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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT INFRASTRUCTURE DIVISION

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**COMMITTEE ON TRANSPORTATION**

Hon. Ydanis Rodriguez, *Chair*

**December 16, 2019**

**PROPOSED INT. NO. 946-A:** By Council Members Lander, Brannan, Reynoso, Powers, Menchaca, Lancman, Levine, Torres, Espinal Jr., Levin, Kallos, Maisel, Cabrera, Rivera, Cohen, Constantinides, Rosenthal, Ayala, Gibson, Grodenchik, Van Bramer, Cumbo, Perkins, Chin, Ampry-Samuel, Salamanca Jr., Richards, Adams, Dromm, Williams, Moya, Treyger, Koslowitz, Eugene, Barron, Rose and Rodriguez

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety workers and providing advance notice of work schedules to utility safety workers

ADMINISTRATIVE CODE: Amends Title 20 by adding a chapter 14

**INT. NO. 947:** By Council Members Lander, Yeger, Brannan, Reynoso, Menchaca, Lancman, Levine, Torres, Levin, Maisel, Cabrera, Rivera, Cohen, Rosenthal, Ayala, Gibson, Grodenchik, Van Bramer, Moya, Perkins, Kallos, Chin, Ampry-Samuel, Salamanca Jr., Richards, Adams, Dromm, Williams, Powers, Treyger, Espinal Jr., Koslowitz, Vallone, Eugene, Barron, Holden, Rose and Rodriguez

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring certification of safety training for street permits

ADMINISTRATIVE CODE: Amends Title 19 by adding section 19-142.1

**INT. NO. 1724:** By Council Members Kallos, Treyger and Holden

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof

ADMINISTRATIVE CODE: Adds a new section 19-610

**INT. NO. 1812:** By Council Members Rivera, Rodriguez and Kallos

TITLE: A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of active transportation and an active transportation advisory board

CHARTER: Adds new section 20-h

**INT. NO. 1813**: By Council Members Rodriguez, Rivera and Kallos

TITLE: A Local Law to amend the New York city charter, in relation to establishing an office of pedestrians

CHARTER: Adds new section 20-h

**INTRODUCTION**

On December 16, 2019, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing on several pieces of legislation, Proposed Int. No. 946-A, a local law relating to prohibiting on-call scheduling for utility safety workers and providing advance notice of work schedules to utility safety workers, Int. No. 947, a local law relating to requiring certification of safety training for street permits, Int. No. 1724, a local law in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof, Int. No. 1812, a local law in relation to establishing an office of active transportation and an active transportation advisory board, and Int. No. 1813, a local law in relation to establishing an office of pedestrians.

Those invited to testify at today’s hearing include the Department of Transportation (DOT), Department of Consumer Affairs (DCA), unions, transportation advocates and other interested parties.

**BACKGROUND**

Utility Safety Workers

Utility safety workers who locate and mark underground infrastructure serve an important role in maintaining and protecting infrastructure. Before underground excavations may be performed, federal and state law requires that lines be marked aboveground in order to prevent damage and accident to the underground infrastructure of utilities.[[1]](#footnote-1) Any person that seeks a DOT permit to open a City street must follow the safe excavation procedures as mandated by NYS Industrial Code Rule 53:[[2]](#footnote-2)

* The permit applicant must contact a notification system called New York 811 at least 48 hours prior to beginning any work.
* 811 then relays excavation and digging requests to utility companies and underground facility owners, who are required to mark the location of their underground facilities on the street surface.
* Once the street has been marked, an automated system notifies the permit applicant that the street has been marked and that they may proceed with excavation.

Since 2013, in New York City, Con Ed and National Grid have contracted with USIC to have USIC workers locate the underground utility lines and mark the respective portions of the streets to show their location.[[3]](#footnote-3) These USIC workers do not perform the actual excavation work. USIC is the largest employer of underground utility safety workers in North America, protecting the assets of utility and telecom companies in both the United States and Canada.[[4]](#footnote-4) According to the company, the USIC’s mission is to deliver innovative solutions that protect clients’ infrastructure and critical assets, having delivered almost 74 million locating services across the United States and Canada annually, with more than 3.1 million of these locating services done within New York State.[[5]](#footnote-5)

A related oversight hearing was held by the Committee on Civil Service and Labor on December 12, 2017, entitled: *United States Infrastructure Corporation (USIC) Underground Safety Contractor Workers’ Unfair Pay and Benefits.* The hearingfocused on the working conditions, as well as pay and benefits of the USIC’s underground utility safety workers. During the hearing, the Communication Workers of America (CWA), which represents USIC’s 180 workers in New York City and Long Island, testified that USIC had failed to reach a fair and equitable contract agreement between those workers CWA represents.[[6]](#footnote-6) The CWA also presented testimony that raised questions regarding the wages, benefits and work standards provided by USIC including its use of on-call scheduling.[[7]](#footnote-7)

