

NEW YORK CITY DEPARTMENT OF TRANSPORTATION
HEARING BEFORE THE CITY COUNCIL
COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT AND THE
COMMITTEE ON TRANSPORTATION

November 27, 2017

Good morning Chair Reynoso, Chair Rodriguez, and members of the Sanitation and Transportation Committees. I am Juan Martinez, Director of Traffic Operations Policy at DOT. Thank you for inviting me on behalf of Commissioner Trottenberg and Mayor de Blasio to discuss trade waste industry street safety.

Nearly four years ago Mayor de Blasio set a goal of eliminating traffic deaths and serious injuries. It was and remains an ambitious commitment—but we are encouraged by our progress. In 2016, 68 fewer people were killed in traffic crashes than in 2013, the year before the Mayor launched Vision Zero. The last four years have been the safest four-years in the City’s history. While fatalities declined 23 percent in New York City, everywhere else in the United States traffic fatalities went up 15 percent.

Our progress on this complex, multi-dimensional public policy problem is attributable in large part to the City’s data-driven Vision Zero strategy. The members of the Vision Zero Task Force analyze crash data and other evidence to target the causes of serious injuries and deaths, identify and implement countermeasures, monitor the effectiveness of those interventions, and revise our approaches accordingly. Ever since BIC began to participate in the Task Force, we have been taking a close look at fatal crashes involving trucks which are used by trade waste licensees. What follows are some of the notable findings from our analysis of these “trade waste industry truck” fatal crashes and how key Vision Zero strategies address some of the predominant factors in those crashes.

Trade Waste Industry Truck Fatal Crashes

Since 2010, there have been 43 people killed in crashes involving BIC registered trucks and non-BIC registered trade waste industry trucks. The trucks involved in these crashes include packer trucks (rear loaders), roll-on and roll-off trucks, and dump trucks. Although only 31 of these crashes involved a trade waste industry truck which was registered with the Business Integrity Commission, for the purposes of today’s discussion we will focus on the 43 fatalities since there are lessons that can be applied to all operators of these large trucks.

Of these 43 people killed, 32 were pedestrians, 6 were riding a bicycle, 4 were motor vehicle drivers or passengers and one was operating a motorcycle. These 43 fatalities represent one-quarter of the 175 fatal crashes involving all types of publicly and privately owned trucks during this same period. Overall, 2,022 people have been killed in vehicle crashes in New York City since 2010.

Where Trade Waste Industry Truck Crashes Occur

Ninety percent of fatal pedestrian crashes involving trucks utilized by the trade waste industry occurred on or in a Vision Zero Priority Corridor, Intersection or Area – the geographies which NYPD and DOT identified in the 2015 Borough Pedestrian Safety Action Plans as locations where pedestrian deaths and severe injuries are significantly overrepresented.

With the help of every Council Member on these committees, the City has implemented an array of safety measures at these high-crash locations, including: a record number of street redesigns; record numbers of bicycle lanes, with an emphasis on physically protected bicycle lanes; the lowering of the speed limit; concentration of our speed camera enforcement, red light camera enforcement and police enforcement at these locations; the retiming of traffic signals to reduce overnight speeding; the addition of leading pedestrian intervals, and much more.

In the years prior to Vision Zero there were typically 99 pedestrian deaths annually at these Priority Locations. Last year, there were 73 pedestrian deaths, a 25 percent decrease. The City's continued focus on these streets will serve to prevent trade waste industry truck fatal crashes as well.

Time of Day

Approximately 4 percent of pedestrian travel occurs during overnight hours, from midnight through 6 a.m., yet 17 percent of all pedestrian fatalities in New York City occur during those same hours. This statistic is even more disproportionate when it comes to crashes involving trade waste industry trucks, which by the nature of their business often operate at night: 10 of 32 pedestrian fatal crashes, or 31 percent, occurred between 12 a.m. and 6 a.m.

DOT has implemented a series of countermeasures in an effort to prevent severe overnight crashes. These include the conversion to LED street lights, which provide better color contrast and make pedestrians more visible. This project is well underway and expected to be completed by February of 2019. And, DOT recently installed additional lighting at 1,000 intersections with high rates of pedestrian nighttime crashes, and we expect to complete another 1,000 intersections by January 2020.

Furthermore, DOT has sought to discourage speeding during the evening and overnight hours by recalibrating our traffic signals to ensure a safe progression aligned with the 25 MPH speed limit. Through 2016, DOT has retimed over 300 miles, or 72 percent of all priority corridor miles, so far.

And over the past year NYPD officers who are on patrol during overnight hours, particularly in Manhattan, have been directed to focus on trade waste industry trucks, and will continue to do so in 2018.

Trade Waste Industry Truck Operator Turns

Operator turns were a factor in 13 of 38 fatal bicycle and pedestrian trade waste industry truck crashes since 2010, or 34 percent. As a comparison, approximately 25 percent of all bicycle and pedestrian fatal and severe injury crashes in New York City involve vehicle turns.

DOT has implemented a number of solutions to prevent severe injuries from turning crashes across the City. In 2016, we launched our Left Turn Traffic Calming pilot program, which has installed treatments at over 100 intersections. These treatments have been shown to reduce left turn speeds by 24 percent. Leading pedestrian intervals are another key element of our tool kit, and they have been installed at over two thousand intersections since the launch of Vision Zero. This treatment has been shown to reduce severe injuries and deaths to pedestrians and bicyclists by over 60 percent.

NYPD has tripled enforcement of failure to yield, from 9,900 tickets annually before Vision Zero to over 33,000 in 2016. In addition, last year NYPD issued over 1,900 summonses and made 39 arrests of drivers who carelessly caused crashes by failing to yield. These enforcement actions were made possible because of the Right of Way law enacted by the Council and Mayor in 2014. These efforts are not specifically targeted at trade waste industry trucks, but because these trucks are involved in a greater proportion of fatal crashes involving turns, these efforts can have a disproportionate safety benefit in this industry.

Fleet Safety

Nations and cities around the world which have adopted Vision Zero goals have found success by initially concentrating on professional drivers in large fleets. Professional drivers and the organizations which employ them tend to have a higher commitment to safety, and be more likely to rapidly improve their conduct, than individual drivers. This is true here as well, as our experience with the largest fleets in the City indicates.

DCAS manages or sets policy for vehicles in the City's fleet. In order to advance Vision Zero, the agency has focused on training and technology. Before Vision Zero just over 3,000 of the City's authorized drivers had completed a full day crash prevention course; today that number is over 43,000, and all authorized drivers are required to retake the course every three years. Participants in this course were asked about safety equipment that is important to add to City vehicles, including cameras and automatic braking systems. DCAS has incorporated that feedback into the Safe Fleet Transition Plan, which is informing the crash prevention technology which will be incorporated into City vehicles. An element of the Safe Fleet Transition Plan which is especially relevant here is sideguards, which are panels that can be added to trucks with large ground clearance to prevent pedestrians and bicyclists from being run over by a turning truck's rear wheels. Prior to Vision Zero no New York City trucks had side guards, and very few trucks had them nationally – but today over 1,250 trucks in the City fleet have sideguards and their use is growing nationwide. This combination of training and technology has contributed to a 36% decline in the rate of injury crashes involving City vehicles.

TLC is implementing similar strategies for the for-hire vehicle (FHV) fleet. Each prospective operator must first undergo 24 hours of "taxi school" including a thorough exploration of safety

strategies. Over 37,000 drivers completed the course in 2016 alone. TLC has also conducted over 500 direct outreach efforts to fleet owners at bases and garages in the form of a driver outreach meetings program to emphasize safety education. TLC is also innovating by focusing on driver fatigue, and is currently implementing newly passed rules that seek to prevent acute and chronic fatigue among for-hire vehicle drivers. These rules were developed after a review of scientific research on fatigued driving, best practices in other transportation and safety-sensitive industries, and an analysis of the data on TLC's own driver licensees.

Finally, when it comes to trade waste industry fleet safety, the NYPD's Citywide Traffic Task Force, which is responsible for on-street truck inspections, has been paying particular attention to trucks in this sector, and is preparing to perform more inspections in 2018.

Thank you again to the Committees for inviting me today. I would be happy to answer any questions you have.



The City of New York
BUSINESS INTEGRITY COMMISSION
100 Church Street · 20th Floor
New York · New York 10007

Daniel D. Brownell
Commissioner and Chair

**Testimony of Commissioner Daniel D. Brownell of the
New York City Business Integrity Commission before the
Committees on Sanitation and Solid Waste Management and
Transportation of the New York City Council regarding
Safety in the Trade Waste Industry**

November 27, 2017

Good morning, Chairs Reynoso and Rodriguez and members of the City Council's Sanitation and Solid Waste Management and Transportation Committees. I am Dan Brownell, Commissioner of the New York City Business Integrity Commission, or BIC. Joining me today is BIC's Deputy Commissioner of Legal Affairs and General Counsel Noah Genel. Seated just behind us is BIC's Director of Policy Salvador Arrona, Executive Agency Counsel Emily Anderson and Senior Legal Analyst Elise Ryan. Juan Martinez, Director of Policy for the Department of Transportation's Traffic Operations and a key member of the Vision Zero Task Force, is also here to provide any needed information or answer questions. Thank you for inviting us to testify today. I am here to provide you with an update on the many initiatives BIC has been spearheading to make the trade waste industry safer.

