



Legislation Text

File #: Int 1789-2019, **Version:** *

Int. No. 1789

By Council Member Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to side guards

Be it enacted by the Council as follows:

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

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

City contracted vehicle. The term “city contracted vehicle” means any large vehicle that is owned or operated pursuant to a contract with the city or any subdivision thereof.

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

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

Side guard. The term “side guard” means a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles. Except where otherwise authorized by rule of the department, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; much achieve a smooth and continuous longitudinal (forward to backward) impact

surface flush with the vehicle sidewall; may include rail style guards, provided that such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

b. Side guards. 1. No later than January 1, [2024] 2021, all large vehicles in the city fleet shall be equipped with side guards.

2. No later than January 1, 2021, all city contracted vehicles shall be equipped with side guards.

c. The department shall have the authority to promulgate any rules necessary to administer the provision of this section, including but not limited to rules establishing side guard specifications that depart from the default specifications set forth in subdivision a of this section when such departure is deemed necessary by the department, as well as rules governing when the installation of side guards on certain city vehicles is impractical and will not be required. The department shall be authorized to inspect side guards and side guard specifications for compliance with the requirements of this section.

d. Enforcement. 1. Any owner or operator of a city contracted vehicle that violates paragraph 2 of subdivision b of this section shall be liable for a civil penalty of \$10,000 per city contracted vehicle that is in violation, returnable to the office of administrative trials and hearings. Each notice of violation shall contain an order from the department directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected within 30 days from the date of the order. In addition to such civil penalty, a separate additional penalty may be imposed of not more than \$500 for each day that the violation is not corrected beyond 30 days from such order.

2. For the purposes of this section, if the office of administrative trials and hearings finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither

knew nor should have known that such statements were false.

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

f. On or after January 1, [2024] 2021, the commission may refuse to issue a license or registration to an applicant that has failed to demonstrate to the satisfaction of the commission that such applicant will at all times meet the requirements of section 16-526 of the code, or any rule promulgated pursuant thereto, in the performance of such license or registration.

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

b. Side guards. No later than January 1, [2024] 2021, all trade waste hauling vehicles shall be equipped with side guards.

§ 4. This local law takes effect immediately.

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