

Safety Compliance Town Hall

October 7, 2024



AGENDA

- BIC DRIVER AND WORKER TRAINING REQUIREMENTS
- BIC REQUIREMENTS FOR PROVIDING & POSTING TRADE WASTE WORKERS' RIGHTS INFORMATION
- UPCOMING BIC VIOLATION PROCESS CHANGES
- DCAS/MAYORAL EXECUTIVE ORDER 39 NEW SAFETY REQUIREMENTS FOR COMPANIES WITH CITY CONTRACTS
- Q & A



ANNUAL WORKER TRAINING

BIC TRADE WASTE LICENSEES AND REGISTRANTS MUST PROVIDE WORKERS WITH ANNUAL TRAINING THAT COVERS, AT A MINIMUM:

WORKPLACE SAFETY

- Instruction on Each Type of Equipment
- Conducting Pre-Trip and Post-Trip Vehicle and Equipment Inspections

OPERATIONAL HAZARDS

- Conducting a Stop
- Proper Backing Up
- Container Management
- Operating the Hopper, Fire Prevention and Response
- Safe and Proper Disposal

TRAFFIC AND SAFE DRIVING

- State and Local Traffic Laws: Speed Limits, Yielding, and Bus and Bike Lane Restrictions
- Collision Avoidance: Pedestrians, Cyclists, and Other Vulnerable Road Users
- Avoid Distracted Driving
- Navigating Intersections and Turns

See Title 17 Rules of the City of New York

Licensees: § 5-14(a)

Registrants: § 7-08(a)



ANNUAL WORKER TRAINING

- **BIC may request proof** of completed training for trade waste workers
- **Keep any documents** that demonstrate compliance with training requirements
- **Optional template** available to log employee attendance at training

TRADE WASTE WORKER ANNUAL TRAINING LOG

(for compliance with 17 RCNY §§ 5-14(a) and 7-08(a))

Licensee/Registrant Name:	Date of Training:
Training Conducted By:	Location of Training:
Topics Covered During Training:	

17 RCNY §§ 5-14(a) and 7-08(a) Training: A [licensee or registrant] must provide annual safety training to all vehicle operators and laborers or helpers who are directly assigned to the collection, removal, transport or disposal of trade waste on the public right of way. Such training must include, at a minimum, (1) educating workers on workplace safety requirements; (2) operational instruction on each specific type of equipment used by the employee; and (3) training to address specific public safety hazards associated with collecting, transporting, removing and disposing of trade waste, including but not limited to, training, as applicable, regarding: (a) collision avoidance, including defensive driving and best practices to avoid collisions with pedestrians, cyclists and other vulnerable road users; (b) pre-trip and post-trip vehicle and equipment inspections; (c) state and local traffic laws, including speed limits, yielding, and bus and bicycle lane restrictions; (d) preventing distracted driving; (e) navigating intersections and turns; (f) backing up a trade waste vehicle; (g) best practices for safe collection stops; (h) container management; (i) hopper operation; (j) fire prevention and response; and (k) transporting and disposing of specialized waste or hazardous materials. Such training must be provided within 90 days after the start of employment or prior to the initial assignment of a worker to a job or task, whichever is earlier.

EMPLOYEE ATTENDANCE LOG (Use multiple pages if needed for additional employee names)		

AUTHORIZED REPRESENTATIVE: _____ DATE: _____

Suggested Template

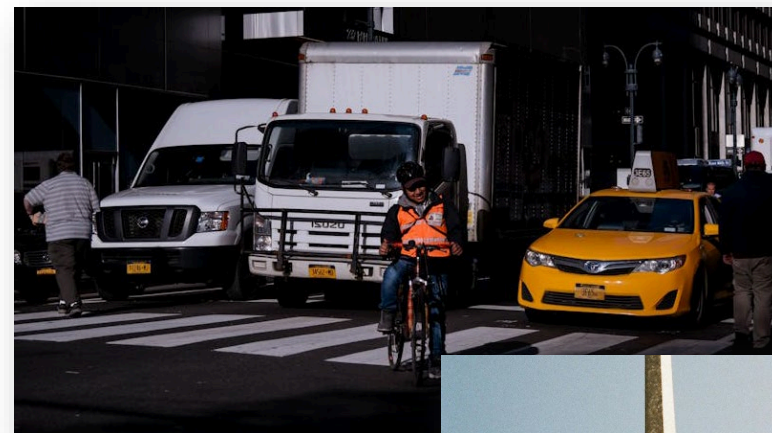
February 2024

See Title 17 Rules of the City of New York
 Licensees: § 5-14(a)
 Registrants: § 7-08(a)

<https://www.nyc.gov/assets/bic/downloads/pdf/safety/bic-form-annual-worker-training-template-final-022124.pdf>

DEFENSIVE DRIVER TRAINING

- Trade waste drivers must have completed within the last three years
- **BIC may request proof** for all drivers including copies of training certificates
- **Defensive driving courses:**
 - Can be classroom or virtual
 - Must be approved by the DMV or other stage agency that issues driver licenses
 - See NYS DMV website here for courses: <https://dmv.ny.gov/points-and-penalties/pirp-and-ipirp>





