bulletins to
12 the industry through an email blast, I think that it...
13 it's part of our communication with the industry and
14 our ability to regulate the industry our... for example
15 over the summer we sent out an email basically saying
16 it's lighter... later and people are out in the
17 streets, people are, are going out to restaurants and
18 bars and while you're driving your trucks so be
19 careful when it came to back to school we sent out
20 another email saying, you know people's schedules
21 have changed, it's been... there's going to be kids in
22 the streets going back to school, it gets darker
23 earlier and so things to pay attention to and we've
24 been doing that periodically with the change of
25 seasons, we also sent out I believe in that same

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2 bulletin there was something about drowsy driving to
3 make sure that your drivers are paying attention to
4 that. There was a study that I think we referenced in
5 the bulletin about connection with NFL football games
6 and the day after those games there being an increase
7 in drowsy driving, so we wanted to call attention to
8 that.

9 CHAIRPERSON REYNOSO: So, so knowing
10 that, that information especially let's say the NFL
11 football games situation, one it's not mandatory that
12 anybody read this email or look through it, right,
13 it's just you are doing your part in trying to get
14 them to, to see it. This video for example, I think
15 would have been a great thing for every single driver
16 in the city of New York not only the TLC drivers and
17 not only the trade waste industry to see but knowing
18 that I'm, I'm hearing from many workers that they're
19 asked to, to work long hours and to do routes that
20 have the... a number of business that makes it almost
21 impossible outside of being the flash to be able to
22 handle those, those pickups so they drive faster,
23 they roll through stop signs, they do things that are
24 more dangerous just to keep their jobs, they don't
25 want to lose their jobs and they have to... and they

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2 have to follow through. In some cases if they go over
3 the amount of... they... let's say it's an eight hour day
4 if they do, do nine or ten hours to complete their
5 route they don't get paid those extra two hours that
6 are overtime so they're trying to get it done in
7 eight hours and in doing so making a dangerous
8 situation, what, what, what do you do to prevent the,
9 the trade waste industry from putting these drivers
10 in those dangerous situations where they're being
11 asked to do more than is, is, is possible?

12 DAN BROWNELL: So, there's no question
13 that those kinds of things are happening, there's
14 probably also no question that to a large extent
15 those are the things that lead to the crashes that
16 result in serious injury or, or death and that's
17 precisely the kinds of things that we need to have in
18 our... in new updated rules in and in legislation
19 similar to what TLC is doing now with regard to
20 setting maximum shift times to do that and then take
21 other measures to the extent we can to ensure that
22 managers of trade waste companies aren't continuing
23 to overload drivers in terms of how many runs they
24 have on any particular shift. These are all things we

25

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2 need to look into, I'm not sitting here like I'm an
3 expert on all this stuff... [cross-talk]

4 CHAIRPERSON REYNOSO: Uh-huh... [cross-
5 talk]

6 DAN BROWNELL: ...and that's where having
7 input from the industry in terms of how the thing
8 functions so that when we do actually sit down and
9 draft out rules and legislation that we're actually
10 going to have things that are effective.

11 CHAIRPERSON REYNOSO: Okay, I'm going to
12 ask two more questions because I want to allow for my
13 colleagues to ask questions as well. Local Law 56 of
14 2015 says that there should be side guards on all of
15 the industry vehicles by 2024 so to date what is the
16 percentage of vehicles that now have side guards?

17 DAN BROWNELL: I don't know, Sal is going
18 to have... Sal why don't you just grab the mic... Sal
19 from our agency was the one with DCAS and DOT that
20 worked on this federal program and I think he's going
21 to have some idea.

22 SALVADOR ARRONA: So, I... hello, my name
23 is Salvador Arrona, I'm the Director of Policy at the
24 Business Integrity Commission. Council Member Reynoso
25 in order to answer your question of the number of

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2 companies that participated in the rebate program
3 that the Commissioner referred to, you know it was a
4 program, it was BIC, it was DOT, it was DCAS. In the
5 Fiscal Year 2016 the number of private carting
6 companies that took advantage of this rebate program
7 were eight... the number of trucks with side guards
8 installed were 18, for Fiscal Year 2017 the number of
9 private carting companies were 14 and the number of
10 trucks with side guards were 70.

11 CHAIRPERSON REYNOSO: Okay, so just want
12 to ask you would agree that's an extremely low
13 number?

14 SALVADOR ARRONA: Yes.

15 CHAIRPERSON REYNOSO: Okay and at this
16 rate... so, so for us 2024 is, is a long way... [cross-
17 talk]

18 SALVADOR ARRONA: Six years... [cross-talk]

19 CHAIRPERSON REYNOSO: ...away... [cross-talk]

20 SALVADOR ARRONA: ...away...

21 CHAIRPERSON REYNOSO: But at this rate if
22 we get, you know ten percent of the industry at this
23 rate done we'll be... we'll be... it'll be a lot, it'll
24 be an accomplishment... [cross-talk]

25

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2 DAN BROWNELL: Right and you know without
3 getting too pessimistic my guess is that we're not
4 going to be getting a lot more federal money for
5 this... [cross-talk]

6 CHAIRPERSON REYNOSO: Uh-huh... [cross-
7 talk]

8 DAN BROWNELL: ...as we did before, and you
9 know maybe one of the things to look at... my
10 recollection is when an... and when this law was being
11 discussed I had just come to BIC and knew absolutely
12 nothing about this stuff and I, I, I remember hearing
13 a concern that in terms of what was available on the
14 market was somewhat limited and especially being... be
15 able to provide that in large numbers... [cross-talk]

16 CHAIRPERSON REYNOSO: Yeah... [cross-talk]

17 DAN BROWNELL: ...my guess is... better than
18 my guess is, is that that is largely changed at this
19 point even in just three years... [cross-talk]

20 CHAIRPERSON REYNOSO: Yeah... [cross-talk]

21 DAN BROWNELL: ...so that probably if
22 we're... if we're... if we're really going to look to add
23 critical and important things to rules and
24 regulation... rules and legislation we, we may very

25

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2 want to... well want to up the date from 2024 that's
3 six years from now... [cross-talk]

4 CHAIRPERSON REYNOSO: Yes, I, I agree
5 with that.

6 NOAH GENEL: Council, Council Member...
7 [cross-talk]

8 CHAIRPERSON REYNOSO: I, I'm very
9 interested... yes...

10 NOAH GENEL: I'm sorry, may I also just
11 say, so that's 88 total trucks that... where the
12 companies have taken advantage of the rebate program,
13 that does not mean that there's necessarily only 88
14 trucks... [cross-talk]

15 CHAIRPERSON REYNOSO: Right... [cross-talk]

16 NOAH GENEL: ...that have side guards on
17 them, I don't have the statistic... [cross-talk]

18 CHAIRPERSON REYNOSO: Yeah... [cross-talk]

19 NOAH GENEL: ...here today but what Mr.
20 Arrona was talking about was the rebate program so
21 there was a program that if you act early you can get
22 a rebate to, to pay... help pay for the side guards so
23 there were 88 total trucks that have side guards as a
24 result of that program...

25

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2 CHAIRPERSON REYNOSO: Right, I just know
3 the trade waste industry to be very fiscally
4 responsible and given that there is a rebate almost
5 free money to take care of this issue that they would
6 take advantage of it, so I'll be heart pressed to see
7 even one or two trucks that haven't taken advantage
8 of the rebate program actually have these side guards
9 installed, it's just an assumption of... [cross-talk]

10 NOAH GENEL: No and, and, and apparently,
11 they are really, really effective...

12 CHAIRPERSON REYNOSO: I, I, I've seen
13 videos of them, I, I agree with you, I've advocated
14 on behalf of this for a long time and I'm glad to see
15 we're making some progress. Then just I have
16 information here that over a two-year period an
17 average of 48 percent of all trucks were taken out of
18 service due to maintenance problems when, when BIC
19 inspected them I guess, that, that's more than double
20 the national average... [cross-talk]

21 DAN BROWNELL: Yeah, I don't... [cross-
22 talk]

23 CHAIRPERSON REYNOSO: I mean that... does
24 that statistic... [cross-talk]

25

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2 DAN BROWNELL: ...I don't... I don't
3 interrupt but I don't know that we would have done
4 that inspection, it depends what it was for.

5 CHAIRPERSON REYNOSO: I'm hearing... so, I
6 guess who does the inspection of the trucks on
7 whether or not they're warming teamed or they're up
8 to code I guess; DOT, BIC?

9 DAN BROWNELL: It wouldn't... it wouldn't
10 be us on most things like the side guards when that
11 comes into effect... [cross-talk]

12 CHAIRPERSON REYNOSO: Uh-huh... [cross-
13 talk]

14 DAN BROWNELL: ...certainly when the
15 emission rules in 2020 come down we'll do some of
16 that, I imagine... would imagine DOT probably does some
17 things.

18 CHAIRPERSON REYNOSO: Okay, so we're
19 going to... we're going to look into... I'm going to look
20 into seeing who has that authority again I'm very
21 interested in seeing a couple of things we talked
22 about especially legislation to reduce our mandatory
23 hours of a driver being able to work and remember
24 it's not just the hours it's the amount of work they
25 have to do within that... those hours... [cross-talk]

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2 DAN BROWNELL: Exactly because if
3 they're... [cross-talk]

4 CHAIRPERSON REYNOSO: ...make it
5 impossible... [cross-talk]

6 DAN BROWNELL: ...if they're working for
7 four hours but they're driving around like... you know
8 crazy in the streets that's no good... [cross-talk]

9 CHAIRPERSON REYNOSO: Yeah. And then for
10 DOT, Metropolitan and Grand Street that intersection
11 specifically but Metropolitan and Grand Street both
12 routes are heavy truck routes in my district and in
13 those truck routes I'm seeing an increased number of
14 pedestrian deaths or fatalities, I'm extremely
15 concerned that over the last three years in my time
16 there, there have been three deaths at Grand Street
17 for example and DOT has yet to, to do anything to
18 modify those intersections or those, those two truck
19 routes but in that time we've actually seen an
20 increase in biker summonses by the NYPD and seeing a
21 disproportionate amount of summonses to truck... the
22 truck drivers so while the truck... the trucks are
23 killing people they don't get summonsed for it or
24 there's very little enforcement done to them and then
25 when it comes to the bikers who are the ones dying

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2 they're the ones being, being asked to, to, to get..
3 take on summonses. I just want to know where the
4 conversation happens within the task force that BIC
5 is now a part of that I'm glad to hear they're a part
6 of, where, where that translates into effective, you
7 know encouragement of, of street safety I guess or,
8 or, or driver safety?

9 JUAN MARTINEZ: Well in regards to, to
10 Grand Street in particular we have been... we've been
11 refining a plan for the corridor for some time, we
12 are trying to accommodate the up, upcoming shut down
13 of the L train and trying to figure out how to make
14 sure that that plan works with the anticipated number
15 of buses that are going to be required to move people
16 along Grand Street and make sure that it works for
17 local businesses and so on but in, in your district
18 with the L train shutting down bikes are going to be
19 a big part of the, the story about how people move
20 around and so increasing safe mobility on Grand
21 Street for bicyclists is a priority and, and you
22 should hear more from us on that before too long. And
23 right, when it comes to Metropolitan, when it comes
24 to Grand Street, when it comes to Meeker Avenue, when
25 it comes to other major corridors in North Brooklyn

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2 all over the city what we have been doing is trying
3 to civilize the interactions between trucks, cars,
4 people, people on bikes, people walking, right, it's
5 a complicated endeavor. What we've found is slowing
6 everybody down a bit helps dramatically. We can... when
7 vehicles are going slower they're more likely to be
8 able to avoid a collision and when that collision
9 does occur its less likely to be a fatal one. Also
10 separating phases so allowing pedestrians to go at a
11 different time as turning vehicles with the LPI's or
12 separating modes, allowing bicyclists their own safe
13 space and, and keeping them separate from vehicle
14 traffic but it's, it's all of it and... once and, and
15 if there's anything in particular that we need to be
16 working more closely on we'll follow up with your
17 office.

18 CHAIRPERSON REYNOSO: Yeah, I just really
19 want you to focus on enforcement. We have more trucks
20 in North Brooklyn approximately almost anywhere in
21 the city of New York outside of Hunts Point and they
22 have by... per capita I guess I want to say, per truck
23 the exact same amount of violations as let's say a
24 truck in, in the middle of Brooklyn and central
25 Brooklyn but the bike summonses have gone up. So, I

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2 just want to know... just say there's a... there's a, a
3 misunderstanding of what enforcement should be and
4 given that the trucks are the ones killing people
5 maybe we should talk about more enforcement for them
6 and not the bicyclists and I'll kind of... you don't
7 even need to answer that question but I want to allow
8 for of course Chair Rodriguez to ask a few questions
9 before my colleagues get an opportunity as well so
10 thank you for your testimony, I'm looking forward to
11 making a lot of these changes in the future
12 especially legislatively for BIC to consider giving
13 them authority to do a lot more in this... in this
14 area. Thank you.

15 COUNCIL MEMBER RODRIGUEZ: Thank you
16 Council Member Reynoso for, for chairing this
17 hearing, I'm sorry that I couldn't be here from the
18 beginning but both my Council Member Van Bramer and I
19 we were at another meeting since early this morning.
20 First of all my thanks to the men and women who work
21 so hard picking up our garbage, it doesn't matter if
22 they are representing the big one or they are like a
23 small one who are providing good services to our city
24 and I know that everyone is in the business to keep
25 our city safe, there's no enemies in this room, this

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2 is all about behind the men and women who are driving
3 a truck their two children, their three children who
4 live in Queens, who live in Staten Island, who live
5 in Brooklyn that is walking the streets and we want
6 to be sure that they're safe and we appreciate all
7 the advancement, advancements that we have made on
8 Vision Zero however we are not close to accomplish
9 our goal and the data speaks to itself as we are
10 getting close to the end of the year. So, I think
11 that, you know we only have one choice which is to
12 keep working together to identify ways on how our
13 street is safe for everyone, it's not about going
14 after any particular sector, it's about bringing the
15 sector to the table and engaging those sectors can
16 be... you know or those drivers who again pick up our
17 garbage can be another member for the truck's
18 associations who also move our goods in our city. My
19 first question is about the rebate, can you explain
20 with detail what is the rebate, what is the incentive
21 for those small owners of those companies who install
22 the side guards?

23 DAN BROWNELL: Chair I'm going to have
24 Sal Arrona from BIC explain that because he was the
25 one for our agency that led that effort.

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2 SALVADOR ARRONA: So, Commissioner
3 Brownell announced the rebate program in February of
4 2016 and, so it was a voluntary program that offered
5 each company who would participate a 50 percent
6 rebate off the side guard and, so we had a list of
7 the vendors where they can get that side guard
8 installed.

9 COUNCIL MEMBER RODRIGUEZ: And what is
10 the total for those for.. to install those side
11 guards, what is the average cost to install those
12 guards?

13 SALVADOR ARRONA: I, I don't have that
14 number with me... [cross-talk]

15 COUNCIL MEMBER RODRIGUEZ: It may be...
16 [cross-talk]

17 SALVADOR ARRONA: ...but I... [cross-talk]

18 COUNCIL MEMBER RODRIGUEZ: ...100,000,
19 10,000, what is the estimate?

20 SALVADOR ARRONA: I don't have the
21 number, but I will get back to you.

22 COUNCIL MEMBER RODRIGUEZ: Okay, I just
23 think that we need to look at the numbers because you
24 know one issue... what I have areas... what I... one area
25 what I sometime have issues about, you know how we as

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2 a city can do better to increase the incentive to get
3 what we need like the pedestrian ballers there's one
4 thing that I find out that it cost 500 dollars every
5 year per baller so if a non-for-profit wanted to
6 install 150 of them there's like a yearly... a, a fee
7 that they have to pay and I think that if we want to
8 make our sidewalk safe we as a city to provide
9 incentive, to get a waiver or to increase the
10 incentive. So, this is something that we definitely
11 want to, to increase the number of trucks, you know
12 at some point if we need to increase it we should be
13 open to do it. How often do you meet to take the
14 feedback of those... of that sector of sanitation
15 drivers to discuss?

