

More Dangerous Than Ever

New York City's Unsafe Commercial
Garbage Companies Still Put Us All At Risk

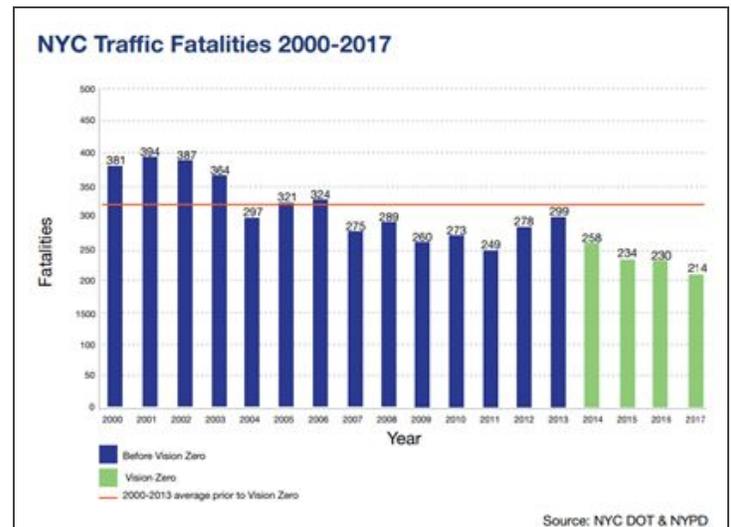
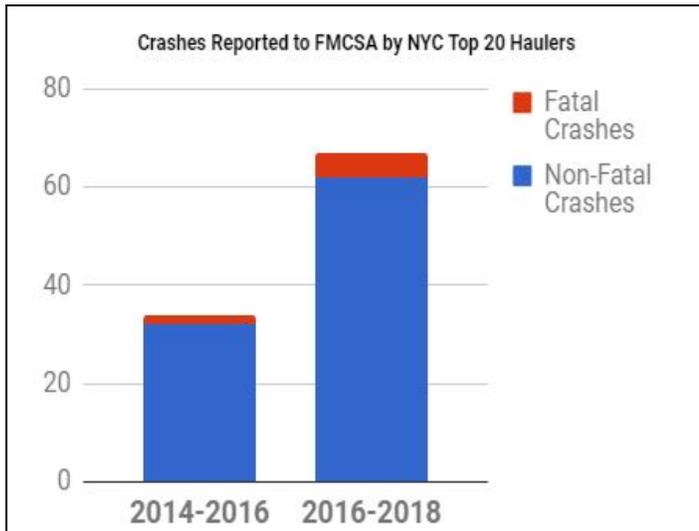


NYC private sanitation trucks have been involved in more crashes--and deadly crashes--than before.

While New York City has benefited from the Vision Zero initiative and a significant decline in traffic deaths over the past four years¹, crashes and fatal crashes involving private sanitation trucks have both more than doubled in the past 24 months.

Previous analysis of federal Department of Transportation data found that the 20 largest licensed waste haulers in NYC were involved in 35 crashes during the two year period between March 2014 and February 2016, including two fatal crashes. Since March 2016, the top 20 waste haulers have had 67 crashes, including five fatalities. **On a per-driver and per-truck basis, the rate of crashes and deadly crashes has more than doubled in the NYC private waste industry in the past two years.**

Poor safety practices and reckless driving come with real human cost, illustrated by tragic deaths of Brooklyn restaurant worker Neftaly Ramirez, and Bronx resident Mouctar Diallo, both killed by private waste trucks in 2017.



This industry remains dangerous for workers as well - the US Bureau of Labor Statistics recently reported that being a waste worker remains the fifth deadliest occupation in the country.²

As this report makes clear, underlying causes of safety violations in the private waste industry include excessively long, inefficient, and overlapping routes, poorly maintained trucks, and driver fatigue -- with workers routinely completing gruelling 14-18 hour shifts through the night. The city's transition to a more efficient zoned system has the potential to address these problems and

improve safety on our streets, particularly if exclusive zones are adopted, with one commercial waste hauler operating in each zone.

Other waste truck fleets operate more safely than NYC private haulers.

Crashes, fatalities, and unsafe vehicles are not inevitable, and need not be endemic to New York City's private waste industry. For example, private waste companies operating in large West Coast cities operate far more safely than the NYC industry.

