



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

EXECUTIVE ORDER No. 39

February 15, 2024

IMPROVING CITY FLEET AND TRUCK SAFETY

WHEREAS, the City of New York remains committed to protecting the health and safety of all New Yorkers and road users by ensuring the safety of its streets; and

WHEREAS, trucks are involved in 12% of fatalities to pedestrians and 30% of fatalities to bicyclists in NYC; and

WHEREAS, significant safety upgrades to City-owned vehicles and vehicles of city contractors are critical to achieving long-term safety improvements; and

WHEREAS, a safe systems approach combining training, technology, and improved vehicle design is proven to reduce crashes; and

WHEREAS, the City has implemented a comprehensive Safe Fleet Transition Plan to improve the safety of City-owned and operated fleet vehicles and trucks, which includes NY State License Event Notification System (“LENS”), safety training, crash tracking, truck side-guards, high vision trucks and surround cameras, and telematics; and

WHEREAS, the City depends on the regular and extensive use of contracted fleet and trucking assets inside the City of New York; and

WHEREAS, crashes involving City fleet and contractor vehicles can have an incalculable human cost, and also delay and disrupt the provision of critical services to the public and require time-consuming and costly repairs; and

WHEREAS, the Department of Citywide Administrative Services (“DCAS”) is working to make City streets safer by managing central crash tracking for City agencies through its Fleet Management System; establishing a Fleets of the Future Network to promote fleet safety and sustainability in accordance with Executive Order 53 of 2020; implementing surround cameras and high vision trucks to address visual restrictions faced by truck operators; and, in accordance with Executive Order 41 of 2019, implementing live tracking of City fleet vehicles to improve safety;

NOW, THEREFORE, by the power vested in me as the Mayor of the City of New York, it is hereby ordered:

Section 1. Definitions. For the purposes of this Order, the following terms have the following meanings:

Chief Fleet Officer: The DCAS official appointed by the Commissioner, in accordance with Executive Order 161 of 2012, who is responsible for implementing policies and procedures to ensure safe, reliable, and proper use of City vehicles, or their duly authorized designee.

City-contracted vehicle or City-contracted truck: A motor vehicle, including a truck, that is utilized within the city of New York 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 and such motor vehicle is not a city fleet vehicle. Such term includes a motor vehicle that is utilized to fulfill the scope of a subcontract for work to be performed under a contract described in the previous sentence.

Such term does not include a motor vehicle or truck that is utilized pursuant to: a contract registered with the Comptroller pursuant to section 328 of the Charter before July 1, 2024, including the renewal, extension or modification of such existing contract; an agency on-call emergency contract, including an on-call storm emergency contract; an emergency procurement made pursuant to section 3-06 of title 9 of the Rules of the City of New York or pursuant to an executive order of the Mayor or Governor issued under section 24 or section 29-A of the New York State Executive Law; an intergovernmental contract; a government to government contract between the City and any State or Federal government agency; and a contract for the provision of utilities, as identified in subdivision (b) of section 825 of the New York City Charter.

Such term shall also not include a motor vehicle or truck that is utilized pursuant to a contract for which an information for bidders or other solicitation was issued on or before the effective date of this Order.

Contractor: A person that enters into a contract involving a City-contracted vehicle with the city of New York.

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 the 4-foot cone shall not exceed six feet.

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.

Truck: A motor vehicle with a manufacturer’s gross vehicle weight rating exceeding 10,000 pounds. The term does not include off road construction vehicles.

Truck Surround Camera: A system of cameras, sensors, and alerts placed on a truck that provides a truck operator with a full view of all four sides of the truck.

City Fleet or City Fleet Vehicle: A motor vehicle, including a truck, owned or leased by the City, whose drivers (“City Fleet Drivers”) and operations (“City Fleet Operations”) are authorized by the City and are subject to the requirements of the City of New York Fleet Management Manual and DCAS City Vehicle Driver Handbook.

§ 2. Safety Requirements for Contractors: Every mayoral agency shall include in a contract involving a City-contracted vehicle the requirements identified in this section, and shall further require a Contractor to include such requirements in any sub-contract involving a City-contracted vehicle.

(a) *Fleet Safety Plan*: Contractors shall submit a fleet safety plan within one month after the registration of their contract involving a City-contracted vehicle. Each contractor’s fleet safety plan shall be updated at minimum every two years, and shall include:

1. A list of City-contracted vehicles and drivers, including sub-contractor vehicles and drivers, that the Contractor expects to employ in the performance of the contract;
2. Training plans to ensure safe fleet operation as set forth in subdivision (c) of this section;
3. Relevant technology investments, including truck surround cameras and telematics, as applicable;
4. The Contractor’s crash monitoring and review process; and
5. A program of corrective action for employees and/or sub-contractor employees involved in unsafe driving events, and license monitoring.

(b) *Licensing*: Contractors shall ensure proper licensing for all drivers who operate City-contracted vehicles in performance of contracts involving such vehicles.