16 NOAH GENEL: We meet... we have something
17 called the trade waste advisory board which meets
18 once a month, it has members of BIC including
19 Commissioner Brownell and myself as well as leaders
20 of the industry so top executives from several of the
21 major carting companies and then some representatives
22 of associations, trade waste groups that, that work
23 in the industry, so we meet on a monthly basis to
24 talk about BIC initiatives and to get feedback from
25 the trade waste industry.

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2 COUNCIL MEMBER RODRIGUEZ: If the city
3 organized a... the pickup of garbage and instead of
4 providing... instead of having all the small ones it
5 could be tiered to one or two of the big ones how
6 will that have an impact on this?

7 DAN BROWNELL: With regard to safety?

8 COUNCIL MEMBER RODRIGUEZ: Yes...

9 DAN BROWNELL: So, that obviously is one
10 of the main aspects of the conversation with regard
11 to the zoned collection effort that's going on now
12 with BIC and mostly Department of Sanitation and one
13 of the advantages of the zoned collection model I
14 would think would be a greater ability to mandate
15 safety equipment for the trucks of those particular
16 trade waste companies that have actually won bids and
17 are picking up commercial garbage in the city.

18 COUNCIL MEMBER RODRIGUEZ: Okay, do you
19 feel like a level of cooperation among those who
20 represent the... those... the drivers of those trucks who
21 pick up the garbage... sanitation truck drivers when it
22 comes to increasing the safety in our streets?

23 DAN BROWNELL: Some, I mean better... more
24 than some, a lot, obviously for the industry safety
25 is also a concern and we have many members that work

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 51

2 very hard for that but it's not everywhere and you
3 know some companies just aren't good, they have other
4 priorities and that's when... you know that's when
5 things get in trouble.

6 COUNCIL MEMBER RODRIGUEZ: Okay, thank
7 you I will continue again working with my colleagues
8 who Chairs the Committee on Sanitation also Chairman
9 of the Public Transportation Committee, I will
10 continue doing the best I can with my colleagues to
11 be sure that we share our streets and our street is
12 safe and that we understand that pedestrians and
13 cyclists should be our top priority, it doesn't
14 matter if we drive a truck or I drive a car we are
15 the ones who are behind the wheel, you know of all of
16 that weight, tons so we need to be sure that again,
17 you know always go extra mile in doing our part to
18 keep our city safe. Thank you.

19 DAN BROWNELL: So, Chair I know that you
20 and I have never interacted together, we've never met
21 but my invitation and request to you is if you have
22 concerns and you'd like to meet you should not
23 hesitate to pick up the phone or send me an email and
24 I'd be happy to meet with you.

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 52

2 COUNCIL MEMBER RODRIGUEZ: And as you

3 know the reason I think probably because in DOT have

4 been, you know with the Commissioner Polly and the

5 Borough Commissioner but more than happy like again

6 we are getting close to this year and we have made

7 progress but that is not the best one that we have

8 and this about Vision Zero overall that when we

9 learned this weekend that a 14 year old undocumented

10 teenager being killed, being the only source of their

11 family to support himself and support them back in

12 the country, you know I know that there... all of us

13 have, have compassions, have compassion for the rest

14 of our brothers and sisters in the city and we know

15 that the number that we have right now of how many

16 New Yorkers that they dying because they're being

17 killed in many cases by irresponsible and criminal

18 drivers there's a few apples that they don't... they

19 don't represent the majority. I know that the

20 majority of all those in the sector that we drive for

21 it can delivery, it can be individual drivers, we can

22 still do better. Thank you.

23 CHAIRPERSON REYNOSO: Thank you Chair. I

24 want to acknowledge Council Member Constantinides,

25 Richards and Garodnick who also joined us and now we

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 53

2 have questions and Van Bramer was here and stepped
3 out for a while and so did Council Member Menchaca.
4 We have questions from King, Rose and Chin in that
5 order so Council Member Andy King from the Bronx.

6 COUNCIL MEMBER KING: Thank you Mr. Chair
7 and welcome and good morning Commissioner Brownell as
8 well as Director Martinez... [cross-talk]

9 DAN BROWNELL: Good morning... [cross-talk]

10 COUNCIL MEMBER KING: ...to all the
11 families who've had to suffer from the lost life of a
12 family member, I offer my condolences and prayers as
13 losing a loved one never goes away, those emotions
14 are with you every day you try to adjust to a new
15 reality, but today's conversation is about how do we
16 have an oversight and real conversation about
17 accountability and what plans are being laid out or
18 what has been done. The testimony today has been very
19 informative, and I thank you gentleman for the
20 information that you've shared however I still have a
21 number of questions that you're going to help me get
22 clarity on, if there's anything redundant forgive me
23 but it's just again the repetition allows
24 remembrance. So, the first thing I just want to note
25 was in the testimony I know out of the number of

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 54

2 death accidents you said 31 of the trucks were BIC
3 registered but I'd just like to get an idea... can...
4 would you be able to tell me how many trucks are
5 actually on the road, would you have, have that
6 number at all?

7 SALVADOR ARRONA: How many BIC trucks
8 are... [cross-talk]

9 COUNCIL MEMBER KING: Are actually on...
10 [cross-talk]

11 SALVADOR ARRONA: ...actually on the road...
12 [cross-talk]

13 COUNCIL MEMBER KING: ...the road?

14 SALVADOR ARRONA: Council Member King in
15 order to answer your question we currently have
16 approximately 7,800... over 7,800 trucks that are
17 registered with BIC so that means that the company is
18 either licensed or registered and that each truck has
19 a BIC issued license plate so those are the orange
20 plates that are on the side of the trucks and that's
21 in addition to the DMV issued license plates.

22 COUNCIL MEMBER KING: Thank you, so out
23 of the 7,000 we're talking about 31 ended in death
24 fatality, okay. Other couple of questions that I do
25 have, are there any safety measures or criteria's put

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 55

2 in place before a person gets behind the wheel before
3 they start their day, that's one question, I'm going
4 to give you a couple and you all can figure out how
5 to answer them alright and it's not for any one
6 particular but to the panel in general, that's my
7 first question. Second one, what happens immediately
8 after an accident occurs, are there any time lines
9 that BIC gets involved at the scene or ever. Third,
10 accidents that have occurred have you found that they
11 are occurring in particular neighborhoods or
12 communities more than other communities, whether it's
13 a high pedestrian neighborhood or it's a wealthier
14 neighborhood or not... or a poorer neighborhood, where
15 are these accidents occurring. My fourth question
16 was... is we talked about prevention, what kind of
17 penalties do you suggest for prevention and does
18 these penalties go at the driver or do they go
19 strictly at the, the company and my fifth question
20 would be is... sanitation, the other sanitation trucks
21 out there as well as whether they are a part of this,
22 the unions, how are the unions faring out as working
23 with you all as far as safety, any protocols that
24 they're using, using that are working that can help
25 in the private industry that's, that's out here as

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 56

2 well and I'm going to stop right there and let you go
3 for it.

4 DAN BROWNELL: You're killing me. So, I'm
5 going to answer one, four, and five and you're
6 probably going to have to remember... to remind me what
7 five is by the time I get there... [cross-talk]

8 COUNCIL MEMBER KING: Okay...

9 DAN BROWNELL: So, in terms of measures...
10 safety measures in place before drivers go out every
11 I guess evening or night, so obviously all drivers in
12 this industry, industry have to have a CDL by the
13 state Department of Transportation and, and there are
14 things that they have to do, criteria they have to
15 meet in order to get that. The, the thing that we're
16 trying to do and I said a little bit of this, this in
17 my testimony was that when we had our initial zone
18 collection stakeholder meeting a year ago in
19 September one of the things that we decided to do
20 immediately was to put together a safety group
21 because that was something that didn't have to wait
22 for consultants to be brought on board to kind of
23 navigate the group through the process and so that
24 group includes members of organized labor, advocates,
25 environmental advocates, Department of Sanitation has

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2 been a huge part of that... those meetings, BIC of
3 course and then others in the industry and one of
4 things that we're putting together which I... should be
5 available I would say no later than two months from
6 now on our website is a universal safety manual and
7 one of the key things that's going to be in that
8 manual are, are pre-trip and post-trip inspections
9 that every driver and helper should be making with
10 regard to the trucks. Obviously testing the equipment
11 to make sure that it's... you know everything is
12 working that... and so that's going to be a critical
13 part of that. And then I think switching to question
14 five, you know right now we don't really have the
15 ability once that is... or the... I should say the legal
16 right to make that mandatory and that's definitely
17 something that we need to work with the Solid Waste
18 Committee to work on legislation and rules so that
19 companies are mandated to take the safety... the
20 universal safety manual that we'll put out and then
21 based on sort of their own, you know unique nature of
22 their company come up with their own safety protocols
23 and then we would, you know probably working with
24 Vision Zero make sure that every company has actually
25 come up with a comprehensive plan to do that and so

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 58

2 that's, you know one of the big things and of course
3 I've completely forgotten what question four is.

4 COUNCIL MEMBER KING: That's okay..

5 DAN BROWNELL: Okay..

6 COUNCIL MEMBER KING: We'll go to
7 question four, I was asking in regard to.. I think you
8 might of just shifted four and five around, I was
9 asking you about the penalties and does it target
10 the, the driver or does it target the company and now
11 go back to one to get back to.. around number one
12 which connects to this because depending on the state
13 of the mind.. state of mind of a driver getting behind
14 the wheel when they start the day might give us an
15 idea of what kind of day that driver is going to have
16 so now.. so, I was wondering if there's anything put
17 in place either by you or by.. you know how do we
18 evaluate a person's state of mind because driving..
19 getting behind the wheel of any vehicle is different
20 than coming and sitting at a desk and figuring out do
21 I not engage or not engage today so that's what I
22 wanted to get an idea because that determines if I'm
23 going to crash today or I'm going to drive a little
24 faster today or I'm going.. [cross-talk]

25 DAN BROWNELL: Right.. [cross-talk]

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 59

2 COUNCIL MEMBER KING: ...violate the rules
3 today, you know what kind of assessments are
4 happening with our personnel before they get behind
5 the wheel of a vehicle?

6 DAN BROWNELL: So, my sense is that the
7 kinds of things that we would be looking to do is
8 first of all ask those in the industry, you know
9 what's their experience in terms of what measures
10 would actually be effective, the transit authority I
11 would imagine before a motorman gets in, you know a
12 subway at the beginning of his or her shift there are
13 protocols there, I would imagine TLC has some similar
14 kinds of things and that's the great thing about
15 being part of Vision Zero because you have access to
16 this collective expertise and these kinds of things
17 so that when you actually do come up with measures
18 they're going to work. So, if I can... [cross-talk]

19 COUNCIL MEMBER KING: Uh-huh... [cross-
20 talk]

21 DAN BROWNELL: ...why don't I have Noah
22 answer question two...

23 COUNCIL MEMBER KING: Okay... [cross-talk]

24 NOAH GENEL: Which I think is the
25 timeline after a crash. So, when there is a crash

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2 involving a trade waste truck the initial
3 investigation and... you know the main investigation is
4 done by the NYPD so the collision investigation
5 squad, they are on the scene as quickly as possible,
6 they... you know they have all their own protocols. I
7 have met with members of the collision investigation
8 squad, I know that it is a comprehensive
9 investigation that they do. We at BIC get early
10 notification as, as quickly as DOT identifies it as
11 being a trade waste truck involved crash, they'd been
12 emailing to us the details, we have an internal
13 response team so I generally will get the emails and
14 I will forward them to the people within BIC who need
15 to know so that we can look into do we know the
16 driver's name, do we know the company, and assess
17 what's going on but until the NYPD does its
18 investigation we do not get involved directly in the
19 investigation. The most important thing is to
20 preserve the NYPD's investigation. Once that is
21 closed we can continue on with our own inquiry and we
22 have been doing that, but we have not been doing this
23 protocol for that long and the number of NYPD cases...
24 you know we, we stay in touch with NYPD to find out
25 when those cases are closed and then we will look

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2 into it to do as much as we can. The way our code and
3 rules are currently organized we don't... there's not a
4 lot we can do directly against the driver, there are
5 other... for example NYPD and the Criminal Justice
6 System may have something to say about some of the
7 crashes but we, we can make a finding which is a
8 lengthy process and a difficult thing to do against a
9 driver that he lacks good character, honesty and
10 integrity that would be an extreme measure and then
11 it's kind of an indirect thing because no trade waste
12 company can employ somebody or do business with
13 somebody who the commission has made that finding
14 against but that is not a direct way to handle these
15 things and so one of the things that we are
16 contemplating is some interim measure like being able
17 to require the suspension of a driver while the
18 investigation is pending, it's all very factual
19 specific and it's something that we're working on
20 and, and looking into.

21 COUNCIL MEMBER KING: Thank you and my
22 third question, I'm not... I'm not sure if I heard the
23 answer yet, did you find in regard to communities
24 that there were the locations that there was
25 frequency in some communities or others?

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2 JUAN MARTINEZ: So, in terms of a
3 geographic concentration not what you might expect,
4 what is pretty consistent is that in, in every
5 borough when you look at the priority corridors,
6 intersections in the areas, right, this is a tiny
7 fraction of our streets, eight to ten percent of the
8 streets in any borough are... account for 51 percent of
9 fatal pedestrian... or fatal or severe injuries to
10 pedestrians, right, two percent of the intersections,
11 15 percent of the pedestrian fatal and serious injury
12 crashes, right and so if you look at those areas,
13 those locations 90 percent of cases of, of pedestrian
14 and bicyclist fatalities involving these types of
15 trucks are happening on those same streets. So, on
16 the one hand that's, that's pretty encouraging
17 because we already have identified these streets,
18 we've been working on them, we've been deploying all
19 these interventions...

20 COUNCIL MEMBER KING: So, let, let me...
21 let me just stop right... stop right there so if I'm
22 understanding you're saying the same neighborhoods so
23 whether it's Brooklyn, Bronx, Queens it'll still be
24 in a... say a retail high traffic pedestrian just the
25 same scenarios in all the different boroughs what

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2 about whether it's in wealthier neighborhoods
3 compared to non-wealthier neighborhoods or the
4 ethnicities of the neighborhoods, so I'm just trying
5 to figure out... [cross-talk]

6 JUAN MARTINEZ: Sure... [cross-talk]

7 COUNCIL MEMBER KING: ...you know do we
8 have more crashes, you know on 144... 140th and Mott
9 Haven in the Bronx as opposed to maybe Park Slope I
10 don't know that's what I'm trying to figure out?

11 JUAN MARTINEZ: That's not what we found,
12 we didn't find a, a disparity along racial, ethnic,
13 income. The priority corridors tend to be in places
14 where there's a lot of pedestrian activity, right and
15 in a lot of wealthy areas there's a lot of pedestrian
16 activity, Manhattan for instance and in a lot of less
17 wealthy areas there's a lot of pedestrian activity
18 but right it is... it does have to do with the... and,
19 you know in terms of borough by borough, Manhattan
20 has more of these fatal crashes than other boroughs
21 that's to be expected because that's where a lot of
22 the work is being done by the industry but that's,
23 that's about it, yes.

24 COUNCIL MEMBER KING: And I'm just going
25 to wrap up with these last one and a half questions.

2 The industry itself do you find that they're very
3 cooperative to helping find solutions to the issues
4 of crashes throughout the city of New York and my
5 final question to you is if you know something such
6 as driver's being sleep deprived and then they're
7 still working is... what can you do to address it
8 quickly and swiftly as waiting for a crash to happen
9 and then say how do we jump in and correct that
10 situation?

