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6/16/2022	*	City Council	Introduced by Council	
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12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 556

By Council Members Rivera, Brewer, Gutiérrez, Restler, Won, Sanchez and Cabán

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating an office of sustainable delivery systems and requiring large generator of truck traffic buildings to produce and implement a delivery and servicing plan

Be it enacted by the Council as follows:

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 652 to read as follows:

§ 652. Office of sustainable delivery systems. a. There shall be in the department an office of sustainable delivery systems. The office shall be headed by a director who shall be appointed by and shall report to the commissioner. The duties of the office shall include, but not be limited to:

1. overseeing implementation of sustainable freight and delivery systems laws and policies for existing

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buildings, new construction, and major renovations;

2. establishing and administering protocols for producing and implementing a delivery and servicing plan;

3. making recommendations about sustainable freight and delivery solutions in building development and management;

4. creating a step-by-step guide for owners on how to develop, amend, and assess the efficacy of a delivery and servicing plan;

5. providing technical assistance to owners as they develop, amend, implement, and evaluate a delivery and servicing plan including, but not limited to, creating step-by-step guide on how to produce and submit a delivery and servicing plan for owners;

6. creating an online portal for the submission of delivery and servicing plans by owners and that hosts informational materials including the step-by-step guide created pursuant to this section;

7. receiving, evaluating, and approving delivery and servicing plans;

8. inspecting large generator of truck traffic buildings annually to ensure proper reporting and implementation of delivery and servicing plans;

9. determining recommended penalties, including minimum penalties, for failure to timely submit complete delivery and servicing plans, failure to make available and utilize on-site loading docks and storage rooms, and failure to timely implement a reservation system for deliveries or institute off-peak or weekend delivery service for at least 50 percent of servicing trips and deliveries;

10. monitoring compliance with the requirements of article 323 of title 28 of the administrative code of the city of New York; and

11. developing recommendations, in coordination with the department of transportation, to improve sustainability outcomes and expand the number and types of buildings subject to delivery and servicing plan requirements.

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§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 326 to read as follows:

ARTICLE 326
SUSTAINABLE DELIVERY AND SERVICING PLANS

§ 28-326.1 General. Plans to manage freight and servicing vehicle movements to and from a large generator of truck traffic building shall be developed, evaluated, implemented, and enforced in accordance with this article.

§ 28-326.2 Definitions. As used in this article, the following terms shall have the following meanings:

CONSOLIDATION CENTER. The term "consolidation center" means a site used to receive multiple deliveries for a single recipient and consolidate such deliveries so the goods may be delivered to the recipient in a single trip.

DELIVERY AND SERVICING PLAN. The term "delivery and servicing plan" means a document describing how freight and servicing vehicle movements to and from a site are managed.

DEPARTMENT. The term "department" means the department of buildings.

DIRECTOR. The term "director" means the director of the office of sustainable delivery systems.

LARGE GENERATOR OF TRUCK TRAFFIC BUILDING. The term "large generator of truck traffic building" means a commercial building that is over 500,000 gross square feet in size.

OFFICE. The term "office" means the office of sustainable delivery systems.

OWNER. The term "owner" means the owner of a large generator of truck traffic building.

§ 28-326.3 Department Rules. The department shall promulgate such rules as are necessary to carry out the provisions of this article in a timely manner, including establishing fees and penalties for violation of the provisions of this article.

§ 28-326.4 Notice of requirements, deadlines, and penalties. No later than the effective date of this local law, the department shall notify owners of existing or permitted large generator of truck traffic buildings of their requirement to submit a delivery and servicing plan developed pursuant to section 28-326.7.1 within 90 days from the effective date of this law, and annually thereafter. Such notice shall describe all requirements established pursuant to this article, pertinent deadlines, penalties for non-compliance, and technical assistance available to owners, provided that the failure of the department to notify any such owner shall not affect the

obligation of such owner to comply with the requirements set forth in this article. Such notice shall also provide information about the technical assistance resources made available to owners by the department.