School Bus Safety

According to New York State Governor Andrew Cuomo’s Traffic Safety Committee, an estimated 50,000 vehicles illegally pass school buses with red lights flashing in New York State every school day.[[8]](#footnote-8) Despite the fact that, State Law prohibits passing a stopped school bus with flashing red lights,[[9]](#footnote-9) enforcement of this law remains limited because practically, police officers cannot follow every school bus, and school bus drivers cannot document instances of illegal passing. In response, the New York State Traffic Safety Committee convened Operation Safe Stop, a combined effort of law enforcement agencies, school personnel, school bus contractors, traffic safety organizations, local traffic safety boards and the media aimed at educating motorists that passing a stopped school bus is illegal and dangerous.[[10]](#footnote-10) To help increase enforcement, technology is currently in use at least 16 states that utilizes stop-arm cameras affixed to the exterior of school buses to identify offenders.[[11]](#footnote-11) Images from those cameras are then used to issue tickets to the owners of the vehicles. Now that this technology is available, New York State has enacted legislation authorizing municipalities to establish demonstration programs under which the respective municipality may enact legislation to use photographic monitoring technologies to impose liability on a vehicle owner if the operator of the vehicle passes a stopped school bus displaying a red visual signal.[[12]](#footnote-12) Under the program, a municipality may install and operate school bus photo violation monitoring systems which may be installed at stationary locations, or on school buses pursuant to an agreement with the school district. The costs of installing and operating the school bus photo monitoring systems are borne by the municipality.

The use of photographic monitoring technologies to impose liability on motorists has increased in New York City. Cameras are currently used to catch traffic violations with respect to bus lanes, traffic lights, and speeding. In 2018, the New York City Council passed legislation to establish a City program imposing liability on vehicle owners for failure to comply with maximum speed limits in school zones using evidence from cameras in school zones.[[13]](#footnote-13) Int. No. 1724 would establish a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and would provide for the repeal of such provision upon the expiration thereof.

 Pedestrian and Cyclist Advocates

Advocates have been calling for a ‘bike mayor’ to serve as a liaison between city government and the cycling community.[[14]](#footnote-14) Cycling advocates believe that the Mayor is not acting fast enough to increase the number of bike lanes.[[15]](#footnote-15) In 2016, Amsterdam appointed the world’s first such municipal officer, known as the Bike Mayor.[[16]](#footnote-16) Since then, Mexico City, Sao Paulo, London, Mumbai, and Sydney have appointed Bike Mayors to develop relationships between city governments and cyclists.[[17]](#footnote-17) As of November of 2019, there have been a total of 30 cyclist deaths.[[18]](#footnote-18) Additionally, the City has only installed 17 miles of bicycle lanes in 2018, compared to 25 miles in 2017.[[19]](#footnote-19) Similarly, there has been focus on the number of pedestrian deaths, so far this year, there have been at least 104 pedestrian deaths compared to 101 pedestrian deaths during the same time last year.[[20]](#footnote-20) Int. No.1812 and Int. No.1813, respectively, would create dedicated offices for active transportation and pedestrians.

**ANALYSIS OF PROPOSED INT. NO. 946-A**

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety workers and providing advance notice of work schedules to utility safety workers.

The proposed bill would ban the practice of on-call scheduling for utility safety workers who locate and mark underground infrastructure. The bill would prohibit employers from canceling, changing or adding work shifts within 72 hours of the start of the shift, except in limited circumstances. The bill would also require the employer to provide a utility safety worker with a written work schedule no later than 72 hours before the first shift on the work schedule, to post the workers’ schedule at the work location 72 hours before the beginning of the scheduled hours of work, and to provide a written copy of an employee’s work schedule for any week worked within the prior three years. The bill provides for enforcement by the Office of Labor Policy & Standards within the Department of Consumer Affairs and sets forth a complaint procedure, investigations, administrative relief and civil penalties. Proposed Int. No. 946-A would take effect 180 days after it becomes law.

**ANALYSIS OF INT. NO. 947**

A Local Law to amend the administrative code of the city of New York, in relation to requiring certification of safety training for street permits.

The legislation would require applicants for a permit to open a street to certify to the DOT that all workers are in compliance with applicable safety training and education laws and regulations so as to ensure public safety and health during the performance of work under the permit. The bill also provides for civil and criminal penalties for violations, which would be imposed on a per worker basis. Int. No. 947 would take effect 120 days after it becomes law.

