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**THE COUNCIL OF THE CITY OF NEW YORK**

COMMITTEE REPORT OF THE INFRASTRUCTURE DIVISION

Jeffrey Baker, Legislative Director

**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, Chair

September 24, 2019

**PROPOSED INT. NO. 1140-A:** By Council Members Constantinides, Rodriguez, Levin, Levine, Rosenthal, Kallos and Cohen

TITLE: A Local Law in relation to off-hour deliveries at city facilities

**INTRODUCTION**

On September 24, 2019, the Transportation Committee chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 1140-A, in relation to off-hour deliveries at city facilities. This is the second hearing on this item. The first hearing on Int. No. 1140 was held on October 29, 2018, at which the Committee heard testimony from the Department of Transportation (DOT) and other interested stakeholders.

**BACKGROUND**

Off-Hour Deliveries

A January 2016 For-Hire Vehicle Transportation Study (“FHV Study”), commissioned by the City in accordance with Local Law 75 of 2015, found that traffic congestion in the Central Business District (CBD) had gotten worse over the preceding five years, with average vehicle speeds falling nearly 10% in the preceding two years.[[1]](#footnote-1) The study noted that worsening congestion not only has implications for personal vehicle drivers and taxi/FHV drivers and passengers, but also people who depend on buses, as well as businesses and individuals who rely on the delivery of goods via trucks.[[2]](#footnote-2) The 2016 FHV Study asserts that traffic congestion is “significantly affected by how curb space is managed,” noting that “when there is inadequate space at the curb for trucks and delivery vehicles and those vehicles double park, they can remove a full lane or more from traffic service.”[[3]](#footnote-3) In 2010, in conjunction with partners in the federal government, academia, and private industry, DOT completed a pilot program in which businesses were offered financial incentives to receive deliveries during overnight hours instead of during the business day.[[4]](#footnote-4) According to DOT, trucks making deliveries experienced fewer delays, easier parking, and reduced congestion.[[5]](#footnote-5) Further, many of the delivery companies and receiving businesses experienced cost savings, with some businesses using unassisted delivery systems, which allow delivery companies to make deliveries while minimizing the need for the receiving business’s employees to be present by, for example, providing a key to the delivery company to access a designated area of the business to drop off goods.[[6]](#footnote-6) In its 2016 Strategic Plan, DOT committed to expanding the use of off-hours deliveries and exploring “opportunities for micro freight distribution centers in highly congested commercial areas” using “curb space now dedicated to commercial loading.”[[7]](#footnote-7)

Per Local Law 189 of 2017, DOT conducted a study of traffic congestion resulting from truck deliveries in Manhattan below 59th Street and in Downtown Brooklyn, including an analysis of the feasibility and necessity of implementing measures to reduce such congestion. The study recommended targeting 900 retail locations for inclusion in an off-hour deliveries program in order to reduce daytime traffic congestion in Midtown and Downtown Brooklyn.[[8]](#footnote-8) The study also recommended that DOT work with business improvement districts (BIDs) to help consolidate deliveries, study and evaluate changes to truck routes, and support rail and water freight movement plans.[[9]](#footnote-9)

DOT now has a goal of targeting 900 business establishments by the end of 2019.[[10]](#footnote-10) These off-hour deliveries (OHD) build off the original 2010 pilot and will have businesses work with DOT to rethink their delivery schedules.[[11]](#footnote-11) Proposed Int. No. 1140-A would require an agency or agencies designated by the Mayor to develop a plan of off-hour deliveries for city facilities.

**ANALYSIS OF PROPOSED INT. NO. 1140-A**

Section 1 of Proposed Int. No. 1140-A in subdivision a would define the following terms with the following meanings:

* Central business district. The term “central business district” means the area of the borough of Manhattan lying south of and including 60th street.
* City facility. The term “city facility” means a facility used or occupied or to be used or occupied to meet city needs that is located on real property owned or leased by the city or is operated by the city pursuant to a written agreement on behalf of the city.
* Highly congested areas. The term “highly congested areas” means at least two areas of the city outside of the central business district in which there are both high levels of traffic congestion and high densities of city facilities, as determined by the  agency or office designated by the mayor pursuant to subdivision b of this section.
* Lower Manhattan. The term “lower Manhattan” means the area of the borough of Manhattan lying south of and including Canal street.
* Off-hour deliveries. The term “off-hour deliveries” means the delivery of goods between 7:00pm and 6:00am.

