

Improving Truck and Fleet Safety Local Law 108 of 2021 and Mayoral Executive Order 39 of 2024

NYC Fleet

**Presentation to Trucking Association of New York (TANY)
and City Contractors**

**Keith T. Kerman, Deputy Commissioner, DCAS
NYC Chief Fleet Officer
July 18, 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

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



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](#).
- 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. However, there is more to do on LL108 as well.



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



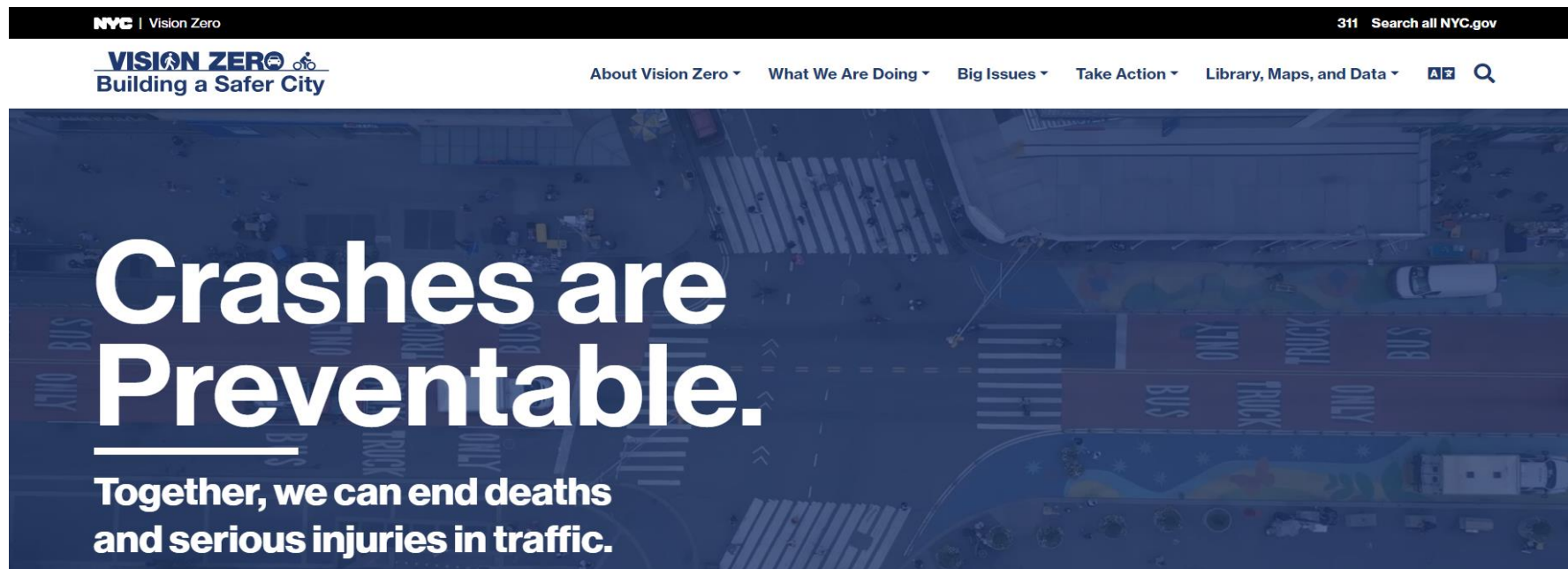
NYC DCAS
Citywide Administrative Services
November 2018
DOT-VNTSC-DCAS-18-01
Prepared for:
Department of Citywide Administrative Services
City of New York

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

Volpe

City Fleet Safety

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



The screenshot shows the top portion of the NYC Vision Zero website. At the top left, it says "NYC | Vision Zero". At the top right, it says "311 Search all NYC.gov". Below this is a navigation bar with the "VISION ZERO" logo (including icons for a car, a person on a bicycle, and a pedestrian) and the tagline "Building a Safer City". The navigation menu includes: "About Vision Zero", "What We Are Doing", "Big Issues", "Take Action", "Library, Maps, and Data", and a search icon. The main banner features an aerial view of a city street intersection with a dark blue overlay. The text "Crashes are Preventable." is written in large white font, with "Preventable." underlined. Below this, it says "Together, we can end deaths and serious injuries in traffic." in white text.