§ 28-326.5 Technical Assistance. The department shall provide technical assistance to owners of a large generator of truck traffic building with respect to fulfilling the requirements of this article. Such assistance may include, but need not be limited to, trainings, the provision of reference guides and templates, and a publicized telephone number and email address to receive direct questions. At a minimum, the department shall:

1. Notify owners of large generator of truck traffic buildings annually of their obligations pursuant to this article and the technical assistance resources made available to owners by the department including but not limited to, the step-by-step guide created pursuant to this section.

2. Establish an online portal to accept electronic submissions of delivery and servicing plans and that hosts department resources including, but not limited to, the step-by-step guide created pursuant to this section; and

3. Produce and make available to the public a step-by-step guide for producing delivery and servicing plans, which shall include, but not be limited to:

3.1. A checklist for gathering key data about deliveries, collections, and servicing trips, including trips relating to maintenance, cleaning and waste removal, and catering and vending. Such checklist shall include, but not be limited to, gathering information about: (i) delivery dates and times; (ii) delivery classifications such as delivery, collection, or servicing trip; (iii) type and size of goods, as applicable; (iv) time sensitive nature of deliveries disaggregated by delivery classification; (v) building tenant, department, or team generating the trip; (vi) delivery, collection, and servicing company names and modes of transportation; (vii) current on- and off-street loading and unloading practices; and (viii) access routes.

3.2. Guidance on how to identify the vehicle movements causing the greatest impact on traffic congestion and emissions and on how to assess where efficiencies might be made;

3.3. A list of suggested stakeholder interviews;

3.4. Recommendations and best practices for delivery and servicing plan actions and objectives including, but not limited to, the implementation of: (i) consolidation centers; (ii) ensuring access to safe and lawful loading and unloading locations on-site, including loading docks and storage rooms; (iii) delivery scheduling; (iv) joint tenant procurement and a centralized ordering system; (v) ways to reduce ad-hoc deliveries; (vi) ways to reduce waste collection trips; (vii) overnight and weekend deliveries; (viii) a centralized booking system for courier deliveries; (ix) procurement of vendors and suppliers that use low or no emission vehicles or modes of transportation; and (x) conducting periodic performance reviews.

§ 28-326.6.1 Minimum requirements for truck traffic mitigation. An owner of a large generator of truck traffic building shall implement the following truck traffic mitigation interventions, as described in the delivery and servicing plan approved by the department, within 90 days of such approval:

1. Provide suppliers, vendors, and couriers access to loading and unloading locations on-site including on-site loading docks, as well as storage rooms, to reduce the use of on-street parking for

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delivery and servicing trips and package loading and unloading; and

2. Implement at least one of the following interventions:

2.1. Establish a delivery and servicing trip reservation system and require suppliers and vendors to utilize such system; or

2.2. Retime deliveries so that, at a minimum, 50 percent of delivery and servicing trips to and from the site occur during off-peak traffic hours and weekends. For purposes of implementing this intervention, an owner shall not be required to ensure that building or tenant personnel are present to receive deliveries and may instead permit suppliers, vendors, and couriers to deposit deliveries on-site in a designated and secure area such as a storage room or other access-controlled area.

§ 28-326.6.2 Civil penalty for failure to implement minimum requirements for truck traffic mitigation. It shall be unlawful for the owner of a large generator of truck traffic building to fail to implement the interventions required pursuant to section 28-326.6.1. An owner subject to a violation for failure to comply shall be liable for a monetary penalty, as determined by the department.

§ 28-326.7.1 Delivery and servicing plan requirement. An owner of an existing or new large generator of truck traffic building shall produce and electronically submit a delivery and servicing plan to the department for approval as follows:

1. Existing buildings with a certificate of occupancy as of the effective date of this law shall submit a delivery and servicing plan to the department within 180 days of the effective date of this law, and annually thereafter.

2. Applicants for approval of construction documents filed on, or after, the effective date of this law shall file a complete delivery and servicing plan with the department within 180 days of receiving a certificate of occupancy, and annually thereafter.