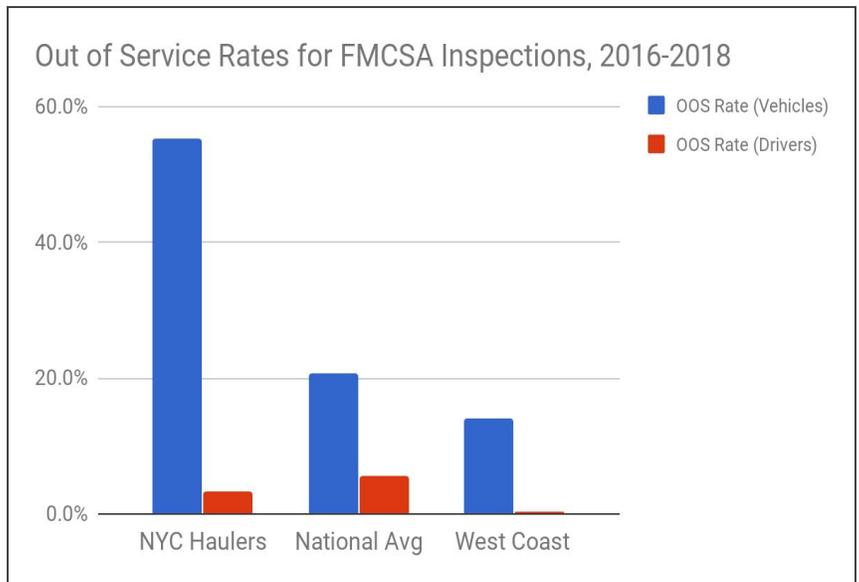
According to data published by the Federal Motor Carrier Safety Administration (FMCSA), the largest haulers in the New York City market experience **over three times more crashes per driver** than their counterparts collecting commercial waste in Los Angeles, Seattle, and San Francisco. Notably, these West Coast cities have all transitioned to versions of exclusive franchise systems, in which haulers are assigned to rational geographic zones, and can operate far more efficient routes than under an "open market" system.

Fatal crashes are also not endemic to New York City's challenging and crowded street conditions. According to Business Integrity Commission testimony, the City's Department of Sanitation (DSNY) hasn't been involved in single fatal crash since 2014.³ Over the past two years, the entire New York City non-emergency vehicle fleet has been involved in only two fatal collisions.⁴

NYC Private Waste Trucks Fail Safety Inspections at More Than Double the National Average.

Over the past two years, 55% of the trucks operated by the top 20 haulers were taken out of service upon inspection by the DOT -- an indicator of the severity of safety violations.⁵ **This is more than double the national average, and far worse than the rate for West Coast haulers.**

Vehicle-related safety violations related to maintenance remain much more common than driver-related violations.



Issues

1. Fatigued Driving

The current commercial waste system in NYC is plagued with inefficient routes, scattered customers, and huge workloads. An extensive [investigation of labor and safety practices the NYC waste industry](#) published by ProPublica, and other interviews with waste truck drivers, reveal vivid accounts of drivers falling asleep at the wheel. Drivers at multiple companies have described how fatigue accumulates through six long overnight shifts per week.⁶

In testimony at City Hall, former waste truck helper Orrett Ewen said:

“They let us work 18 sometimes 17 to 18 hours and if you complain they will terminate you. Some days I work, I don’t even know how I get to the next stop because I’m asleep...One day the driver drove off he didn’t realize where he was going, I’m shaking the truck for him to stop because he’s asleep in the truck.”



Former driver Wilson Perez said:



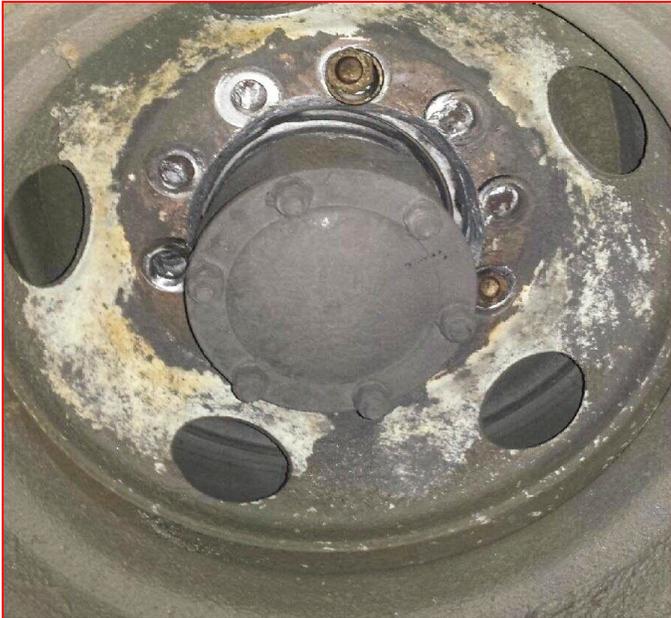
“Would you like...or want a driver who is overworked driving a garbage truck pass your kid’s school? Me neither but it happens every day in the industry. I would drink a lot of coffee to try to stay awake...I thank God, I never drifted off and hit someone, I was so scared that would happen.”