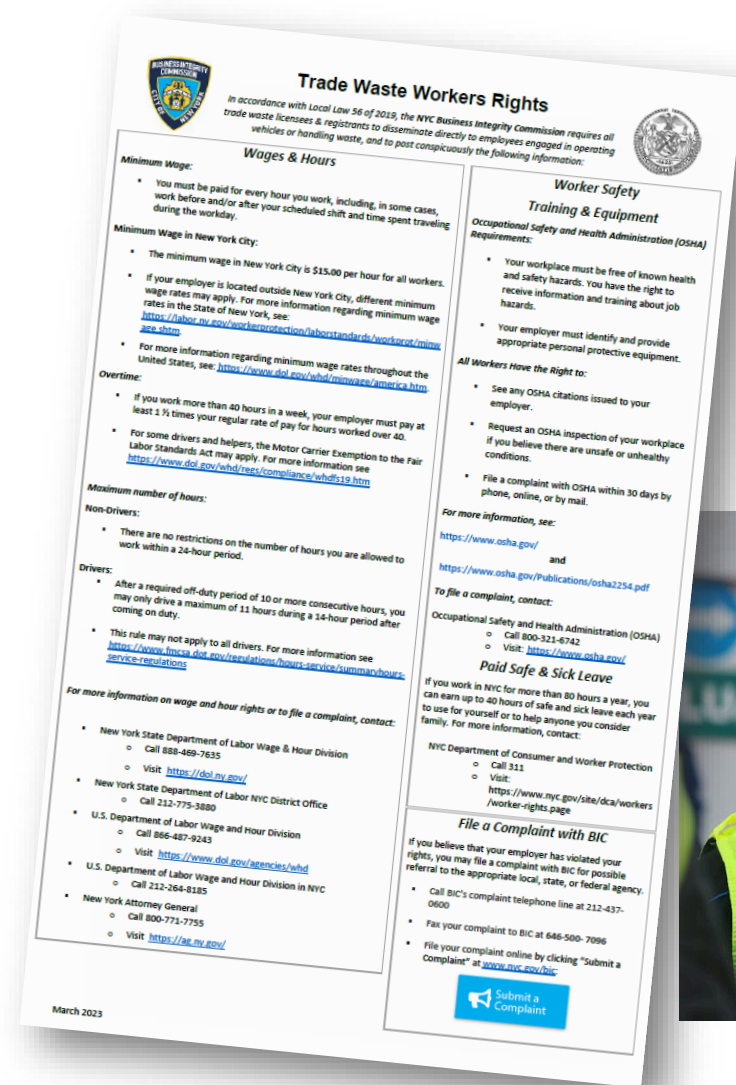
TRADE WASTE WORKERS' RIGHTS

NYC Administrative Code § 16-528

- a. The **commission shall require** trade waste licensees and registrants to disseminate directly to their employees engaged in operating vehicles or handling waste, and post conspicuously, the following information:
- (i) the **maximum number of hours** such employees are permitted to work in a twenty-four hour period;
 - (ii) the **minimum wage** such employees must be paid;
 - (iii) any **required worker safety trainings** for such employees;
 - (iv) information regarding what **safety equipment** must be provided by employers;
 - (v) a description of **how to contact the commission** to lodge a complaint; and
 - (vi) a list of **additional government agencies that accept complaints about violations of workers' rights**, including the New York state attorney general, the New York state department of labor, and the United States department of labor, and contact information for such agencies.

TRADE WASTE WORKERS' RIGHTS

- **Local Law 56 of 2019** requires licensees and registrants to directly provide and conspicuously post for trade waste workers information relating to wages, worker safety, and how to file complaints.
- BIC may check that such information has been provided including during facility inspections





UPCOMING CHANGES TO BIC VIOLATIONS PROCESS

- Starting this week (October 2024) – **BIC will begin beta testing a new violations process**
 - A small number of new violations will be impacted at first
 - Full transition to new system approximately **February 2025**
- **Why?** – Easier, more efficient, more streamlined process

NO CHANGES:

- Any currently existing/pending violations
- Substance of BIC's rules and requirements
- Receiving email notifications when a new violation is issued
- BIC fines and penalty schedule amounts
- Payment Portal
- **BIC Violations Unit available at Violations@bic.nyc.gov to discuss specific violations**

WILL CHANGE:

- New venue: “**Hearings Division**” of NYC Office of Administrative Trials and Hearings (OATH)
 - Instead of “**Trials Division**” of OATH
- Called “**summonses**,” not “violations”
- Summons **documents will look different**
- Summonses will always be **issued with a Hearing date and time**
 - Before the Hearing date – you can admit to the violation and pay the penalty, or proceed to the hearing



QUESTIONS FOR BIC

POLICIES AND REGULATIONS:

PolicyInfo@bic.nyc.gov

VIOLATIONS:

Violations@bic.nyc.gov

BIC ONLINE PORTAL:

portalsupport@bic.nyc.gov

Improving Truck and Fleet Safety Mayoral Executive Order 39 of 2024

NYC Fleet

**Presentation to NYC Business Integrity Commission and
their regulated fleets**

**Keith T. Kerman, Deputy Commissioner, DCAS
NYC Chief Fleet Officer
October 7, 2024**

NYC Fleet



Tragedies on Our Roads

Outraged Parents Call for Safe Streets After Death of Kamari Hughes

Driver in city DEP truck fatally strikes woman, 42, in Queens

On-duty NYC Department of Environmental Protection worker killed in crash with Mercedes: cops

Bronx grandma, 73, fatally struck by school bus in Queens, cops say

Dump truck in fatal Brooklyn crash same one that killed NYPD crossing guard last year

Elderly woman hit, killed by truck in Brooklyn: NYPD

NEWS > NEW YORK NEWS

NYC Sanitation worker dies in accident at Queens yard

Police: Motorcyclist killed following collision with ambulance on Pelham Parkway

METRO

Pedestrian, 86, decapitated when he's hit by city truck in Brooklyn

Mayoral Executive Order Announcement

TRUCKS

Safety First: Mayor Adams Requires In-Vehicle Tech for City Contractors

City contractors are going to have to make their biggest trucks safer. And city employees will have to take a safety course. It's all part of an executive order landing today.