[HERE](#)

NYC Leading by Example



School Bus Safety Announcement

The NYC School Bus Fleet: Improving Road Safety Through Technologies and Training

Andrew Breck, Ali Brodeur, Alexander Epstein, Ph.D., Eikar Lai, Ahmad Nasser, Lily Slonim, Sarah Yahoodik, Hayden Smith, Juwon Drake



Photo credit: Volpe

November 2023

DOT-VNTSC-NYDCAS-23-01

Prepared for:
Department of Citywide Administrative Services and the Department of Education
City of New York

Press Release

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NYC DCAS & NYCPS Unveil First-in-the-Nation School Bus Safety Transition Plan

January 16, 2024

New York Becomes First City in U.S. to Bring Intelligent Speed Assistance to School Buses

Builds on Successful Pilot of Intelligent Speed Assistance Technology in City Fleet and Adams Administration's Successful Redesigns of More Than 1,000 Intersections

NEW YORK - New York City Department of Citywide Administrative Services (DCAS) Commissioner Dawn M. Pinnock and New York City Public Schools (NYCPS) Chancellor David C. Banks today unveiled a first-in-the-nation "[School Bus Safe Fleet Transition Plan](#)," prepared in coordination with the U.S Department of Transportation's Volpe Center.

The plan features key initiatives to keep the city's students safe by improving school bus and road safety including additional bus driver training and safety risk reporting, piloting of new safety cameras and pedestrian alerts on the buses, and introducing school buses into DCAS' [successful intelligent speed assistance \(ISA\) pilot](#) to limit speeding, making New York City the first city in the nation to use ISA technology on its school buses. DCAS is expanding its nation leading ISA initiative to 300 city fleet vehicles with 50 school buses among those 300 vehicles. On December 19, 2023, Mayor Adams announced that the City had received a federal DOT grant to [expand the ISA program to 2,000 City fleet vehicles](#).



Safe and Clean Fleet Transition Plans

Truck Sideguards for Vision Zero

Review and technical recommendations for Safe Fleet Transition Plan pilot deployment

Alexander K Epstein, Ph.D., Sean Peiris, Andrew Breck, Coralee Cooper, and Erin Segre



December 2014
DOT-VNTSC-OICAS-14-01

Prepared for:
Department of Citywide Administrative Services
City of New York



Launching the Safe Fleet Transition Plan

Technology and Process Recommendations

Margo Owens and Alexander K Epstein, Ph.D.



May 2017
DOT-VNTSC-OICAS-17-01

Prepared for:
Department of Citywide Administrative Services
City of New York



Safe Fleet Transition Plan Update 2018 - 2019

Best Practice Technologies and Processes

Alexander K Epstein, Ph.D. and Rebecca Kraiss



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



Safe Fleet Transition Plan: Private Vehicle Crashes and Vehicle Safety Technology

Preliminary Report: Expanding the NYC Safe Fleet Transition Plan to Trade Waste Industry and Private Truck Fleets

Alexander K Epstein, Ph.D., Michael Chang, Lucy Liu, and Rabi Patel



December 2021

Prepared for:
Business Integrity Commission and Department of Citywide Administrative Services
City of New York



The NYC School Bus Fleet: Improving Road Safety Through Technologies and Training

Andrew Breck, Ali Brodeur, Alexander Epstein, Ph.D., Ekar Lai, Ahmad Nasser, Lily Slovic, Sarah Yehoodik, Hayden Smith, Avon Drake



Photo credit: Volpe

November 2023
DOT-VNTSC-NYDCAS-23-01

Prepared for:
Department of Citywide Administrative Services and the Department of Education
City of New York



Clean Fleet Transition Plan

NYC Department of Citywide Administrative Services (DCAS) Fleet

U.S. DOT Volpe National Transportation Systems Center: Alexander Epstein, Ph.D., Scott Lian, Ana Vargas, Andrew Breck, and Brian Xi

New York City Department of Citywide Administrative Services: Keith Kerman and Eric Richardson



Fall 2022
DOT-VNTSC-OICAS-22-01

Prepared for:
Department of Citywide Administrative Services, City of New York



NYC Mayoral Executive Order 53 of 2020 calls for DCAS to publish safe and clean fleet transition plans to advance safety and sustainability for public and commercial fleets of the future

[HERE](#)

Local Law 108: What is a truck side-guard?

- Trucks side-guards are common-sense protections for pedestrians, bicyclists, children, and even small cars against being pulled underneath trucks, especially during right and left hand turns in crowded city areas.
- Truck side-guards have been mandated in many parts of the world for decades but are less common in North America.



Why truck side-guards?

- As part of Vision Zero, DCAS partnered with the US DOT Volpe Center to study and report on the potential implementation of truck side-guards in NYC.
- Truck side-guards are relatively inexpensive, costing about \$1,500 to \$2,500 to implement.
- More importantly, they save lives. The fatality rate for bicyclists and pedestrians colliding with the side of a truck decreased by 61% and by 20%, respectively, following a national sideguard requirement in the United Kingdom in the 1980s
- They can be thought of as air bags for pedestrians.
- DCAS can supply a list of sideguard suppliers and installers that DCAS has certified for City fleet work.