“We aren’t the only ones who are in danger, it is everyone else walking or biking or driving in the city too. You can say no to your boss, but they will find someone else to drive the trucks.”

Multiple investigations and lawsuits related to overtime pay and unemployment benefits have also confirmed that private sanitation workers routinely complete grueling 14-18 hour shifts, and workweeks of 60-80 hours.⁸

2. Truck Maintenance

Poor maintenance of private sanitation trucks continues to prevent drivers from doing their jobs safely, and safety violations for vehicle maintenance problems remain far more common than driver-related violations such as fitness for duty or unsafe driving.



Missing and rusted lug nuts on a NYC private garbage truck.



The fender of this Brooklyn private waste truck is held together by duct tape.

As in 2016, the most common violation over the past 24 months was for brake maintenance -- with 54 instances of faulty brakes among the top NYC haulers in the past 24 months. Troublingly, 19% of the violations committed by NYC's top haulers had severity weights of seven or higher by the FMSCA (out of a possible 10). These severe violations include "bald tires" or improperly inflated tires, improperly secured loads, and faulty lights. This not only puts the drivers and helpers on the trucks at risk, but threatens the safety of all other drivers, pedestrians, and cyclists sharing the road with these trucks.

Also notable is that the number of violations issued per inspection is far higher for New York City haulers than for our sample of West Coast haulers.

3. Pressure to Rush

Private sanitation workers have testified that they face grueling routes (including up to several hundred stops per night) and feel pressure to speed and rush while battling fatigue.

Speeding, driving against traffic on one-way streets, and reverse moves to save time were found to be common practice in an extensive study of the commercial waste system commissioned by the Department of Sanitation in 2012.⁹ The New York Daily news even [published a video](#) of a Brooklyn truck employing these dangerous time-saving tactics on local streets in North Brooklyn.



Solutions

The City's planned transition from the current chaotic race-to-the-bottom system to a more efficient zoned system can be used to greatly improve standards for commercial fleets, improving safety for sanitation workers and for everyone on NYC streets.

1. Design of commercial waste zones should simultaneously maximize efficiency and safety.

A rigorous DSNY study of private hauler routes found that the efficiency of the current commercial waste system will be greatly increased by adopting a zoned collection system, in which the City selects a single waste hauler each commercial district or "zone" based on a competitive RFP process. The estimated 23.1 million miles currently driven by dangerous waste trucks on local streets and highways could be reduced by 49% to 68%, depending on factors such as the number and size of designated zones, and the number of haulers selected to serve each zone.¹⁰

Given the relationship between driver fatigue and crashes, we recommend that the City adopt exclusive waste zones, in which a single hauler is selected for each zone.¹¹ This would be the most efficient possible zone design, eliminating millions of unnecessary truck miles, and enabling workers to work shorter overnight shifts, accumulating less fatigue. Creating the most dense, efficient possible routes can also improve worker safety, enabling truck crews to walk between more stops, slowing truck speeds, and reducing the need for helpers to ride on the outside of the truck between stops.

2. The Request for Proposals (RFP) from haulers and the City contracts for commercial waste services should both require safe operating practices:

In order to be awarded the right to operate in a waste zone, waste companies should be required to show that they employ sufficient numbers of drivers and helpers to complete all garbage and recycling routes without mandating that these employees work extremely long hours and long weeks. Companies should also demonstrate that they pay living wages and benefits sufficient so that workers are not reliant on overtime shifts. This would boost local job growth in the industry, and eliminate the dangerous practice of requiring some workers to complete both garbage *and* recycling routes in a single night which can contribute to excessively long shifts. Companies submitting proposals to compete for a zone should also demonstrate compliance with existing federal and state safety regulations, and provide the City with their safety plans and proof that they provide protective equipment for employees.