6:55 AM EST on February 15, 2024



[HERE](#)

File photo: Dave Colon | Mayor Adams hopes to rein in the dangers of some trucks with a new executive order. Pictured, a truck whose driver killed a cyclist on Parkside Avenue in 2022.

 By Gersh Kuntzman



City Fleet Safety

- Executive Order 39 increases and further codifies requirements for City fleet safety including mandating that all staff acknowledge fleet rules, take safe driver training, and are enlisted in the State License Event Notification System (LENS) to monitor license changes.
- Effective June 2024, the Citywide Fleet is now up to date on these requirements. City fleet is also required to implement truck side-guards, telematics, and high vision trucks or surround cameras for trucks.
- The broader safety plan for the City fleet is called the [Safe Fleet Transition Plan \(SFTP\)](#) and is a published document.
- City fleet and contracted school buses are and/or will be taking similar steps as will be required of contractors.
- For example, telematics are currently required by Executive Order for City Fleet and by Local Law for contracted school buses.

Safe Fleet Transition Plan Update 2018 - 2019

Best Practice Technologies and Processes

Alexander K Epstein, Ph.D. and Rebecca Kiriazes

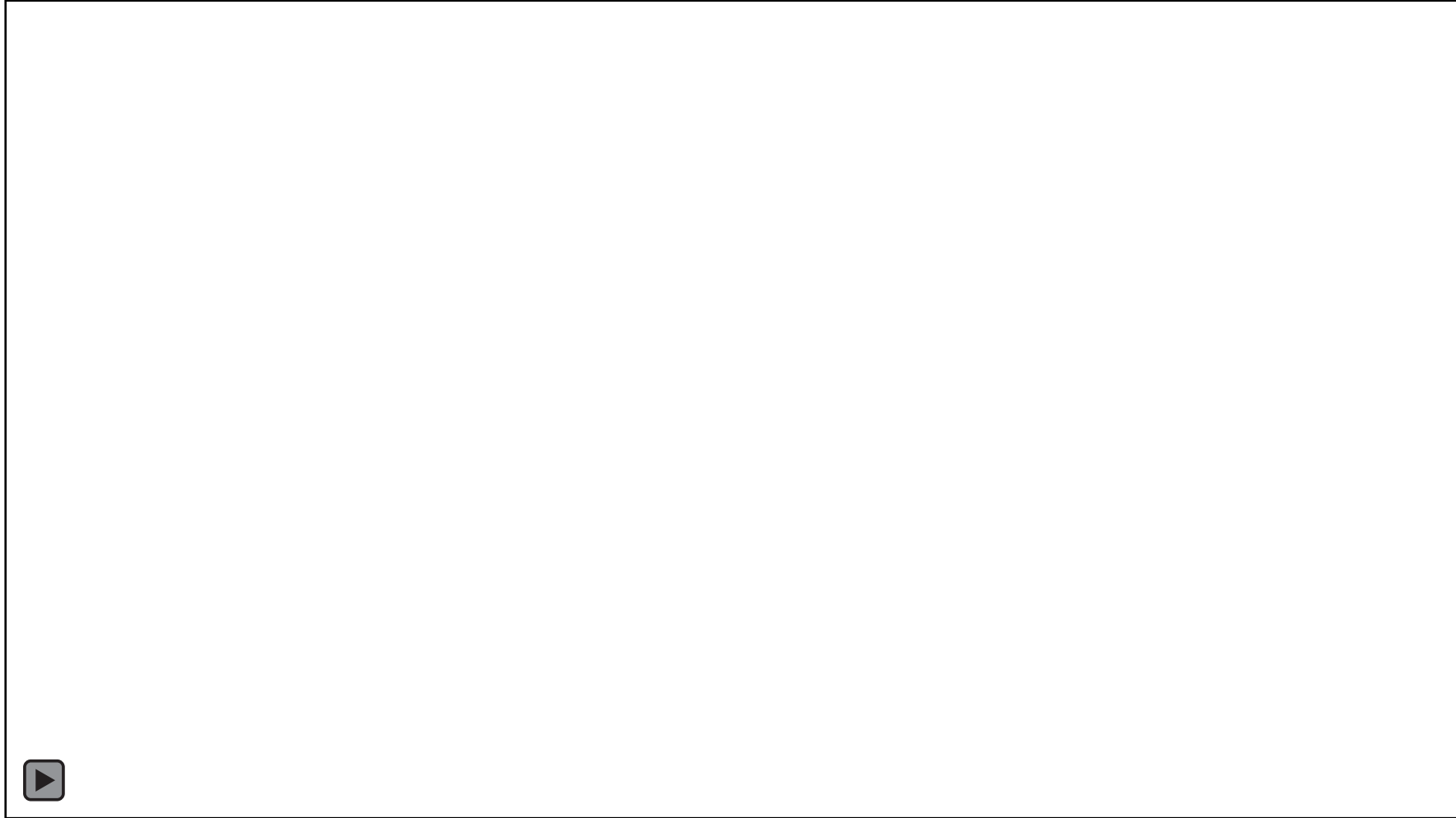


NYC DCAS
Citywide Administrative Services
November 2018
DOT-VNTSC-DCAS-18-01
Prepared for:
Department of Citywide Administrative Services
City of New York

U.S. Department of Transportation
John A. Volpe National Transportation Systems Center