§ 28-326.7.2 Contents of delivery and servicing plan. A delivery and servicing plan submitted pursuant to section 28-326.7.1 shall describe in detail all aspects of the proposed freight and servicing operations for the building with a focus on sustainability efforts including, but not limited to:

1. Reducing the number of delivery and servicing trips to and from the site, including through the consolidation of deliveries through streamlined tenant procurement and the use of consolidation centers;

2. Re-timing deliveries to promote deliveries during off-peak traffic hours and weekends;

3. Establishing a reservation system to facilitate efficient deliveries, and reduce traffic congestion and idling;

4. Providing access to safe and lawful loading and unloading locations including on-site loading docks and storage rooms; and

5. Prioritizing vendors and couriers that use low or no emissions modes of transportation for delivery and servicing trips to and from the site to reduce emissions produced by deliveries.

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§ 28-326.7.3 Department determination and resubmission of a delivery and servicing plan. The department shall provide owners of large generator of truck traffic buildings a written determination indicating whether the submitted complete delivery and servicing plan is approved, or whether the department requires the owner to amend and resubmit the delivery and servicing plan with amendments. Where the department requires amendments, the owner shall resubmit an amended delivery and servicing plan within 60 days of receiving the department determination notice. The manner and timing issuing determinations to owners shall be established by the department by rule.

§ 28-326.7.4 Civil penalty for failure to submit a complete delivery and servicing plan. It shall be unlawful for the owner of a large generator of truck traffic building to fail to timely submit a complete delivery and servicing plan as required by section 28-326.7.1 on or before the applicable due date. A delivery and servicing plan shall not be considered complete unless the owner has included specific plans to comply with the requirements of section 28-326.7.2 An owner subject to a violation pursuant to this section shall be liable for a monetary penalty, as determined by the department.

§ 28-326.7.5 Delivery and servicing plan implementation deadline. An owner of a large generator of truck traffic building shall implement the complete delivery and servicing plan within 90 days from the date such plan was approved by the department.

§ 28-326.8 Inspection. The commissioner shall by rule establish staggered inspection cycles for buildings required to comply with this article. The department shall inspect each building required to comply with this article at least once every twelve months.

§ 28-326.9 Department report. No later than June 1, 2023 the department shall post on its website and submit to the mayor and the speaker of the council, a report that includes, but is not limited to, the following:

1. An itemized list of large generator of truck traffic buildings, including a description of building occupants;

2. A summary of the findings of building inspections, including statistics relating to violations disaggregated by violation type and borough;

3. A description of challenges relating to the implementation, administration, and enforcement of the provisions of this article;

4. Recommendations for:

4.1. The frequency in which delivery and servicing plans should be updated by owners and resubmitted to the department;

4.2. The frequency with which the department conducts inspections;

4.3.The feasibility to create penalties for an owner’s failure to reduce the frequency of delivery and service trips to and from the building, as well as for failure to reduce or consolidate the number of suppliers, vendors, and couriers.

4.4. The feasibility of expanding the delivery and servicing plan requirements established

pursuant to this article to commercial buildings smaller than 500,000 gross square feet in size and to residential buildings; and

4.5. Recommendations and best practices for how commercial buildings that are not a large generator of truck traffic and business improvement districts that wish to create delivery and servicing plans voluntarily can analyze key data about deliveries to develop and adopt a delivery and servicing plan of their own. Additionally, recommendations for how the department can make the online portal and technical assistance resources available to entities that participate voluntarily.

4.6. Ways in which to improve the step-by-step guide for producing delivery and servicing plans, including, but not limited to, the feasibility of creating a step-by-step guide for commercial buildings smaller than 500,000 gross square feet and residential buildings.

§ 3. This local law takes effect 120 days after it becomes law.

Session 12
EJL
LS #8298
4/29/2022

Session 11
TSR/AL/IP/EL
LS # 10678
Int. 2281-2020