The contracts that the City awards to the hauler selected to collect waste in each zone should also include reporting and monitoring provisions, and enable the City to impose penalties on the haulers selected to participate in the new system in the event of safety lapses. Penalties could include liquidated damages or the re-bidding of a zone in severe cases.

3. A zoned waste system can incentivize safer vehicle design.

The RFP for the zoned collection system can incentivize or require waste companies to invest in cleaner, safer trucks, and to adopt at a minimum the best practices identified by the Business Integrity Commission's recent trade waste safety manual. These safer practices can make a difference if they are mandated through enforceable contracts between haulers and the City. If they remain as merely voluntary guidance, they will only be implemented sporadically by a smaller portion of the private waste industry.

These measures should include:

- Requiring the removal of riding steps on private sanitation trucks: the Business Integrity Commission has determined that riding on these dangerous steps on any public roadway in New York State is prohibited.⁸ All crew members should ride in seats with seatbelts when driving between stops, or to the truck garage/transfer facility.
- Requiring cameras and collision avoidance systems that can help alert drivers to pedestrians and vehicles, as recommended by the Business Integrity Commission.
- Requiring 100% fleet compliance with the City's side guard program.

While the City's commercial waste zone initiative is anticipated to include only putrescible "trade waste" and recyclables generated by the City's businesses, an RFP could also award points to companies that adopt these best practices for their entire fleets -- including trucks used in construction and demolition, paper shredding, and other waste streams.

4. Companies' track record on safety should be a criterion for selecting haulers to serve the zoned collection system.

While NYC's commercial waste zone system is not expected to be fully implemented until 2022, The City can incentivize the immediate adoption of safe operating practices and technology by signalling that each company's track record will be weighed in the awarding of zones (along with other environmental, community impact, and labor standards.) DSNY, the Business Integrity Commission, and the NYPD should create a comprehensive database on crashes, root cause analysis, and safety violations among licensed and registered haulers operating in NYC.

Some of the most dangerous private haulers are those most opposed to reform.

Over the past two years, a subset of local haulers have launched an extensive and costly lobbying campaign against the City's planned commercial waste zone initiative, a reform which will allow the City to impose far more rigorous safety standards for haulers, and eliminate millions of dangerous and unnecessary truck miles on local streets.⁹ Notably, some of the largest companies in this coalition also have among the worst safety records. For example, private equity-financed Five Star Carting had a fivefold increase in crashes since 2016 (from two to ten), and 12 of 15 vehicles inspected were ordered out of service.

Royal Waste -- which has a troubling history of [destructive fires](#), [structural failures](#), and [worker deaths](#) at its large Queens waste and recycling facility -- had ten crashes (up from zero in 2016) and had six out of six vehicles inspected taken out of service during inspections.

Methodology

The FMCSA [Safety Measurement System website](#) publishes detailed statistics on reportable crashes,¹⁴ safety inspections, and safety violations issued to private sector motor carriers throughout the United States. The website also reports the number of drivers and power units (trucks) for each motor carrier. For each carrier, these these statistics are reported on a two-year, rolling basis.

For the 2016 [Reckless Endangerment](#) report, we compiled FMCSA statistics for the 20 largest trade waste haulers in NYC for the 24-month period from March, 2014 through February, 2016. In late March, 2018 we once again compiled FMCSA crash and violations data covering the 24-month from March, 2016 through February 2018 for the 20 largest NYC trade waste haulers. This enabled a direct comparison to the previous data without double-counting or missing any crashes or safety violations.

NYC hauler panel

For both the 2016 and 2018 safety analyses, we compiled statistics for the 20 largest licensed putrescible waste haulers, as determined by customer counts derived from the Business Integrity Commission (BIC) customer register. Partially redacted copies of the BIC customer register for the years 2014 and 2016 were obtained via open records requests. Companies which solely collect specialized waste streams such as paper shredding companies, medical waste haulers, and grease recyclers were excluded from the panel of the top 20 trade waste licensees.

The top 20 trade waste haulers in the 2018 panel serve about 75% of the NYC trade waste market, as determined by customer counts in the 2016 BIC customer register. Companies included are: Action Carting, IESI NY, Five Star Carting, Mr. T Carting, Sanitation Salvage Corp., Boro-Wide Recycling Corp., Royal Waste Services, Crown Container Co., Viking Sanitation, Liberty Ashes, Flag Container Services, Joro Carting, Mid-Bronx Haulage, Gaeta Interior Demolition, Avid Waste Systems, Joe Morea and Sons, M & M Sanitation, City Waste Services, Cinelli Carting, and D&D Carting.