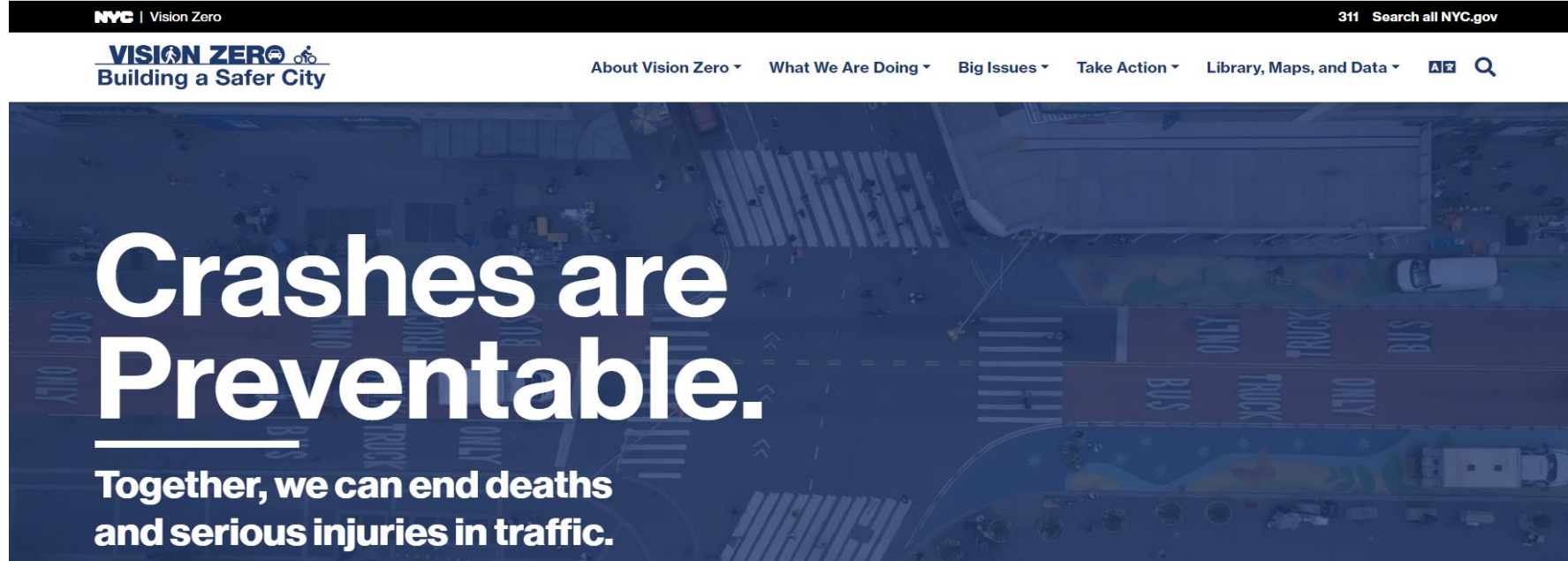
Volpe

NYC Leading by Example



City Fleet Safety

Whether in-house or contracted, fleet operations funded by the City must implement this program of fleet safety.



[HERE](#)

Improving City Fleet and Truck Safety

- New [Executive Order 39 of 2024](#) enhances safety for the City Fleet and City Contractors. See the announcement [here](#).
- **Executive Order 39 is not a new BIC regulation.** It only covers those who will register a new contract of \$2 million or more with the City of New York
- The Executive Order builds off [Local Law 108](#) which requires truck side-guards for City fleet, contractors, and commercial waste vendors.
- Nearly 7,000 City fleet trucks and contractor trucks now have side-guards through Local Law 108. Many of these are BIC regulated fleets



Local Law 108 of 2021

- Extends the truck side-guards requirements to City Contractors. Passing of this law was led by then Councilman Ydanis Rodriguez who is now DOT Commissioner under Mayor Adams.
- It covers contracts valued at \$2 million or more where a truck is used on a weekly or more frequent basis to perform requirements material to the contract. This would include sub-contractors.
- Contractors will have one year to 18 months to outfit the trucks, depending on the size of the impacted fleet.
- The law governs contracts registered by the Comptroller on or after January 1, 2023 and does not cover renewals of existing contracts. Contractors will have the time to build these costs into their bids.
- Each City agency must work to track compliance for the contractor fleets under their oversight. DCAS will work with each agency to compile citywide compliance tracking and to address technical issues, exemptions, exceptions, and inspections.
- By law, contracts must include financial consequences for non-compliance.

EO39 of 2024: City Contractor Safety

- The Executive Order will increase fleet safety requirements for City Contractors.
- The Executive Order will govern contracts of \$2 million or more in value and will govern only new contracts, not renewals or extensions.
- There are exemptions for emergency, inter-governmental, and utility contracts.
- The Executive Order will govern contractor vehicles used on a weekly or more frequent basis within the City to fulfill contract requirements.
- The Executive Order Language defining impacted contractors and vehicles mirrors the Local Law 108 requirements.

City Contractor Safety, Due Diligence

- For safe fleet administration, City Contractors will be required to:
 - Share a fleet safety plan with the contracting agency within one month of contract registration.
 - Share a list of vehicles and drivers, including sub-contracted vehicles.
 - Enroll drivers in the NY State License Event Notification (LENs) tracking program with State DMV.
 - Have drivers complete Safe Driver Training within Six Months of work on City contracts. DCAS recommends NY State approved Defensive Driving courses and will provide a City contractor custom option by January 2025. DCAS has implemented this training on-line and in person for over 100,000 operators since Jan. 2014. Operators obtain insurance benefits and license points reduction for participation. Contractors may propose alternative safety training.
 - Notify agencies of crashes that take place while conducting City contracted business.
- Notify agencies of license suspensions and/or arrests involving drivers for City contracts and notify agencies of the corrective action they are taking.