**ANALYSIS OF INT. NO. 1724**

Section one of Int. No. 1724 would amend the Administrative Code by adding a new section 19-610. Subdivision a of new section 19-610 would define the following terms have the following meanings:

* The term "owner" has the meaning of that term as provided in article 2-B of the vehicle and traffic law.
* The term "school  bus  photo  violation  monitoring  system" has the meaning of that term as provided in subdivision (c) of section 1174-a of the vehicle and traffic law.

Subdivision b would indicate that if the operator of a vehicle fails to (stop for a school bus with flashing red lights) comply with section 1174 of the vehicle and traffic law when meeting a school bus operated in the city and marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the vehicle and traffic law, the owner of such vehicle shall be liable in accordance with section 1174-a of the vehicle and traffic law and shall be subject to the monetary penalties described in subdivision e of this section. Subdivision c paragraph one, would state that subject to paragraph 2, a stationary or mobile school bus photo violation monitoring system may be installed and operated to carry out this section by the head of an agency designated by the mayor. Paragraph 2 of subdivision c would state that a mobile school bus photo violation monitoring system may be installed and operated on a school bus to carry out this section only if:

(a) the city and the city school district enter into an agreement for such installation and operation; and

(b) such agreement is in effect.

Subdivision d would state that in carrying out this section on privacy measures, as provided in paragraph 4 of subdivision (a) of section 1174-a of the vehicle and traffic law, shall be implemented by the head of an agency designated by the mayor.

Paragraph one of subdivision e would state that the parking violations bureau must adjudicate imposition of liability under this section in accordance with a schedule of monetary fines and penalties promulgated as provided in section 1174-a of the vehicle and traffic law.

Paragraph two would state that the provisions of section 1174-a and sections 239, 240 and 241 of the vehicle and traffic law shall apply with respect to the imposition and adjudication of any liability under this section and notice with respect to any such liability.

Paragraph three would state that any photographs, microphotographs, videotape or other recorded images evidencing a violation under this section shall be available for inspection in any proceeding to adjudicate the liability for such violation.

Subdivision f would state that if the city does not make the payment to the school district required under paragraph 1-b of subdivision (a) of section 1174-a of the vehicle and traffic law, no liability may be imposed under this section until the city makes such required payment to the district.

Subdivision g would state that the mayor may designate any additional city agency or office thereof or employees of any city agency to assist in implementing the provisions of this section. Section  two of this local law would take effect on the later of the following dates:

a. The date this local law becomes a law.

b. The date that section 1174-a of the vehicle and traffic law takes effect.

Section three would state that this local law expires and is deemed repealed on the same date as the expiration of section 1174-a of the vehicle and traffic law.

**ANALYSIS OF INT. NO. 1812**

Section one of Int. No. 1812 would amend the New York City Charter by adding a new section 20-h, titled “Office of active transportation.” Subdivision a of this new section would define the term “advisory board” as the active transportation advisory board; the term “active transportation” as all non-vehicular methods of transportation that use a wheeled device propelled by human power, which would also include electric bicycles, electric skateboards and electric scooters; the term “director” as the director of active transportation; and the term “office” as the office of active transportation.

Subdivision b of the new section would provide that the mayor shall establish an office of active transportation; that such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against active transportation; and that such office shall be headed by a director of active transportation, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency, or if the mayor has established an office of pedestrians, the director of such office shall be the director of active transportation.

Subdivision c of the new section would grant the director of the office of active transportation the power and duty to serve as a liaison to active transportation users, conduct outreach to active transportation users, serve as a point of contact for active transportation users, ensure adequate access to the office for users of active transportation, work with other city agencies to grow and improve cycling and other methods of active transportation by coordinating infrastructure and policy initiatives, work with other city agencies to develop educational materials and programs about using active transportation, work with other city agencies to refer active transportation users to any city services that exist to help them apply for relevant licenses, permits or approvals from city agencies, advise and assist the mayor and the heads of city agencies that have powers and duties relating to the use of active transportation, develop a plan in conjunction with the other city agencies and the office of management and budget on future capital planning for active transportation infrastructure, review information obtained from 311 or city agencies on complaints regarding and violations issued to active transportation users, develop recommendations to address recurring problems or trends in consultation with industry representatives, advocates, city agencies, community boards and residents, serve as an intermediary between active transportation users, local residents and city agencies, including law enforcement agencies, to pursue, through policy recommendations, long-term solutions to issues related to active transportation, review and convey to the office of labor standards information about workforce conditions for businesses that utilize active transportation and, upon request, assist such office in developing recommendations to address common issues or trends related to such conditions, promote a robust active transportation community to further the city’s interests in health, environmental sustainability and efficiency of transportation, while accounting for the best interests of the city and its residents, and perform such other relevant duties as the mayor may assign.