                     Subdivision b would state that no later than 180 days after the effective date of this local law, an agency or office designated by the mayor would, in consultation with other agencies or offices as deemed appropriate by the mayor, develop a framework for the feasibility of city facilities in the central business district (CBD) and highly congested areas receiving off-hour deliveries and would submit a report on such framework to the mayor and the speaker of the council. Such report would include, but need not be limited to, the following:

1. A discussion of the problems that currently exist with respect to daytime

deliveries at city facilities;

2. A discussion of the existing models of off-hour delivery programs in both the public and private sectors;

3. Recommendations for actions that the city could take to expand off-hour deliveries to city facilities;

4. An assessment of the feasibility of deploying personnel to receive off-hour deliveries at city facilities;

5. Recommendations for actions that the city could take to enable off-hour deliveries without the presence of personnel;

6. Recommendations for actions that the city could take to reduce adverse impacts on communities adjacent to city facilities receiving off-hour deliveries, including through the use of low-noise equipment and operating procedures; and

7. Recommendations for processes through which building and facility delivery and service plans could best be created, implemented and refined over time for city facilities, including through delivery scheduling, vendor consolidation and safer and more environmentally sustainable freight vehicles.

Subdivision c would indicate that no later than 270 days after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section would assess all city facilities in lower Manhattan to determine whether off-hour deliveries are feasible at such facilities and such agency or office, in consultation with other agencies or offices as deemed appropriate by the mayor, would conduct off-hour deliveries at such facilities.

Subdivision d would indicate that no later than 18 months after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section would submit a report to the mayor and the speaker of the council regarding off-hour deliveries at each city facility at which off-hour deliveries were implemented pursuant to subdivision c of this section. For each such facility, such report would include the number of deliveries, the provider of the goods delivered and the value of the goods delivered that have been diverted to off-hours deliveries and any measures taken to increase off-hour deliveries.

Subdivision e would state that no later than 18 months after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section would assess all city facilities in the central business district and highly congested areas that are not in lower Manhattan to determine whether off-hour deliveries are feasible at such facilities and such agency or office, in consultation with other agencies or offices as deemed appropriate by the mayor, would conduct off-hour deliveries at such facilities.

Subdivision f would state that no later than 2 years after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section would submit a report to the mayor and the speaker of the council regarding off-hour deliveries at each city facility at which off-hour deliveries were implemented pursuant to subdivision e of this section. For each such facility, such report would include the number of deliveries, the provider of the goods delivered and the value of the goods delivered that have been diverted to off-hours deliveries and any measures taken to increase off-hour deliveries.

Section 2 of Proposed Int. No. 1140-A would state that this local law would take effect immediately.