City Safe Driver Training



[HERE](#)

New York State License Event Notification System (LENS)

- The New York State License Event Notification System is a Department of Motor Vehicles (DMV) program that allows for the monitoring of drivers.
- LENS can alert on a list of specific items including the expiration and renewal of a driver's license; the suspension, revocation, and restoration of a driver's license; traffic convictions; reportable crashes; driver's license suspension; revocation orders, and more.
- LENS is free for government. For private fleets, there is a \$10 per driver cost which includes \$7 for registration and a pre-paid \$3 for future notifications. Paying LENS customers also will be charged \$1 per notification beyond the first three.
- Contractors will need to inform agencies of any LENS notifications for drivers on the lists provided which directly impact City contracted operations, and what corrective steps will be taken.
- More on LENS can be found at <https://dmv.ny.gov/dmv-records/LENS-overview-0>

City Contractor Safety, Technology

- For safe technology, City Contractors will be required to:
 - Implement **truck surround cameras** or **high vision trucks** within one year for fleets involving 10 or fewer trucks or 18 months for fleets involving more than 10 trucks.
 - Implement **telematics** for contracted vehicles while performing City business. The telematics must track time, date, location, and vehicle speed. This information must be made available to the City contracting agency in a format to be determined with each vendor and agency.
 - Agencies can impose liquidated damages for non-compliance.
 - Agency contract managers would implement Executive Order requirements with technical support from DCAS.
 - Agencies may request exemptions from aspects of the Order for operational, cost, or other reasons. DCAS and the Mayors Office of Operations will consult on these exemptions.

Truck Surround Cameras

- Contractors will be required to implement high vision trucks or install truck surround cameras.
- Visual obstruction is a critical issue for truck safety. The City of London mandates a Direct Vision standard for all trucks.
- City fleet has already implemented nearly 2,000 truck surround cameras, which can cost on average \$1,000 to \$2,500 per truck. These provide a single full view around the truck.
- Surround cameras are readily available in the marketplace for retrofit or new truck purchases.
- Insurance Institute for Highway Safety and other reports show cameras reduce crashes.



[HERE](#)

Truck and Bus Surround Cameras



High Vision Trucks

- High Vision Trucks are an alternative to surround cameras. The order defines high vision as follows:

High Vision Truck: A truck with a cab-over or cab-forward design wherein the driver sits in front of the front axle as opposed to conventional cab design wherein the engine and front axle are in front of the driver. The distance from the forward of the center of the vehicle bumper at which the driver can first see the top of a 3-foot cone shall not exceed eight feet and the distance beyond the exterior of the passenger side door at which the driver can first see the top of a 4-foot cone shall not exceed six feet.

- For example, line of sight on the electric box van (top right) is 3 feet as compared to 11 feet for our conventionally design box vans.



High Vision



[IS] OPINIONS ■ Politics

Direct Vision in Commercial Trucks is a Public Safety Priority

Posted to [Politics](#) September 26, 2023 by [Peter Goldwasser](#), [Keith Kerman](#)

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Thirty-two members of Congress recently wrote a letter urging the National Highway Traffic Safety Administration (NHTSA) to address a national crisis: the surge of traffic deaths on American roads. This letter implored NHTSA to prioritize pedestrian protection and visibility from the driver's seat in federal vehicle safety ratings, known as the New Car Assessment Program.

Since then, leading road safety organizations have continued their longstanding efforts toward achieving change on this and other critical safety issues.

Together for Safer Roads (TSR), which counts some of the world's largest trucking fleets among its members, applauds these efforts. But the work cannot stop there.

Direct Vision Guide



- [Together for Safer Roads Unveils “Direct Vision Transition Guide: An Operator’s Guide to Transforming Fleets for Safety” - Waste Advantage Magazine](#)

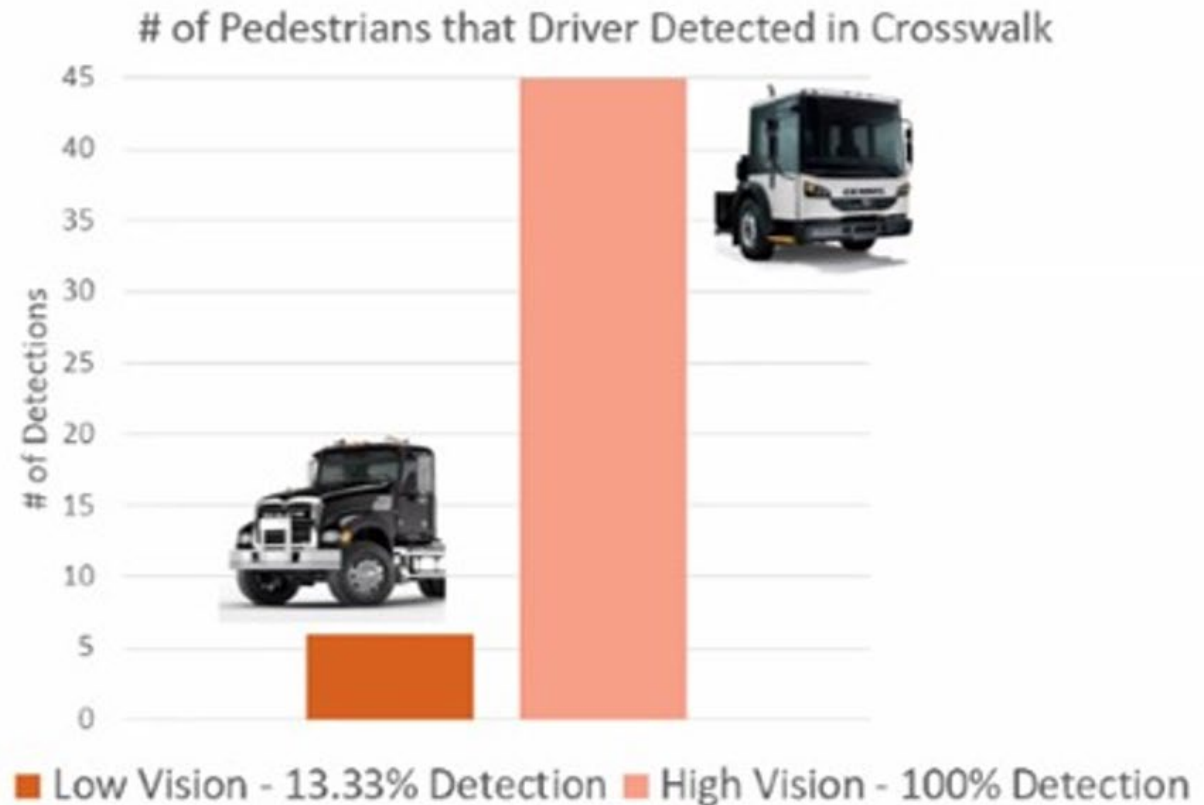
US DOT Volpe, High Vision Truck Simulation