Subdivision d of this new section would require that within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency and post on its website, a report that shall include, but need not be limited to, the activities of the office, information received by the office and any recommendations for legislation or policy developed by the director pursuant to this section or section 19-199.1 of the Administrative Code.

Subdivision e of this new section would establish an active transportation advisory board, would require such advisory board to advise the mayor and the Council on issues relating to active transportation, and would require such advisory board to examine certain topics. The advisory board would consist of 12 members, of whom eight members would be appointed by the speaker of the Council and four by the mayor, all of whom would serve for two-year terms, with a chair elected by a majority vote of all of the advisory board members. The advisory board would be required to meet quarterly, with the first meeting occurring within 120 days after the effective date of the local law that added this section, and with recommendations to the mayor, speaker of the Council, and director within 18 months of the effective date of the local law that added this section.

Subdivision g of this new section would provide that nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the Charter or any other law.

Section two of Int. No. 1812 would establish that, within one year after the effective date of this local law, the director of active transportation shall hold at least one public hearing in each borough and shall notify members of the active transportation advisory board of such hearing, at which public comments and testimony shall be received. A summary of such comments and testimony would be included in such director’s first report to the mayor and the speaker of the Council pursuant to subdivision d of section 20-h of the New York City Charter.

Section three of Int. No. 1812 would provide that his local law takes effect 60 days after it becomes law, and the mayor and any affected city agency may take any steps necessary for the implementation of this local law before such effective date.

**ANALYSIS OF INT. NO. 1813**

Section one of Int. 1813 would amend the New York City Charter by added a new section 20-h. Subdivision a of new section 20-h titled “office of pedestrians” would state that the mayor would establish an office of pedestrians. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against pedestrians. Paragraph one of subdivision b would state that such office shall be headed by a director who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency. Paragraph two would state that notwithstanding paragraph 1 of this subdivision, if the mayor has established an office of active transportation, the director of such office shall be the director of the office established by this section. Subdivision c would state that the director would have the power and duty to:

1. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to pedestrian safety, including, but not limited to, the department of transportation, the police department, the department of city planning, the department of parks and recreation and the department of buildings;

2. Review information obtained from 311 or city agencies on complaints relating to pedestrian safety and develop recommendations to address recurring problems or trends in consultation with advocates, city agencies, community boards, industry representatives and other relevant stakeholders;

3. Serve as an intermediary between pedestrians and city agencies to pursue, through policy recommendations, long-term solutions to issues related to pedestrian safety;

4. Promote a robust pedestrian community to further the city’s interest in health and environmental sustainability while also accounting for the best interests of the city and its residents; and

5. Perform other relevant duties as the mayor may assign.

Subdivision d would indicate that within 18 months of the effective date of the local law that added this section and annually thereafter, the director shall prepare and submit a report to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency. The report shall include, but not be limited to, the activities of the office and any recommendations for legislation or policy developed by the director.

Subdivision e would state that nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.

Section two of Int. No. 1813 would state that this local law takes effect 120 days after it becomes law, provided that the mayor and any affected city agency may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Proposed Int. No. 946-A

By Council Members Lander, Brannan, Reynoso, Powers, Menchaca, Lancman, Levine, Torres, Espinal, Levin, Kallos, Maisel, Cabrera, Rivera, Cohen, Constantinides, Rosenthal, Ayala, Gibson, Grodenchik, Van Bramer, Cumbo, Perkins, Chin, Ampry-Samuel, Salamanca, Richards, Adams, Dromm, Williams, Moya, Treyger, Koslowitz, Eugene, Barron, Rose and Rodriguez

..Title

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for utility safety workers and providing advance notice of work schedules to utility safety workers

..Body

Be it enacted by the Council as follows:

  Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

CHAPTER 14

UTILITY SAFETY WORKERS

§ 20-1401 Definitions. For purposes of this chapter, the following terms have the following meanings:

Director. The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.

Office. The term “office” means the office of labor standards established pursuant to section 20-a of the charter.

On-call shift. The term “on-call shift” means any time period other than a utility safety employee’s regular shift when the utility safety employer requires the utility safety employee to be available to work, regardless of whether the utility safety employee actually works and regardless of whether the utility safety employer requires the utility safety employee to report to a work location.

Regular shift. The term “regular shift” means a span of consecutive hours starting when a utility safety employer requires a utility safety employee to report to a work location and ending when the utility safety employee is free to leave a work location. Breaks totaling two hours or less are not an interruption of consecutive hours, provided that such breaks do not include time when the utility safety employee’s work location is closed.  The term “regular shift” does not include the hours worked by a utility safety employee who is called into work while on an on-call shift.

Underground facilities. The term “underground facilities” means pipelines, conduits, ducts, cables, wires, manholes, vaults or other such facilities or their attachments, that have been installed underground to provide services or materials, including electricity, gas, water, steam liquid petroleum products, telephone communications, cable television, sewage removal or traffic control systems.

Utility safety employee. The term “utility safety employee” means any person who is employed within the city and who performs work on a full-time or part-time basis, and whose job duties include locating and marking underground facilities. The term “utility safety employee” does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Utility safety employer. The term “utility safety employer” means any person or entity that employs a utility safety employee. The term “utility safety employer” does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Work schedule. The term “work schedule” means the regular shifts and on-call shifts that a utility safety employer assigns to a utility safety employee and includes the dates, times and locations where the utility safety employer requires the utility safety employee to work.

§ 20-1402 On-call scheduling prohibited. a. Except as otherwise provided by law, a utility safety employer shall not:

1. Schedule a utility safety employee for any on-call shift;

2. Cancel any regular shift for a utility safety employee within 72 hours of the scheduled start of such shift;

3. Require a utility safety employee to work with fewer than 72 hours’ notice, unless the utility safety employee consents in writing; or

4. Require a utility safety employee to contact a utility safety employer to confirm whether or not the utility safety employee should report for a regular shift fewer than 72 hours before the start of such shift.

b. Notwithstanding subdivision a of this section, a utility safety employer may:

1. Grant a utility safety employee time off pursuant to a utility safety employee’s request;

2. Allow a utility safety employee to trade shifts with another utility safety employee; and

3. Make changes to utility safety employees’ work schedules with less than 72 hours’ notice in the following circumstances:

(a) The disruption or failure of public utilities that poses an immediate danger to public safety or health;

(b) A fire, flood or other natural disaster; or

(c) A state of emergency declared by the president of the United States, governor of the state of New York or mayor of the city.

§ 20-1403 Work schedules. a. A utility safety employer shall provide a utility safety employee with a written work schedule no later than 72 hours before the first shift on the work schedule.

b. A utility safety employer shall conspicuously post in a location that is accessible and visible to all utility safety employees at the work location the work schedule of all the utility safety employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected utility safety employees after making changes to the work schedule. Utility safety employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The office may by rule establish requirements or exceptions necessary to ensure the privacy and safety of utility safety employees.

c. Upon request by a utility safety employee, a utility safety employer shall provide the employee with such employee’s work schedule in writing for any week worked within the prior three years and the most current version of the work schedule for all utility safety employees at that work location, whether or not changes to the work schedule have been posted.

§ 20-1404 Collective bargaining agreements. The provisions of this chapter do not apply to any utility safety employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) the agreement addresses employee scheduling.

§ 20-1405 Retaliation. a. No person shall take any adverse action against a utility safety employee that penalizes such employee for, or is reasonably likely to deter such employee from, exercising or attempting to exercise any right protected under this chapter. Taking an adverse action includes threatening, intimidating, disciplining, discharging, demoting, suspending or harassing an employee, reducing the hours or pay of a utility safety employee, informing another employer that a utility safety employee has engaged in activities protected by this chapter, and discriminating against the utility safety employee, including actions related to perceived immigration status or work authorization. A utility safety employee need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

§ 20-1406 Administrative enforcement; jurisdiction and complaint procedures. a. Jurisdiction. The director shall enforce the provisions of this chapter.

b. Complaints and investigations. 1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the office within two years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the office shall investigate it.

3. The office may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the office with information or evidence that the office requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the office believes that a violation of this chapter has occurred, the office may attempt to resolve it through any action authorized by section 20-a of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the director or by the office of administrative trials and hearings pursuant to section 20-a of the charter.

§ 20-1407 Specific administrative remedies for utility safety employees or former utility safety employees. a. For violations of this chapter, the office may grant the following relief to utility safety employees or former utility safety employees:

1. All compensatory damages and other relief required to make the utility safety employee or former utility safety employee whole;

2. For each violation of subdivision a of section 20-1402, the greater of $500 or such employee’s actual damages;

3. For each violation of subdivisions a and b of section 20-1403, $300;

4. For each violation of section 20-1405:

(a) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1405;

(b) $500 for each violation not involving termination; and

(c) $2,500 for each violation involving termination.

b. The relief authorized by this section shall be imposed on a per employee and per instance basis for each violation.