Vision Zero

In January 2014, Mayor Bill de Blasio announced his "Vision Zero" initiative to end traffic deaths and injuries in New York City. As part of the initiative, the City created a permanent Vision Zero Task Force. Headed by the Mayor's Office of Operations, the Vision Zero Task Force is comprised of key agencies and partners, including the New York City Police

Department (NYPD), Department of Transportation (DOT), Taxi & Limousine Commission (TLC), Department of Health and Mental Hygiene (DOHMH), Department of Citywide Administrative Services (DCAS), Metropolitan Transit Authority (MTA), and the City's various District Attorneys' Offices, among other agencies. BIC joined the Vision Zero Task Force in 2016 and is honored to be a part of what is a total team effort. The Vision Zero Task Force meets every two weeks, and the member agencies work together far more frequently to develop strategies in an effort to meet the Mayor's bold goal of eliminating fatal and serious vehicle crashes. More than just a "think tank," we develop policies and strategies that the City actually implements. Some of these plans have included improvements in street design, innovations in enforcement of various rules and regulations and public education. Early next year, the Mayor's Office of Operations will publish a Vision Zero year four report that will track the progress of all the City agency's efforts toward achieving "vision zero."

As part of the Vision Zero Task Force, TLC created a short video that sets the proper context for this conversation about safety on our City streets. I will play it now.

Vision Zero's goal is founded on the assertion that every death or serious injury involving a motor vehicle in New York is one too many. While data and statistics are important to help chart our progress in this effort, the focus is on protecting the life of everyone who lives, works or visits our city. A month ago, we played TLC's video at the start of a gathering of trade waste industry members concerning safety. A number of participants commented that hearing the stories from the family members of the crash victims altered their thinking about what is at stake when they drive trucks on our city streets. Starting the event with this video also significantly changed the tenor of the panel discussions that followed. It fostered a productive environment to

speaking about these complex issues – where people actually listened to each other – as we talked about how best to make our streets safer.

Commercial Waste Zone’s Safety Working Group

I want to speak more specifically about what BIC is doing to improve safety in the trade waste industry. BIC is part of the effort to create a zone collection structure for our local commercial waste collection. In September 2016, New York City Department of Sanitation (DSNY) Commissioner Kathryn Garcia and BIC held the first meeting to engage various groups in the conversation to develop this plan. While implementation of the commercial waste zone system will require thorough analysis and is still a few years away, the group decided that the concern for making the trade waste industry safer was an effort that could and should begin immediately. To that end, BIC and DSNY have formed the Commercial Waste Zone Collection Safety Working Group (Working Group), and invited everyone from that initial stakeholder meeting to participate. In addition to members of City government, the group includes members of the trade waste industry, union leaders, and environmental and other advocates.

The Working Group has met 10 times since November 2016. Our initial project has been to create a universal safety manual that every carting company in the City will be expected to use as a guide to develop their own robust safety program. The meetings have been extremely productive. Impressively, even though the participants view various issues in the trade waste industry differently, we all can agree that safety is the priority; that notion has dominated the Group’s discussions. We are in the process of finalizing the safety manual and anticipate that it will be released in conjunction with the Vision Zero year four report early next year, with an initial version available electronically on BIC’s website.

The manual is quite comprehensive and covers everything from a checklist of things that drivers should do in their pre-trip and post-trip truck inspections, to the safety equipment all trade waste trucks should have. For example, we focused significant attention on the latest truck camera technology and will continue to discuss whether it should be considered essential safety equipment on a truck. We also spent time identifying distractions for drivers on the road, like cell phones and unusual occurrences on the street, and what drivers can do to manage those hazards to avoid crashes. Not surprisingly, anticipating problems and thinking through solutions to create a culture of safety at a trade waste company are the most effective means to improve safety and prevent tragedies on the road.

Creating the universal safety manual is just the start for the Working Group. The Group has already begun the next phase, which is to take key sections of the manual and develop the ideas into a video training curriculum that will be made available to all trade waste companies. The Working Group has members from the carting industry and government agencies – particularly DSNY – that have experience in delivering trade waste safety trainings. We are pooling this collective expertise to build a library of video trainings that are interactive, personal and engaging. We are also tapping into the video production skills of the Vision Zero Task Force to make the videos a reality. The overall goal of both the manual and the videos is to ensure that every trade waste company operating in the City creates a culture of safety with specific procedures and protocols to better protect their workers and the public.

As BIC has engaged in these safety initiatives, it has become clear that we need to make significant additions to our rules to increase our effectiveness in the area of industry safety. We anticipate that such rule updates will not only compel all carting companies to adopt what the

Working Group has determined to be critical safety measures, but also will create more enforcement options for us to more effectively push carters to operate more safely.

Trade Waste Safety Symposia

In 2015, BIC reestablished a group called the Trade Waste Advisory Board, an idea from an earlier administration that had fallen into disuse over the years. The Board is comprised of leaders from several trade waste carting companies and trade waste organizations, along with me and several members of my staff. We meet monthly to discuss topics in the industry and issues about BIC regulation. These meetings have been highly productive, and have helped to develop a relationship of trust and respect among the Board members, with the knowledge that we are all working toward the common goal of making this industry better.

The topic of industry safety has always been a major component of our discussions. In fact, in the 20 meetings that we have held since November 2015 (shortly after the Board was formed), the issue of safety has been featured at every meeting. Early on, the Board decided to regularly organize safety symposia with the intention of engaging trade waste company owners, managers, drivers and helpers in conversations about critical industry safety issues. The symposia have become semi-annual events attended by many members of the trade waste industry – we have had well over 100 attendees for each of our 3 symposia held to date. The symposia have addressed topics such as distracted driving, creating a culture of safety at trade waste companies, counterterrorism considerations in the trade waste industry, and improving safety for drivers and helpers specifically.

At the most recent symposium on October 24, 2017, I opened the gathering by discussing results from a recently-released DOT study that showed that while bicycle trips in the City have increased by 150% in the last few years, fatalities and serious injuries to cyclists have

significantly dropped. The study concludes that the dramatic increase of bicycle facilities on City streets, particularly bike lanes, over the last 10 years is likely the greatest contributor to this drop. Two of the panel discussions that followed my remarks were especially pertinent to this issue. The first was a panel moderated by Juan Martinez of DOT that brought together trade waste truck operators, the Executive Director of Transportation Alternatives and DOT's head of Bicycle Projects. The second was a panel with two members of the NYPD's Collision Investigation Squad that conducted case studies of three past crashes involving trade waste trucks. It became a group discussion among audience members to evaluate what could have been done differently in each case to prevent similar tragedies in the future. The question of who was to blame was not the point; the goal was prevention going forward.

While attendance at the three symposia has been good, the audience comprised only a small percentage of the overall industry. We continue to look for ways to reach a higher percentage of the industry with future events. The next symposium will be in the Spring, likely focusing on safety equipment available for trucks. You are all invited. In addition, we are planning a separate event geared specifically to drivers and helpers at a time and location most convenient for their difficult schedules.

Safety Infractions and BIC Enforcement and Licensing

Two years ago, BIC began to take on the improvement of safety in the trade waste industry as a priority. This is a first in the 20-year life of this agency. For those of you on the Transportation Committee who may not know much about BIC, it was created in response to a series of criminal prosecutions in the 1990s that proved that the trade waste industry was completely controlled by organized crime. Then-Mayor Giuliani reasoned that putting industry leaders in jail alone would not stop the systemic corruption. City Council legislation created my

agency – then known as the Trade Waste Commission – to enforce a stringent licensing structure in the industry, with a robust backgrounding process to identify and eliminate the corrupt actors by denying them a license or registration to operate. Under the Bloomberg Administration, our name was changed to the Business Integrity Commission, after also taking on regulatory authority over the City’s public wholesale food markets.

We are a small law enforcement agency, staffed by investigators, auditors, attorneys and background analysts, with a small squad of NYPD detectives. Our main focus has always been investigations of those in the carting industry and public wholesale markets, both in the context of making our regulatory decisions and in many criminal investigations that we conduct with other law enforcement and prosecutorial agencies at all levels of government.

BIC was specifically tasked to enforce and maintain integrity in the trade waste industry, acting as the gatekeeper against corrupt carting companies in New York and keeping the trade waste industry open and competitive. Elimination of corruption has been our main goal with a focus on protecting the carting customer, not occupational health and safety and the safety of the public as a whole. But, in keeping with the strong mayoral policy of Vision Zero, BIC – along with many other City agencies – has added safety as one of our top priorities.

Potential Legislative Agenda Items

Not surprisingly, given the purpose for which BIC was created, our section of the Administrative Code says little about safety. Title 16-A grants us nebulous powers to establish standards for “compliance with safety and health measures” in the trade waste industry, but the overall regulatory scheme is focused on eliminating corruption and consumer protection for trade waste customers. Before we update our rules to enhance BIC’s ability to regulate the carters in the area of safety, we want to work with you, Chair Reynoso, in the coming new term to update

our section of the Administrative Code to ensure that it authorizes all of the additional safety measures we contemplate for the industry. Such action will better arm us to prevail over the legal challenges that will likely follow the addition of our new safety rules.