Pedestrian crosswalk safety study results

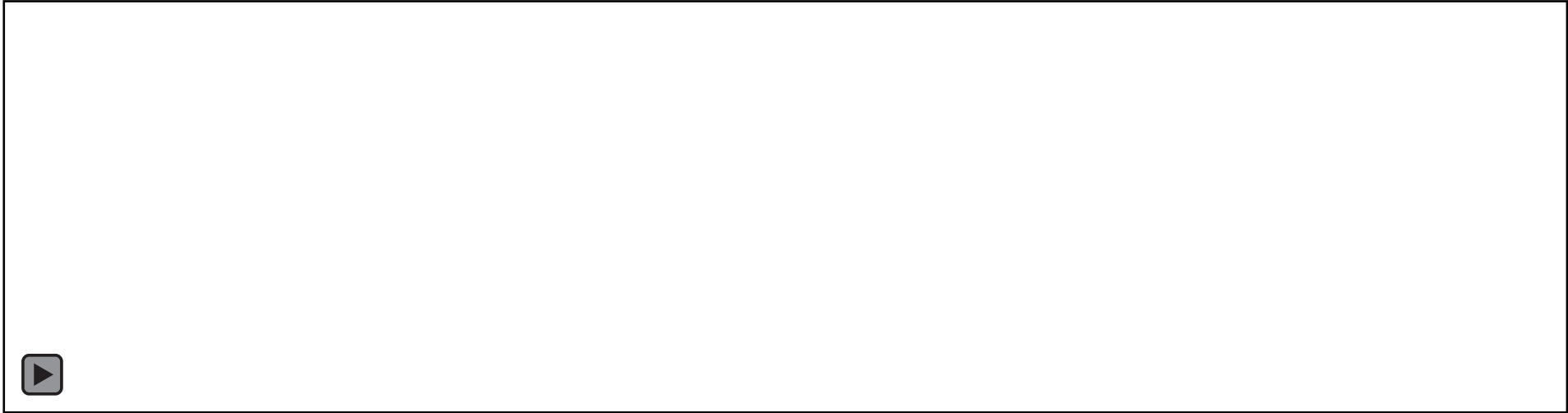
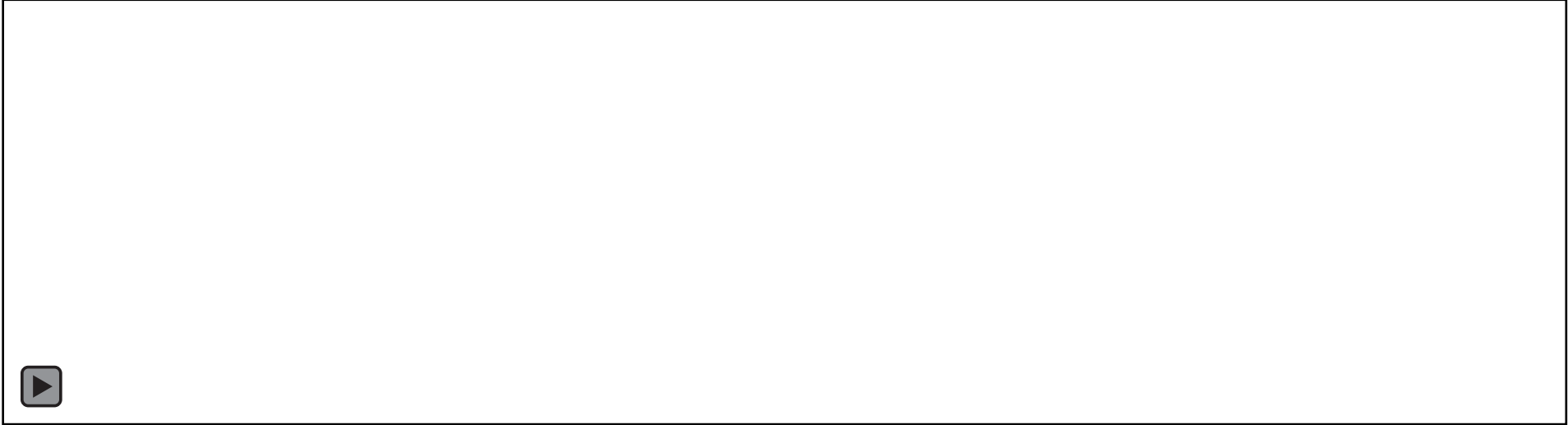
39 out of 45 killed when truck was **low vision**

vs.