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| Proposed Int. No. 1140-A    By Council Members Constantinides, Rodriguez, Levin, Levine, Rosenthal, Kallos and Cohen    A Local Law in relation to off-hour deliveries at city facilities    Be it enacted by the Council as follows:                         Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:  Central business district. The term “central business district” means the area of the borough of Manhattan lying south of and including 60th street.  City facility. The term “city facility” means a facility used or occupied or to be used or occupied to meet city needs that is located on real property owned or leased by the city or is operated by the city pursuant to a written agreement on behalf of the city.  Highly congested areas. The term “highly congested areas” means at least two areas of the city outside of the central business district in which there are both high levels of traffic congestion and high densities of city facilities, as determined by the  agency or office designated by the mayor pursuant to subdivision b of this section.  Lower Manhattan. The term “lower Manhattan” means the area of the borough of Manhattan lying south of and including Canal street.  Off-hour deliveries. The term “off-hour deliveries” means the delivery of goods between 7:00pm and 6:00am.                       b. No later than 180 days after the effective date of this local law, an agency or office designated by the mayor shall, in consultation with other agencies or offices as deemed appropriate by the mayor, develop a framework for the feasibility of city facilities in the central business district and highly congested areas receiving off-hour deliveries and shall submit a report on such framework to the mayor and the speaker of the council. Such report shall include, but need not be limited to, the following:  1. A discussion of the problems that currently exist with respect to daytime deliveries at city facilities;                       2. A discussion of the existing models of off-hour delivery programs in both the public and private sectors;                       3. Recommendations for actions that the city could take to expand off-hour deliveries to city facilities;                       4. An assessment of the feasibility of deploying personnel to receive off-hour deliveries at city facilities;                       5. Recommendations for actions that the city could take to enable off-hour deliveries without the presence of personnel;                       6. Recommendations for actions that the city could take to reduce adverse impacts on communities adjacent to city facilities receiving off-hour deliveries, including through the use of low-noise equipment and operating procedures; and                       7. Recommendations for processes through which building and facility delivery and service plans could best be created, implemented and refined over time for city facilities, including through delivery scheduling, vendor consolidation and safer and more environmentally sustainable freight vehicles.  c. No later than 270 days after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall assess all city facilities in lower Manhattan to determine whether off-hour deliveries are feasible at such facilities and such agency or office, in consultation with other agencies or offices as deemed appropriate by the mayor, shall conduct off-hour deliveries at such facilities.  d. No later than 18 months after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall submit a report to the mayor and the speaker of the council regarding off-hour deliveries at each city facility at which off-hour deliveries were implemented pursuant to subdivision c of this section. For each such facility, such report shall include the number of deliveries, the provider of the goods delivered and the value of the goods delivered that have been diverted to off-hours deliveries and any measures taken to increase off-hour deliveries.  e. No later than 18 months after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall assess all city facilities in the central business district and highly congested areas that are not in lower Manhattan to determine whether off-hour deliveries are feasible at such facilities and such agency or office, in consultation with other agencies or offices as deemed appropriate by the mayor, shall conduct off-hour deliveries at such facilities.  f. No later than two years after the effective date of this local law, the agency or office designated by the mayor pursuant to subdivision b of this section shall submit a report to the mayor and the speaker of the council regarding off-hour deliveries at each city facility at which off-hour deliveries were implemented pursuant to subdivision e of this section. For each such facility, such report shall include the number of deliveries, the provider of the goods delivered and the value of the goods delivered that have been diverted to off-hours deliveries and any measures taken to increase off-hour deliveries.  § 2. This local law takes effect immediately.  MHL/JJD  LS 5124  9/17/19 6:30pm |

1. City of New York Office of the Mayor, *For-Hire Vehicle Transportation Study*, Jan. 2016, available at <http://www1.nyc.gov/assets/operations/downloads/pdf/For-Hire-Vehicle-Transportation-Study.pdf>. [↑](#footnote-ref-1)
2. *Id*. [↑](#footnote-ref-2)
3. *Id.*  [↑](#footnote-ref-3)
4. Press Release, N.Y.C. Dept. of Transportation, *NYC DOT Pilot Program Finds Economic Savings, Efficiencies For Truck Deliveries Made During Off-hours,* Jul. 1, 2010, available at <http://www.nyc.gov/html/dot/html/pr2010/pr10_028.shtml>; N.Y.C. Dept. of Transportation, *Sustainable Streets Index 2010*, available at <http://www.nyc.gov/html/dot/downloads/pdf/ssi10-offhour.pdf> [↑](#footnote-ref-4)
5. *Id*. [↑](#footnote-ref-5)
6. *Id*. [↑](#footnote-ref-6)
7. N.Y.C Dept. of Transportation, *Strategic Plan 2016*, available at <http://www.nycdotplan.nyc/PDF/Strategic-plan-2016.pdf> [↑](#footnote-ref-7)
8. N.Y.C Dept. of Transportation, *Improving the Efficiency of Truck Deliveries in NYC* (April 2019) <https://www1.nyc.gov/html/dot/downloads/pdf/truck-deliveries-ll189.pdf> [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)
10. *New York Introduces Off-Hour Deliveries Program to Combat Congestion* (October 2018), In Bound Logistics, available at <http://www.inboundlogistics.com/cms/article/NYC-introduces-off-hour-deliveries-program-to-combat-congestion/> [↑](#footnote-ref-10)
11. *Id.* [↑](#footnote-ref-11)