As I noted, we want to foster industry-wide use of the universal safety manual for trade waste companies and the production of the corresponding training videos. It is likely we will need mandatory measures in place to ensure that companies are actually using the materials and creating their own safety plans. Also, with the rapid development of improved safety equipment and technology in this industry, we are considering the possibility of making certain new truck safety equipment standard. This action would be similar to Local Law 56 of 2014, which made side guards mandatory for certain vehicles by 2024. Additionally, we want to develop reporting requirements that put the onus on carters to inform BIC promptly when their vehicles are involved in a serious crash, with severe consequences for non-compliance.

Other BIC Safety Initiatives

Drawing from the collaborative effort of the Vision Zero Task Force, BIC is establishing an inter-agency collision review panel. After any crash involving a vehicle operated by a BIC-licensed or registered company that results in a fatality or serious injury, BIC will convene a review panel consisting of representatives from BIC and other City agencies to examine the contributing factors that led to the crash. The goal is to extract lessons from the tragic events for the industry, and for City agencies to use to make policy and operational decisions.

BIC also has established an internal response team to receive notification of serious crashes involving trade waste vehicles. This process helps us stay informed of these events and, where necessary, formulate a response. Receiving this information also allows us to maintain our own statistics regarding safety in the trade waste industry. Lastly, we have been regularly

issuing safety bulletins to the trade waste industry. We send them out in an email blast, and they are also available on our website.

Conclusion

In closing, I want to thank you, Chair Reynoso, for your commitment to move all of us forward in developing the best and most efficient ways to deal with the City's solid waste disposal issues. The challenges are daunting, but what I particularly appreciate about your leadership is that you include all sides and perspectives in the conversations we are having – from zone collection to trying to even out truck traffic for all areas of the City. While the safety considerations I have discussed today are relatively new for BIC, we have a lot to contribute on this topic and look forward to expanding our role.

Chair Rodriguez, I appreciate your participation and interest in trade waste safety. I believe this is the first time we have interacted with each other. I am committed to having any additional conversations with you that would be useful.

Lastly, I would like to address the representatives of the public and advocacy groups that are present. As I have said, BIC is a small law enforcement agency whose core mission has always been weeding out and keeping out corruption. As part of our commitment to improving the industry, we are now taking on more active roles in other areas of trade waste, such as recycling and safety. But, we cannot do it alone. I have a total of 10 BIC investigators available for enforcement. Our first investigative priority must be background investigations on applicants for licenses and registrations. That having been said, 3 of our 10 investigators are now assigned solely to conducting investigations into violations of the new recycling rules. To date, we have issued 16 such violations and are working on others. To settle these violations, we are requiring hefty penalties.

To be as effective as possible with the limited resources we have, we need tips from the public and advocates in the industry about carters who are breaking our rules and regulations. We have reached out to advocates, including many present here today, but have gotten few leads. We have created a link on our website to encourage generators with information to email us, but so far that has yielded little. So, my investigators have been trolling the streets at night. When lucky, we find carters breaking the recycling rules and issue administrative violations. There is a better way to do this, however, but it must include all of us.

Holding carters responsible for their bad driving is of even greater concern than recycling violations. The consequences of each safety violation are far more dire and immediate, with the potential to result in death or serious injury. Like it or not, you – the public – are the best eyes and ears on the street to catch unsafe drivers. Our contact information is on our website; let us know if you see these things. Report information anonymously, if you are more comfortable. If you provide us with your contact information, we will get back to you with the results of our investigation, while also concealing your identity.

We know that some companies create unsafe working conditions for their employees by overloading their routes or pressuring drivers to complete them too quickly. Some of the trucks may not be properly maintained, or critical safety equipment may not be functioning. Those in the labor force of this industry know best when these things are happening. Report it to us. Again, it can be anonymous. Improving safety on our streets is all of our jobs. It is counterproductive to take sides when it comes to these critical issues. We all must work together to make a real impact.

We now look forward to answering the Council's questions.

Testimony of Justin Wood, New York Lawyers for the Public Interest
before the New York City Council Committees on Sanitation and Transportation

November 27, 2017

Good morning Chair Reynoso, Chair Rodriguez, and members of the Council. My name is Justin Wood, and I am testifying today on behalf of New York Lawyers for the Public Interest, and on behalf of the Transform Don't Trash New York City coalition. Thank you for the opportunity to contribute to the conversation about the important issue of safety in the private sanitation industry.

Research performed for the Right of Way organization in the 1990s found that, mile for mile, garbage trucks were the single most dangerous category of vehicle on NYC streets, and that within this category, private sanitation trucks were significantly more deadly than the public sanitation department fleet.¹ Despite the City's urgently needed Vision Zero program, private sanitation trucks have killed several pedestrians and cyclists this year alone - and the year is not yet over.

While we applaud the focus on safety initiatives being led by DSNY, BIC, organized labor, and a few of the private carters, the fact is that the risks presented by this industry are endemic to the design of the commercial waste system itself. Our city's ability to improve safety is tied to our willingness to reform a broken private sanitation system.

First, the gross inefficiency of the current, disorganized commercial waste system creates a systemically unsafe operating environment.

In the putrescible sector alone, dozens of private haulers compete to serve as many customers as they can in order to increase their profitability, which prevents them from designing efficient recycling, garbage, and compost routes around a stable, geographically rational customer base. This inefficiency means that these heavy, dangerous trucks drive far more miles than they need to on local streets; according to one company owner, routes of 85 miles per night are common.²

The open market system also incentivizes carting companies to add more and more stops to each of their trucks' nightly routes. For drivers on overnight shifts, this means that fatigue and stress are "baked in" to the system: more stops, more driving on local streets between stops, and more incentives to speed and take shortcuts. Given this context, it is not surprising that a comprehensive 2012 study of the private carting system observed that "...reverse moves,

¹ <https://nyc.streetsblog.org/2010/07/13/see-a-pattern-of-deadly-dump-trucks-don't-bother-federal-safety-officials/>

² https://truck-vip.ny.gov/docs/METROPOLITAN_PRESENTATION.pdf

illegal right turns on red, and even the blatant disregard of one-way street restrictions” were routine.³

Second, it is difficult for City regulators to hold haulers accountable to even the most basic workers’ rights and safety practices in the current system.

There is troubling evidence that private haulers continue to use informal, “off the books” hiring to complete grueling routes. The City’s most recent private carting study examined employee data provided to BIC by private haulers, and found significant under-reporting of “helpers” who load waste bags and dumpsters onto trucks, and concluded:

“This tends to support suggestions from a variety of sources that practices such as treating helpers as ‘casual’ employees (that is, day laborers), paying them off the books, or having them informally hired by individual drivers, are widespread.”⁴

Similarly, Transform Don’t Trash NYC recently reviewed all of the Business Integrity Commission violations issued to private carters from the years 2013 to 2016, and found 351 different instances in which haulers had not reported the names of drivers and other employees to BIC. And these records only represent those circumstances in which BIC actually caught these companies violating this basic reporting requirement, often during routine truck stops.

This widespread flouting of basic reporting requirements by dozens of licensed and registered waste companies points to the difficulty of developing and enforcing meaningful and lasting safety regulations in the context of the current system.

If private haulers are refusing to comply with even the most basic legal reporting and hiring requirements under current law, and continue to rely on exploitative casual labor arrangements and untrained workers, how can we expect an improvement in safety through a voluntary, piecemeal approach?

The City is now undertaking an historic and long-needed reform of the waste industry, shifting from the chaotic “open market” arrangement to a more efficient zoned system under which selected, responsible haulers can be held accountable to much higher public standards. The Transform Don’t Trash NYC coalition believes that safety - for both sanitation workers and for the general public - must be a prime consideration in the design and implementation of the new commercial waste zone system. In addition to pricing, route efficiency, recycling and diversion performance, we believe that each hauler’s safety practices, safety track record, and adherence to best practices and benefits for worker safety should be a key criterion used to select a hauler in each zone.

³ Halcrow Engineers, “New York City Commercial Solid Waste Study and Analysis” 2012. Obtained from DSNY via FOIL.

⁴ http://www1.nyc.gov/assets/dsny/downloads/pdf/studies-and-reports/Private_Carting_Study-Market_and_Cost_Analysis.pdf



166A 22nd Street
Brooklyn, NY 11232 NYC-EJA.org

On the ground – and at the table.

Testimony to the New York City Council Committees on Sanitation and Solid Waste Management and Transportation Regarding Private Sanitation Fleet Safety

November 27th, 2017

Good morning, and thank you Committee Chairs Reynoso and Rodriguez for the opportunity to testify today. My name is Priya Mulgaonkar, and I am here on behalf of the New York City Environmental Justice Alliance (NYC-EJA). Founded in 1991, NYC-EJA is a non-profit citywide membership network linking grassroots organizations from low-income neighborhoods and communities of color in their struggle for environmental justice.