11 DAN BROWNELL: So, going back to the
12 first question I would say that the industry is
13 critical to this conversation, they are... you know
14 they're the ones that actually run these businesses
15 by an large I think we get good cooperation, there
16 could be a lot better cooperation by some companies
17 that we sort of never hear from until there's a
18 problem, you know and another thing with regard to
19 this issue of enforcement obviously the drivers is
20 the one behind the wheel that if something bad
21 happens he or she was the one, you know that either
22 hit the bike or ran over the, the pedestrian but
23 obviously this is a much bigger picture, it's not
24 just the driver isolated behind the wheel, it's... you
25 know the way the company is run, you know how many

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2 stops that he or she were they given that night, what
3 kinds of pressures are they put under, how many hours
4 are they operating, you... so the thing that I'm
5 learning and again... and this is a completely new area
6 for me is that what's necessary is really taking a, a
7 much more holistic look at the entire operation and
8 this is where we really need, you know the men and
9 women, you know that are drivers and helpers in the
10 various companies especially the ones that are really
11 abusing them and creating, you know tremendously
12 unsafe circumstances by the way that they operate
13 their companies to let us know. I'm... am I saying we
14 can fix everything, no but certainly in the context
15 of having expertise like Vision Zero and advocates
16 and other people I think we can certainly make a very
17 good effort.

18 COUNCIL MEMBER KING: And the other half
19 of the question in regard to how quickly do you think
20 you can get in if you know some... I heard you say
21 you're... if... this is new ground, it's kind of
22 challenging, we need to do... [cross-talk]

23 DAN BROWNELL: Right... [cross-talk]

24 COUNCIL MEMBER KING: ...more work but if
25 we really know something is happening, if you're... if,

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 66

2 if a company hasn't been communicating with you as
3 much as you need them to communicate what actions do
4 we take because we know something can be wrong and
5 something is obviously going wrong but how do we have
6 preemptive strike... [cross-talk]

7 DAN BROWNELL: Well first of... [cross-
8 talk]

9 COUNCIL MEMBER KING: ...if someone doesn't
10 want to step up to the... [cross-talk]

11 DAN BROWNELL: ...you know we do... so...
12 first, first of all we have to know about it and
13 again there's no way I would think unless we get some
14 sort of a tip that we're going to know let's say
15 that, that an owner of a company is being
16 particularly onerous, onerous on his or her drivers
17 once we know that there are things that we can try to
18 do, I mean it's very fact specific so I really don't
19 want to try to lay out a hypothetical thing in terms
20 of what we would do and maybe we wouldn't even be the
21 agency that would do it, I mean there's the
22 Department of Labor, there are other people involved
23 but certainly anything on the street with
24 surveillance we're the ones to do that because we're
25 a law enforcement agency.

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2 COUNCIL MEMBER KING: Well I thank you
3 for your answering the questions and your testimony
4 today, have a good holiday, thank you.

5 DAN BROWNELL: Thank you.

6 CHAIRPERSON REYNOSO: Thank you Council
7 Member King, Council Member Rose.

8 COUNCIL MEMBER ROSE: Thank you... [cross-
9 talk]

10 CHAIRPERSON REYNOSO: I just... I'm sorry I
11 just want to acknowledge Council Member Vanessa
12 Gibson is here as well, Sorry Council Member Rose.

13 COUNCIL MEMBER ROSE: Sure. Thank you,
14 Chair Reynoso. Director Martinez there was a
15 disproportional amount of fatalities between the
16 hours of midnight and six a.m. for the other
17 fatalities it was 17 percent and for the trade waste
18 trucks it's 31 percent, to what would you attribute
19 that and... well first what would you attribute that
20 to?

21 JUAN MARTINEZ: My, my first assumption
22 is that from what I understand of the industry they
23 do a lot of their work at night, it's easier to
24 travel around the city, it's more convenient for the
25 customer and so a lot of it has to do with exposure,

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 68

2 the vehicles are, are more likely to be on our
3 streets at night but in general the disproportionate
4 nature of pedestrian fatalities at night has a lot to
5 do with the fact that speeds increase overnight,
6 there's less traffic congestion and there's more
7 potential for drivers to, to go at unsafe speeds and
8 visibility, pedestrians are going to be less visible
9 when it's dark out.

10 COUNCIL MEMBER ROSE: Would you... would
11 you think that possibly the, the volume, the length
12 of the routes and the, the limited time span that the
13 private carters actually have to get that work done
14 would attribute to, to... would attribute to some of
15 that?

16 DAN BROWNELL: If I could take that, I
17 think absolutely and again the... these are where the
18 people that work in the industry can best tell us, I
19 mean the people that have been doing this five, ten,
20 15, 20 years they're the best ones to know the kinds
21 of pressures that are put on them and the kinds of
22 pressures that create unsafe conditions because
23 drivers are just simply too worn out to properly pay
24 attention under the, you know difficult circumstances
25 of driving a big truck at night provide.

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2 COUNCIL MEMBER ROSE: And the, the volume
3 by nature of the business it, it's a lot, your trucks
4 are about 30 tons, right and are they sort of... do
5 they have to fill them... they have to get all of the
6 contracted people picked up by six a.m., right?

7 DAN BROWNELL: Not by law, I mean I
8 don't... again that would... that might be, you know a
9 kind of restriction that, you know those managing a
10 business might put on, I don't really know.

11 COUNCIL MEMBER ROSE: Would you consider
12 putting some type of regulation into your safety plan
13 in terms of the, the volume, the length of routes
14 and, and the... you know in comparison to the time that
15 they have to get that done?

16 DAN BROWNELL: You know... and I know it's
17 some years away but my sense is that that's best
18 handled under a really effective zone collection
19 waste system, that kind of structure because one of
20 the things that I'm thinking of always from the... from
21 the perspective of enforcement that we may find that
22 out every once in a while but again given the small...
23 the... there's... only the small nature of, of BIC how
24 many employees we have but to be able to catch that I
25 think would be very difficult. My guess is there are

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 70

2 better ways to, to sort of legislate that kind of
3 thing and I think that's really what zoned collection
4 is all about making... you know reducing the number of
5 trucks, making them more efficient so that when they
6 go to wherever they're tipping that they're actually
7 full and you don't have all these companies driving
8 around the city.

9 COUNCIL MEMBER ROSE: And also... [cross-
10 talk]

11 CHAIRPERSON REYNOSO: Council Member...
12 [cross-talk]

13 COUNCIL MEMBER ROSE: ...so that they're
14 not... [cross-talk]

15 CHAIRPERSON REYNOSO: Council Member Rose
16 can, can you just... a shameless plug here, can you
17 repeat that one more time in regard to how we can
18 actually... what your thought was figure out a way
19 either to truncate the amount of time that these
20 drivers are on the street and also make sure that
21 don't have 500 businesses they have to go to where
22 they can't even... [cross-talk]

23 COUNCIL MEMBER ROSE: Exactly... [cross-
24 talk]

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 71

2 CHAIRPERSON REYNOSO: ...accomplish that...

3 [cross-talk]

4 COUNCIL MEMBER ROSE: ...which contributes
5 to speeding and unsafe practices.

6 CHAIRPERSON REYNOSO: Right and the... and
7 then the Commissioner said that the best way to
8 handle that might not be necessarily through
9 enforcement by BIC but...

10 DAN BROWNELL: Zone... that, that, that
11 really is the foundation under the zoned collection
12 system one of the main things to achieve is a more
13 efficient truck routes with trucks getting filled
14 sooner and not going to transfer, transfer stations
15 until they're actually filled. Now I'm not saying
16 that's necessarily simple and you know with
17 sanitation really leading the way on this again with,
18 with all sorts of stakeholders being involved in the
19 conversation to the extent we all work together
20 collaboratively even though there are obvious
21 differences of opinion based on what group we're in I
22 think we can come up with something that's, that
23 really works but it's not going to be simple but
24 that's the kind of thing I think that addresses your
25 concern.

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 72

2 COUNCIL MEMBER ROSE: I've also observed
3 on the private carters actually engaging in this
4 practice called dead heading where they work both
5 sides of the street regardless of the flow of traffic
6 so if the traffic is heading Eastbound, it's, it's a
7 two way street East and Westbound the truck might at
8 one point be on the Westbound side but might also be
9 on the Eastbound side facing the traffic and
10 Department of Sanitation has in their best practices
11 they've made that an illegal practice, is this
12 something that BIC would consider adopting for your
13 safety plan?

14 DAN BROWNELL: Yeah and the, the first
15 thing I want to say is that when you or any of your
16 constituents or anyone you know sees such a thing if
17 you tell us that the thing that we find is and it's
18 human nature that if somebody's doing that on one
19 given night they're probably doing that every time
20 they do those stops and so that we can be there with
21 our investigators to catch them doing that and then
22 we can bring appropriate enforcement action but
23 that's where we really need the public whose out
24 there that's seeing these things and you don't have
25 to do anything other than call us up, you don't have

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 73

2 to take a photo, you don't have to take a video, you
3 don't have to do anything other than saying, you know
4 I was out here such and such a night, if you get the
5 name of the carter and usually it's on the side of
6 the truck that's really helpful with of course the
7 location then that allows our surveillance people to
8 set up and catch them and then we can photograph
9 them, we can video them and then we can bring the
10 appropriate enforcement.

11 COUNCIL MEMBER ROSE: So, it is already
12 something that's regulated it's just not being
13 enforced... [cross-talk]

14 DAN BROWNELL: Well there, they're
15 breaking the traffic rules that's something that we
16 can enforce.

17 COUNCIL MEMBER ROSE: Okay, thank you.

18 CHAIRPERSON REYNOSO: Thank you for those
19 great questions Council Member Rose, there's always
20 space available in the Sanitation Committee should
21 you ever want to be a part of it. Council Member
22 Margaret Chin.

23 COUNCIL MEMBER CHIN: Thank you Chair.
24 Thank you to the panel for enlightening us on BIC. I...
25 one of the... I have a couple of questions. Now when

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 74

2 you mentioned earlier there are 7,800 trucks
3 registered with the BIC how many companies, carting
4 companies are there in New York City and are they all
5 licensed by the BIC?

6 SALVADOR ARRONA: So, Council Member Chin
7 there are approximately over 250 licensees and there
8 are roughly over 2,000 companies that have
9 registrations and they haul mostly C and D.

10 COUNCIL MEMBER CHIN: What's, what's the
11 difference, 250 and then 2,000?

12 NOAH GENEL: So, a licensee can haul any
13 type of trade waste including putrescible trade waste
14 like irregular garbage, we have two registrations one
15 for a self-hauler that's a Class one registration so
16 if you generate your own garbage and you want to haul
17 it yourself it most frequently happens with
18 landscapers, they, they mow a lawn and they generate
19 lawn clippings and then they haul those themselves
20 and then there's a Class two which is to haul
21 construction and demolition debris only which is
22 referred to as C and D.

23 COUNCIL MEMBER CHIN: Okay, so good to
24 know because if a... if one of those companies are

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 75
2 crushing construction materials in the middle of the
3 night we call BIC to complain, right?

4 DAN BROWNELL: Sure.

5 COUNCIL MEMBER CHIN: Okay, that's good
6 to know for my constituents. Out of those are all the
7 companies that's, that's doing commercial waste are
8 they all registered with the BIC, I mean there's no
9 company out there that's not registered?

10 DAN BROWNELL: They better be if they're
11 picking up waste... trade waste in the... within the city
12 limits they better be... we... and we catch companies all
13 the time for doing what's called unlicensed activity
14 and we issue them a fairly hefty fine.

15 COUNCIL MEMBER CHIN: Now how long is the
16 licensing process, when do they come back for renewal
17 and the, the question relating to that is that when
18 they're applying for their license or when they're
19 coming back to renew does the commission take into
20 consideration of their, their safety records and
21 their... if there has been a complaint against them,
22 are those taken into considerations?

23 NOAH GENEL: So, it's a two-year cycle
24 and so they, they have to apply to us before they're
25 able to actually begin hauling but then once they're

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 76

2 granted a license or a registration when it's time
3 for their renewal they can submit their renewal and
4 they can continue to haul while we consider their
5 renewal application, I'm sorry what was the second
6 part... [cross-talk]

7 COUNCIL MEMBER CHIN: So, do you take...
8 [cross-talk]

9 NOAH GENEL: ...of it... [cross-talk]

10 COUNCIL MEMBER CHIN: ...into consideration
11 their safety records and complaint that's been, you
12 know launched against them, do you look... take... do you
13 look at those?

14 NOAH GENEL: We have... they have to
15 disclose their drivers to us and we do a background
16 investigation on the company itself and we make sure
17 that the drivers are licensed, and they have to
18 obtain a CDL license before they're able to drive, we
19 do not have anything specifically as I had... I had
20 said in response to an earlier question, our focus
21 has really... has been on the companies and that's the
22 way that our code and rules are structured. The
23 recourse we have against drivers are if there's a
24 particularly dangerous driver who we can find as a...
25 lacks good character, honesty and integrity if it

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 77

2 rises to that level we can take action against the
3 driver by making a finding and then he would
4 essentially not be employable by the industry but as
5 of now that is what... that's what we've been doing and
6 that's one of the reasons that we wanted to talk
7 about in... changing our rules or adding, updating our
8 rules and also speaking with Chair Reynoso about
9 amending our code.

10 COUNCIL MEMBER CHIN: Yeah, because I
11 think the Commissioner mentioned earlier, right
12 because if, if a company has drivers that have bad
13 driving records or are, you know involved in
14 accidents that's also a reflection of the company and
15 it's like when they come back to renew their license
16 that's the time where you can institute some changes
17 for them or mandate them to do some safety trainings,
18 right?

19 NOAH GENEL: So, it's a highly fact
20 specific analysis for each one, you have to really
21 look at the size of the company and what percentage
22 of... you know is... if it's a very large company and
23 we're talking about one problematic driver that's a
24 very different situation than a very small company
25 where maybe the owner is actually also the driver

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 78

2 where that second situation makes it much easier for
3 us the way our code and rules currently are drafted
4 to take action against it but where you have a much
5 larger company and you have say a problematic driver
6 it's a different story for us at this point.

7 COUNCIL MEMBER CHIN: Well I just think
8 that that is a, a tool that we have, you know when
9 they're coming back to renew their license that's
10 when we can institute changes or mandate them to do...
11 [cross-talk]

12 NOAH GENEL: Uh-huh... [cross-talk]

13 COUNCIL MEMBER CHIN: ...you know safety
14 training, I, I think that's, that's the very
15 important factor to consider when they're coming back
16 to ask for renewals.

17 DAN BROWNELL: Right and the department...
18 obviously the Department of Sanitation doesn't
19 license their own drivers but Department of
20 Sanitation already has similar measures in place
21 where if a driver or a helper for that matter does or
22 doesn't do certain things that create a problem
23 Sanitation has really good protocols in place to
24 reeducate people and get them focused on doing things
25 the proper way and that's one of the reasons why

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 79

2 having the Department of Sanitation as part of our
3 safety group has been so valuable.

4 COUNCIL MEMBER CHIN: Now also... my, my
5 last question is that now does the Commissioner work
6 with DOT and the carting companies to really
7 proactively look at the, the truck routes and how
8 they could be altered, the street design to make it
9 safer because especially like in my district I
10 represent Lower Manhattan, Chinatown, Little Italy,
11 the streets are very small, they're narrow... [cross-
12 talk]

13 DAN BROWNELL: Exactly... [cross-talk]

14 COUNCIL MEMBER CHIN: ...and then we got
15 different companies, you know collecting garbage on
16 the same streets and I'm very interested in the, the
17 zoning plan to really see how we can... [cross-talk]

18 DAN BROWNELL: The zone collection...
19 [cross-talk]

20 COUNCIL MEMBER CHIN: ...yeah, the zone
21 collection, wanted to see how we can really improve
22 that and also to really work with... especially
23 Manhattan, we have a lot of business improvement
24 districts and they might be able to also give input
25 in terms of the zone collection but also in terms of

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 80

2 safety, how they see that their neighborhood could be
3 better served but in terms of working together do you
4 have discussion to really proactively look at, you
5 know the problematic streets and try to make it
6 safer?

