

New York City Commercial Waste Zones Safety Task Force

Meeting 4 – June 25, 2024, 10:00 AM

Meeting Minutes

Task Force Members Present

Elizabeth Crotty, Commissioner, Business Integrity Commission (BIC)
Nicole Mathias, Business Integrity Commission (BIC)
Eric Beaton, Deputy Commissioner, NYC Department of Transportation
Daniel Wright, President, Teamsters Local 813
David Biderman, President, Biderman Consulting LLC

Agency Staff Present

Frank Marshall, Assistant Commissioner, Bureau of Commercial Waste, DSNY
Steven Hoffner, Deputy Chief, Safety and Training, DSNY
William Harris, Director, Audit and Compliance, Bureau of Commercial Waste, DSNY
Armenoush Aslanian-Persico, Deputy Director, Bureau of Commercial Waste, DSNY
Mandy Shum, Audit Manager, Bureau of Commercial Waste, DSNY
Lily Nuamah, Contracts and Compliance Manager, Bureau of Commercial Waste, DSNY

1. Welcome and Introductions

The fourth Commercial Waste Zones Safety Task Force meeting took place on June 25th, 2024. DSNY Assistant Commissioner Frank Marshall welcomed attendees and gave an introductory remark on behalf of Commissioner Jessica Tisch. He mentioned that the meeting is pivotal as we work together to ensure the safety and effectiveness of the Commercial Waste Zones (CWZ) program. He acknowledged Commissioner Tisch's exceptional leadership and visionary approach. Attendees introduced themselves.

2. Overview of the CWZ Program

AC Marshall gave an overview of the CWZ program. The city has been divided into 20 zones, with three carters per zone and five Citywide containerized contracts. A total of 18 awardees will be serving the entire city with Queens Central as the first zone to roll out on September 3, 2024. A list of the 18 awardees can be found on the CWZ website.

AC Marshall reviewed completed milestones including the awards announcement on January 3, 2024, the Salesforce database go-live, the initial zone rule in effect on May 20, 2024, and the zone mailer distribution on June 5, 2024. In-person outreach to commercial establishments in the first zone will commence on July 3. The reporting requirements rule will go into effect on June 26, 2024, to provide clarification and directions for the carters' telematics requirements, safety requirements and preparedness.

Deputy Commissioner Eric Beaton of the New York City Department of Transportation inquired about the zone rollout schedule. AC Marshall responded that the first zone is Queens Central which encompasses Corona, Elmhurst, Glendale, Maspeth, Rego Park, East Elmhurst, Forest Hills, Jackson Heights, Middle Village and Ridgewood. There will be a four-month transition period, at the end of which every commercial establishment will need to be signed up with a private carter. Carters will be monitored to comply with several requirements including telematics requirements, routes, ensuring waste is transported to the right disposal sites, and ensuring customers are not being charged above the maximum rates.

After implementation, there will be an assessment period of at least one month. Based on the outcome of the assessment, the Commissioner will make an announcement for the next phase. When the next zone announcement is made, awardees will have several months of lead time to prepare for the next zone's implementation start date.

David Biderman said the industry appreciates getting multiple months of lead time before their assigned zones are implemented. He asked AC Marshall to share the rationale behind choosing Queens Central as the first zone. AC Marshall responded that considerations included existing market share of zone awardees and geographical considerations for customer locations.

DC Beaton inquired if non-awarded carters could become awardees. AC Marshall stated that the RFP was issued in two parts. Part 1 was issued pre-pandemic. Part 2 was issued in July 2022. 50 companies responded to Part 1 and 34 companies responded to Part 2. The term of the contract is 10 years with two 5-year renewal options. Eighteen carters were selected through the RFP process. Carters who did not receive awards can become subcontractors to an awardee. Director Harris said per the Procurement Policy Board rules, a subcontractor must be approved prior to a carter getting a Notice to Proceed (NTP) to operate in the zone. If a carter demonstrates any problems, the NTP will not be issued.

3. Objectives of the Safety Task Force

AC Marshall stated that the Safety Task Force is mandated in Local Law 199 and explained the objectives of the group. He recognized the diverse strengths of the task force members and how they can collectively make excellent recommendations to transform the industry. Chief Hoffner commented on the carters' safety plans that he had reviewed and recommended that BCW provide compliance templates to the carters where possible.

4, 5, 6. Safety Training Requirements, City Council Hearing Feedback, Safety Standards and Protocols

Director Harris added that in addition to the standard safety of trucks, the task force should also pay attention to worker safety training. The goal is to ensure that carters have a clear understanding of what is expected of them. Commissioner Crotty mentioned that there are 11 training topics that BIC currently provides training on. She offered to work with BCW on templates for training as well as reviewing training content, sequence, and duration. DC Beaton asked for clarity on the circumstances under which a training can be transferred from one carter to another. Director Harris responded if a new employee goes to a new carter, a new training will be required since the carter may use different equipment.

AC Marshall re-affirmed DSNY's partnership with BIC. He mentioned that CWZ is not starting from zero due to the foundation that BIC has already built.

Commissioner Crotty added that billing and customer service are equally important. Director Harris mentioned that his team is working on invoice templates and guidance to help make the customer billing more user-friendly. DC Beaton recommended that public safety should be added to the task force objectives. The group also discussed protocol to report and record CWZ truck crashes, yard inspections, daily vehicle inspections, suspended driver licenses, violations, enforcement, preventative measures, and data sharing. Director Harris reinforced that reporting data to the department will help with determination of materiality which will also support when liquidated damages must be triggered.

David Biderman explained that one driver may have multiple shifts, potentially collecting double the routes in each night. Daniel Wright also said drivers may have many assignments, thus leading them to take shortcuts. Chief Hoffner asked if BCW is looking at route creation. AC Marshall said that BCW is currently not looking at route creation due to the high turnover in commercial businesses.

However, BCW will ensure that carters pick up all waste on their routes. David Biderman suggested conducting surveys of the carters' collection workers.

7. E-Bikes and Worker Safety

David Biderman mentioned that E-bikes continue to cause danger to collection workers, and that collection workers must cross the bike lanes to access collection locations. DC Beaton mentioned that unfortunately, there has not been much data on e-bikes related injuries or fatalities, and over 99 percent of the fatalities and serious injuries on our streets are caused by motor vehicles.

8. Next Steps and Action Items

The Safety Task Force will collaborate on protocols for reporting crashes, recommendations on worker safety training, and future discussions on E-bikes.

9. Adjournment

AC Marshall thanked all for attending. The meeting was adjourned at 12:03 PM.