For 26 years, NYC-EJA has empowered its member organizations to advocate for a more equitable and sustainable solid waste management system. Roughly 75% of the city's waste is processed in just a handful of low-income communities and communities of color, where truck-dependent transfer stations are clustered. As such, we advocate for strong policies that minimize the impact of truck traffic in our neighborhoods, which poses serious health and safety risks to our members.

NYC-EJA is particularly concerned about the private sanitation industry, whose record on safety with respect to workers and communities is concerning. While DSNY has taken steps to improve their collection fleet in terms of safety, public health, and environmental impacts, private carting companies, which handle about two-thirds of the waste stream, have made little investment in ensuring that their labor practices and equipment are operating at the highest safety standards. Lack of investment in fleet safety reflects just one aspect of a systemic issue: the commercial waste industry as it currently operates receives little incentive and oversight to make forward-thinking investments in the health and safety of the communities that they employ and in which they operate.

In 2016, along with our partners in Transform Don't Trash, NYC-EJA released a report that assessed the over-concentration of truck traffic in communities in the South Bronx, North Brooklyn and South Brooklyn. Our volunteers counted waste trucks and collected data on particulate matter associated with diesel exhaust. To offer just one example, volunteers in the South Bronx at one particularly bad street corner counted 304 commercial trucks per hour, almost half of which were commercial waste trucks, which amounts to one commercial waste

truck every 24 seconds. Similarly, North Brooklyn recorded up to 203 trucks per hour on weekdays with an average of 30% being commercial waste trucks.

As the City moves forward with its new zoned system for commercial waste, steps must be taken to advance the long-awaited shift from an unjust, polluting truck-based system, to a safer, cleaner and fairer system that truly holds carters accountable to the communities in which they operate. Communities burdened by the proximity and concentration of commercial waste trucks need concrete action that ensures the entire fleet is properly serviced and safe. DSNY and BIC should consider using a high-standard RFP process for its commercial waste zones whereby contracts are awarded to haulers with the strongest proposals for vehicle safety and reduction of negative community impacts. Routing efficiency and more equitable distribution of waste transfer stations and hauling across the city can also increase safety and public health for environmental justice communities. Long, inefficient routes impose unnecessary strain on private sanitation workers, increasing the likelihood of accidents in over-concentrated districts. Rational waste districts through commercial waste zoning should require designated truck routes to help reduce this risk.

Additionally, actions to improve safety of the commercial sanitation fleet must also address the public health hazards of diesel pollution. Local Law 145 requires that commercial carters comply with 2007 EPA emissions standards for diesel trucks by 2019. At the time of its adoption in 2013, assessments showed that the over 8,000 heavy-duty diesel trucks associated with the commercial waste fleet accounted for 20% of all vehicular particulate matter emissions. The City Council should hold an oversight hearing and work with DSNY to track the industry's progress with compliance of Local Law 145, and ensure that the commercial waste zone process updates and provides additional enforcements for emissions standards.

Thank you again for the opportunity to testify.



Oversight Hearing: Private Sanitation Fleet Safety

NYC Council Committees on Transportation and Sanitation & Solid Waste Management

Monday, November 27, 2017

Testimony by Marco Conner, Legislative & Legal Director, Transportation Alternatives

Thank you, Council Members and Committee Chairs Rodriguez and Reynoso, for convening this hearing. For 44 years Transportation Alternatives has advocated on behalf of New Yorkers for safer and more livable streets. With more than 150,000 people in our network and over 1,000 activists throughout all five boroughs we fight to promote biking, walking, and public transportation as alternatives to the car

Today, large vehicles, including waste hauling trucks, account for 6 percent of vehicles on the road in New York City (NYC), yet are involved in approx. 20 percent of crashes where pedestrians are killed or severely injured.¹ Between 2010 and 2015, private waste hauling trucks caused at least 36 traffic deaths in NYC.

In 2016 Transportation Alternatives published a report, *Reckless Endangerment: How NYC's Unsafe Commercial Garbage Trucks Put Us All At Risk*, in collaboration with the International Brotherhood of Teamsters locals, ALIGN, NYLPI and the NYC Environmental Justice Alliance. While others testifying at this hearing will address the long overdue changes to improve worker safety and labor standards in the waste hauling business as well as the industry's inequitable health impacts on overburdened communities, our testimony focuses on steps to improve the safety for road users in NYC who are killed and injured at high rates by drivers of large trucks, especially waste hauling trucks.

To help make commercial waste hauling safe for all road users in NYC, the following steps must be taken:

Contracts must be tied to safety performance

Safety must not be an afterthought in the Business Integrity Commission's (BIC) licensing of private waste hauling companies. In a recent two-year period, 96 percent of all safety violations identified in inspections of NYC's largest haulers concerned vehicle maintenance, including faulty brakes, tires and lights.²

Companies with high rates or frequencies of involvement in crashes causing injury or death should not be allowed to do business in NYC.

Adopt next generation safe vehicle design, technology and transparency

The Department of Sanitation and BIC must lead the adoption of next generation safe vehicle design and technology, and incentivize their wider adoption by private waste hauling fleets. Side guards, as currently being installed on City-owned large trucks, and the City's *Vision Zero Side Guard Incentive Program* for private waste haulers, is only the first step. Crossover mirrors must be installed on all fleet vehicles, a phase-in of automated braking system (ABS) must be installed as it becomes available for large trucks in

¹ Vision Zero Action Plan, City of New York, 2014.

² USDOT inspections from Feb 2014-2016, data obtained through FMCSA's Safety Measurement System database.

the U.S., among other measures. We recommend BIC work with the NYC Taxi and Limousine Commission (TLC) to learn from their driver accountability measures, and the driving monitoring safety technology recently piloted by the TLC. This technology should also be used to increase transparency to allow public insight into the safety and violation history of waste hauling companies.

Professional drivers must be held to the highest standard

BIC must require intensive and ongoing driver education safety training. Additionally, BIC should define and implement higher standards for driver conduct and accountability, and individual drivers with high rates of crash involvement or dangerous driving should not be allowed to drive commercially in NYC.

Quickly implement commercial waste collection zones

Finally, implementation of exclusive commercial waste collection zones must be expedited by the City in order to reduce gross mileage covered by trucks - lowering the exposure to other road users, especially vulnerable pedestrians and bicyclists. The City estimates that total waste carting mileage can be reduced by 49 to 68 percent from implementing commercial waste collection zones.

These are measures necessary for the private waste hauling industry to correct years of unacceptably high injury and fatality rates by its trucks. With the City and this Council exercising your public health mandate to protect New Yorkers, lives can be saved and our City's waste hauling industry can, one day, become a model to follow.

Thank you.

--- END ---

ALIGN testimony: Sanitation fleet safety hearing, Nov 27, 2017

My name is Annabel Short of ALIGN – Alliance for a Greater New York. Thank you Committee Chairs Reynoso and Rodriguez for the opportunity to testify today. ALIGN is a member of the Transform Don't Trash coalition, a diverse group of environmental, labor, environmental justice and community organizations advocating for fundamental reform of New York City's commercial waste system. The core members of the coalition are ALIGN, NYC-EJA, Teamsters Joint Council 16, NYLPI and NRDC, many of whom you are hearing from in this hearing.

Private sanitation fleet safety risks in New York City are a widespread problem, which requires a systemic solution: one that gets to the root causes of the risks, and includes strong oversight.

Reflecting the severity of safety concerns in this industry, between August 2015 and August 2017, there were 62 collisions involving the 20 largest private sanitation carters in New York City¹. Since April of this year alone, three New Yorkers have been killed by private sanitation trucks². At least eight have been killed since 2015³.

And as you are hearing today from sanitation truck drivers and helpers, accidents and injuries on the job are a routine occurrence. A survey of *non-union* drivers and helpers by NYCOSH⁴, for example, found that they work between 9 - 19.5 hours per shift. Seventy-one percent of those surveyed had been injured on the job (48% of them more than once), and 93% indicated that their employer provided no health and safety training.

Clearly this situation needs to change.

A major cause of accidents is a lack of proper truck maintenance. According to US Department of Transportation vehicle inspection data from 2014 and 2015, 96% of all safety violations identified in inspections of NYC's largest waste haulers were for vehicle maintenance. Three percent were related to driver fitness, and 1% were related to unsafe driving⁵.

¹ Data from the Federal Motor Carrier Safety Administration's Safety Measurement System (for the 24 months prior to August 2017)

²

<http://transformdonttrashnyc.org/press/new-york-post-letters-by-kathryn-garcia-and-maritza-silva-farrell-make-the-case-for-waste-zones/>

³

<http://www.nydailynews.com/new-york/nyc-crime/truck-driver-kills-flees-face-no-charges-article-1.340735>
⁰ - refers to NYPD citing the fact that seven pedestrians and cyclists have been killed by private carting firms since 2015 - and after its publication, a man died under the wheels of a private sanitation truck in the Bronx

(<http://www.nydailynews.com/new-york/bronx/man-dies-attempting-jump-garbage-truck-bronx-article-1.3616604>)

⁴ http://nycosh.org/wp-content/uploads/2016/05/DirtyDangerous_FullReport_Final.pdf

⁵ <http://transformdonttrashnyc.org/resources/reckless-endangerment/>

When looking at the largest haulers in NYC, almost half of their trucks were taken out of service at some point during that period due to maintenance problems – a proportion which is more than double the national average for all commercial trucks registered with USDOT. Any approach to improving safety in the industry needs to tackle truck maintenance head-on to reduce the risks to workers, pedestrians and cyclists.

