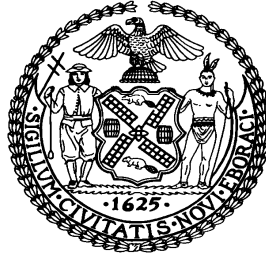


Committee on Sanitation and Solid Waste  
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**COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION**

Jeffrey Baker, Legislative Director

**COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT**

Hon. Antonio Reynoso, Chair

**October 24, 2018**

**New York City Department of Sanitation 2018-2019 Snow Plan**

**INT. NO. 619**

By Council Members Brannan, Chin, Koo, Levine, Richards, Holden, Rosenthal, Dromm, Deutsch, Yeger, Perkins, Kallos, Ampry-Samuel, Treyger, Grodenchik, Maisel and Koslowitz

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties on chain businesses for failure to remove snow, ice and dirt from sidewalks

**ADMINISTRATIVE CODE:**

Amends title 16 to add a new section 16-123.1 to chapter 1

**I. INTRODUCTION**

On October 24, 2018, the Committee on Sanitation and Solid Waste Management, chaired by Council Member Antonio Reynoso, will hold an oversight hearing concerning the New York

City Department of Sanitation (DSNY) 2018-2019 Snow Plan. The Committee will also hear Int. No. 619, sponsored by Council Member Brannan, a Local Law to amend the administrative code of the city of New York, in relation to increasing penalties on chain businesses for failure to remove snow, ice and dirt from sidewalks. The Committee expects to hear testimony from DSNY, interested parties, and members of the public.

## **II. BACKGROUND**

### **A. December 2010 Snowstorm**

On December 26 and 27, 2010, a blizzard hit New York City, overwhelming the city for several days.<sup>1</sup> Snowfall totals for the storm ranged from 14 to 24 inches throughout the five boroughs, and wind gusts were reported to be as strong as 60 miles per hour.<sup>2</sup> DSNY was unable to clear snow in a timely fashion from a significant number of city streets.<sup>3</sup> As a result, the blizzard crippled a host of basic and emergency services, most notably the city's transportation and emergency response services, and significantly impacted the daily lives of New Yorkers.<sup>4</sup> Examples of the breakdown in basic and emergency services included the inability of ambulance, fire and police services to function properly, with many emergency vehicles, especially ambulances, becoming stuck in unplowed – or partially plowed – streets;<sup>5</sup> the inability of the 911 and 311 call systems to keep up with and respond to the extremely high volume of calls;<sup>6</sup> and the

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<sup>1</sup> Liz Robbins “After Blizzard Ends, A Slow Recovery” NY Times, December 26, 2010.

<sup>2</sup> See National Weather Service, Forecast Office New York, NY, “Preliminary Data Report; New York City Blizzard of December 26-27, 2010 (January 2011). Copies of preliminary report available with Committee staff.

<sup>3</sup> E.g., Sarah Kugler Frazier “Buses, Ambulances Stuck in Unplowed NY Streets” Huffington Post, December 28, 2010.

<sup>4</sup> *Id*; Robbins, *supra* at n. 1.

<sup>5</sup> *Id*; Sharon Otterman and Al Baker “With Ambulances Stuck in Snow, City Resorted to Triage” NY Times, December 28, 2010.

<sup>6</sup> Sharon Otterman “It Was Hell: Dispatchers Tell of Flood of 911 Calls During Storm” NY Times, December 30, 2010.

abandonment of hundreds of vehicles, including approximately 600 MTA buses, on roads throughout the City.<sup>7</sup>

In the aftermath of the December blizzard, the Council held a series of hearings focused on the City's preparedness for future storm events and subsequently enacted several laws, including Local Law 28 of 2011.

**B. Local Law 28 of 2011**

Local Law 28 of 2011 requires the DSNY Commissioner to submit to the Council and make available to the public borough-specific plans for snow plowing and removal no later than November 15th of each year. Prior to the November 15th submission of the plan, the Commissioner is required to submit a draft plan for comment to Council members, community boards, and borough presidents in October of each year. Approved amendments to the draft are to be included in the final version of the plan released in November. The plan is required to include the following:

(1) the address of each DSNY facility that has a role in snow management in each borough, including the sanitation district that the facility is located in and the number of uniformed Department employees assigned to the facility;

(2) an inventory of the Department- and city-owned snow management equipment and resources that could be made available during a snow event;

(3) definitions and criteria for selecting priority plow routes and an online map of each community district including the priority designation of each street in the district;

(4) how the Department will remove snow and ice from streets, curb cuts and pedestrian medians at intersections on primary streets, crosswalks, and sidewalks adjacent to parks and bus

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<sup>7</sup> Jim O'Grady "Claim: MTA's Technical, Supervisory Failures Led to 600 Snowbound Buses" WNYC Transportation Nation, December 30, 2010.

stops, as well as how the Department will disperse salt, sand, and other materials applied to roads in icy or snowy conditions; and

(5) identification of the borough chiefs responsible for implementing the plan in each borough, the Department personnel who will liaise with the Office of Emergency Management (OEM) during snow events, and the Department personnel who will communicate with Council members, community boards, and borough presidents.

### **C. 2017-2018 Snow Season**

The winter 2017-2018 snow season cost the city \$107 million, some \$23 million more than the \$84 million budgeted.<sup>8</sup> The prolonged snow season included 40 inches of snow removal, still below the record 60 inches and \$130.7 million cost for the 2014 snow season.<sup>9</sup> Snow funding levels are based on the cost of snow removal for the previous five years, as set by a provision in the City Charter.<sup>10</sup> The snow budget for Fiscal Year 2019 is \$97.7 million, an addition of \$13.6 million from the \$84.1 million in the FY 2018 Adopted Budget.<sup>11</sup>

## **III. DSNY 2018-2019 DRAFT SNOW PLAN**

### **A. Overview**

On September 28, 2018, Commissioner Kathryn Garcia transmitted the Department's 2018-2019 Draft Borough-based Snow Plans (the "Draft Plans") to the Council.<sup>12</sup> The Draft Plans cover the Department's planning, training, snow removal priority designation categories, assigned

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<sup>8</sup> Nolan Hicks, "NYC spent \$107M on snow removal this winter" NEW YORK POST (May 17, 2018), <https://nypost.com/2018/05/17/nyc-spent-107m-on-snow-removal-this-winter/>

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> DSNY Commissioner Kathryn Garcia, "Testimony at the City Council Hearing on the FY 2019 Executive Budget" (May 17, 2018), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3490250&GUID=5D437490-C1D4-42AF-9DF0-F845A74EB167&Options=&Search=>

<sup>12</sup> See Sept. 28, 2018 Transmittal Letter from Commissioner Kathryn Garcia to Council Speaker Corey Johnson

equipment and personnel, and implementation of the Plans during a snow event. Implementation details include preparation for a forecasted snow event, salting and plowing operations during a snow event, situational awareness and adjustments during a snow event, collaborations with other city agencies, customer service during and after a snow event, snow clearing operations after precipitation ceases, and clearing pedestrian and bicycle infrastructure. These factors are explained in more detail below.<sup>13</sup>

During the 2016-2017 snow season, the Department fully implemented new plowing routes, which it refers to as “Snow Sectoring,” in all community districts.<sup>14</sup> There are three route classifications: critical routes, including highways, arterial roadways, main travel thoroughfares, bus routes, roads that contain emergency services and first responder facilities, and schools; sector routes, including those streets that are not critical routes, however are wide enough for a full size DSNY truck and plow; and haulster routes, including dead ends and streets that are too narrow for a truck and plow.<sup>15</sup> If there is a heavy storm, DSNY will begin plowing critical, sector, and haulster routes at the same time to provide a more timely service to residents.<sup>16</sup>