7 JUAN MARTINEZ: Yeah, one of the things
8 that I neglected to bring up in my testimony but you
9 reminded me of now is that we have been... well we have
10 been working with BIC to ask the companies involved
11 to talk with their drivers and to tell us about
12 problematic intersections and streets, right, tell us
13 where a turn is particularly difficult and so on to
14 give us that insight because when we do think about
15 vehicular movement we tend to think about private
16 cars because they're the, the largest member on the
17 street and that perspective has been helpful.
18 Unsurprisingly most of the places that they cite as
19 being problematic when, you know it's a difficult to
20 make a left turn for instance or at the same places
21 that it's tough even in, you know my Hyundai Elantra
22 but with that in mind when we do look to revise a
23 truck route we will be taking that feedback in mind
24 as well as from local business groups, from Council
25 Members, institutional, institutions which take a lot

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 81
2 of deliveries, we, we, we put all that together when
3 revising truck routes.

4 COUNCIL MEMBER CHIN: Okay, thank you.
5 Thank you Chair.

6 CHAIRPERSON REYNOSO: Thank you Council
7 Member Chin, Council Member Steve Levin and then
8 we'll head to our panels with three minutes.. three
9 minute talking times, thank you.

10 COUNCIL MEMBER LEVIN: Thank you very
11 much Mr. Chair. I apologize if some of my.. the
12 question that I raise are.. have been already
13 addressed in this hearing. You know I represent
14 Greenpoint, Brooklyn on Franklin Street, earlier this
15 year a young man Neftaly Ramirez was, was killed by a
16 private sanitation truck on his way home from work
17 and I, I think obviously his death was preventable,
18 it was a terrible tragedy for him and his family and
19 all that knew and had loved him. How many fatalities..
20 how many... how many in... how many crashes have occurred
21 in this year, this calendar year and how's that
22 compared to previous years? So, first does crashes
23 involving a cyclist or pedestrian and then... and then
24 fatalities?

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 82

2 JUAN MARTINEZ: So, the number that I
3 have immediately available is all fatal crashes, this
4 year so far there have been seven. Over the past...
5 since 2010 the number tends to range between four and
6 seven in any given year.

7 COUNCIL MEMBER LEVIN: And that's, that's
8 in total or that's with...

9 JUAN MARTINEZ: Total fatal crashes
10 involving trucks which are registered with BIC,
11 trucks that are similar to those that are registered
12 with BIC... [cross-talk]

13 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
14 talk]

15 JUAN MARTINEZ: ...and, and motorists,
16 motorcyclists, bicyclists and pedestrians.

17 COUNCIL MEMBER LEVIN: Okay. That's
18 obviously an unacceptably high number and is... do you...
19 is it something that you see... what, what are the
20 major drivers of that, is it... is it vehicle based, is
21 it... is it driver behavior based and how does that
22 compare to other... how does that compare to DSNY
23 fleets?

24

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 83

2 JUAN MARTINEZ: Uh-huh. So, there has not
3 been a Department of Sanitation involved fatality
4 since I believe 2014.

5 COUNCIL MEMBER LEVIN: Okay..

6 JUAN MARTINEZ: When we look at these
7 crashes we see that there are a lot like other fatal
8 crashes around the city except in some cases more so,
9 right, they, they tend to occur in places which have
10 a lot of severe pedestrian crashes to start with,
11 right, over 90 percent are in the areas that we've
12 identified as priority areas that the city needs to
13 work on, DOT is concentrating our projects there,
14 NYPD's concentrating our enforcement in these areas,
15 right. In addition, turns are a particular concern
16 with these trucks more so than with private vehicles
17 and the overnight crashes pop more than they do with
18 ordinary vehicles.

19 COUNCIL MEMBER LEVIN: So, I'm sorry say..
20 just back to the, the, the comparison between private
21 sanitation and, and DSNY how... what's the size of the
22 fleet of DSNY?

23 JUAN MARTINEZ: I actually couldn't tell
24 you.

25 DAN BROWNELL: I don't know.

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 84

2 COUNCIL MEMBER LEVIN: A few thousand?

3 Okay, what's... and what's the size of the private
4 sanitation fleets combined?

5 SALVADOR ARRONA: It's 7,800... over 7,800
6 trucks registered with BIC.

7 COUNCIL MEMBER LEVIN: Okay. I think that
8 the DSNY fleet is in the... it's probably about two or
9 three thousand, is that right, give or take? So, if
10 there hasn't been a crash involving an DSNY truck in
11 four years... or three years and... a fatal crash and
12 there's seven annually with a fleet that's about two
13 or three times the size to me that speaks to, to, to
14 driver training and behavior. I can tell you
15 personally, you know I see private sanitation trucks
16 speeding down, you know quite residential streets, I
17 see them driving, you know recklessly. Is that... I
18 mean is that something that, that every New Yorker
19 should, you know take a... try to take a picture with
20 their cell phone and send it to BIC, send it to 3-1-
21 1, so if they see a driver driving recklessly how...
22 what are they supposed to do?

23 DAN BROWNELL: Absolutely if they can,
24 they may not have time to so just giving us a

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 85

2 location and the name of the company. So... [cross-
3 talk]

4 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
5 talk]

6 DAN BROWNELL: ...I live on Upper Broadway
7 and I'm out at five o'clock in the morning walking a
8 dog... [cross-talk]

9 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
10 talk]

11 DAN BROWNELL: ...I see trucks going really
12 fast quite often... [cross-talk]

13 COUNCIL MEMBER LEVIN: Yeah... [cross-
14 talk]]

15 DAN BROWNELL: ...and then I speak to the
16 drivers but my point is for the... for the people out
17 on the street that see things especially let's say
18 backing up into a one way street going the wrong way,
19 I mean those are the kinds of things that are really
20 important to let us know because as I indicated
21 before if a driver's doing that on one night my guess
22 is they're probably doing that every time they do
23 that stop and so again I can't say given how small
24 our size is that we can be every... [cross-talk]

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 86

2 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
3 talk]

4 DAN BROWNELL: ...where but that's the kind
5 of thing that allows us to be much more strategic
6 with this... with the investigative staff that we have.

7 COUNCIL MEMBER LEVIN: And what kind of
8 consequences are there, do drivers get fired for
9 driving recklessly?

10 DAN BROWNELL: Some, sometimes, I mean
11 actually Noah can speak to... [cross-talk]

12 NOAH GENEL: I mean I can tell you that
13 where we get a complaint we follow up on it and as
14 just an example on October 30th we got a complaint
15 about a driver that somebody felt was driving
16 recklessly and almost hit them and they called, they
17 called 3-1-1, we got the complaint, we called the
18 owner of the company and then we followed up several
19 days later and that driver has been fired.

20 COUNCIL MEMBER LEVIN: But you can't fire
21 the drivers obviously, they work for a private
22 sanitation company.

23 DAN BROWNELL: No and we don't license
24 drivers.

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 87

2 COUNCIL MEMBER LEVIN: So, what's, what,
3 what accountability is there for the companies, I
4 mean a company is... has, you know can fire or not fire
5 somebody who's driving recklessly as they... there are
6 protocols within your contracts or, you know any
7 nexus point with BIC to, to ensure that they are... I
8 mean are you tracking the number of complaints to the
9 various carters and, and making... you know and, and,
10 and looking and seeing how that is to... you know
11 proportionately to the size of their fleet and if
12 one... you know if one company that has 30 trucks has a
13 lot of complaints, I mean what type of... what type of
14 accountability is there in the relationship between
15 BIC and the haulers when it comes to, to driver
16 safety?

17 NOAH GENEL: Well first of all, I mean we
18 have... we focus a lot on safety in our trade waste
19 advisory board meetings and so there's a number of
20 companies that are on that board that we speak to
21 directly on a very regular basis about safety and
22 then we communicate with the entire industry through
23 these safety bulletins but as of right now we have
24 been focusing on the companies themselves and not

25

2 specifically the drivers as they.. you know as..

3 [cross-talk]

4 COUNCIL MEMBER LEVIN: But what's the
5 stick, so I mean there's a.. you know there's a..
6 there's these meetings and there's the advisory board
7 and there's the consortia or whatever, symposia,
8 what's the.. what's, what's the consequences to a
9 company if their drivers are consistently driving
10 recklessly with these ten-ton trucks?

11 DAN BROWNELL: So, a company that would
12 be operating in the waste.. and again as Noah said its
13 very fact specific but a company that's operating
14 where clearly, they're.. in a very reckless fashion, I
15 would say that that's certainly a basis to deny a
16 license, again very fact specific under, you know
17 lack of good character, honesty and integrity.

18 COUNCIL MEMBER LEVIN: Okay, but I mean
19 like some of the bigger haulers are the ones that I
20 see driving recklessly, I mean.. you know just in my..
21 when I walk up and down the street, you know, I mean
22 what.. if.. what do you account.. I mean that, that
23 discrepancy between seven fatality crashes within
24 that fleet to overall BIC overseeing fleet versus

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 89

2 zero a year in DSNY fleet, what do you... what do you
3 account for that, that wide discrepancy?

4 JUAN MARTINEZ: I mean... I mean they... to a
5 certain extent they perform very different jobs, in
6 terms of with DSNY they're on regular routes that are
7 picking up very... you know very regularly along the...
8 right, they're making multiple stops in a short
9 distance... [cross-talk]

10 COUNCIL MEMBER LEVIN: Uh-huh... [cross-
11 talk]

12 JUAN MARTINEZ: ...as opposed to traveling
13 between stops for longer distances... [cross-talk]

14 COUNCIL MEMBER LEVIN: Okay but, but with
15 that, you know under that... under that logic if, if a,
16 a DSNY truck was going greater distances between
17 their pickups they would have the same number of
18 fatalities as, as we're seeing under the private
19 fleets?

20 JUAN MARTINEZ: I guess what I'm trying
21 to get at is the, the amount of miles traveled,
22 right, may be significantly different, the time of
23 day that they're operating is also significantly
24 different, it... in the middle of the day, there's
25 more... there's better visibility and so on, right but

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 90

2 ultimately city employees, the city of New York can
3 put a lot of emphasis on, on training, on, on
4 discipline, on managing the work schedule which
5 private enterprise doesn't have to... [cross-talk]

6 COUNCIL MEMBER LEVIN: I mean... okay, I
7 mean I will suggest that it's... you know with the
8 private fleets it's like the wild west, that they
9 feel like they can drive like jerks without any
10 consequences, you know you'll... you're lucky if you're
11 able to even see the name of the company let alone a
12 license plate or a BIC number and... you know and it's
13 kind of like, you know I'll do what I want and try
14 and catch me and there seems to be just very little
15 accountability and, you know real life consequences,
16 you know people are dying, people are dying, seven
17 New Yorkers a year lose their life because of, you
18 know essentially just a devil may care cavalier
19 attitude by drivers and that's... and the, the proof
20 is... the proof is right there. So, you know I, I... you
21 know I don't see the same type of driving even from a
22 sanitation truck that's going... you know on their way...
23 you know the sanitation truck is on their way back to
24 the garage, they're not driving, you know 40 miles an
25 hour down a residential block, you know, I mean it's

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 91

2 just a different... and so this... there's got to be some
3 greater consequences, I'd, I'd like to see a... you
4 know I'd like to see a report that's published and
5 then based on that report whoever's got the... you know
6 the... a disproportionate number of, of complaints or
7 fatalities or crashes, you know there's got to be
8 some consequences to their... to their contract and to
9 their license and I'd like to see that so... I want to
10 follow up on that. Thank you.

11 CHAIRPERSON REYNOSO: Thank you Council
12 Member Levin. Just two questions before we get to our
13 next panel. We've been updated on the amount of
14 fatalities we've seen over the last two years, what
15 about serious injuries or injuries in general, just
16 crashes in general, do we have that number?

17 JUAN MARTINEZ: We don't for a bunch of
18 reasons, it's just much more difficult to work with
19 that data and to really get down to reliably get down
20 to what type of truck is involved in those crashes
21 when it looks... when you're looking at the injury
22 data.

23 CHAIRPERSON REYNOSO: Okay, so... okay, so
24 and whatever reports you're getting... [cross-talk]

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 92

2 JUAN MARTINEZ: We, we focused on
3 fatalities because that's easily the, the most
4 comprehensive information we have.

5 CHAIRPERSON REYNOSO: But they don't...
6 they, they don't... so there's no way to know if it's a
7 truck, trade waste truck... [cross-talk]

8 JUAN MARTINEZ: When we... [cross-talk]

9 CHAIRPERSON REYNOSO: It's just... [cross-
10 talk]

11 JUAN MARTINEZ: ...right, right. When we
12 have police reports for the injuries they... the, the,
13 the specificity about the type of a truck is often
14 very unreliable...

15 CHAIRPERSON REYNOSO: Okay. Alright and,
16 and Commissioner you said you meet with the owners I
17 guess of the industry about once a month in a... trying
18 to get them to do better, are workers involved in
19 those type of meetings at all?

20 DAN BROWNELL: No and I don't want to
21 make it sound like we're meeting with 100 owners so
22 it's... [cross-talk]

23 CHAIRPERSON REYNOSO: Uh-huh... [cross-
24 talk]

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 93

2 DAN BROWNELL: ...it's really a small
3 representative group of the owners... [cross-talk]

4 CHAIRPERSON REYNOSO: Okay... [cross-talk]]

5 DAN BROWNELL: ...where we really have more
6 interaction with owners at these symposia that we've
7 had, and I hope you're be able to make the one in
8 April which will focus on the... sort of the latest
9 safety technology for the trucks but we... that's
10 really where we have the most direct interaction and
11 then, you know various things we do on the website.

12 CHAIRPERSON REYNOSO: What about workers,
13 I want to know do you meet with... [cross-talk]

14 DAN BROWNELL: We don't, so one of the...
15 [cross-talk]

16 CHAIRPERSON REYNOSO: ...the union
17 representation of workers... [cross-talk]

18 DAN BROWNELL: ...frustrations is and it's
19 not against the workers and the drivers is, you know
20 given their hours it's very hard to get them... you
21 know and it's reasonable from their perspective at
22 these symposia because for one thing they probably
23 just worked all night and so... [cross-talk]

24 CHAIRPERSON REYNOSO: So... [cross-talk]

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 94

2 DAN BROWNELL: ...that's been one of the
3 frustrations but that's really the whole emphasis
4 behind trying to have these training videos available
5 so that that can be done, you know when it works... you
6 know for the drivers and the helpers and as I said
7 before but I don't think I can overstate this, I get
8 that the drivers are the ones behind the wheel that,
9 you know are involved in the track... the crashes but
10 it's... really the thing that we're looking at is more
11 of a holistic thing because quite often it isn't just
12 the driver that's being a, you know quote, unquote
13 jerk it's that there's more going on in terms of the
14 way that company is being managed that has, you know
15 these screw up... screw ups happen... [cross-talk]

16 CHAIRPERSON REYNOSO: Right... [cross-talk]

17 DAN BROWNELL: ...which of course can be
18 catastrophic.

19 CHAIRPERSON REYNOSO: So, I, I want to
20 challenge you a little bit there, I just want you to
21 have an open invitation to workers and see if they
22 would show up or not, I think hearing from their...
23 [cross-talk]

24 DAN BROWNELL: Here there I'll bet...
25 [cross-talk]

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2 CHAIRPERSON REYNOSO: ...perspective...