When it comes to preventing accidents that are not related to truck maintenance, safety training for drivers can only go so far. When an industry model forces workers to drive long routes at night for many hours without a break, six or seven days in a row, extreme fatigue sets in. Fleet safety is inextricably linked to working conditions.

This is why it is important that the city is moving towards a commercial waste zoned system. By reducing inefficiencies in routes, the new system has the potential to reduce private sanitation truck traffic by up to 68%, which in itself will help dramatically decrease accidents. In their contracts with the city, haulers will be held to high fleet management standards that promote clean, safe trucks, *and* safe operating practices - in other words, the systemic solution that is so badly needed.

Thank you.

Testimony
of the
NYC
National Waste and Recycling Association
(NWRA)
Chapter
for the
Oversight Hearing
On
Private Sanitation Fleet Safety

Submitted to:
New York City Council Committees
On
Sanitation and Solid Waste
And
Transportation
Honorable Antonio Reynoso, Chair, Sanitation and Solid Waste
Honorable Ydanis Rodriquez, Chair, Transportation

By
Steve Changaris, NYC NWRA Chapter Director
800 679 6263
schangaris@wasterecycling.org
Monday, November 27, 2017

Thank you Mr. Chairman, esteemed City Council members and staff of both the Sanitation and Transportation Committees for holding this hearing and giving us the opportunity to testify about safety practices in our NYC waste management industry.

Collecting commercial recyclables, organics and solid waste is very hard work; is very complex work; and, safety is foremost on the minds of the companies and the men and women who do this work in NYC for the tens of thousands of customers and commercial establishments they service daily. Overall, our companies collect 3.5 million tons of New Yorker's solid wastes and discards annually, which includes approximately one million tons of recyclable materials.

Our trucks log over 20 million route miles annually collecting and properly managing the environmental handling and disposal of these materials and wastes.

According to the federal Bureau of Labor Statistics (BLS), the job of Refuse and Recyclable Material Collectors is the fifth most dangerous occupation due to work-related fatal injuries in its Census of Fatal Occupational Injuries. Many of those fatalities are from vehicles crashing into collection workers, while they are doing their jobs. The NYC National Waste and Recycling Association (NWRA) Chapter, along with its national office and sister chapters across the country, remain focused on safety improvements and new approaches to continue to improve safety in our industry.

Along this line, we have established a zero fatality value for our industry with a corresponding challenge to reduce all accidents significantly. The last thing our members want -- or any company or government program that uses heavy equipment wants for that matter -- is not to be able send everyone home at the end of the work day the way they arrived for work -- safe and sound, without causing any harm to themselves, fellow workers or members of the public. It is our shared belief that safety is never proprietary. So we are working to create an

industrywide value of safety sharing and are working to see that the best safety practices are shared among all companies, whether the size of their NYC and regional operations are small, medium or large in size.

The member companies of the NYC NWRA Chapter want you to know that while we appreciate the opportunity to be here and to share our leadership safety story -- we do not believe sensationalizing safety matters -- whether done in a positive or negative fashion -- does much to advance the cause of running a safe recycling and waste trucking business. Our industry has a good story to tell. Safety is now a core value; a series of processes; and, while we are not yet where we want to be -- you never get there because improvement is continuous -- I can humbly submit to you today that NYC's recycling and waste industry is on the safety path and that we are making steady progress towards improving our industry's actual safety record as well as our day-to-day safety practices in NYC.

We in the recycling and waste business often say we are the country's most regulated industry. And this certainly applies to us for the scope of this hearing today since we operate in one of the most challenging and regulated places anywhere in the world to run any kind of business, much less a recycling and waste services enterprise. We know -- for this hearing -- we are here not because

we provide an essential environmental and public health service. Rather we are here because we make extensive use of trucks and heavy equipment to provide those services and since we operate our trucks in all areas of the city collecting commercial recyclables and wastes.

As trucking companies operating in NYC, we do not want our operations to cause any kind damage to anybody or to anything. Our trucking operations are regulated under a labyrinth of laws and regulations at the federal, state and local NYC governmental levels. Of course, most important here are the safety laws and regulations we operate under. Our trucks are all federal and state Department of Transportation (DOT) compliant – for safety, driver qualification and environmental impacts; and, our drivers all meet federal and state mandated qualifications and possess commercial driver licenses (CDLs) that establishes the floor for the safe operation of the size and class of vehicle they operate. These same federal and state programs also set the disqualification requirements for our drivers. Our operations, workforce and work places are also subject to other federal safety requirements administered by the Occupational Health and Safety Administration (OSHA). Last, there are a myriad of similar regulatory programs over our industry that are administered by various state and local NYC departments and agencies that either share in the responsibility of administering

federal regulations or work independently under specific enabling state and local city laws to further insure our companies operate safely and protect city citizens and the environment.

Locally, more specifically, over the past few years, the industry has been actively engaged with both the Business Integrity Commission (BIC) -- our industry's primary NYC regulator, as well as the New York City Department of Sanitation (DSNY) -- another significant regulator of our industry, in advancing a progressive safety agenda. Already we are scheduled to have our fourth industry safety symposium in April of 2018, having just completed our last safety symposium recently on October 24th. The first three were very successful; all having raised safety awareness and helped to get the message out to hundreds of people with NYC operations about best industry safety practices and advances. These sessions have been done in partnership with the BIC. The BIC leadership has taken point in this safety collaboration along with support from NYC NWRA chapter leaders and other stakeholders. NYC NWRA leaders have shared the association's Manual of Best Recommended Safety Practices and its on-line Driver Safety Certification curriculum in an effort to be as supportive as possible of BICs safety efforts.

One of the promising new safety technologies for our industry involves the use of on-board video cameras and computer modules created to help improve all phases of truck and driver safety performance. This technology has been adopted and is in use by many NYC NWRA chapter members and is also growing in usage by others in NYC's private industry. The technology provides a full video and defined data-set record of what happens during the operator's route. This technology monitors and records a range of pre-defined significant events so that what is going on, or what has happened, with the truck, driver, other vehicles and people can be reviewed and discerned. Appropriate action is then taken in response to those findings.

Another tool made great use of by member companies and others in the industry is Safety Monday. It is a weekly publication of the association. The weekly missive is a write-up on a topical safety issue. We understand our companies often use Safety Monday topics as review items in periodic safety staff meetings, among other company specific safety initiatives and programs.

NYC's private recycling and waste companies are working in your neighborhoods every day. We work to be good stewards in this process as we collect the recyclables and wastes of NYC's commercial enterprises. We encourage all New

Yorkers to be aware of our trucks and equipment and to exercise all appropriate due care and precaution around them. If in another moving vehicle, we urge them to slow down to get around our vehicles and to be prepared to stop quickly.

Maintaining a safe distance from our vehicles and avoiding as many personal distractions as possible – like not texting or talking on the cell phone or wearing earbuds when walking or riding a bike; and, doing positive things like wearing a helmet and safety reflective apparel when bike riding or walking in the dark – will all add-up and prove to be tremendously helpful as we work to improve our industry's safety performance and prevent loss of life and eliminate/reduce accidents as NYC becomes ever more congested and busy. Collaboration and candid dialogue in these kinds of efforts will lead the way to safer streets for us all.

Thank you again for your time, and for providing us with an opportunity to present this testimony here today.

ABOUT NWRA

The National Waste and Recycling Association is the leading organization providing leadership, advocacy, research, education and safety expertise for the waste and recycling industries. NWRA advocates at the federal, state and local levels on all issues of importance to our member companies as they provide safe, economically sustainable and environmentally sound services to communities in all 50 states and the District of Columbia.

NWRA's New York State Chapter and New York City Chapter represent the private sector waste and recycling industry statewide. According to data compiled by NWRA the private waste and recycling industry employs nearly 21,000 people in New York.

According to data compiled by NWRA, the annual economic impact to the New York economy, generated by the waste and recycling industry, is \$5.36 billion. When the economic activity of the waste and recycling industry with other industries is calculated, the waste and recycling industry's overall impact to the New York economy is over \$10.4 billion annually.

For more information about how innovation in the waste and recycling industry is helping solve New York's waste and recycling challenges, visit: wasterecycling.org.

Contact:

Steve Changaris, Director
NWRA NYC Chapter

schangaris@wasterecycling.org
800-679-6263

wasterecycling.org



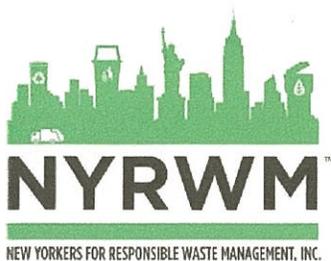
**Testimony Regarding Safety Related to Private Waste Services
to the Committee on Sanitation and Solid Waste Management
and Committee on Transportation
Council of the City of New York
November 27, 2017**

Good morning, Chairpersons Reynoso and Rodriguez; thank you for the opportunity to speak today with the Committees on Sanitation and Solid Waste Management and Transportation on this important topic.