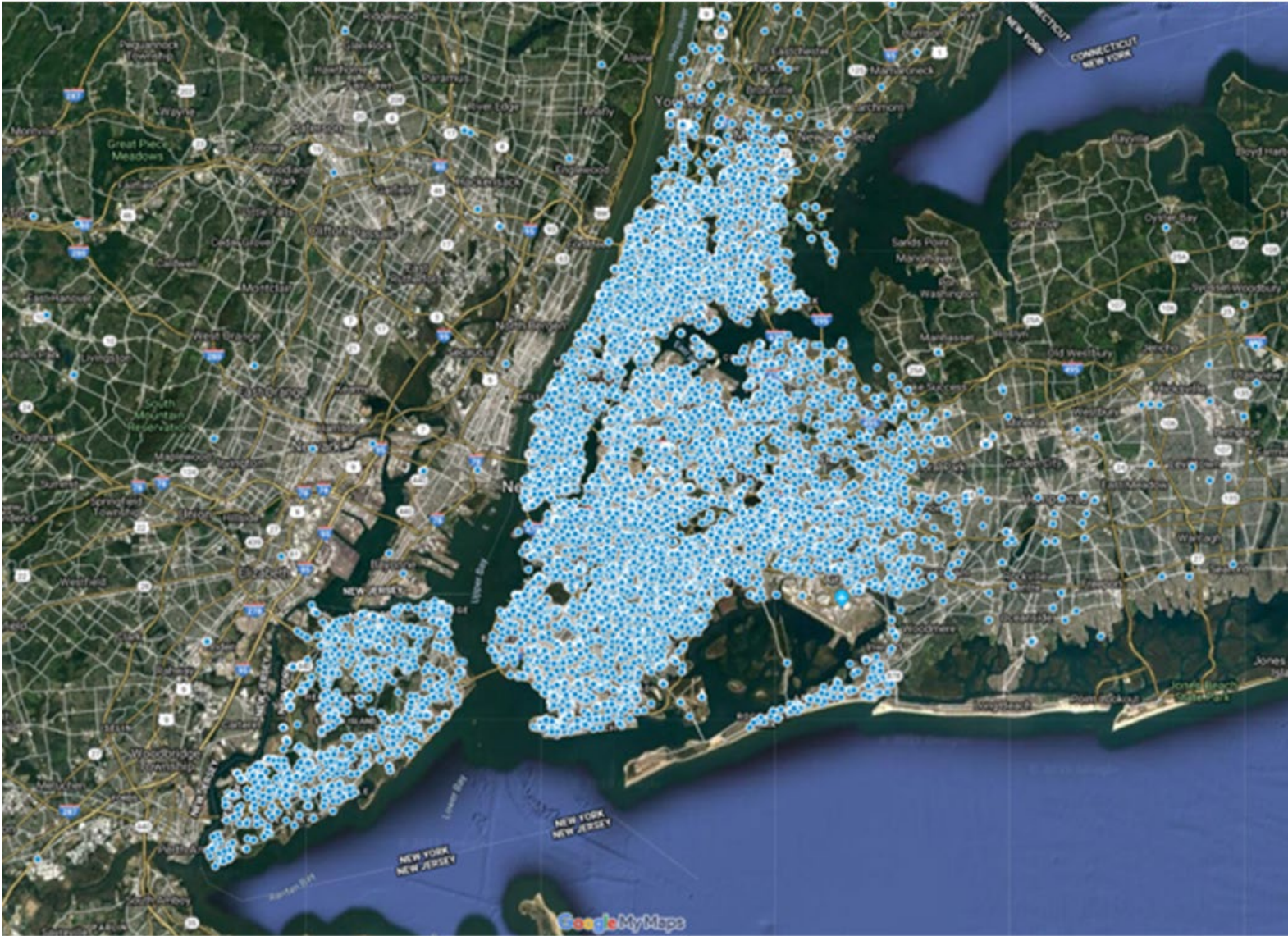
None killed when truck was **high vision**



High Vision Truck (US DOT Volpe Simulation)