3 [cross-talk]

4 DAN BROWNELL: ...they'll come, I'm
5 serious. Let's, let's try to do something and, and
6 you know obviously have a keen interest in this,
7 we'll... [cross-talk]

8 CHAIRPERSON REYNOSO: Uh-huh... [cross-
9 talk]

10 DAN BROWNELL: ...put it together, we'll
11 try to set it up at a time that works.

12 CHAIRPERSON REYNOSO: Alright, so that's
13 very important to me because I think the perspective...
14 [cross-talk]

15 DAN BROWNELL: Yeah... [cross-talk]

16 CHAIRPERSON REYNOSO: ...of the driver
17 might be helpful in being able to build policy that
18 talks about safety in a... in an industry that they're
19 very well aware of and that might not want to be in a
20 public symposium talking about, you know their
21 carting company... [cross-talk]

22 DAN BROWNELL: Right... [cross-talk]

23 CHAIRPERSON REYNOSO: ...is telling them to
24 do 500 businesses in two hours but if it was just a
25 relationship with you... [cross-talk]

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 96

2 DAN BROWNELL: That's fine... [cross-talk]]

3 CHAIRPERSON REYNOSO: ...more unanimous I
4 think it would be helpful, so I just want to talk
5 about building that relationship in a more formal way
6 so that there is an out for them because I... [cross-
7 talk]

8 DAN BROWNELL: No, it's going to be
9 critical... [cross-talk]

10 CHAIRPERSON REYNOSO: ...I do think...
11 [cross-talk]

12 DAN BROWNELL: ...there's a question...
13 [cross-talk]]

14 CHAIRPERSON REYNOSO: Alright... [cross-
15 talk]

16 DAN BROWNELL: ...that's critical.

17 CHAIRPERSON REYNOSO: Alright, thank you.
18 So, thank you for your testimony... [cross-talk]

19 DAN BROWNELL: Thanks... [cross-talk]

20 CHAIRPERSON REYNOSO: ...here today, I
21 really appreciate it and we've going to call on the
22 next panel. The next panel Carl Orlando, who's a
23 former sanitation worker is going to be here via
24 video, okay, there's going to be a video there for
25 that; Wilson Perez, Make it Come Up from the Bronx;

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2 Sean Campbell, from Local 813, Teamsters; and Orrett,
3 Orrett Ewing, alright thank you, I know I butchered
4 that. We're going to give a three-minute clock on
5 this just if you hear the buzzer try to close... get to
6 closing so, is there any particular order? Sean... so,
7 go ahead Sean you can start, and we'll go from there,
8 thank you.

9 SEAN CAMPBELL: Good morning. My name is
10 Sean Campbell, I'm the President of Teamsters Local
11 813 Private Sanitation. Thank you, Sanitation and
12 Transportation Committee Chairs Reynoso and
13 Rodriguez, for the opportunity to speak before you
14 today. Safety is the biggest issue facing private
15 sanitation workers today and it is the clearest way
16 to pervasive recklessness in the industry that
17 impacts every New Yorker. The Teamsters believe in
18 Vision Zero and that is why we support reforming the
19 industry. There have been too many tragedies, there
20 was Robert Meehan Jr., a sanitation worker who died
21 when a ten-foot container fell and hit him in the
22 head and torso; Mr. Ramirez who was run over and
23 killed as he biked through North Brooklyn this
24 summer; three year old Sophia Aguirre died in the
25 Bronx when her family's car was hit by a garbage

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2 truck; Luis was only 18 when he was crushed and
3 killed by a compactor of the truck he was working on
4 and Mr. Dialo's [sp?] family is still mourning his
5 death beneath the wheels of a private sanitation
6 truck in the Bronx. I believe these deaths are
7 preventable, the industry needs to begin to take
8 safety seriously, it's not about photo ops and press
9 releases, it's about following the law for truck
10 maintenance, not overworking drivers and putting
11 lives ahead of profits. You will hear from sanitation
12 workers today about their experiences but I... what I
13 want to make clear is that these are not isolated
14 stories, these problems are wide spread. The truth is
15 that there are more companies doing the wrong thing
16 than doing the right thing. Next time a sanitation
17 company owner says take care or they care about
18 safety ask what the maximum number of hours the
19 drivers are allowed to work in a single shift or a
20 single week, ask them what the maximum number of
21 stops they give their workers to pick up in the
22 night. Not every company is, is skirting safety,
23 there are some good companies that have regular
24 safety training and maintenance maintain their trucks
25 but it's hard for them to compete with the cheap

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 99

2 carters who are cutting every corner. That's why
3 Mayor De Blasio's commercial waste zoning policy is
4 important, we will finally have reasonable routes, we
5 will finally have safety standards and we will
6 finally have accountability, so carters have to
7 follow the rules or risk losing their contracts. You
8 have our full support in finally bringing a culture
9 of safety to the private sanitation industry. Thank
10 you very much Mr. Chair.

11 CHAIRPERSON REYNOSO: Thank you Sean, I'm
12 going to go Wilson Perez next, thank you.

13 WILSON PEREZ: Good morning, my name is
14 Wilson Perez, I'm a private sanitation worker. Until
15 recently I worked at Queens County Carting, this is
16 an industry that doesn't care about safety, the
17 trucks aren't safe and what the boss's make us do is
18 unsafe. I will come in and work at six a.m. each day,
19 my shift lasted until six p.m., I was exhausted but
20 then I will get a call from the boss telling me I had
21 to go to work the night shift. I had to be at my
22 location working at eight p.m., I wouldn't be done
23 until one a.m. or even three a.m. then I would have
24 to back at work at six a.m. for the next shift. Would
25 you like... or want a driver who is overworked driving

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 100

2 a garbage truck pass your kid's school, me neither
3 but it happens every day in the industry. I will
4 complain to the owners Anthony and Mike, but their
5 response will be I can work or go home, and I know... I
6 knew going home meant I was fired. I would drink a
7 lot of coffee to try to stay awake, ten or even 11
8 cups at night, I thank god, I never drifted off and
9 hit someone, I was so scared that would happen. One
10 time I was picking up containers of concrete from the
11 construction site, the truck I was driving was only
12 supposed to take 35 containers anymore would be
13 unsafe, the customer wanted me to take 60, I said no
14 that was not safe then I got a call from the boss
15 telling me to do, do it anyway. They don't care about
16 having safe trucks neither. One day I came to work
17 and started driving and found the truck wouldn't stay
18 in second gear, it kept popping out, I reported it,
19 but the boss essentially told me just to shift
20 directly from first gear to third gear, how is... crazy
21 is that. The same truck the driver's door would stay...
22 would not... wouldn't stay shut, I had to hold onto the
23 door whenever I made a turn, so it wouldn't open fly...
24 fly open. Finally, I told them I would rather be
25 fired than drive that truck again, only then did they

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 101

2 fix it. Another truck had bad brakes that never got
3 fixed. I remember once I was driving in the Upper,
4 Upper East Side when the brakes went out, I was
5 approaching a red light and then there was a woman
6 crossing through the intersection the truck went
7 right through the intersection, thank god, I didn't
8 hit her. Another time I started smelling smoke in the
9 cab of my truck, some wires had started burning, the
10 company sent a mechanic out to meet me who made some
11 fix and then I went... was sent right back to work on
12 that truck. When I started Queens County they would
13 pay me 40 hours a week on the books then the rest of
14 the hours would be off the books, I wouldn't get any
15 overtime or time and half, they had me working
16 completely off the books. There was one point when I
17 had hoped things would get better, one of co-workers
18 started talking about getting the union, Teamsters
19 Local one... 813 but then the bosses called in for a
20 meeting, they had heard we were talking about the
21 union and if... and if any of us talked about it again
22 we would be fired, that was the end of that. All us
23 workers we knew what was going on was illegal, but it
24 doesn't feel like there is anywhere that private
25 sanitation workers can go to, to get help in the

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 102

2 city. We aren't the only ones who are in danger, it
3 is everyone else walking or biking or driving in the
4 city too, you can say no to your boss, but they will
5 find someone else to drive the trucks. Thank you for
6 listening to me, I hope you can do something to make
7 private sanitation a safe industry.

8 CHAIRPERSON REYNOSO: Thank you Wilson,
9 Orrett.

10 ORRETT EWING: Hello, my name is Orrett
11 Ewing, I work for a carting company in the Bronx,
12 Sanitation Salvage, I worked there for nine years...
13 nine and a half years. There's a lot of things that's
14 done in the... in that company that's illegal, they let
15 us work 18 sometimes 17 to 18 hours and if you
16 complain they will terminate you. I... some days I
17 work, I'm there I don't even know how I get to the
18 next stop because I'm asleep. I'm working every day,
19 it bothers just talking about it so... you know and,
20 and there's a lot of things you walk... you write... you
21 write up things, the steps are broken, they take
22 weeks, you complain... you complain they don't do
23 nothing. The brakes one day, we were on a hill, he
24 put the, the driver put the brakes, it rolled down,
25 the drive... the truck rolled down, lucky thing the

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 103

2 driver... one day the driver drove off he didn't even
3 realize where he was going, I'm shaking the truck for
4 him to stop because he's asleep in the truck. There's
5 a lot of things that's being done in these companies
6 that's really, really unfair to, to anybody and you,
7 you got a... too much work, they don't want to pay,
8 they don't want to do nothing for you. I don't even
9 know how to explain it no more because it's, it's
10 hard even thinking about it and it's, it's a disgrace
11 that we're getting treated this way for people that
12 we're working for that we're helping, you know and
13 we're there to help our family too, but they don't
14 understand it all they worry about is the cash and
15 it's unfair to us all around the board to.. for
16 everybody. Mainly in the company that I'm, I'm
17 speaking for, I'm speaking because I'm against all
18 the stuff that they're doing to the workers, you know
19 and.. I don't know, that's..

20 CHAIRPERSON REYNOSO: Thank, thank you
21 for your testimony, I want you to know that in the
22 last four years since I've been Chair of this
23 committee all I've been doing is really trying to
24 focus on worker safety and to give you a voice to
25 allow you to be here and testify and that hopefully

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2 in the next, you know two three years your stories
3 are different, right that we've actually made
4 progress. We now have BIC which is the Business,
5 Business Integrity Commission interested in being an
6 overseer of safety the way TLC... you saw that video,
7 it would be great for every driver to see that video,
8 for the companies to be held accountable to make sure
9 that that happens, hours that are more reasonable
10 where you don't feel threatened or you don't feel
11 like you would lose your job and I'm hearing your
12 stories and it... and it is scary out there and I just
13 wish that the owners would see you more as partners
14 in, in trying to do the right thing as opposed to
15 just expendable workers which just seems like at
16 times that the testimonies that I get it is what it
17 sounds like. There's a lot of, I want to say dog and
18 pony show that is put together right now by the
19 industry with these safety symposiums that are... you
20 know the second annual safety symposium that really
21 speaks to a crisis when you're there, now we're
22 looking to self-police in safety but we're looking to
23 do it legislatively so it's across the board this
24 way. We've been working with 813... the Local 813
25 recently to really try to get a hold on this and for

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 105

2 them they're not even looking out for just their
3 union members, they're saying we just need safety
4 across the board, people are dying, things aren't
5 safe. So, I just want you to know that your testimony
6 here is not for nothing that we are looking to
7 improve and that hopefully in two to three years
8 we're talking about a victory about in bringing this
9 industry to a place where we can be proud of it as
10 opposed to where it is right now and we know it's,
11 it's a mess right now and that's why we're having
12 this, this hearing here and we've had other hearings
13 on it as well but I really appreciate your, your
14 testimony today. Sean I know that you've... you talked
15 about wanting to be on an advisory board, it makes no
16 sense how the workers are not on an advisory board
17 about safety when they know firsthand the concerns
18 that they have regarding... you know having to switch
19 from first to third gear because the second gear
20 doesn't work or a door is opening, no brakes in the
21 city of New York and the, the, the troubling
22 inspections of these trucks that are not are, are not
23 happening but I'm going to follow up with all this
24 testimony that's happening today and hopefully we
25 see... we see some change and I want it to happen as

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2 soon as possible. So, just know that I'm going to be
3 there working on your behalf to get this industry to
4 a place where it's safe but thank you for your
5 testimony, I really appreciate it. I know we have one
6 more testimony by a Carl Orland... Carl Orlando that's
7 going to happen here, so go ahead. I hope there's
8 volume, okay.

9 CARL ORLANDO: ...they know how to change
10 the oil, maybe a filter, these companies aren't
11 spending money to have the trucks maintained at a
12 place that does the right thing. One of the major
13 things is that in the wintertime the trucks are never
14 winterized, most companies use the trucks day and
15 night, the trucks never get a break. So, to actually
16 sit down and figure out what's wrong and inspect and
17 look and check these guys just don't do that they
18 just want it to go, make money. The time I got my
19 hand caught in the machine was very lucky, I had my
20 hand where it shouldn't have been, I had never worked
21 on that particular truck and one of the mechanisms
22 went this way rather than up and down and it caught
23 my hand. the other guy I was working with who's my
24 friend now he was able to reverse the machine and I
25 was able to get my hand out. On the way to the

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2 hospital we were stopping to pick up stops, I'm
3 bleeding...

4 CHAIRPERSON REYNOSO: Okay, I think that
5 speaks for itself. I do want to get to a place where
6 we have more... a more clear direction as to where
7 drivers can go when there's something bad happening
8 and that somebody would be held accountable. At this
9 point it's like is every man for themselves, there's
10 no clear path of if this happens who do I talk to,
11 some is BIC, some is Sanitation, some is DCA, some is
12 OSHA, it's, it's just like ten agencies who knows who
13 to call. I'm going to try to really figure out a way
14 to start building a system that allows for drivers to
15 know there's like one number, one agency that they
16 can call that can handle all issues and they always
17 know that that, that number of that agency is going
18 to direct them to the right location and it could be
19 handled. So, this is... this is unfortunate but it's
20 going to help us get to the... to an answer. And I
21 really want to thank you for your testimony and it,
22 it takes a lot of heart and bravery to be here and so
23 long as you're here testifying I'm always going to be
24 here protecting you guys and making sure you're doing

25

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2 right... we do right by you. So, thank you, thank you
3 Sean.

4 SEAN CAMPBELL: Thank you.

5 CHAIRPERSON REYNOSO: Ben Weinstein;
6 Steve Vaccaro, is he here, Steve Vaccaro, yes; Marco
7 Conner; Steve Changaris and Kendell Christiansen.
8 Steve, you want to go ahead and start?

9 STEVE VACCARO: Sure, thanks very much...
10 [cross-talk]

11 CHAIRPERSON REYNOSO: Thank you... [cross-
12 talk]

13 STEVE VACCARO: ...Council Member Reynoso,
14 to the other Committee Chair, Ydanis Rodriguez and
15 the members of the Committee for holding this
16 oversight hearing. I'm a founding member of and... of
17 the Board of StreetsPAC, the political action
18 committee that supports elected officials who are
19 trying to make New York City streets more safe and
20 livable. I'm also an Attorney representing crash
21 victims including the families of a number of
22 individuals who have been seriously injured or killed
23 in traffic collisions with private carting vehicles
24 over the years. One of those is Hoyt Jacobs, a 37-
25 year-old professor at CUNY who was killed by a

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2 private carting truck driver on January 17th, 2015.