West coast hauler panel

While the FMSCA reports a national average rate for Out of Service Rates, (inspections in which a truck is taken out of service by the inspector), the agency does not report national averages for rates of crashes or safety violations per driver or truck. While a national

analysis of all waste haulers is beyond the scope of this study, we did create a panel of mid-sized and large haulers operating in Los Angeles, Seattle, and San Francisco, all of which now have versions of exclusive franchise systems for commercial waste collection, as a basis for a regional comparison. Companies included are Waste Management of Washington, Cleanscapes, Recology of San Francisco, Waste Management of California, Arakelian Enterprises (d/b/a Athens Disposal), Republic Services of Southern California, Cal Met Services, Ware Disposal, and NASA Services.

These FMCSA statistics include the two-year period from March, 2016 through February, 2018. We note that Los Angeles' transition to an exclusive franchise system began only in the last eight months of this period.

ACKNOWLEDGEMENTS

This report and underlying research were produced by Transportation Alternatives and the core members of the Transform Don't Trash NYC coalition including ALIGN: The Alliance for a Greater New York (ALIGN), the International Brotherhood of Teamsters (IBT), and New York Lawyers for the Public Interest (NYLPI), with Justin Wood as lead author.

ABOUT US

The Transform Don't Trash NYC coalition is dedicated to transforming New York City's commercial trash industry to reduce waste and pollution, foster clean and healthy communities for all New Yorkers, and create good jobs. Members include the New York City Environmental Justice Alliance (and its member organizations Brooklyn Movement Center, El Puente, the Morningside Heights/West Harlem Sanitation Coalition, Nos Quedamos, THE POINT Community Development Corporation, UPROSE, and Youth Ministries for Peace and Justice), ALIGN, the International Brotherhood of Teamsters Joint Council 16 & Locals 813, 831 and 210, and NYLPI.

Transportation Alternatives is committed to reclaiming New York City's streets for people by promoting bicycling, walking, and public transit. With 150,000 supporters and a committee of activists working in every borough, TransAlt is leading the fight to improve street safety and traffic enforcement, to get New York City to Vision Zero -- the elimination of traffic deaths and serious injuries.

ENDNOTES

1. New York City Mayor's Office. "Vision Zero Year Four Report," March 2018, p. 13 Available at: <http://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-4-report.pdf>
2. Bureau of Labor Statistics, National Census of Fatal Occupational Injuries in 2016, December 19, 2017 Available at: <https://www.bls.gov/news.release/pdf/cfoi.pdf>
3. Comments of BIC Commissioner Dan Brownell, [New York City Council Transportation and Sanitation Committee joint hearing](#), November 27, 2017. Note that major municipal sanitation departments do not report safety and crash statistics to the US DOT/FMCSA, precluding direct comparisons of safety records among these agency fleets.
4. New York City Mayor's Office, Preliminary Mayor's Management Report, February, 2017 p. 300. Available at: http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2018/2018_pmmr.pdf
5. Similarly, Pro Publica's extensive investigation of the NYC private waste industry found that the Out of Service rate for the top 50 NYC haulers was 53%, and that 14 of these haulers had not undergone even a single inspection during the last two years. See: <https://www.propublica.org/article/trashed-inside-the-deadly-world-of-private-garbage-collection>
6. "Teamster says long hours make it difficult for his drivers to stay safe," Brooklyn Paper Radio podcast, March 7, 2018. Available at: <https://www.brooklynpaper.com/stories/41/10/bpr-teamsters-union-on-carting-2018-03-09-bp.html>; "City Requests More Authority to Impose Safety Standards on Private Trash Haulers," Streetsblog, November 27, 2017. Available at: <https://nyc.streetsblog.org/2017/11/27/city-requests-more-authority-to-impose-safety-standards-on-private-trash-haulers/>
7. Testimony to New York City Council, November 27, 2017.
8. Investigation of Sanitation Salvage by US Department of Labor, Case #1695125; Unemployment Insurance Appeal Board notice of decision, William Bonds v. Queens County Carting, February 28, 2017. *Orlando v. Liberty Ashes, