



★ Brother Hood - Friendship - Safety ★

Dear NYC Council Transportation Committee Member,

On behalf of the New York Metropolitan Trucking Association (NY MTA), I'm writing this morning **imploing you to postpone the vote on Int. 1789-2019** requiring side guards on certain commercial vehicles. The timing of this vote and the implementation of the proposed law are both misguided.

The NY MTA is a one hundred (100) percent Teamsters Local 282 employer. Our membership owns the equipment performing **ALL** of the public works heavy construction in the five boroughs. The drivers of these dump trucks, dump trailers, flatbeds, and flo-boys make excellent middle-class wages here in this city to support their families (total compensation exceeding \$90 per hour).

This bill will not only hurt our membership; it will also adversely affect these workers. The CoVid pandemic did not spare any industry from financial hardship these past eighteen (18) months as we all know too well. Heavy construction is no exception. But I can also report to you that heavy construction has not rebounded in this city nearly as quickly as we hoped. In fact, we keep our collective eyes fixated on Washington DC and the ongoing infrastructure discussions. We need a major shot in the arm to get our equipment and drivers working again at pre-pandemic levels.

I would be remiss if I did not add that shortly before the pandemic our membership was saddled with two different unfunded mandates compliments of the Business Integrity Commission (BIC). The BIC required that all BIC registrants double their insurance liability requirements as well as operate clean trucks with more stringent emission standards. These unfunded mandates resulted in increased insurance costs and financing charges three months before CoVid struck and everyone got to park their equipment for several months. Those payments did not stop during that time frame and in all honesty; it will take years from some members to recover to 2019 levels. Throughout the past several months, elected officials at all levels of government, including Members of this Council, have been focused on how to "restart" the economy. Despite this professed concern, the legislation being considered today not only will not help "restart" the trucking industry--it will further hamper it. This legislation will require trucking companies to spend additional thousands per vehicle to operate yet again when the economy is still stalled. On average, MTA member companies have fleets of ten (10) vehicles or more (some close to 50).

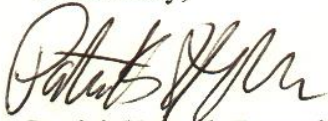
It is also important to examine the diversity of our membership and our drivers. The heavy construction industry is the gold standard for M/WBE growth over the past decade. The largest fleets of heavy construction trucks are ALL M/WBE owned companies. The thirty percent M/WBE mandate on public works projects is almost always achieved by hiring these companies. It should also be noted the diversity of the workforce which is vastly minority. This bill does not help them. On the contrary, it may require some of these owners to sell off some trucks to carry the increased costs on the remainder of their fleets. This happened early on in the pandemic and if this does construction economy does not dramatically improve I can guarantee more trucks will enter the used market. That of course will directly result in the loss of Teamsters jobs; fewer trucks in the fleets means fewer drivers.

It has also been brought to my attention that there is a feeling within New York City government that these increased costs "will be a pass through" via the bidding process on public works. The NY MTA members do not directly bid on these projects. The general contractor bids on these projects with a trucking budget in mind. Once the bid is secured that contractor reaches out to our membership for their pricing on that particular job-site. Now maybe there is a prevailing thought that these increased costs will definitely be covered in that pricing. That may be true in an economics class but this is the real world and companies do what they have to do to get their equipment on the road so their drivers can feed their families and maintain their medical coverage. The "pass through" stance is just not reality in the sub-contractor world. I cannot say it any simpler than that.

NY MTA is dedicated to promoting safe driving and we have several provisions within our joint collective bargaining agreement with Teamsters Local 282 addressing unsafe driving. We understand the intent of the legislation but felt it vitally important to address the unintended consequences. Unfortunately, there has been no dialogue on this bill since the hearing that was held two years ago and stakeholders were provided no notice that the bill was aging. In fact, we did not learn the bill was moving last evening when a press release was issued announcing it. The Council did not even formally send notice of the hearing until 10:30 PM last night which is less than twelve (12) hours before the Committee vote.

There is just no good reason to move this bill at this time and therefore we formally request that you table this for today with the hopes we can have a broader conversation the impacts of this legislation. I would like to thank you for taking the time to review our position and for your consideration. I would welcome the opportunity to meet with you to address this in far greater detail.

Yours Truly,



Patrick Hyland, Executive Director