3 At the time of the collision... that truck was owned by

4 Manhattan Demolition, the truck was making an un-

5 signaled right turn across a bicycle path at night,

6 Mr. Jacobs was bicycling in a marked bicycle lane

7 with lights on his vehicle, he was struck and crushed

8 by the truck. The roadway that the truck driver was

9 turning onto, 41st Avenue in that vicinity was not a

10 truck route and the driver was not on his way

11 specifically to a pick up or drop off but rather on

12 his way according to his testimony in the civil

13 litigation to pick up a, a meal for that evening. So,

14 this was an overtime shift in fact that the truck

15 driver was on and when we got to the civil litigation

16 it became clear that there was no record keeping

17 whatsoever of the driver's hours, it became clear

18 that the driver did not have a clear record of what

19 the truck routes were in the city and that there was

20 no proper training in the use of crossover mirrors

21 and parabolic mirrors, these are things that one

22 would expect to be standard, these trucks have... are

23 known to have problematic sightlines, they're heavy,

24 they're oversized, they go all over the city to do

25 their work, they're a necessary part of, of making

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 110

2 New York City continue to grow economically but there
3 needs to be regulation. If there's some thought that
4 the federal Department of Transportation is going to
5 fulfill this role because most of these trucks are
6 regulated by the federal DOT, you should forget about
7 it. Even under the Obama Administration we find that
8 there were audits every three years where private
9 carting companies such as Manhattan Demolition and
10 Imperium Construction could fail the safety component
11 of these federal DOT audits and nonetheless go
12 forward and continue not to keep drivers hours, not
13 to keep daily safety checks on the vehicles, not to
14 train drivers in the use of the parabolic or spot
15 mirrors or of the crossover mirrors which is
16 essential for the drivers to know when there is a
17 cyclist or a pedestrian who may be nearby the truck.
18 So, I would just urge that the City Council continue
19 to stay the course the right of way law which there
20 have been some efforts to try to limit its
21 applicability to professional drivers as one of the
22 most important regulations that we should have and
23 preserve. Secondly, every driver should be required
24 and, and every owner of one of these trucks should be
25 required to keep a map showing all the truck routes

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2 right in the cab there with the driver to be able to
3 consult. Both the drivers and the police are not
4 fully familiar with which and which are not truck
5 routes and when they can or cannot use them. And
6 thirdly, I think we've been studying the problem from
7 what I heard from the administration for several
8 years and we still haven't gotten these regulations
9 or these training steps in place, it's about time.
10 There are some things we know could be done right now
11 that could save lives and I urge the committee to
12 work with their partners and the administration to
13 get some of this done. Thank you.

14 CHAIRPERSON REYNOSO: Thank you Steven
15 just a, a heads up we, we are working with the
16 Commissioner of Sanitation Kathryn Garcia to push
17 the... this waste zones or... waste zones that would
18 allow us to insert safety measures through RFP's in a
19 way that we can't do it through, through... I'm sorry,
20 no, no... through, through permits I guess so our
21 increase in capacity for example. So, right now we
22 give them permits, we are not allowed to use that in
23 an... to, to leverage safety and so forth but an RFP if
24 you have a bad track record or you haven't been doing
25 things the right way that can be held against you in

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2 an RFP and we're looking to, you know empower the
3 organizations that do a good job and really stop
4 empowering the folks that aren't... not doing a good
5 job in, in giving them these contracts. So, hoping
6 that that does help but I did want to get your take
7 very quickly before I move on, BIC being... so right
8 now for example no record keeping of hours by
9 employees is beyond me, I thought that was like a law
10 that was passed universally in like the 1980's or
11 something, I didn't even... I didn't know that or hear
12 that but the reason there's no record keeping is
13 because there's probably no one that they have to
14 send that to or that's asking that to be sent to
15 them. You said the truck route situation whether or
16 not they know where the truck route is and whether or
17 not they have these mirrors or using these mirrors, I
18 don't know how you can necessarily know that outside
19 of a video camera in a truck possibly but just the no
20 record keeping portion of it, is there a law right
21 now and you are a lawyer can you just give a little
22 bit of background about who you are and why these
23 questions might, might be relevant to you but really
24 speaking on the record keeping situation, why is that
25 not a law that... or what agency is supposed to take

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 113

2 that information on and are they not doing it or do
3 we just not have that?

4 STEVE VACCARO: Well under part 395 of
5 the relevant code of federal regulations, the federal
6 DOT requires there to be hours logs kept by drivers
7 in order to know how many hours they're working and
8 there are pretty strict limits, no more than 12
9 consecutive hours in a day, no more than 60
10 consecutive hours... or 60 hours in a week and what we
11 find is that the companies that I'm familiar with
12 through civil litigation after one of these crashes
13 occur we go to the companies and either they don't
14 know anything about it or they say oh well that's the
15 drivers responsibility, the driver's supposed to be
16 keeping his own or her own hours and that doesn't
17 make any sense at all because it's the employers who
18 send the drivers out onto the street to do the work.
19 It was not great under the Obama Administration, now
20 we have a republican administration in Washington
21 that thinks regulation is a dirty word. So, we can't
22 expect to fall back on the federal DOT to enforce
23 these hours regulations under 49CFR Section 395, this
24 should be... and, and frankly the state isn't going to
25 do it either, the state incorporates these

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2 regulations, but I don't think that the state DOT is
3 attuned to the pedestrian rich environment of New
4 York City where there are cyclists and pedestrians
5 who can, you know get caught up in these... in these
6 traffic crashes. So, this is a uniquely city issue,
7 these vulnerable street users around these carting
8 trucks that need to go virtually everywhere in order
9 to do their job and so this is why there's, there's a
10 lack of coordination and it... and the buck stops I
11 guess with the City Council and the City
12 Administration.

13 CHAIRPERSON REYNOSO: I agree 100 percent
14 and we will be doing something very shortly to see if
15 we can improve, improve this and see if there's any
16 opportunities for oversight and just accountability
17 in general. So, we are working on that and that's
18 what this hearing is about is to finally figure out
19 what we can do, and I think... we had some members here
20 that already excited about, about that happening.

21 STEVE VACCARO: Thank you.

22 CHAIRPERSON REYNOSO: Thank you Steve,
23 next.

24 BEN WEINSTEIN: Hi, thank you for having
25 me Council Member Reynoso. My name is Ben Weinstein,

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 115

2 I'm from Cleanup North Brooklyn, we're an
3 organization fighting for cleaner air quality in
4 North Brooklyn and citywide. The dangers of private
5 carting are most prevalent in neighborhoods with the
6 waste transfer stations, truck drivers blow stop
7 signs with regularity and take the shortest route
8 possible. That means squeezing down narrow streets
9 lined with four story apartment buildings. These
10 small streets are not designated as truck routes but
11 to maximize profits, private carters disregard the
12 safety of our communities by taking the faster more
13 profitable short cut. In addition, long haul tractor
14 trailers drive on sidewalks daily and go the wrong
15 way on one-way streets with impunity. In a single
16 week our community organization witnessed 91 blown
17 stop signs, 22 instances of 18 wheelers going the
18 wrong way, 118 times they drove on sidewalks and 250
19 truck route violations. This is not to mention over
20 60 idling violations all by private carters. As a
21 community we understand the important service these
22 companies are doing for New York, it doesn't mean
23 they can break basic traffic and air quality
24 regulations meant to protect our families. The
25 dangerous driving practices of private carters

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2 compounds an already heavy burden of diesel fumes,
3 stench, noise pollution on three communities in
4 particular; the South Bronx, Southwest Queens and
5 North Brooklyn. One parent in North Brooklyn,
6 Sanders, Sanders Mendez gave us a quote, he said "the
7 garbage trucks often sit in front of our church on
8 Porter Avenue and they idle, they stink and drip
9 liquid onto the street. At the stop sign on our
10 corner they rarely ever come to a stop, they just
11 roll through. I have to talk to my three children
12 almost every day about it, I say look very carefully
13 both ways and look out for garbage trucks", it gives
14 me a lot of anxiety and the sad thing is that we've
15 come to expect it as normal. We've been accustomed to
16 the unfair actions of these companies, it's because
17 we feel like we don't have much say in the matter.
18 Hopefully more people will speak up about it because
19 it affects our way of life. If we can be united and
20 say something maybe we can do something about it.
21 Sanders Mendez is part of a growing movement of
22 families that are standing up to private carting and
23 privately-owned waste transfer stations. As the city
24 moves towards urban sustainability these private
25 carters must be held accountable to stop at every

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 117

2 stop sign, obey every traffic and idling law.
3 Sustainability is not only about lowering emissions
4 in the future, it's about mitigating the current
5 environmental burden on communities caught in harm's
6 way of private carting. If they're not willing to
7 follow basic regulations, private carters will
8 continue to be called out for putting profits before
9 safety. Thank you.

10 CHAIRPERSON REYNOSO: And as you know
11 we're pushing Intro 495 that should be able to reduce
12 truck traffic especially in North Brooklyn which I'm
13 excited that I'm looking to push. I just want you to
14 know that a lot of times North Brooklyn is used as a
15 bargaining chip to help other communities that are
16 not as enthusiastic as we are to, to reduce truck
17 traffic and see environmental justice and in doing so
18 will delay justice in North Brooklyn for coming years
19 that I just really want Cleanup North Brooklyn to
20 play a, a strong voice in ensuring that we get
21 justice for North Brooklyn as soon as possible in
22 pushing Intro 495, okay?

23 BEN WEINSTEIN: Thank you.

24 CHAIRPERSON REYNOSO: Thank you.

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 118

2 MARCO CONNER: Thank you Committee Chair
3 Reynoso for convening this hearing. My name is Marco
4 Conner, I'm the Legislative and Legal Director with
5 Transportation Alternatives. As you know for 44 years
6 Transportation Alternatives has advocated on behalf
7 of New Yorkers for safer and more livable streets.
8 today large vehicles including waste hauling trucks
9 account for a disproportionate portion of traffic
10 deaths and injuries. They account for six percent of
11 vehicles on our streets, yet they are involved in
12 approximately 20 percent of crashes where pedestrians
13 are killed or severely injured. Crashes involving
14 commercial trucks are three times more likely to
15 result in pedestrian fatalities than passenger
16 vehicles. Safety and preventing injury and loss of
17 life must be the sole overarching priority for our
18 city. To help make commercial waste hauling safe for
19 all road users in New York City the following steps
20 must be taken. One, contracts must be tied to safety
21 performance. In a recent two-year period, 96 percent
22 of all safety violations identified in inspections of
23 New York City's largest carters concerned vehicle
24 maintenance including faulty brakes, faulty tires and
25 lights. Companies with high rates or frequencies of

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 119
2 involvement in crashes causing injury or death should
3 not be allowed to do business in New York City. Two,
4 the industry must adopt next generation safety design
5 and technology and transparency measures. The
6 Department of Sanitation and BIC must lead the
7 adoption of Next Generation Safety Design and
8 technology and incentivize their wider adoption by
9 private waste hauling fleets. Side guards is only the
10 first steps in this process. We recommend the city
11 and BIC in particular work with the New York City
12 Taxi and Limousine Commission to learn from their
13 driver accountability measures and the driver
14 monitoring safety technology recently piloted by the
15 TLC. This technology should also be used to increase
16 transparency to allow public insight into the safety
17 and violation history of that... waste, waste hauling
18 companies. Three, professional drivers must be held
19 to the highest standard, the city must require
20 intensive and ongoing driver education safety
21 training and individual drivers with high rates of
22 crash involvement or dangerous driving should not be
23 allowed to drive commercially in New York City. New
24 legislation may be required to give BIC this
25 enforcement power. Finally, implementation of

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2 exclusive commercial waste collection zones must be
3 expedited by the city in order to reduce gross
4 mileage covered by trucks which lowers the exposure
5 to other road users especially vulnerable pedestrians
6 and bicyclists. The city estimates that total waste
7 carting mileage can be reduced by 49 to 68 percent
8 from implementing commercial waste collection zones.
9 Chairman these are measures necessary for the private
10 waste hauling industry to correct years of
11 unacceptably high injury and fatality rates by its
12 trucks and with the city and this council exercising
13 your public health mandate to protect New Yorkers
14 lives can be saved and our city's waste hauling
15 industry can be a model to follow. Thank you.

16 CHAIRPERSON REYNOSO: Thank you and just
17 regarding the four... the lot... the commercial waste
18 collection zones should be able to help with the
19 first issue which is contracts must be tied to safety
20 performance again currently the contracts we have
21 can't be tied to that so we're trying to figure out a
22 way through an RFP system to be able to do that. The
23 safety design technology situation, a previous
24 council thought 2024 would be a good time to make
25 that happen which is six years from even today and I

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 121

2 don't understand what logic that, that made giving
3 the industry more than ten years to figure out a way
4 to get their stuff together, I just think that's a
5 long time and given the crisis in vehicle safety... in
6 vehicle safety and pedestrian safety issues we have
7 now I think because of Vision Zero we should re-look
8 at that legislation to see if we can do that for
9 earlier than 2014, maybe align it with Vision Zero
10 and make it 2020. So... and the drivers must be held to
11 the highest standard, I agree I just think that right
12 now we're asking so little of the industry that they
13 in turn are asking so little of their drivers. I
14 think the drivers want to be professionalized, want
15 to have higher standards, want to be treated with
16 more dignity and respect and so forth but so long as
17 we continue to treat the private trash industry like
18 trash it's going to continue. So, really appreciate
19 your four recommendations and they're definitely
20 things that we're looking into and are aligned with
21 so thank you for that testimony.

22 MARCO CONNER: Thank you.

23 STEVE CHANGARIS: There we go, hi there.
24 Good morning Mr. Chairman. My name is Steve
25 Changaris, members of the committee, staff. I work

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2 with the National Waste and Recycling Association, we
3 work with the private carting companies in the city,
4 the waste and recyclers that collect the commercial
5 waste. Thank you for having this hearing. It's been
6 mentioned that we collect a lot of material in the
7 city today according to the DSNY numbers about 3.5
8 million tons and at... based on DSNY studies we go
9 about 20 million route miles annually managing this
10 material. My comments are written and on the record,
11 I'm just going to walk through them in a
12 conversational way to try to meet the time frame. We
13 identify that the refuse and recyclable material
14 collectors the fifth most dangerous occupation on the
15 Bureau of Labor Statistics of fatal senses, annual
16 senses. We want off that list and as an industry and
17 as a trade association we're working to get off that
18 top ten list. We've adopted a zero-fatality value and
19 a corresponding challenge to reduce all accidents
20 and, and run our companies more safely. The idea of
21 safety being a core value, values don't change,
22 priorities do, it's infiltrating the industry and
23 it's more than lip service. As a 25-year veteran of
24 the association I can say that safety is more and
25 more on the minds of the industry as we go forward to

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2 service our customers. We've created a safety sharing
3 culture and a value as well. As you could see the
4 Commissioner this morning we've been working, and
5 we'll talk a little bit more about that later,
6 extensively with the BIC and the DSNY to try to
7 improve safety for all concerned. You know we're a
8 very regulated industry despite of what's been said
9 today, we often think of it in the scope of
10 environmental companies but today we're here
11 obviously as truckers because we are collecting all
12 the city's wastes and recyclables. All of our
13 operators are regulated under state and... federal DOT,
14 they all have CDL's, the CDL's prescribe minimum
15 standards for drivers and they also state
16 disqualifications for drivers. So... and then we're
17 also regulated by a bunch of other companies,
18 companies that violate the rules and regulations we
19 believe should be enforced and appropriate action
20 taken. The work with BIC has been noted and the DSNY
21 specifically my... the leading companies, the members
22 of the association have worked very closely with BIC
23 in providing their time and talent, their expertise,
24 their safety personnel to make those safety symposia
25 of good events. We're looking forward to the next one

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2 in, in, in April and we're looking forward to raising
3 the bar there. The association and our work we've
4 volunteered and surrendered a copy of our manual,
5 best recommended safety practices as well as our
6 online safety video for drivers so we're hoping in
7 working with the DO... with them to, to put them into
8 play. May I go on? Okay, as far as safety technology
9 is concerned it's another great thing that's come out
10 of these seminars, we have new safety technology in
11 the industry that uses video cameras and onboard data
12 recorders, computer modules and they record all the
13 events surrounding the truck; the driver behavior,
14 other... road conditions, other vehicles, pedestrians,
15 and these... this tool has been adopted by a lot of the
16 members and is in... being more widespread in the
17 industry. They create a... an actionable record that we
18 can discern what happened and we can use to train. I
19 think this passionate word is root cause analysis and
20 they really lead to that, if we want to get to the
21 bottom of why an accident happened and then go
22 forward so they don't happen again. The idea that,
23 you know our drivers and our helpers are in a high
24 fatality industry we want to get them off that, it's
25 a safety collaboration, we worked hard to get to slow