The Draft Plans also include several key statistics. The number of miles of roadways that DSNY is responsible for plowing is 19,000 miles.<sup>17</sup> The number of salt storage locations is 31 permanent and 11 seasonal locations, and calcium chloride storage locations is 52 citywide this year.<sup>18</sup> Their capacity is over 300,000 tons of rock salt and 365,500 gallons of calcium chloride, which remained consistent from the 2017-2018 snow plan.<sup>19</sup>

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<sup>13</sup> 2018-2019 Draft Snow Plan for the Borough of Manhattan

<sup>14</sup> *Id.* at 3.

<sup>15</sup> *Id.* at 3.

<sup>16</sup> *Id.* at 3.

<sup>17</sup> *Id.* at 1.

<sup>18</sup> *Id.* at 2.

<sup>19</sup> *Id.* at 2.

## **B. Forecast and Preparation**

If there is an impending snowstorm, the DSNY Bureau Operations Chief will brief the Commissioner, First Deputy Commissioner, and Bureau Director. The First Deputy Commissioner will then make the decision of whether to activate personnel. If plows will be needed, personnel are scheduled into two 12-hour shifts, normally from 7:00am to 7:00pm and from 7:00pm to 7:00am, and days off are canceled. DSNY then makes a series of decisions about how to respond based on predicted conditions. A “snow alert” is issued to all DSNY personnel, as well as to other city agencies.<sup>20</sup>

## **C. Salting and Plowing Operations**

At the first sign of snow or frozen precipitation, salt spreaders begin dispensing salt on roadways. Plowing begins when snowfall exceeds two inches.<sup>21</sup> PlowNYC allows the public to track progress of snow clearing.<sup>22</sup> Plow operators follow their assigned routes in order to avoid missing street segments. Once roadways are cleared, municipal parking lots, bike lanes, and pedestrian infrastructure will be cleared. In heavy snow events, DSNY may activate emergency hired equipment contracts as needed.<sup>23</sup> However, customer complaints will not be resolved until snow has stopped falling and assigned roadways are clear.

## **D. Situational Awareness**

DSNY has an extensive communications plan, which allows DSNY headquarters at 125 Worth Street to monitor conditions on the street and quickly deploy resources. DSNY communicates with other city agencies through New York City Emergency Operations Center

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<sup>20</sup> *Id.* at 3.

<sup>21</sup> *Id.* at 4.

<sup>22</sup> This website is available at <http://maps.nyc.gov/snow/#>.

<sup>23</sup> 2018-2019 Draft Snow Plan for the Borough of Manhattan at 4.

(NYCEM). DSNY has GPS devices on all snow-fighting equipment to improve the quality of signal and accuracy of data received during snow operations.<sup>24</sup>

**E. Other City Agencies**

Liaisons from DSNY coordinate with NYCEM. The Department of Environmental Protection (DEP), Department of Transportation (DOT), and Department of Parks and Recreation (DPR) are notified if their resources will be necessary. Staffing needs are assessed based on current conditions and equipment is readied. DSNY meets with the Police Department (NYPD) to exchange contract information with the NYPD Traffic and Tow and Highways Divisions and to review the use of NYPD tow trucks during and after heavy snow. In addition, the Port Authority of New York and New Jersey (Port Authority) is responsible for managing bridges and tunnels between New York and New Jersey as well as airports in New York City and Northern New Jersey.<sup>25</sup>

**F. Customer Service**

DSNY has a system through which it can assess customer complaints through 311. Conditions that are highlighted through this system are addressed once planned snow clearing operations are finished. New Yorkers can use the PlowNYC online mapping tool to track the progress of DSNY snow operations throughout the five boroughs. During the 2016-2017 snow season, DSNY and the Department of Information Technology and Telecommunications (DoITT) made PlowNYC data available in near real time to the public and software developers through the City's Open Data Portal.<sup>26</sup> During the 2017-2018 season, the data was made available during snow events, with plow locations being updated several times per hour, and older records being

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<sup>24</sup> *Id.* at 5.