Telematics

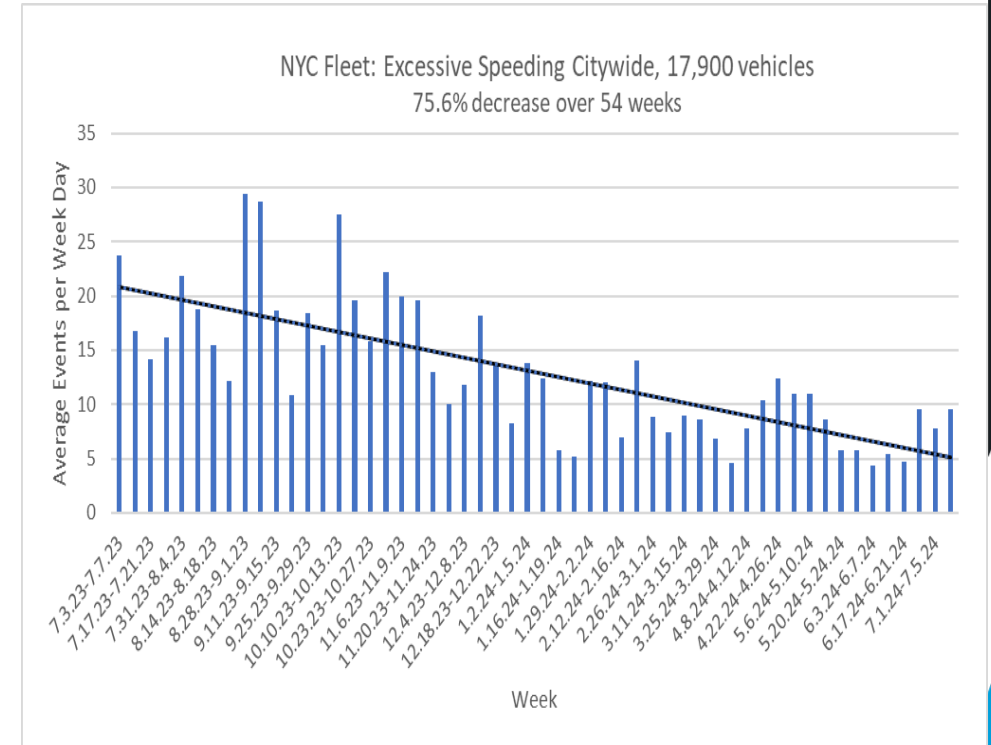


Telematics

- The Executive Order requires telematics for fleet assigned to City contracts as defined in the order. Telematics is defined as follows:

Telematics: Automatic vehicle location systems that track vehicle location and speed and alert the driver and another designated person(s) to such location and speed in real time.

- The focus is on location and speed information and use of systems to monitor and improve safety.
- Each agency will outline their requirements for install confirmation and/or sharing of this safety information.
- DCAS uses telematics to monitor location, speeding, seatbelt use, hard braking, hard accelerating, hard turning, and crash alerts for the City fleet.



Weighted Categories

Hard Acceleration	10%
Harsh Braking	10%
Harsh Cornering	10%
Seat-Belt	20%
Speeding	20%
Excessive Speeding	30%

Contractor Vehicle Safety Plan

- Contractor safety plan must include:
 - A list of city contracted vehicles and drivers
 - Confirmation of LENS monitoring
 - Driver training plans
 - Telematic systems being used
 - Surround camera or high vision technology to be employed
 - Other technology and safety initiatives to be employed
 - Collision tracking and monitoring process
 - Corrective plans for employees who engage in unsafe or dangerous driving
- Company safety plans must go beyond applicable federal, state, and local laws and be compliant to the Executive Order.

Contractor Safety Plan



Contractor Safety Plan

Per Safety Requirement for City Contractors, NYC Mayoral Executive Order 39 of 2024



Training and Due Diligence

- Vehicle List:** List of vehicles (year, make, model, VIN, license plate) that the Contractor anticipates using in performance of the contract including sub-[contractors](#)
- Drivers List:** List of driver names, license types including required endorsements, and affirmation that each driver has been enrolled in the New York State License Notification System (LENS) or that out of state licensees are being monitored. Contractor must notify contracting agency of any license suspensions and/or arrests tied to unsafe or illegal vehicle operation by drivers of City contracted [vehicles](#)
- Safety Training:** Plans to ensure all drivers have taken a New York State approved defensive driving class within six months of contract commencement or certificates to verify previous attendance within 3 years; or proposed alternative safety training plan.
- Crash Tracking:** Contractor's process to monitor and review collisions including plans to notify contracting agency of collisions that take place while performing services under the city [contract](#)
- Corrective Action:** Corrective action program for drivers who engage in unsafe or dangerous driving behaviors

Contractor Safety Plan

Technology

- Truck Side-Guards:** Contractor's indication of which trucks are subject to Local Law 108 of 2021 requiring truck side-guards and plans to comply with the Local Law. Contractor must confirm to the contracting agency and DCAS that side-guards have been installed as required by the Local Law and the public rules for Local Law 108 [implementation](#)
- High Vision Trucks and/or Truck Surround Cameras:** Contractor's indication of which trucks are designed as high vision trucks in accordance with the Executive Order. For all others, Contractor's plan to install truck surround cameras in compliance with the timetables set out in the Executive Order. Pictures and measurements for high vision designed trucks to satisfy the order requirements. Pictures and camera model information to confirm installation of truck surround cameras
- Telematics:** Contractor's confirmation that all vehicles used for the performance of City contracted services are installed with telematics that track at minimum location and speed. Include the model of telematics system being used. Each agency will develop a plan with each contractor to confirm implementation of telematics and/or share the location and speed data tied to City contracted work [during the course of the contract](#).



Additional Safety Measures

- Any additional safety technologies being utilized for impact [vehicles](#)
- Any additional safety practices, training, or other procedures

Next Steps

- Local Law 108 and Executive Order 39 Requirements will be placed in all new contracts going forward in partnership with the Mayor's Office of Contracts (MOCs).
- DCAS will work on a custom safety training option for contractors and a portal for submitting safety plan documents. Current goal date for both is April 2025.
- Contractors and potential contractors should begin planning for implementing Safety Plans as outlined here.
- DCAS can supply more information about truck sideguards, truck surround cameras, training options, and telematics on request.
- Contractors and bidders should bring questions or requests relating to implementation and/or exemptions to contracting agencies including during pre-bid meetings where these issues could be addressed prior to bids being submitted.
- While DCAS will be assisting all aspects of implementation, contracting agencies are still responsible for implementing these requirements as part of general contract management. Your contract is with your contracting agency.

Contact

For more information, go to the NYC Fleet website:
<http://www.nyc.gov/html/dcas/html/employees/fleet.shtml>

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