§ 20-1408 Specific civil penalties payable to the city. a. For each violation of this chapter, a utility safety employer is liable for a penalty of $500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this chapter, up to $750 for the second violation and up to $1,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per employee and per instance basis for each violation.

§ 20-1409 Enforcement by the corporation counsel.  The corporation counsel or such other persons designated by the corporation counsel on behalf of the office may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1406 through 20-1408, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 2. a. This local law takes effect 180 days after it becomes law, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of section one of this local law, including the promulgation of rules, before such date.

b. Notwithstanding the preceding subdivision a, in the case of utility safety employees covered by a valid collective bargaining agreement in effect on the effective date prescribed by such preceding subdivision, this local law takes effect on the stated date of the expiration of such agreement.

MHL

LS #4761

11/01/18

Int. No. 947

By Council Members Lander, Yeger, Brannan, Reynoso, Menchaca, Lancman, Levine, Torres, Levin, Maisel, Cabrerar, Rivera, Cohen, Rosenthal, Ayala, Gibson, Grodenchik, Van Bramer, Moya, Perkins, Kallos, Chin, Ampry-Samuel, Salamanca, Richards, Adams, Dromm, Williams, Powers, Treyger, Espinal, Koslowitz, Vallone, Eugene, Barron, Holden, Rose and Rodriguez

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring certification of safety training for street permits

..Body

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-142.1 to read as follows:

§ 19-142.1 Safety training required. a. The commissioner shall not issue a permit to open a street until the applicant for such permit has certified to the commissioner, in a form and manner prescribed by the commissioner, that all workers who will be engaged under such permit are in compliance with applicable safety training and education laws and regulations so as to ensure public safety and health during the performance of work under such permit.

b. A violation of this section is punishable by the civil and criminal penalties authorized for violations of the provisions of this subchapter as set forth in sections 19-149 and 19-150. Such penalties shall be imposed on a per worker basis for each violation of this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MHL

LS #4778

05/16/18

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| Int. No. 1724    By Council Members Kallos, Treyger and Holden    A Local Law to amend the administrative code of the city of New York, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof    Be it enacted by the Council as follows:    Section 1. Chapter 6 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-610 to read as follows:  § 19-610 School bus photo violation.  a. Definitions. For purposes of this section, the following terms have the following meanings:  Owner.  The term "owner" has the meaning of that term as provided in article 2-B of the vehicle and traffic law.  School bus photo violation monitoring system. The term "school  bus  photo  violation  monitoring  system" has the meaning of that term as provided in subdivision (c) of section 1174-a of the vehicle and traffic law.  b. Liability for passing a stopped school bus.  If the operator of a vehicle fails to comply with section 1174 of the vehicle and traffic law when meeting a school bus operated in the city and marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the vehicle and traffic law, the owner of such vehicle shall be liable in accordance with section 1174-a of the vehicle and traffic law and shall be subject to the monetary penalties described in subdivision e of this section.  c. Installation and operation of photo violation monitoring systems. 1. Subject to paragraph 2, a stationary or mobile school bus photo violation monitoring system may be installed and operated to carry out this section by the head of an agency designated by the mayor.  2. A mobile school bus photo violation monitoring system may be installed and operated on a school bus to carry out this section only if:  (a) the city and the city school district enter into an agreement for such installation and operation; and  (b) such agreement is in effect.  d. Privacy measures. In carrying out this section privacy measures, as provided in paragraph 4 of subdivision (a) of section 1174-a of the vehicle and traffic law, shall be implemented by the head of an agency designated by the mayor.  e. Adjudication; penalties.  1. The parking violations bureau shall adjudicate imposition of liability under this section in accordance with a schedule of monetary fines and penalties promulgated as provided in section 1174-a of the vehicle and traffic law.  2. The provisions of section 1174-a and sections 239, 240 and 241 of the vehicle and traffic law shall apply with respect to the imposition and adjudication of any liability under this section and notice with respect to any such liability.  3. Any photographs, microphotographs, videotape or other recorded images evidencing a violation under this section shall be available for inspection in any proceeding to adjudicate the liability for such violation.  f. Payment to school district required. If the city does not make the payment to the school district required under paragraph 1-b of subdivision (a) of section 1174-a of the vehicle and traffic law, no liability may be imposed under this section until the city makes such required payment to the district.  g. Implementation of program. The mayor may designate any additional city agency or office thereof or employees of any city agency to assist in implementing the provisions of this section.                       § 2. This local law takes effect on the later of the following dates:                       a. The date this local law becomes a law.                        b. The date that section 1174-a of the vehicle and traffic law takes effect.                       § 3. This local law expires and is deemed repealed on the same date as the expiration of section 1174-a of the vehicle and traffic law.  JB  LS #10147  August 30, 2019 |

Int. No. 1812

By Council Members Rivera, Rodriguez and Kallos

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing an office of active transportation and an active transportation advisory board

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-h to read as follows:

§ 20-h. Office of active transportation. a. Definitions. For the purposes of this section the following terms have the following meanings:

Advisory board. The term “advisory board” means the active transportation advisory board.