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2 down to get around law passed so we encourage... as we
3 work with the... on distracted driving we hope people
4 and pedestrians, bikers try to remain as distracted
5 less as possible and we also encourage the use of
6 safe... on, on the training today I, I went up and I
7 chatted with a fellow with his green iridescent
8 helmet and bike pack... biker and a bicyclist and I
9 said you know... you know here in my testimony we're
10 talking about you because we think if this can help
11 to get this... these situations resolved safety is a
12 key component in our business, it's everybody's
13 business to try to be safe and we can move the
14 needle. So, the dialogue... [cross-talk]

15 CHAIRPERSON REYNOSO: Just... so, for...
16 [cross-talk]

17 STEVE CHANGARIS: ...it's collaborative and
18 we appreciate the opportunity to be here...

19 CHAIRPERSON REYNOSO: And look we want...
20 we want to be as collaborative with the industry as
21 possible, but it seems like only when legislation is
22 introduced do they ever step up, right like self-
23 policing is nonexistent in the industry. Again, the
24 safety symposium started two years and it was after
25 we initiated conversations about the issues of

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2 safety. There was a, a misnomer, I was the boy who
3 cried wolf about the amount of travels... vehicle,
4 vehicles mild... miles traveled by this industry as
5 well was an issue that... it, it was the most efficient
6 routes in the... in the world is how they, they would
7 put it and then we find that we can actually improve
8 it by more than 50 percent conservative,
9 conservatively, right, so I, I just really feel like
10 this industry is one where it works much better with
11 sticks than it does with carrots and I'm, I'm going
12 to continue to do my part to, to impose legislation
13 that I think would actually solve a lot of these
14 problems because I haven't seen an industry that has
15 been able to self-regulate. While there are some...
16 how... good characters at the top that are trying to
17 make changes the BIC Commissioner himself has said
18 that the symposiums are not well attended to the
19 degree that he would like when it comes to a
20 widespread industry practice or industry enthusiasm.
21 So, again I just want to make sure you know we're not
22 trying to make you the bad guy but it's very easy to
23 do that because the, the mistakes are just like
24 tenfold, every time I have a hearing the testimony
25 you hear from the... do, do you... do you think that

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 127

2 they're lying when they talk about having to shift
3 from first to third gear, do you think that they're
4 lying when they say that they have faulty brakes, you
5 know the, the testimony regarding somebody having to
6 take off their shirt, those are just not things that
7 I think people are going to make up for the sake of
8 making them up, I really do think that they're
9 concerned about their safety and that this industry
10 does everything it can to work against that. So, so
11 long as that continues to happen, and you don't have
12 widespread representation or support from the entire
13 industry I'm going to have to continue to look to
14 impose legislation to protect workers, to protect
15 drivers, helpers and pedestrians and bikers alike.

16 STEVE CHANGARIS: We're anxious to assist
17 in any way we can in raising the safety bar.

18 CHAIRPERSON REYNOSO: I'm, I'm looking
19 forward to you writing a letter of support for
20 legislation regarding safety that we are going to
21 push... put forward, that would-be a, a dream that the
22 industry actually is... supports legislation that is
23 going to improve safety instead of fighting. So, I'm
24 looking forward to that thing.

25

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 128

2 STEVE CHAGARIS: To remind the... Mr.
3 Chairman we did support the bike guard legislation
4 when, when, when it passed so... [cross-talk]

5 CHAIRPERSON REYNOSO: Which one?

6 STEVE CHAGARIS: The bike... [cross-talk]

7 MARCO CONNER: The side guard...

8 STEVE CHAGARIS: The side guard, the
9 bicycle legislation... [cross-talk]

10 MARCO CONNER: And the slow down to get
11 around.

12 STEVE CHAGARIS: And, and the slow down
13 to get around as well so the... so the, the bike guard...
14 bicycle side guard...

15 CHAIRPERSON REYNOSO: You're talking
16 about the side guard one... [cross-talk]

17 STEVE CHAGARIS: Yeah... [cross-talk]

18 CHAIRPERSON REYNOSO: ...the 20, 20... the
19 one that you got to put in by 2024, anyone would
20 support that, by 2024 we could have spaceships to
21 drive... carrying, carrying garbage, it's 2024 you guys
22 had to be more stringent with your own legislation
23 that you would support and, and I guarantee I want to
24 tell you the 2024 number came from you, it was the
25 industry that was... that pushed it back, right, it

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1 JOINTLY WITH COMMITTEE ON TRANSPORTATION 129
2 was... the... I, I guarantee right now that the, the, the
3 legislator that wanted to put forth legislation to
4 include side guards had to put 2024 because they got
5 push back from the industry that they won't be able
6 to convert it fast enough. The legislation that we
7 need to get trucks that are only at... I think is at
8 levels of 20... what is it 20... 2007, 2007 vehicles that
9 that takes ten years to do and then we got to wait
10 till 2017 to see that conversion also industry, those
11 are two things that could have improved safety
12 significantly if they would of both been put in a
13 more timely fashion, to five years maybe for getting
14 new vehicles and, and five years maybe for getting
15 the side guards but they're both taking too long and
16 that's what I'm saying we need to just be more bold
17 about implementing safety, safety in these trucks and
18 I think that a lot of people will change their mind
19 about an industry that we think is like the wild,
20 wild west even you would... even though you would
21 disagree and also the federal Department of
22 Transportation, I'm going to have conversations with
23 the Small Business Velazquez regarding what she can
24 do to be helpful with the DOT situation but Donald
25 Trump is the President so we're going to be extremely

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2 limited as to what regulations we can now impose but
3 I guarantee the federal DOT folks are not coming down
4 into New York City and inspecting all these trucks to
5 see what's wrong with them and if they do, do that I
6 would love to see what the statistics they would come
7 out of in regards to the standard or, or, or... in the
8 level of, of maintenance that these trucks do have.
9 Kendall.

10 KENDALL CHRISTIANSEN: Good afternoon
11 Chairman Reynoso, am I the last? Good, well at the
12 risk of... [cross-talk]

13 CHAIRPERSON REYNOSO: You're not last
14 overall but you're one of the last... [cross-talk]

15 KENDALL CHRISTIANSEN: ...at the... at the
16 last of adding to your dog and pony show on behalf of
17 the industry, I too submitted a written statement for
18 the record and I'll just make a few brief comments
19 based on the testimony earlier today. First of all, I
20 want to be clear as I think Steve was just... well as
21 that we all support the city's Vision Zero goals and
22 want them to be more than aspirational but actually
23 achievable, we all share that concern and are working
24 daily to, to address it. I want to be... go back over a
25 couple of data points because there was a lot of data

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2 thrown out this morning about trucks, BIC licensed
3 trucks and private sanitation trucks, there are three
4 different things. Our industry estimates is that
5 there are about 800 private sanitation trucks on the
6 street every night, BIC mentioned they license 700..
7 7,800 trucks but those are a wide range of trucks
8 that they regulate and license so we want to be clear
9 about what we're talking about. The city's analysis
10 leading to their announced intention to pursue
11 franchising found that there are essentially 90
12 companies currently providing waste management
13 collection services in the city and that... found that
14 about 20 of those provide about 80 percent of the
15 industry's service so there's already considerable
16 consolidation in the industry, not many small players
17 left, it's mostly larger... mid, mid and large sized
18 companies that dominate this industry, our more
19 professionally run, are more active in their
20 engagement with the... with BIC and with the safety
21 symposia and those kinds of things as well. So, I
22 think it's important to really sort of... if you want
23 to sort of narrow in on the companies that Steve and
24 I represent it's a subset of what was... been talked
25 about this morning. Even the DOT's testimony about

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2 accidents related to commercial trucks on the street
3 only a, a tiny fraction of those are related to
4 private sanitation trucks. The other comment I want
5 to make is to your question about what's the value of
6 the safety symposia has been and I recently literally
7 last week surveyed my member companies about how
8 they're safety practices have changed over the last
9 year and to what extent those were the result of
10 lessons learned and, and the like from the safety
11 symposia and I was really impressed by the answers,
12 I'll be sharing this with the BID Trade Waste
13 Advisory Board meeting in a few weeks but what I
14 found from that is I got eight immediate responses.
15 Let me see if I can just find my summary of them
16 here... companies reported aggressive fleet replacement
17 with side guards and as many as seven on board
18 cameras, more frequent and focused safety training,
19 use of new tools including several of them have now
20 shown TLC's video to their drivers, online and in
21 person training and daily attention focus on the
22 basics, proper PPE and pre-route inspections
23 etcetera. So, I think you know we... these events
24 happen as you said, they can be dog and pony show but
25 my, my, my quarry here to them again was to try an

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2 evaluate what the impact has been and I think already
3 that has had a significant impact on their operations
4 alike. I'll conclude with that, I look forward to
5 continuing the dialogue with you, members of the
6 council and other advocates in the room today. Thank
7 you very much.

8 CHAIRPERSON REYNOSO: Thank you Kendall
9 and if we can get just some recommendations from
10 that, that safety symposium, legislative
11 recommendations to our office.. [cross-talk]

12 KENDALL CHRISTIANSEN: I'm, I'm, I'm
13 sorry... [cross-talk]

14 CHAIRPERSON REYNOSO: ...legislative
15 recommendations from those safety symposiums would
16 be... would be a great... a great look for, for the
17 industry. Again that's, that's self-policing might
18 not work for everyone and that your good companies
19 are being... you know... [cross-talk]

20 KENDALL CHRISTIANSEN: Well you know...
21 [cross-talk]

22 CHAIRPERSON REYNOSO: ...they're being
23 destroyed... [cross-talk]

24 KENDALL CHRISTIANSEN: ...interestingly...
25 [cross-talk]

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2 CHAIRPERSON REYNOSO: ...character wise by
3 the bad companies so maybe legislation that will hold
4 you all to the same standard could be very helpful.

5 KENDALL CHRISTIANSEN: Well there may be
6 legislation maybe more regulations that could be
7 helpful. Interestingly looking at LA's experience in
8 implementing their franchise system their contracts...
9 well first of all safety was not a top ten driver of
10 franchising in Los Angeles, it doesn't appear in any
11 of their documents as an issue of, of concern, it
12 really doesn't really show up in their contracts as
13 a... as an issue of concern, they require the
14 companies, the seven that now have franchise
15 agreements in LA have comprehensive and you know
16 state of the art safety programs but there's no
17 extraordinary regulatory regime for it. those
18 programs are subject to audit, you know by the city
19 whenever but its interesting to look at that and I, I
20 do a lot of work in other cities as well and I know
21 that safety is always a concern of this industry but
22 my sense of it is that New York is light years ahead
23 of most of them in paying this level of attention to
24 safety as a... as an issue including the Vision Zero
25 framework in which we're discussing it.

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2 CHAIRPERSON REYNOSO: I agree with that,
3 I do. Thank you to this panel for your time and we
4 have one last panel before we head out. Priya; Sarah;
5 Annabel and Justin, it's the last panel of the... save
6 the best for last hopefully. Go ahead.

7 PRIYA MULGAONKER: Good afternoon and
8 thank you for the opportunity to testify today. My
9 name is Priya Mulgaonker and I'm here on behalf of
10 the New York City Environmental Justice Alliance.
11 Founded in 1991 NYC-EJA is a non-profit citywide
12 membership network linking grassroots organizations
13 from low income communities and communities of color
14 in their struggle for environmental justice. NYC-EJA
15 has empowered its member organization to advocate for
16 a safer more equitable and sustainable solid waste
17 management system for over 25 years. Roughly 75
18 percent of the city's waste is processed in just a
19 handful of low income communities and communities of
20 color where truck dependent transfer stations are
21 clustered. As such we advocate for strong policies
22 that minimize the impact of truck traffic in our
23 neighborhoods which poses serious health and safety
24 risks to our members. NYC-EJA is particularly
25 concerned about the private sanitation industry whose

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2 record on safety with respect to workers and
3 community is concerning. While DSNY has taken steps
4 to improve their collection fleet in terms of safety,
5 public health and environmental impacts private
6 carting companies which handle about two thirds of
7 the waste stream have made little investment in
8 ensuring that their labor practices and equipment are
9 operating at the highest safety standards. Lack of
10 investment in this fleet safety... in fleet safety
11 reflects just one aspect of a systemic issue. The
12 commercial waste industry as it currently operates
13 receives little incentive and oversight to make
14 forward thinking investments in the health and safety
15 of the communities that they employ and in which they
16 operate. In 2016 along with our partners in the
17 Transform Don't Trash Coalition NYC-EJA released a
18 report that assessed the overconcentration of truck
19 traffic in communities in the South Bronx, North
20 Brooklyn and South Brooklyn. Our volunteers counted
21 waste trucks and collected data on particulate matter
22 associated with diesel exhaust. To offer just one
23 example, volunteers in the South Bronx at a
24 particularly bad street corner counted 304 commercial
25 trucks per hour, almost half of which were commercial

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2 waste trucks which amounts to one commercial waste
3 truck every 24 seconds. Similarly, in North Brooklyn
4 recorded up to 203 trucks per hour on weekdays with
5 an average of a third being commercial waste trucks.
6 As the city moves forward with it's new zoned system
7 for commercial waste steps must be taken to advance
8 the long-awaited shift from an unjust polluting truck
9 based system to a safer, cleaner and fairer system
10 that truly holds carters accountable to the
11 communities in which they operate. Communities
12 burdened by the proximity and concentration of
13 commercial waste trucks need concrete action to
14 ensure that the fleet is properly serviced and safe.
15 DSNY and BIC should consider using a high standard
16 RFP process for its commercial waste zones where by
17 contracts are awarded to haulers with the strongest
18 proposals for vehicle safety and reduction of
19 negative community impacts. Routing efficiency and
20 more equitable distribution of waste transfer
21 stations and hauling across the city can also
22 increase safety and public health for environmental
23 justice communities. Additionally, actions to improve
24 safety of the commercial sanitation fleet must also
25 address the public health hazards of diesel

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2 pollution. Local Law 145 requires that commercial
3 carters comply with 2007 EPA emission standards for
4 diesel trucks by 2019. The city council should hold
5 an oversight hearing and work with DSNY to track the
6 industry's progress with compliance of Local Law 145
7 and ensure that commercial waste zones... the
8 commercial waste zone process updates and provides
9 additional enforcements for emission standards. Thank
10 you again for this opportunity to testify.

11 CHAIRPERSON REYNOSO: Thank you and I got
12 it wrong it wasn't 2017, it was 2019 that we have to
13 wait for these trucks to be updated... [cross-talk]

14 PRIYA MULGAONKER: Oh wow.

15 CHAIRPERSON REYNOSO: Thank you for that.

16 SARAH LILLY: Hi, I'm Sarah Lilly. I'm
17 just... I'm just a neighbor in North Brooklyn, I
18 actually... Councilman Reynoso you are my Councilman,
19 I'm very grateful that you're here bringing a lot of
20 light to this issue. I've been in North Brooklyn for
21 21 years, I moderate a Facebook group of about 5,000
22 very active members from the community mainly in
23 Greenpoint and Williamsburg and I'm also a, a
24 pedestrian, a cyclist, and I have a car. So, I've
25 seen... I see all angles of this in North Brooklyn.