<sup>25</sup> *Id.* at 6.

<sup>26</sup> *Id.* at 7.

archived.<sup>27</sup> The data for the 2018-2019 snow season will again be made available via the Open Data Portal.<sup>28</sup>

### **G. Snow Clearing Operations**

If snow accumulations approach 6 to 8 inches, snow will be plowed and piled to keep main streets open. The snow piles will be hauled to approved snow disposal locations until they can be melted or transported to snow melter locations. DSNY has 34 small melters that can each melt 60 tons of snow per hour, as well as seven larger mega-melters that can melt 135 tons of snow per hour.<sup>29</sup> Water from the melted snow is discharged directly into City sewers that the DEP has preapproved for melting. The snow clearing operations continue until all public streets have been serviced.

### **H. Clearing Pedestrian and Bicycle Infrastructure**

Once salting and plowing is complete, DSNY addresses bike lanes, pedestrian overpasses and step streets, bus stops, and crosswalks through its temporary seasonal laborers while DSNY resumes refuse collections. DSNY has a fleet 100 skid-steer loaders, which are smaller machines with lift arms to improve efficiency in clearing these areas. Temporary snow laborers are paid at a rate of \$15.00 per hour, which increases to \$22.50 per hour after completing the first 40 hours in a given week. Citibike, NYC's bike sharing system operated by NYC Bike Share LLC, is required to remove snow in a 6-foot radius around bike stations to create a buffer so that DSNY can navigate its plows.<sup>30</sup>

## **IV. LEGISLATION**

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<sup>27</sup> 2017-2018 Snow Plan for the Borough of Manhattan at 7.

<sup>28</sup> 2018-2019 Draft Snow Plan for the Borough of Manhattan at 7.

<sup>29</sup> *Id.* at 7-8.

<sup>30</sup> *Id.* at 8-9.



**A. Int. No. 619**

Int. No. 619 would increase the penalties on chain business owners for failing to properly remove snow, ice, and dirt from sidewalks following snowfall pursuant to section 16-123. Such businesses that receive a notice for violating this law would face a civil penalty of \$500-\$1,000 for the first violation, \$1,000-\$3,000 for a second violation within a twelve-month period, and \$3,000-\$5,000 for a third or subsequent violation within a twelve-month period. This local law would take effect immediately.

**V. CONCLUSION**

At the hearing, the Committee looks forward to testimony from DSNY on the draft 2018-2019 Snow Plan, including any lessons learned from previous snow seasons. The Committee also seeks feedback from DSNY and interested members of the public on Int. No. 619.



Int. No. 619

By Council Members Brannan, Chin, Koo, Levine, Richards, Holden, Rosenthal, Dromm, Deutsch, Yeger, Perkins, Kallos, Ampry-Samuel, Treyger, Grodenchik, Maisel and Koslowitz

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties on chain businesses for failure to remove snow, ice and dirt from sidewalks

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-123.1 to read as follows:

§16-123.1 Increased penalties for chain businesses for failure to remove snow, ice and dirt from sidewalks. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Chain business. The term “chain business” means any establishment that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681.

b. Notwithstanding the penalties contained in subdivision h of section 16-123, any chain business that violates the provisions of subdivisions a or b of section 16-123 shall be liable and responsible for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for the first violation, except that for a second violation of either such subdivision within any twelve-month period, such chain business shall be liable for a civil penalty of not less than one thousand dollars nor more than three thousand dollars and for a third or subsequent violation of either such subdivision within any twelve-month period, such chain business shall be liable for a civil penalty of not less than three thousand dollars nor more than five thousand dollars. Penalties

for the violations mentioned herein shall be imposed in lieu of, not in addition to, those fixed by subdivision h of section 16-123.

§ 2. This local law takes effect immediately.

NJC  
LS 5395.1  
2/9/2018