Active transportation. The term “active transportation” means all non-vehicular methods of transportation that use a wheeled device propelled by human power. Such term also includes electric bicycles, electric skateboards and electric scooters.

Director. The term “director” means the director of active transportation.

Office. The term “office” means the office of active transportation.

b. The mayor shall establish an office of active transportation. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against active transportation. Such office shall be headed by a director of active transportation, who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency, or if the mayor has established an office of pedestrians, the director of such office shall be the director of active transportation.

c. Powers and duties. The director shall have the power and duty to:

1. Serve as a liaison to active transportation users in relation to policies and procedures affecting active transportation in the city and, in such capacity, shall:

(a) Conduct outreach to active transportation users and provide information and assistance to such users in relation to existing city policies and procedures for responding to complaints, violations and other enforcement actions, and assist in the resolution of conditions that lead to enforcement actions;

(b) Serve as a point of contact for active transportation users and ensure adequate access to the office for users of active transportation;

(c) Work with other city agencies to grow and improve cycling and other methods of active transportation by coordinating infrastructure and policy initiatives;

(d) Work with other city agencies to develop educational materials and programs about using active transportation, observing rules and best practices; and

(e) Work with other city agencies to refer active transportation users to city services that exist to help them apply for relevant licenses, permits or approvals from city agencies;

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to the use of active transportation, including, but not limited to, the department of transportation, the police department, the fire department, the department of consumer affairs, the department of city planning, the department of parks and recreation, department of small business services, department of sanitation, economic development corporation, the office for media and entertainment and the department of buildings, on issues relating to active transportation;

3. Develop a plan, in conjunction with the other city agencies and the office of management and budget, on future capital planning for active transportation infrastructure;

4. Review information obtained from 311 or city agencies on complaints regarding and violations issued to active transportation users and develop recommendations to address recurring problems or trends, in consultation with industry representatives, advocates, city agencies, community boards and residents;

5. Serve as an intermediary between active transportation users, local residents and city agencies, including law enforcement agencies, to pursue, through policy recommendations, long-term solutions to issues related to active transportation;

6. Review and convey to the office of labor standards information about workforce conditions for businesses that utilize active transportation and, upon request, assist such office in developing recommendations to address common issues or trends related to such conditions;

7. Promote a robust active transportation community to further the city’s interests in health, environmental sustainability and efficiency of transportation, while accounting for the best interests of the city and its residents; and

8. Perform such other relevant duties as the mayor may assign.

d. Report. Within 18 months of the effective date of the local law that added this section, and annually thereafter, the director shall prepare and submit to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency and post on its website, a report that shall include, but need not be limited to, the activities of the office, information received by the office and any recommendations for legislation or policy developed by the director pursuant to this section or section 19-199.1 of the administrative code.

e. Active transportation advisory board. 1. There shall be an active transportation advisory board to advise the mayor and the council on issues relating to active transportation. The advisory board shall identify and study common issues and trends relating to active transportation and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that affect active transportation users. The advisory board shall examine the following:

(a) The regulatory structure affecting active transportation users;

(b) Common complaints regarding active transportation users;

(c) Public safety concerns related to active transportation users;

(d) The enforcement of active transportation-related laws and rules;

(e) Zoning and other community development concerns related to active transportation;

(f) Equitable access to active transportation resources and integration of active transportation into the city’s various neighborhoods;

(g) Active transportation users’ workforce conditions, including but not limited to, wages and workforce safety, where such work duties make the use of active transportation a requirement or practical necessity;

(h) The availability and responsiveness of the office of active transportation to the concerns of active transportation users;

(i) The efficacy of bicycle share programs and complaints related to such programs; and

(j) Any other issues the active transportation advisory board finds are relevant.

2. The advisory board shall consist of 12 members, of whom eight members shall be appointed by the speaker of the council and four by the mayor. Such board shall provide reasonable notice of its meetings to the director, who may attend such meetings and may coordinate the attendance of relevant agency heads or their designees.

3. All members shall serve for a term of two years and may be removed by the appointing official for cause. Upon appointment of all the members, the advisory board shall elect a chair from its membership by a majority vote of such advisory board. Any vacancy on the advisory board shall be filled in the same manner as the original appointment.