I am Kendall Christiansen; I serve as executive director of New Yorkers for Responsible Waste Management (NYRWM), a trade association of locally owned and operated companies that provide comprehensive services related to waste and recycling to New York City's businesses, as well as to the Department of Sanitation. I have worked in and around this sector since I was founding Assistant Director of the City's recycling system nearly thirty years ago, previously chaired the Citywide Recycling Advisory Board, and currently serve as Vice Chair of the Brooklyn Solid Waste Advisory Board.

My comments today are intended to supplement the national perspectives provided by other industry representatives, and offer additional context specific to New York City and the companies that provide services essential for the city's public health, sanitation and environment. I offer three broad themes: public perception, political context, and continuous improvement.

Throughout, I want to be clear: since their conception and inception, the waste services industry shares the city's Vision Zero goals, and believes Vision Zero should be regarded as more than aspirational. While most waste-truck incidents only cause property damage, crashes also happen, with the common goal of all concerned to reduce and then eliminate those that cause injury and death.



For More Information, Visit NYRWM.org

Kendall Christiansen
Executive Director
917.359.0725
Kendall.christiansen@nyrwm.org

To begin, an anecdote about **public perception** on this topic. I recently attended a nephew's wedding; in his message to the young couple, the minister counseled them on how to deal with marriage not just in the good times, but when troubles occur. He literally said, "and when you get hit by a truck..." I spoke with him afterwards, explained that in my role I receive the early morning texts when an accident occurs, and urged him to consider other metaphors. Here's what I've observed about those texts and early news reports.

First, the industry is very attentive when an accident occurs; news about it spreads rapidly, along with concern for those involved, and understanding the circumstances contributing to it.

Second, the industry grapevine is generally more accurate than the news reports: invariably, truck-related accidents are quickly blamed by the media on "private sanitation trucks" when upon further investigation it may not be the case.

Third, media reports – in addition to reporting on the victim – often attempt to villainize the driver, creating the perception that waste truck drivers are poorly trained, reckless and uncaring. Without diminishing the impact of an accident on the person that meets a waste truck – and their family and friends - accidents can be devastating for drivers, too.

It is worth noting that the vast majority of waste-truck drivers and helpers are non-white – mostly black and Hispanic. For some, this is a second – or third-chance job; for many, it is a well-paid job for hard work that requires considerable training but not necessarily formal education. For many, it is their career; for those working for the city's largest and mid-size companies, most are union members.

Just like DSNY is now promoting its employees in its public service ads to humanize those who do this unsung work, we constantly look for ways to tell their stories.

Fourth, news reports rarely follow-up on the investigation of actual circumstances, instead rushing to assign blame before an investigation is completed and data can be analyzed.

Fifth, public perception is a powerful force, given the size of our trucks as well as the public's general wish to avoid thinking about its waste. But that perception also can differ.

This summer, bicycle-truck accidents resulting in the death of the cyclist occurred at the same time in both Brooklyn and Portland, Oregon.



For More Information, Visit NYRWM.org

Kendall Christiansen
Executive Director
917.359.0725

Kendall.christiansen@nyrwm.org

In Brooklyn, initial reporting presumed a reckless and unaccountable driver who “killed the cyclist” – which is a statement of intention - and fled the scene. In Portland’s coverage, the news account was that the “crash resulted in the death of the cyclist” – without prematurely casting blame or aspersions on either party, or delivering a verdict on the causes of the crash.

We all should be careful when such accidents occur to get the facts straight and search together for lessons to prevent the next one.

My second set of comments are about the **political context** for this discussion.

My first observation is to affirm the role of the current iteration of the BIC - to go beyond being the industry’s regulator to finding ways to partner and collaborate with the industry for the benefit of all concerned.

Because of the complexity of NYC, we don’t have the luxury of dealing with one issue at a time; a dozen or more issues are always in play. To its credit, BIC provides a monthly forum for the industry’s “continuous improvement” – assuming nothing is static, taking nothing for granted, and challenging the status quo in ways that are productive and effective, for both the agency and the industry alike.

As just one of many examples, with BIC’s leadership the industry has accelerated the installation of protective side-guards on many of its trucks, well ahead of the required date.

A second example is the industry’s response to BIC’s query about identifying safety-challenged intersections.

The second observation is that – on the other hand – DSNY has historically paid little or no attention to the commercial waste services sector; it never created a unit charged with that purpose, nor dedicated any staff to understanding or supporting it. At our urging, DSNY now meets with industry as new regulations and other initiatives are adopted and implemented, even as we face a barrage of unwarranted attacks; in the future, we hope to be invited to its table even earlier, and as an equal and essential partner in achieving the city’s environmental goals.



For More Information, Visit NYRWM.org

Kendall Christiansen
Executive Director
917.359.0725

Kendall.christiansen@nyrwm.org

Fortunately, the safety-focused discussions initiated over the past year by BIC have been the first real opportunity to “break bread” with our public-sector counterparts, and we are working to build similar discussions around common challenges with recycling and especially organics diversion.

Given that DSNY annually reports over 2,600 vehicle-related incidents, it stands to reason that it struggles with the same issues and concerns, and daily learns and re-learns important lessons about safety from which we all can benefit.

The third observation is that the use of this hearing – and the accidents that precipitated it – for political purposes is disappointing. Nothing about this discussion bears any serious relationship to the question of whether the city’s open-market system is maintained or replaced by a questionable system of geographic districts and exclusive franchise rights. There is no magic bullet solution; we should all be committed to an honest and forthright discussion – without political overtones – of how best to address the many challenges of operating safely 24/7/365 in the city we all love.

Over the past decade I’ve worked in cities across the U.S. and Canada, and understand that while safety is a constant concern across cities it makes little difference how the industry is organized – whether it only provides commercial services, or also services residential, especially multi-family buildings, as is the case in most.

In fact, it’s interesting to note that the Los Angeles example of shifting from an open-market to a system of geographic districts was not driven by safety-related concerns. Safety was not a top-ten “driver” for that shift, nor do LA’s new and comprehensive franchise contracts with its seven service providers pay much attention to safety. Companies must have a comprehensive safety-related plan, which is subject to audit – but the city did not create any new safety-focused regulatory, training or certification scheme for the industry.

Metro Vancouver is on the verge of implementing its first-ever licensing system for private waste service providers; revenue and control are the two drivers, with no mention of safety.

The final observation on this point: it is not at all apparent that NYC’s private sanitation system suffers uniquely from safety-related issues – when compared with other truck-related industries that use city streets, or its industry counterparts in other cities.



For More Information, Visit NYRWM.org

Kendall Christiansen
Executive Director
917.359.0725

Kendall.christiansen@nyrwm.org

The 2016 report from DSNY's consultants found that the total number of vehicle-related accidents reported was relatively small – just 21 over the four-year period between 2010 and 2014 – rendering analytical conclusions near-meaningless. Relying on just eight (8) interviews, it found generally positive information about the importance of safety to companies and their workers, and training and support to effectively implement a “safety culture,” with only one interviewee commenting on the possible tension between safety and efficiency.

It further did not find any evidence of unsafe practices with respect to non-vehicle labor; the number of incidents is both relatively minor and is trending in the right direction - downward.

DSNY's consultants also made no effort to compare the private waste industry safety experience in NYC versus other major cities, nor any comparison with DSNY itself – especially given that DSNY annually reports more than 2,600 vehicle related incidents, more than seven each day.

A subsequent analysis of city traffic accident data between 2011 and 2014 found that private waste industry trucks were involved in just .3% of incidents in which a large commercial vehicle was present.

In both cases, the frequency of incidents in which private waste trucks were involved is relatively de minimis – even as the number of vehicles using NYC streets for commercial purposes has exploded (e.g., Uber, Lyft, commercial delivery services, etc.).

In fact, the data finds that accidents involving delivery trucks, SUVs and for-hire cars has been increasing steadily and dramatically – all the result of broader market and economic shifts.

Finally, all of us should acknowledge that data on this topic is difficult to assemble and properly analyze, and should be used with considerable caution as the basis for policy-making.



For More Information, Visit NYRWM.org

Kendall Christiansen
Executive Director
917.359.0725

Kendall.christiansen@nyrwm.org

Which leads to my final set of comments returning to the concept of “**continuous improvement.**”

It has been noted by others that the industry – led by an effective collaboration with BIC – has organized and conducted a set of three symposia over the past eighteen months, with a fourth already being planned for spring 2018. At the most recent one in October, over one hundred people attended, representing more than twenty companies and several city agencies.

The October program included first-time dialogues with DOT’s Vision Zero staff, advocates for bicyclists, and party-venue operators, creating the foundation for ongoing discussions and collaborations.

What hasn’t been reported is the impact of those three symposia on industry practices.

I did a quick survey of NYRWM members asking two questions: how have your safety-related practices changed over the past year, and to what extent did the safety symposia influence those changes?

