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Chair

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January 14, 2019

Abas Braimah, City Planner  
New York City Department of Sanitation  
Bureau of Legal Affairs  
125 Worth Street, Room 708  
New York, NY 10013

**Re: Commercial Waste Zone Program**

Dear Mr. Braimah,

This letter includes Manhattan Community Board 4's (MCB4) comments on the Draft Scope release for the Generic Environmental Impact Statement (EIS) regarding the Commercial Waste Zone Program in New York City. Manhattan Community District 4's (MCD4) encompasses the neighborhoods of Chelsea, Hudson Yard's, Hell's Kitchen, and Clinton. The comments were approved at the January 2<sup>nd</sup> Full Board meeting with 33 in favor, 1 against, 1 abstaining and 0 present but not eligible to vote.

"Every night, an armada of garbage trucks crisscrosses New York City to collect waste from commercial businesses. These private waste haulers collect approximately three million tons of waste per year from restaurants, retailers, hospitals, offices, and other businesses. Unlike residential garbage collection which is managed solely by the City's Department of Sanitation (DSNY), the collection of commercial waste is conducted by a bewildering array of 273 private haulers who operate with significantly less coordination and oversight than their public counterparts and impose significant environmental costs. As a result of crisscrossing the city to visit disparate businesses every night, commercial waste trucks travel over 23 million miles each year." - from "Unsafe Sanitation: An Analysis of the Commercial Waste Industry's Safety Record," published by NYC Comptroller Scott Stringer, November 2018.

Private carting in New York City is a largely unregulated enterprise that has proliferated in a highly inefficient manner. Businesses are responsible for hiring a carting company to remove their refuse. In some cases, studies have shown that in one night, 20 trucks from different companies could service a single city block. Furthermore, its labor practices go largely unchecked and considering the US Department of Labor lists trash hauling as one of the most

dangerous jobs in the country, reform to this industry is overdue.<sup>1</sup> In 2016, the city released a study which looked to create commercial trash zones throughout the five boroughs.<sup>2</sup>

Manhattan Community Board 4 applauds the initial plan of transitioning to commercial zoned carting. Reducing truck traffic, increasing efficiency, getting to zero waste, and making private carting more fair for businesses and haulers are important goals for our community. MCD4 looks forward to working with the city to meet these goals, and others, as the process moves through to completion. Stakeholder engagement has been a critical part of informing the process thus far, and while the DEIS speaks broadly towards a program that will transform commercial carting in the City, MCB4 would like to draw attention to a number of important issues.

### **Background:**

Manhattan Community District 4 is bounded by 14<sup>th</sup> Street to the south, 59<sup>th</sup> Street to the north; Avenue of the Americas from 14<sup>th</sup> to 26<sup>th</sup> Streets and Eighth Avenue from 26<sup>th</sup> to 59<sup>th</sup> Streets on the east and the Hudson River to the west. It is a bustling and transforming collection of communities, home to large commercial neighborhoods. Likewise, it has been subject to significant land use actions over the past two decades that have transformed neighborhoods once defined by a specific singular commercial or manufacturing use into vibrant mixed use communities where places of business, ground floor and upper level, operate alongside robust residential communities.

All of MCD4 will be affected by zoned carting, and the aforementioned changes bring to fore issues previously unaddressed, such as the impacts of overlapping private contractor and residential service on our neighborhoods.

As proposed, there are a total of seven private carting zones in Manhattan. MCD4 would be serviced by four private carters within the newly designated Manhattan Zone 5 (MN-5). MN-5 follows the lines of Community Districts 4 and 7, which run up to 110<sup>th</sup> Street on the west side.

### **MCD4 Commercial Waste Zone Requests**

Properly addressing in advance concerns regarding noise mitigation, pedestrian safety, and environmental standards will greatly improve the likelihood to broad success of this transformative program. Additionally, MCB4 highlights the following:

#### New Division of Commercial Waste:

The program calls for the creation of a new Division of Commercial Waste within the Department of Sanitation (DSNY), the agency responsible for the program (in addition to the Business Integrity Commission, which monitors private carting companies across New York State).

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<sup>1</sup> Bureau of Labor Statistics, United States Department of Labor: Waste Management and Remediation Services, [Workers Statistics](#).

<sup>2</sup> [DSNY Private Carter Study](#)

While the description of this new division within DSNY sounds ideal, it is critical that this program have a clear line of delineation of responsibility so issues can be addressed and fixed as they arise. The Division must also always be properly funded in order to execute its expected requirements.

Accountability will ensure long term success of the program. When 311 calls are placed reporting missed pickups or usurping of duties, these issues need to be addressed. This division should be responsible for all of that, as well as overseeing interagency, DSNY to private carter, BIC, and/or coordinated residential and commercial services.

DSNY should also consider creating Community Advisory Boards for the program based on borough or zone. This will further ensure accountability, transparency, and protect all those involved in the program from the malfeasance of one bad apple.

#### Selecting the Operators:

MN-5 will have four carting companies. While the RFP process has yet to be determined, the contracts cannot allow subcontracting. This will defeat the purpose of reducing truck miles travelled and could lead to commercial improprieties.

Furthermore, in order to prevent the monopolization of carting within zones, steps must be taken to ensure slots are reserved for smaller carting companies to be awarded contracts within zones.

Commercial Zoned Waste should level the playing field for all players: the business that pays to have their trash removed by evening out the costs for those with big and small trash needs; and for the haulers, big and small, minority- and women- owned, who ought to be able to compete fairly for this business.

#### RFP Criteria:

Beyond the ability to fulfill the needs of a given zone, specific criteria for operators should also include the following:

- The company and its drivers' records of good standing for safety, crashes and summonses;
- Trucks that comply with the highest air quality standards, with a preference for those that run on sustainable energy;
- Trucks and compactors that comply with noise limits, especially when compactors are in use;
- Companies that use plastic containers to reduce noise.
- Companies with records of schedule compliance.

#### Program Roll Out:

While MCB4 welcomes a program that will make trash collection more efficient and effective, it must be phased into the city's landscape.

MCB4 requests that a limited number of zones in each borough be introduced to start the program. Benchmarks for success must be set which, when achieved, will trigger the release of new zones for carting service.

The city's Business Improvement Districts could also act as partners in this program and their boundaries should be considered for piloting zoned commercial waste.

**Conclusion:**

MCD4's mixed use urban landscape has given it the unique perspective of juxtaposing the quality of life concerns for residents while coming to understand the needs commercial enterprises also have in the community. Our streets are crowded with cars, newsstands, taller buildings, bus shelters, people, and unfortunately, more trash every day. Everyone needs additional space on the sidewalk and hopefully this effort to zone commercial trash will be a step towards achieving a cleaner, more pedestrian friendly streetscape.

New Yorkers—individuals and businesses— are generating record quantities of trash, and despite the expectation that it will be quickly removed, the logistics are tremendous. Setting goals to reduce waste are important and for too long the city has lacked a comprehensive plan to address it from a commercial standpoint. Zoned Commercial Carting is an excellent step towards achieving better trash collection.

Thank you for considering these comments. MCB4 looks forward to continued involvement in the process.

Thank you.


Sincerely,



Burt Lazarin  
Chair  
Manhattan Community  
Board 4



Christine Berthet  
Co-Chair  
Transportation Planning  
Committee



Dale Corvino  
Co-Chair  
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