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2 CHAIRPERSON REYNOSO: You're like... you're
3 like a walking contradiction, what's going... [cross-
4 talk]

5 SARAH LILLY: I know... [cross-talk]

6 CHAIRPERSON REYNOSO: ...on you can't do it
7 all... [cross-talk]

8 SARAH LILLY: I know... I know. So, one
9 thing that, that strikes me in all this is just the,
10 the sense that this is about profit. We can... you know
11 Council... Councilman Levin, you know questioned about
12 whether the, the differences between DSNY and the
13 private cartage companies and I don't see how we get
14 the... you know I don't see how this isn't the central
15 driving issue here, an idea that there are no
16 consequences and seemingly... I haven't yet heard... I've
17 been here... you know I'm a private citizen, I've been
18 sitting here for three and a half hours, I have yet
19 to hear any real consequences for anybody, it's kind
20 of shocking to me. I have been consistently outraged
21 by the death of Neftaly Ramirez this summer, I think
22 that... I think its unfortunate that NYPD has not been
23 a part of today's discussion. I found in the... there
24 was a safety... North Brooklyn safety meeting back in
25 August, I know that Mr. Arrona from BIC was there,

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2 NYPD was there but didn't really contribute anything
3 and they're a big part of this question in terms of
4 enforcing traffic safety. Greenpoint at night is a...
5 I'm... but... you know I had written down wild west
6 before, before Steve Levin said it but that is...
7 there's no way to get away from that comparison,
8 trucks are going absolutely the wrong way down the
9 street and as far as this group that I moderate,
10 5,000 people we're constantly taking pictures and
11 sharing them of, of the outrages that we encounter
12 all the time. I think BIC for it's part could... and...
13 could do a lot more in terms of, of outreach and
14 intersecting with the community instead of saying oh
15 you guys should email us well there, there is a lot
16 of community activity on Facebook already with people
17 sharing very clear documentation of infractions and...
18 I mean I'm, I'm there constantly reminding people to
19 email you but it's an... its that extra step that makes
20 it very hard. I think there has got to be some way
21 for the community to be more... to be given an easier
22 way to be active participants. The community members
23 are the ones who see this more than anybody, we are
24 walking our streets at night, we're riding our bikes,
25 we're, you know doing whatever, but we are the ones

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2 who see and are consistently outraged by the behavior
3 of these trucks. I don't personally... in, in terms of
4 the issue between the drivers and the companies, I
5 mean I think it's very difficult and I think when you
6 hear about the hours and you understand the burden of
7 work, you know it's, it's hard to say. I know that I
8 have no problem whatsoever expecting these companies
9 to face consequences when lives are at stake. Action
10 carting for instance, five people died in the last
11 ten years and in terms of Neftaly Ramirez I'd like to
12 point out that his... I don't believe his case has
13 even... the investigation has been closed so that
14 information wouldn't yet have gone to BIC, it's four
15 months later, he was killed, the neighborhoods have
16 heard nothing, really have heard nothing, the DA has
17 communicated very little to us and, so we're left
18 feeling hopeless, it's, it's hard to feel... it's hard
19 to feel that we have the power that really we should
20 have and that we would be grateful to have. So, I'm,
21 I'm grateful to you for making this a serious issue
22 and, and I'm grateful to you also for pointing out
23 that when these instances have happened often it is
24 the bike... bicyclists who are focused on in... from the
25 NYPD. I think it's just the culture that the NYPD

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2 looks at the cyclist to try to solve that problem and
3 when you're considering that they're the ones who are
4 also in... you know theoretically investigating the
5 situation it's hard to feel confident that the
6 cyclists are... you know there's Neftaly Ramirez riding
7 his bike home from work at whatever it was, midnight
8 and he's mowed down and the NYPD which... you know
9 it's, it's very hard to feel confident that... the way
10 things are being done and I just want to say that I
11 have not forgotten Neftaly Ramirez and so very many
12 of my neighbors have not either but we are not
13 hearing back from the DA, from the cops, from... there
14 has been no word at all about action carting on this
15 issue and they've got ten bodies under their belt in
16 the last ten years. So, I just leave it at that.

17 CHAIRPERSON REYNOSO: So, we're going to
18 follow up to get you as much information regarding...
19 update with Neftaly Ramirez, we haven't forgotten
20 either, BIC is here, I hope that they joined the
21 group that... can you state the name of the group on
22 Facebook... [cross-talk]

23 SARAH LILLY: It, it... [cross-talk]

24 CHAIRPERSON REYNOSO: ...out loud?

25 [off-mic dialogue]

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2 CHAIRPERSON REYNOSO: Okay... [cross-talk]

3 SARAH LILLY: Oh I should be highlighting
4 you then, okay...

5 CHAIRPERSON REYNOSO: So, so they might
6 not be receiving formal complaints because they have
7 to track the formal ones but I'm, I'm pretty sure
8 they will be keeping track of informal ones but we
9 have to figure out a way to make that connection
10 easier, so we'll have a conversation with BIC about
11 what happens there so you... [cross-talk]

12 SARAH LILLY: Neighbors are, are eager,
13 eager to participate they really are, the... we're the
14 people who are on the streets and we're the ones with
15 our smart phones right there so, I will... I'll, I'll
16 speak with you after... [cross-talk]

17 CHAIRPERSON REYNOSO: Alright, that
18 sounds great and thank you so much... [cross-talk]

19 SARAH LILLY: Thank you... [cross-talk]

20 CHAIRPERSON REYNOSO: ...and I appreciate
21 it and the NYPD stuff we're working on, I had a
22 conversation with the Commissioner recently about the
23 situation with bikes in my district and its very
24 hard. Sometimes for example let's say in the Upper
25 West Side people want more enforcement on bikes, they

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2 want to remove all the E-Bikes, they want to.. you
3 know it's a different world all... entirely and then he
4 has to communicate a completely message to North
5 Brooklyn NYPD like the 90th precinct so there's a...
6 and it's... he doesn't want to have two standards, he
7 wants to figure out a way to make a universal
8 standard across the board and in doing so develops
9 this culture that just isn't... doesn't work for North
10 Brooklyn at all... [cross-talk]

11 SARAH LILLY: Right... [cross-talk]

12 CHAIRPERSON REYNOSO: So, we're having
13 those conversations don't think we're not though.

14 SARAH LILLY: And we're also.. we have a
15 new... we have a new commander of the 94th which... so, I
16 think that... I feel hopeful that there is... there are
17 possibilities for, you know a, a modified culture
18 there as well, I hope that...

19 CHAIRPERSON REYNOSO: Thank you, thank
20 you for your testimony, I appreciate it.

21 ANNABEL SHORT: My name is Annabel Short
22 of ALIGN; the Alliance for a Greater New York. Thank
23 you, Committee Chairs Reynoso and Rodriguez, for
24 earlier, for the opportunity to testify today. ALIGN
25 as you know is a member of the Transform Don't Trash

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2 Coalition, a diverse group of environmental labor,
3 environmental justice and community organizations
4 advocating for fundamental reform of New York City's
5 commercial waste system. Private sanitation fleet
6 safety risks as we've heard today are a widespread
7 problem which requires a systematic solution, one
8 that gets to the roots, root causes of the risks and
9 includes strong oversight. Reflecting the severity of
10 safety concerns in this industry between August 2015
11 and August 2017 according to federal data there were
12 62 collisions involving the 20 largest private
13 sanitation carters in New York City. Since April of
14 this year alone three New Yorkers have been killed by
15 private sanitation trucks, at least eight have been
16 killed since 2015. Also, as you've heard from
17 sanitation truck drivers and helpers accidents and
18 injuries on the job are a routine occurrence. A
19 survey of non-union drivers and helpers by NYCOSH for
20 example found that they work between nine to 19.5
21 hours per shift, 71 percent of those surveyed had
22 been injured on the job and 93 percent indicated that
23 their employer provided no health and safety
24 trainings and these three photographs here of helpers
25 riding on the back of the truck which is clearly

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2 something that would be included in health and safety
3 trainings shows how little those trainings are really
4 put into effect and practice. Clearly the situation
5 needs to change. A major cause of accidents is the
6 lack of proper truck maintenance. According to US DOT
7 vehicle inspection data from 2014 and 2015 96 percent
8 of all safety violations identified in inspections of
9 the largest waste haulers were for vehicle
10 maintenance, three percent were related to driver
11 fitness and one percent on unsafe driving. Any
12 approach to improving safety in the industry clearly
13 needs to tackle truck maintenance head on to reduce
14 the risks to workers, pedestrians and cyclists. When
15 it comes to preventing accidents that are not related
16 to truck maintenance, safety training for drivers can
17 only go so far. When an industry model forces worker
18 to drive long routes at night for many hours without
19 a break six or seven day in a row extreme fatigue
20 sets in. Fleet safety is an extricable linked to
21 working conditions. This is why it's important that
22 the city is moving towards a commercial waste zone
23 system. By reducing inefficiencies in routes, the new
24 system has a potential to reduce private sanitation
25 truck traffic by up to 68 percent which in itself

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2 will help dramatically decrease accidents and in
3 their contracts with the city haulers will be held to
4 high fleet management standards that promote clean,
5 safe trucks and safe operating practices. Another
6 word the systemic solutions are so badly needed.
7 Thank you.

8 CHAIRPERSON REYNOSO: Thank you for your
9 testimony. Thank you for clearing up the statistics
10 that I had but didn't understand them too well
11 regarding the inspection data from 2014 and 2015...
12 [cross-talk]

13 ANNABEL SHORT: Yep... [cross-talk]

14 CHAIRPERSON REYNOSO: ...but thank you for
15 that... clearing that up and that, that is DO... that is
16 US DOT doing inspections?

17 ANNABEL SHORT: Yes.

18 CHAIRPERSON REYNOSO: Okay and how many...
19 do you know how many trucks or was it like every
20 truck in the city of New York or was it just a, a
21 fraction of them?

22 ANNABEL SHORT: That is a good question,
23 we can look into it and.. [cross-talk]

24 CHAIRPERSON REYNOSO: Okay... [cross-talk]

25 ANNABEL SHORT: ...get back to you on it.

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2 CHAIRPERSON REYNOSO: Thank you. Thank
3 you for that, I appreciate it.

4 ANNABEL SHORT: Sure.

5 JUSTIN WOOD: Okay, my name is Justin
6 Wood. Thank you very much Chair Reynoso, thank you
7 and essentially to Chair Rodriguez and members of the
8 council. I'm testifying on behalf of New York Lawyers
9 for the Public Interest and also on behalf of the
10 Transform Don't Trash New York City Coalition and
11 because I'm going last, I'm going to try to skip
12 anything redundant here and, and cut to the chase. We
13 want to applaud the council for holding this hearing
14 and also applaud the Business Integrity Commission, I
15 know... I know some folks from the BIC staff are still
16 here for engaging with this issue and for... to BIC and
17 DSNY for the agency leadership on this really
18 historic and critical transition to a zoned
19 commercial waste system that's been mentioned several
20 times, I mean for us this is so critical because it
21 ties together so many vital issues to our city, the
22 need to divert waste and reduce greenhouse gases,
23 this critical focus on both the worker and public
24 safety and the need to, to reduce the truck miles on
25 our local streets for a variety of reasons. I just

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2 want to... I'm going to skip around here a little and
3 just highlight a lot of the issues that were brought
4 up today are not new and they're well documented so
5 the testimony we've heard from workers and members of
6 the public is really well documented going back years
7 in city studies and that's why this council and this
8 administration's engagement with reforming this
9 system is so historic and so crucial. For starters, I
10 mean the city's 2009 to 2012 study of the private
11 carting industry done by... through a contract with a
12 major engineering firm called Halcrow, there were
13 observers all over the city at night as part of that
14 study, they found that these practices drivers use in
15 order to meet grueling routes again with long
16 distances between stops that we heard about in the
17 private industry due to the inefficiency of the
18 customer base, the backing up down one way streets,
19 speeding, reverse moves, illegal turns, all of those
20 things were observed to be common. Obviously, we're
21 hearing today that they're still common and that
22 stuff is probably going to keep going until we
23 fundamentally change the system to one that's more
24 efficient. Finally, I just want to delve in a little
25 bit, it's really difficult with the number of BIC

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2 licensees and registrants, dozens and dozens of
3 companies in the putrescible sector, many more in the
4 construction and demolition sector. Its really
5 difficult for the city regulators under the current
6 system to hold the haulers accountable. We heard a
7 lot today. I want to draw everyone's attention in the
8 city's 2016 private carting study that looked at lot
9 at the efficiency or inefficiency of the current
10 system and the potential for a zoning system, they
11 found looking through the BIC data that there was
12 significant underreporting of helpers compared to
13 drivers in the industry and quote, "this tended to
14 support suggestions from a variety of sources that
15 practices such as hiring helpers as casual employees,
16 day laborers, paying them off the books or having
17 them informally hired by individual drivers as
18 widespread". And just to stress this is a huge
19 problem we've heard about from workers and others in
20 the industry, these off the books payment practices
21 continue, it's totally incompatible with a rigorous
22 worker safety training program. So, if its' going to
23 be more than a dog and pony show we really need to
24 look at how workers are treated. One more piece of
25 data and then I'll close, Transform Don't Trash NYC

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2 recently reviewed all of the business integrity
3 commission violations issued to private carters for
4 the last three years and we found 351 different
5 instances in last year's where the haulers registered
6 and licensed by BIC had not even reported the names
7 of drivers or other employees to BIC, this is the
8 part of the law, it's part of as you've heard holding
9 employees to standards of, of integrity but again
10 this is a system where it's difficult we imagine for
11 BIC with all of these different companies and, and
12 not enough teeth in terms of penalties to even get
13 the, the owners of the companies to share the
14 employee list, the most basic legal, legal
15 requirement. So, again this is not compatible with
16 this kind of behavior with the kind of rigorous
17 safety culture we need to develop. In closing I just
18 want to echo what many others said, we're excited
19 about the historic and long needed reform of the
20 industry that's, that's coming going from the chaotic
21 open market arrangement to a more open zone system
22 and we're really excited to work on an ongoing basis
23 with the council and the administration, some of the
24 haulers and with the other advocates in making this
25 a, a reality in the next few years. Thank you.

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2 CHAIRPERSON REYNOSO: Thank you. So, you
3 said 351 I guess summonses or violations were given
4 to a company... to companies because they didn't report
5 information on their drivers so that BIC can do their
6 job?

7 JUSTIN WOOD: Yeah, right now the, the
8 licensees and registrants, the C and D haulers are
9 required to share employee lists... [cross-talk]

10 CHAIRPERSON REYNOSO: Right... [cross-talk]

11 JUSTIN WOOD: ...with BIC... [cross-talk]

12 CHAIRPERSON REYNOSO: Right... [cross-talk]

13 JUSTIN WOOD: ...and recently after a FOIL
14 request we got all of these violations that don't go
15 to court so they're not publicly available but it's,
16 it's the violations that BIC is giving to companies
17 that they typically settle and for us what was
18 shocking was the number of instances and, and... my
19 understanding is these, these trucks could have been
20 pulled over for other reasons, it could be a routine
21 inspection, maybe there's a traffic violation and
22 they're looking at the employee's drivers licenses
23 and finding that the owners of these companies
24 routinely and these are companies of all sizes don't

25

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2 even share... comply with that most basic requirement
3 of this sort of anticorruption laws for... [cross-talk]

4 CHAIRPERSON REYNOSO: Right, right...
5 [cross-talk]

6 JUSTIN WOOD: ...the 90's. So, I mean we
7 agree with what the Commissioner was saying earlier
8 and what you've been saying we need a real safety
9 program with, with teeth, we agree that, that the
10 coming zoning system is a really good chance for the
11 city to have leverage in, in rewarding the more
12 responsible actors in the industry protecting the
13 workers and trying to end the irresponsible behavior
14 in the industry.

15 CHAIRPERSON REYNOSO: Absolutely, outside
16 of the commercial waste zones which is going to be a
17 priority for this... for this city in the next coming
18 year... in the coming years worker safety is going to
19 be my number one priority in ensuring that we can get
20 there, I'm hoping that the environmental justice
21 piece gets done very soon and quickly but outside of
22 that worker safety has to take a, a priority. I
23 thought by now we would have seen more change and we
24 haven't and we really have to focus, focus on it. So,

25

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2 thank you so much for today and as of now this
3 meeting is adjourned.

4 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

December 6, 2017