The answers, mostly from the industry’s mid-size companies, were stunningly positive. Companies reported aggressive fleet replacement w/sideguards and as many as seven on-board cameras; more frequent and focused safety training; use of new tools – like the TLC’s video, on-line and in-person training; and, daily attention focused on the basics – proper PPE, pre-route inspections, etc.

I will be sharing the full responses with BIC at our next Trade Waste Advisory Board meeting as we evaluate the past and plan for future symposiums.

To conclude, a key theme of these comments affirms the industry’s commitment to “continuous improvement” with respect to all things safety-related. We look forward to continuing our partnership with BIC, Vision Zero and others committed to positive change – and again urge that safety not be used as a wedge issue with which to score political points.

We welcome the opportunity to consider how best to structure and support such change, and believe that the City Council can play an important role in this effort.

Thank you for your consideration.



For More Information, Visit NYRWM.org

Kendall Christiansen
Executive Director
917.359.0725

Kendall.christiansen@nyrwm.org

Wilson Perez

November 27, 2017

Testimony to the City Council Sanitation and Transportation Committees

Good morning. My name is Wilson Perez and I am a private sanitation worker. Until recently I worked at Queens County Carting.

This is an industry that doesn't care about safety. The trucks aren't safe, and what the bosses make us do is unsafe.

I would come into work at 6 AM each day, and my shift lasted until 6 PM. I was exhausted. But then, I would get a call from the boss telling me I had to work night shift too. I had to drive over to another location to start working at 8 PM, and wouldn't be done until 1 AM, or even 3 AM. Then I would have to be back at work at 6 AM to work the next shift.

Would you want a driver who is that overworked driving a garbage truck past your kid's school? Me neither, but it happens every day in this industry.

I would complain to the owners, Anthony and Mike, but the response would be I could work and go home. And I knew going home meant I was fired.

I would drink a lot of coffee to try to stay awake. 10 or 11 cups a night.

I thank God that I never drifted off and hit someone. I was so scared that would happen.

One time I was picking up containers full of concrete from a construction site. The truck I was driving was only supposed to take 35 containers, any more was unsafe. The customer wanted me to take 60, and I said no, that was not safe. Then I got a call from my boss, telling me to do it anyway.

They don't care about having safe trucks either.

One day I came to work and started driving, and found that the truck wouldn't stay in 2nd gear. It kept popping out. I reported it, but the boss, Anthony, told me to just shift directly from 1st gear to 3rd gear. How crazy is that?

The same truck, the driver's door wouldn't stay shut. I had to hold onto the door whenever I made a turn so it wouldn't fly open.

Finally, I told them I would rather be fired than drive that truck again. Only then did they fix it.

Another truck had bad breaks that never got fixed. I remember once I was driving on the Upper East Side when the breaks went out. I was approaching a red light and there was a woman crossing through the intersection. The truck went right through the intersection. Thank God, I didn't hit her.

Another time, I started smelling smoke in the cab of my truck. Some wires had started burning. The company sent a mechanic out to meet me, who made some fix and then I was sent right back to work on that truck.

When I started at Queens County Carting, they would pay me for 40 hours a week on the books, then the rest of my hours would be off-the-books, and I wouldn't get time-and-a-half. Later, they had me working completely off-the-books.

There was one point when I had a hope that things would get better. One of my coworkers started talking about getting a union, Teamsters Local 813. But then the bosses called us in for a meeting. They had heard we were talking about a union, and if any of us talked about it again we would be fired. That was the end of that.

All us workers, we knew that what was going on was illegal. But it doesn't feel like there is anywhere that private sanitation workers can go to get help in this city. We aren't the only ones who are in danger, it is everyone else walking, or biking, or driving in the city too. You can say no to your boss, but they will find someone else to drive the truck.

Thank you for listening to me today. I hope you can do something to make private sanitation a safe industry.

The dangers of private carting are most prevalent in neighborhoods with waste transfer stations. Truck drivers blow stop signs with regularity and take the shortest route possible - that means squeezing down narrow streets lined with 4 story apartment buildings. These small streets are not designated as truck routes but to maximize profits, private carters disregard the safety of our communities by taking the faster, more profitable short cut. In addition, long haul tractor trailers drive on sidewalks daily and go the wrong way on one-way streets with impunity.

In a single week, our community organization witnessed 91 blown stop signs, 22 instances of 18 wheelers going the wrong way, 118 times they drove on sidewalks, and 250 truck route violations. This is not to mention over 60 idling violations, all by private carters. As a community we understand the important service these companies are doing for New York. It doesn't mean they can break basic traffic and air quality regulations meant to protect our families.

The dangerous driving practices of private carters compounds an already heavy burden of diesel fumes, stench and noise pollution on three communities in particular: South West Queens, The South Bronx and North Brooklyn. One parent in North Brooklyn, Sanders Mendez says, "The garbage trucks often sit in front of our church on Porter Avenue and they idle. And they stink. At the stop sign on our corner they rarely ever come to a stop. I have to talk to my three children almost every day about it, I say 'look very carefully both ways, and look out for garbage trucks.' It gives me a lot of anxiety. And the sad thing is that we've come to accept it as normal. We've become accustomed to the unfair actions of these companies. It's because we feel like we don't have much say in the matter. Hopefully more people will speak up about it because it affects our way of life. If we can be united, and say something, maybe we can do something about it."

Sanders Mendez is part of a growing movement of families that are standing up to private carting and privately owned waste transfer stations. As The City moves towards Urban Sustainability, these private carters must be held accountable to stop at every stop sign and obey every traffic and idling law. Sustainability is not only about lowering emissions in the future, it's also about mitigating the *current* environmental burden on communities caught in harm's way of private carting.

If they are not willing to follow basic regulation, private carters will continue to be called out for putting *profits before safety*.

Ben Weinstein
Cleanup North Brooklyn

links:

goo.gl/cFF8hC

goo.gl/R97EDK

CLEANUP NORTH BROOKLYN

Testimony to City Council Committees on Sanitation and Transportation

Orrett Ewen

November 27, 2017

Good morning. Thank you for listening to me today. My name is Orrett Ewen. For nine years, I worked as a helper for Sanitation Salvage. This is the sixth-largest company in the city, and the one with the most customers in the Bronx.

It is also a company that is plagued by poor safety practices and culture.

I regularly worked 16 or 17 hour shifts and picked up trash at 1,000 businesses a night. You might not believe that is possible, but it's true.

If there was a snow storm, we were required to come to work. Many of the trucks don't have heat or A/C. When a truck breaks down on the route, they made us stay with the truck for hours no matter how cold or hot it is outside.

They don't take care of the trucks either, and we regularly went out on trucks that were not safe. Tires would be bald or the breaks would go out. I was a helper, which means I would ride on the step on the back of the truck. The steps would break, or get bent, and they wouldn't fix them, so it was more likely that I would fall off.

And I did fall off the trucks and got hurt. We all got cut by glass in garbage bags. That's why it's also a safety issue that the companies don't recycle. Sanitation Salvage wouldn't fix broken containers, so the winch would slip when we were tipping the containers full of trash into the truck, and containers would fall on our hands, or the winch would hit me in the head.

I was once stuck by a needle and had no idea what I might have been infected with. I had to pay for antiviral medication out of my own pocket, then fight with the company's insurance to get reimbursed. I was afraid for my life, but they didn't see the big deal.

The biggest problem is the over work. Working 16 hours, night after night. There were times when I would be hanging on the back of a truck and not know how I got there. My brain was so tired I just couldn't remember. And the driver behind the wheel was working the same hours that I was.

It's part of a bad safety culture. If you complain about being overworked, they will give your shifts to someone who won't complain. Private sanitation workers learn to shut up about safety so we can keep our jobs.

I was there nine years, and only got 2 safety classes the whole time. Supervisors would tell us to not report injuries and not go to workers compensation.

Anyone who tells you everything is fine in the garbage industry doesn't know what they are talking about, or is pulling the wool over your eyes. There are big problems and the City needs to do something. I'm glad that the Department of Sanitation is standing up for workers and trying to give us shorter routes. We also need new rules so that companies won't be able to get a zone without taking safety seriously. That will make a big difference toward having an industry that is safer for workers.

Testimony on “Private Sanitation Fleet Safety” to the City Council Committees on Sanitation and Transportation

Sean T. Campbell, President, Teamsters Local 813
November 27, 2017

Good morning. Thank you to the Sanitation and Transportation Committees, and committee chairs Reynoso and Rodriguez, for the opportunity to speak before you today. Safety is the biggest issue facing private sanitation workers today, and it is the clearest way that the pervasive recklessness in this industry impacts every New Yorker. The Teamsters believe in Vision Zero, and that is why we support reforming this industry.

There have been too many tragedies. There was Robert Meehan, Jr., a sanitation worker who died when a 10 foot container fell and hit him in the head and torso. Neftaly Ramirez, was run over and killed as he biked through North Brooklyn this summer. 3-year-old Sophia Aguirre died in the Bronx when her family’s car was hit by a garbage truck. Luis Camarillo was only 18 when he was crushed and killed by the compactor of the truck he was working on. Mouctar Diallo’s family is still mourning his death beneath the wheels of a private sanitation truck in the Bronx.