1. Contractors, including sub-contractors, shall utilize the LENS system for drivers with New York State driver’s licenses, and shall implement a separate process for monitoring license events for drivers with out-of-state licenses.
2. Contractors shall notify the contracting agency of any license suspensions and/or arrests tied to unsafe or illegal vehicle operation by drivers of City-contracted vehicles.

- (c) *Training*: Contractors shall require any driver of a City-contracted vehicle to complete an online or in person safety course within six months of first performing services under the contract. Contractors shall provide to the contracting agency confirmation in writing that each such driver has completed such training, including the name of each such driver, the time and date the training was completed, and the training curriculum that was utilized.
- (d) *Crash Tracking*: Contractors shall report to the contracting agency regarding any crash resulting in bodily injury, fatality, major vehicle damage (over \$1,000), or property damage to a City facility involving a City-contracted vehicle occurring during the performance of a contract involving such vehicle. The City may restrict individual drivers with a record of unsafe driving from operation of city-contracted vehicles, subject to appropriate safeguards and applicable law.
- (e) *Truck Surround Cameras*: All City-contracted trucks, other than high vision trucks, shall be outfitted with truck surround cameras in accordance with the following schedule:
1. No later than 12 months from contract registration where the contract involves 10 or fewer City-contracted trucks.
  2. No later than 18 months from contract registration where the contract involves more than 10 City-contracted trucks.
  3. If a new or replacement City-contracted truck is used after initial contract work has begun, such truck must be in compliance with this subdivision within 12 months from the date of first using such truck.
- (f) *Telematics*. All drivers of a City-contracted vehicle must use telematics during the performance of the contract involving such vehicle. Data regarding vehicle location and speed during the course of performance of such contract must be made available in accordance with the terms of such contract.

§ 3. Liquidated damages. Every mayoral agency shall include in a contract involving a City-contracted vehicle, and shall further require a contractor to include in any sub-contract involving a City-contracted vehicle, a liquidated damages provision. Such provision shall provide for potential liquidated damages up to \$500 for each violation of subdivisions (a), (b), (c), (d), and (f) of section 2 of this Order, and up to \$3,000 for each City-contracted truck that is found to be in violation of subdivision (e) of such section.

§ 4. Technical Guidance and Exemptions for Contracts Involving City-Contracted Vehicles.

- (a) *Technical Guidance and Assistance:* DCAS shall provide technical guidance and other assistance to agencies to assist with compliance with this Order in accordance with this subdivision.
1. *Technical guidance:* DCAS shall provide technical guidance relating to standard specifications for high vision trucks, truck surround cameras, and telematics and whether exemptions from sections 2 and 3 of this Order may be granted.
  2. *Safety plan template:* DCAS shall publish a template fleet safety plan and the City's Safe Fleet Transition Plan.
  3. *Training programs:* DCAS shall assist contracting agencies with identifying training options and appropriate curricula.
- (b) *Exemptions:* A contracting agency may submit a request for an exemption from sections 2 and 3 of this Order to the Mayor's Office of Operations, which shall, in consultation with DCAS, grant such request where implementation of such sections would be impracticable. In determining whether implementation is impracticable, the Mayor's Office of Operations, in consultation with DCAS, may consider, but is not limited to considering, whether implementation will disrupt contract implementation; is infeasible for technical, operating or design reasons; or will impose undue costs.

§ 5. Safety Requirements for the City Fleet: All mayoral agencies that operate City Fleet Vehicles shall implement safety requirements in accordance with this section.

- (a) *License monitoring:* Each such agency shall maintain and regularly update a list of authorized drivers for City Fleet Operations in the NYC Fleet Focus system, administered by DCAS. Such agencies shall enroll their fleet operators in the LENS system and shall confirm such enrollment with DCAS.
- (b) *Training:* All City Fleet drivers shall complete an online or in-person fleet safety training course within 6 months of agency authorization to operate a City Fleet Vehicle. DCAS shall develop and approve the training curriculum. Employees with demonstrated instances of unsafe driving may be required to perform this training more often and DCAS may establish a schedule for all operators to repeat the training.
- (c) *Crash tracking:* Each such agency shall record each crash and incident involving a city fleet vehicle, including theft or vehicle damage, into the CRASH tracking system maintained by DCAS.

- (d) *Truck Surround Cameras*: Beginning July 1, 2024, all new Trucks purchased by a mayoral agency shall be outfitted with surround cameras, unless the Truck is designed as a high vision truck.
- (e) *Emergency vehicles*: Notwithstanding anything to the contrary in this section, agencies responsible for emergency response that have separate specialized driver training and vehicle data systems may implement a separate system for monitoring of licensees and training requirements, subject to verification by DCAS. The New York City Police Department may also implement a separate system for crash tracking, subject to verification by DCAS.
- (f) *Exemptions*: DCAS shall approve requests from city agencies for exemptions from the requirements of subdivisions (a) through (e) of this section, relating to City Fleet Vehicles, for technical, operating or design reasons; cost considerations; or where implementation of this section is otherwise impracticable.

§ 6. Agency Cooperation. All agency heads are directed to cooperate with DCAS and the Chief Fleet Officer in implementing and complying with this Order.

§ 7. Effective Date. This Order shall take effect immediately.



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Eric Adams  
Mayor