4. The advisory board shall keep a record of its deliberations and determine its own rules of procedure, which shall include a procedure or mechanism by which members of the public may make submissions to the board. The first meeting of the advisory board shall be convened within 120 days after the effective date of the local law that added this section.

5. The advisory board shall meet quarterly and review the city’s capital and infrastructure plans for active transportation at an annual meeting. Such advisory board meetings shall be open to the public.

6. Within 18 months of the effective date of the local law that added this section, the advisory board shall submit recommendations to the mayor, the speaker of the council and the director. After such date, the advisory board may submit additional recommendations to the mayor, the speaker of the council and the director as appropriate.

g. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.

§ 2. Within 1 year after the effective date of this local law, the director of active transportation, established pursuant to section 20-h of the New York city charter, as added by section one of this local law, shall hold at least one public hearing in each borough and shall notify members of the active transportation advisory board of such hearing, at which public comments and testimony shall be received. A summary of such comments and testimony shall be included in such director’s first report to the mayor and the speaker of the council pursuant to subdivision d of section 20-h of the New York city charter.

§ 3. This local law takes effect 60 days after it becomes law. The mayor and any affected city agency may take any steps necessary for the implementation of this local law before such effective date.

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| Int. No. 1813    By Council Members Rodriguez, Rivera and Kallos    A Local Law to amend the New York city charter, in relation to establishing an office of pedestrians    Be it enacted by the Council as follows:    Section 1. Chapter 1 of the New York city charter is amended by added a new section 20-h to read as follows:  § 20-h. Office of pedestrians. a. The mayor shall establish an office of pedestrians. Such office may be established within any office of the mayor or as a separate office or within any agency that does not conduct enforcement against pedestrians.  b. Director. 1. Such office shall be headed by a director who shall be appointed by the mayor or, if the office is established within an agency other than the office of the mayor, by the head of such agency.  2. Notwithstanding paragraph 1 of this subdivision, if the mayor has established an office of active transportation, the director of such office shall be the director of the office established by this section.  c. Powers and duties. The director shall have the power and duty to:  1. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to pedestrian safety, including, but not limited to, the department of transportation, the police department, the department of city planning, the department of parks and recreation and the department of buildings;  2. Review information obtained from 311 or city agencies on complaints relating to pedestrian safety and develop recommendations to address recurring problems or trends in consultation with advocates, city agencies, community boards, industry representatives and other relevant stakeholders;  3. Serve as an intermediary between pedestrians and city agencies to pursue, through policy recommendations, long-term solutions to issues related to pedestrian safety;  4. Promote a robust pedestrian community to further the city’s interest in health and environmental sustainability while also accounting for the best interests of the city and its residents; and  5. Perform other relevant duties as the mayor may assign.  d. Report. Within 18 months of the effective date of the local law that added this section and annually thereafter, the director shall prepare and submit a report to the mayor, the speaker of the council and, if the office is established within an agency other than the office of the mayor, the head of such agency. The report shall include, but not be limited to, the activities of the office and any recommendations for legislation or policy developed by the director.  e. Nothing in this section shall be construed to limit the powers of any other agency pursuant to any other law or to limit, bind or affect the decision of any agency or officer pursuant to any process required pursuant to the charter or any other law.  § 2. This local law takes effect 120 days after it becomes law, provided that the mayor and any affected city agency may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.    SG  LS # 9686  11/19/19 |

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2. 16 N.Y.C.R.R. Part 753. [↑](#footnote-ref-2)
3. *See* Committee Report, Committee on Civil Service and Labor, *Oversight: United States Infrastructure Corporation (USIC) Underground Safety Contractor Workers’ Unfair Pay and Benefits* (Dec. 12, 2017). [↑](#footnote-ref-3)
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7. *Id*. [↑](#footnote-ref-7)
8. <http://safeny.ny.gov/sbus-ndx.htm> [↑](#footnote-ref-8)
9. ### *See* VTL §1174.

   [↑](#footnote-ref-9)
10. *See* <http://www.safeny.ny.gov/opsafstp.htm>. [↑](#footnote-ref-10)
11. *See* National Conference of State Legislatures, State School Bus Stop-Arm Camera Laws (Oct. 31, 2018), <http://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx>. [↑](#footnote-ref-11)
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13. *See* § 19-901 of the Administrative Code of the City of New York. [↑](#footnote-ref-13)
14. <https://brooklyneagle.com/articles/2019/01/09/cycling-advocates-want-bike-mayor-for-new-york-city/> [↑](#footnote-ref-14)
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