I believe all these deaths were preventable. The industry needs to begin to take safety seriously. It’s not about photo ops and press releases. It’s about following the law for truck maintenance, not overworking drivers, and putting lives ahead of profits.

You will hear from sanitation workers about their experiences today, but I want to make it clear these are not isolated stories. The problems are widespread. The truth is there are more companies doing the wrong thing than doing the right thing.

Next time a sanitation company owner says they care about safety, ask them what the maximum number of hours their drivers are allowed to work in a single shift, or single week. Ask them what the maximum number of stops they give their workers to pick up in a night.

This is a lawless industry. There are still companies that don’t provide legally required boots, gloves, vests, and other safety equipment. There are still companies that cover up injuries. There are still companies that assign routes that cannot be completed on time without breaking traffic laws.

Not every company is shirking safety. There are some good companies that have regular safety training and maintain their trucks. But it’s hard for them to compete with the cheap carters who are cutting every corner.

That is why Mayor de Blasio’s commercial waste zone policy is so important. We will finally have reasonable routes. We will finally have safety standards. And we will finally have accountability, so carters have to follow the rules, or risk losing their contract.

You have our full support in finally bringing a culture of safety to private sanitation.

TESTIMONY OF THE SOLID WASTE ASSOCIATION OF NORTH AMERICA
Committee on Sanitation & Solid Waste Management
Committee on Transportation
November 27, 2017

The Solid Waste Association of North America (SWANA) is the leading association for waste professionals in North America. SWANA's membership includes more than 9,500 members throughout the United States and Canada, and uniquely among associations in the waste sector, represents individuals in both the public and private sectors. SWANA's New York chapter is comprised of more than 300 members, and includes both Department of Sanitation and numerous private carter employees.

SWANA is a strong proponent of improving the waste industry's safety performance, throughout the United States, and in New York City. SWANA has received several awards over the past few years for its safety programs and leadership. Solid waste collection is, nationally, the fifth most dangerous job in the United States, with a fatality rate of 38.8 per 100,000 employees. <https://www.wastedive.com/news/bls-refuse-collection-fatality-rate-increases-remains-fifth-most-dangerous/432488/> To SWANA's knowledge, there have not been any collection worker fatalities in New York City in 2017.

SWANA salutes the Business Integrity Commission (BIC) and its strong leadership relating to safety. BIC Commissioner Dan Brownell has personally been involved in these efforts, and they are greatly appreciated. The BIC and its predecessor were established to eliminate the influence of organized crime in the carting industry and to maintain the integrity of the industry, not impact either occupational health and safety or public safety. However, SWANA believes that operating in a manner that ensures the safety of both workers and the public is an important component of conducting business with honesty and integrity.

SWANA is playing a key role in the New York City waste industry's efforts to improve its safety culture and performance, and reduce accidents and injuries. SWANA participates in the BIC's Safety Working Group, which meets on a regular basis and is developing a training curriculum it expects to roll out in 2018. SWANA helped coordinate the three Safety Symposia hosted by the BIC over the past 18 months, and SWANA Executive Director David Biderman spoke at two of them and moderated a session at the most recent one, which took place in October 2017. SWANA provides free safety communication tools to all carters, <https://swana.org/safety.aspx>, sends a weekly safety newsletter to all of its members in New York

City (and throughout North America), and has provided front-line safety training to three licensed carters in New York City over the past eighteen months.

Because of SWANA's national footprint, with chapters from coast to coast and members in all 50 states, we are uniquely qualified to discuss the current safety situation that waste collection drivers face on the streets and highways. Distracted driving continues to be a major problem – according to the National Highway Traffic Safety Administration, more than 3,400 people were killed and 391,000 individuals were injured nationwide in 2015 due to accidents involving distracted driving. <https://www.nhtsa.gov/risky-driving/distracted-driving>. A recent study by the Institute for Traffic Safety Management and Research reveals 160 persons were killed and more than 33,000 persons were injured in crashes in New York that had "driver inattention/distraction" reported as a contributing factor. <https://www.itsmr.org/wp-content/uploads/2017/02/Cell-Phone-Use-Texting-Dec-2016-.pdf>

These issues are magnified in New York City, one of the most densely populated cities in the world, with distracted pedestrians, bicyclists often violating City traffic laws, and the recent addition of thousands of Uber and Lyft vehicles. In one recent incident captured by a camera on the back of a collection truck, a bicyclist rode into the back of the truck and fell into the hopper. <https://www.youtube.com/watch?v=CrZHtum-Hb4>. Fortunately, he was not injured. In many of the recent fatal incidents involving waste collection vehicles, the other party was entirely or partially at fault. For example, earlier this month, someone attempted to jump on the step of a waste collection vehicle in the Bronx as it was starting to make a turn, and tragically, this individual was killed. <http://www.nydailynews.com/new-york/bronx/man-dies-attempting-jump-garbage-truck-bronx-article-1.3616604> This incident highlights how collecting waste and recyclables in New York City from commercial customers, which generally takes place at night, poses a wide variety of safety challenges.

However, SWANA concurs with the suggestion that more work is needed to reduce accidents and injuries involving waste collection vehicles and employees in New York City. As part of the BIC's Safety Working Group, SWANA is participating in the development of training standards and the identification of safety-related topics for drivers employed by BIC licensees and registrants. The goal of such safety standards and information is to reduce the frequency and severity of accidents and injuries. SWANA has suggested to the BIC that initial and periodic refresher safety training should be mandatory for all drivers, and that all licensees and registrants be required to demonstrate that their drivers have received such training on an annual basis. SWANA is willing to be a provider of mandated safety training to licensees and registrants, and looks forward to working with the BIC, the Department of Sanitation, carters, labor unions, and others

to develop an appropriate safety curriculum for drivers. SWANA also believes that safety performance and metrics should be considered in the Department of Sanitation's development of a request for proposals in connection with the development of a zoned commercial collection system.

SWANA appreciates the opportunity to provide this testimony to the New York City Council's Committee on Sanitation and Solid Waste Management and its Committee on Transportation. If anyone on either committee has any questions concerning this testimony or SWANA's safety program, please contact SWANA Executive Director & CEO, David Biderman at dbiderman@swana.org.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11.27.17

Name: Kendall Christensen (PLEASE PRINT)

Address: 151 Maple St. Brooklyn

I represent: New Yorkers for Responsible Waste Mgmt.

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/27/17

Name: JUSTIN WOOD (PLEASE PRINT)

Address: 151 W 30th St.

I represent: NYLPI

Address: 151 W 30th St.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/27/17

Name: CARL ORLANDO (PLEASE PRINT) (via video)

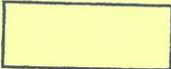
Address: _____

I represent: FORMER SANITATION WORKER

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Priya Mulgankar

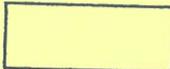
Address: 166A 22nd St BK 11232

I represent: NYC Environmental Justice Alliance

Address: 166A 22nd St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. ^{oversight} _____ Res. No. _____

in favor in opposition ^{hearing}

Date: 11/27

(PLEASE PRINT)

Name: Steve Chawgaris (STEVE CHAWGARIS)

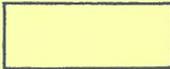
Address: 482 South Bridge St, Auburn, MA

I represent: NYC NWRA Chapter

Address: (same as above)

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Steve Vaccaro / Ho Vaccaro with

Address: 17 Battery Place, #204, NY NY 10004

I represent: Crash Victims

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Sarah Lilley

Address: 178 Richardson St Brooklyn

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Noah Genel

Address: General Counsel

I represent: Business Integrity Commission

Address: 100 Church St.

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 11-27-17

(PLEASE PRINT)

Name: Dwight Emen

Address: 156 S 11th Ave

I represent: MTV NY 10550

Address: _____

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Appearance Card

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in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Ben Weinstein

Address: _____

I represent: Cleanup North Brooklyn

Address: _____

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Appearance Card

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in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Sean T. Campbell

Address: 45-18 Court Sq L.I.C. N.Y.

I represent: Local 813 I.B.T.

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 3 Res. No. 3

in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: ANNABEL SMORTON

Address: 30-35 27th Street Astoria

I represent: ALIGN (ALLIANCE FOR A GREATER NY)

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Wilson Perez

Address: 409 E 146 St #2D Bronx NY 10455

I represent: _____

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Waste Industry Res. No. _____
 in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: MARCO CONNER - Leg. Dir.

Address: _____

I represent: TRANSPORTATION ALTERNATIVES

Address: _____

Please complete **THE COUNCIL** *Sergeant-at-Arms*
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Juan Martinez

Address: Director of Policy for Traffic Operations

I represent: Department of Transportation

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Dan Brownell

Address: Chair, Commissioner

I represent: Business Integrity Commission

Address: 100 Church St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/27/17

(PLEASE PRINT)

Name: Salvador Arana

Address: 100 Church St.

I represent: Business Integrity Commission

Address: Director of Policy

Please complete this card and return to the Sergeant-at-Arms