Truck Sideguards for Vision Zero

Review and technical recommendations for Safe Fleet Transition Plan pilot deployment

Alexander K Epstein, Ph.D., Sean Peirce, Andrew Breck, Coralie Cooper, and Eran Segev



December 2014
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Prepared for:
Department of Citywide Administrative Services
City of New York

NYC
Citywide Administrative
Services

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

Volpe

[HERE](#)

Local Law 56 of 2015

- In 2015, NYC passed a Local Law requiring truck side-guards for the City Fleet and Commercial Waste Trucks.
- The law outlines the detailed specification that qualifies as an acceptable side-guard and empowers DCAS to inspect guards and make exceptions and/or exemptions by vehicle type, vehicle operations, or for other technical reasons. There are some types of trucks, for example sweepers, that can not take truck side-guards.
- DCAS worked with Volpe to establish market suppliers of the guards and to train and certify installers. NYC helped create the industry around side-guard supply in the United States.
- This initiative, NYC, and Volpe have been recognized nationally by the Federal Laboratory Consortium for Technology Transfer, and truck side-guards have been proposed in Congress for national law. Many non-profit safety groups are advocating for truck side-guards nationally.

The Truck Side Guard Specification

Side guard. The term “side guard” means a device fit to the side of a large vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles. Except where otherwise authorized by rule of the department, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided that such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

City Fleet and Commercial Waste Trucks

- Truck side-guards have now been installed on all City fleet trucks and thousands of BIC regulated commercial waste trucks.
- Compliance was required as of January 1, 2023.



City Fleet and Commercial Waste Trucks



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.

Local Law 108 of 2021: Who is impacted?

Definitions. For the purposes of this section, the following terms have the following meanings: City contracted vehicle. The term “city contracted vehicle” means any large vehicle that is utilized within the city on a weekly or more frequent basis to fulfill requirements material to the scope of a contract registered with the comptroller, where such contract has an estimated value of \$2 million or more. This definition does not include agency on-call emergency contracts, including on-call storm emergency contracts, or the following types of contracts that are governed by rules of the procurement policy board: emergency procurements; intergovernmental contracts; government to government contracts; and contracts for the provision of work or services by public utilities.

Local Law 108 of 2021: Timeframe

§ 4. This local law takes effect immediately; provided, however, that the provisions of subdivision b of section 6-141 of the administrative code of the city of New York, as amended by this local law, and the provisions of subdivision d of such section 6-141, as added by this local law, shall apply to contracts registered by the comptroller on or after January 1, 2023, and shall not apply to renewals, exemptions or modifications of contracts entered into prior to January 1, 2023.

Local Law 108 of 2021: Timeframe

No later than 12 months from the issuance of a notice to proceed pursuant to an individual contract utilizing 10 or fewer trucks, and 18 months for an individual contract utilizing more than 10 trucks, any city contracted vehicle covered by such contract shall be equipped with side guards.

Local Law 108 of 2021: Enforcement

All agency contracts involving city contracted vehicles shall contain the requirements of this section and shall be enforced as part of each agency's oversight with respect to each contract. The department (DCAS) shall provide technical guidance to each contracting agency with respect to their oversight responsibilities pursuant to this section. Contract requirements shall include, but not be limited to, a penalty of up to \$4,000 for each city contracted vehicle that is found to be out of compliance with the requirements of this section.

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.

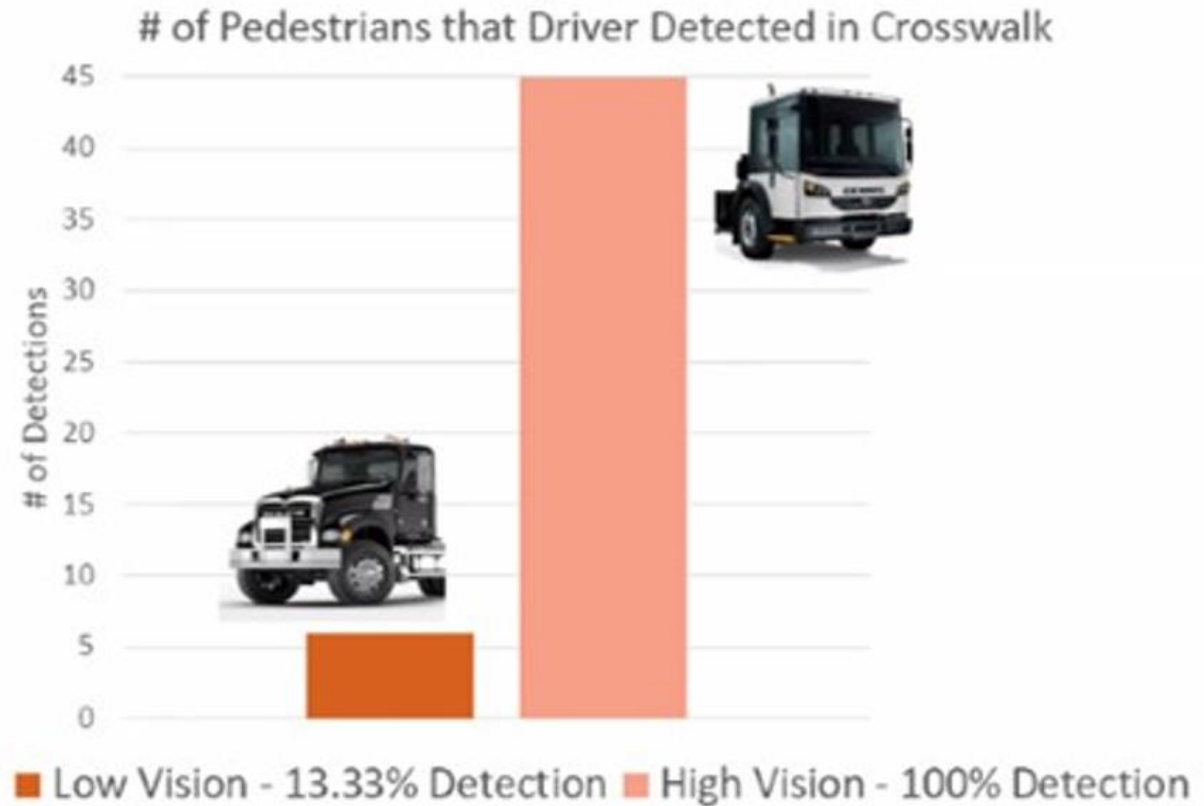
US DOT Volpe, High Vision Truck Simulation

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

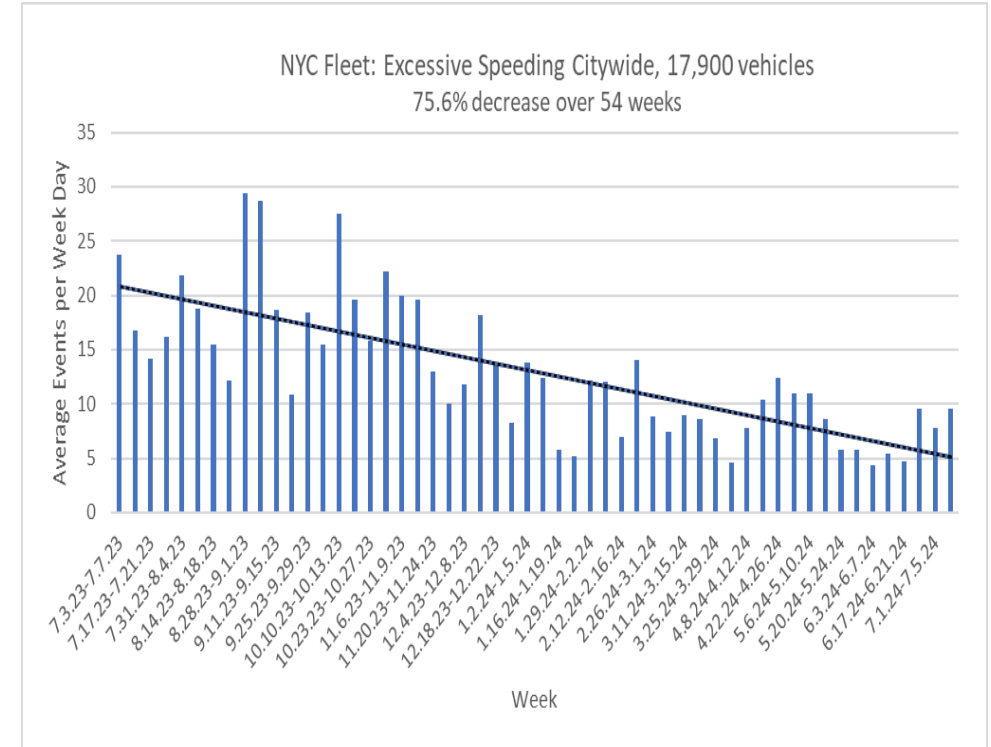


Telematics

- 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 January 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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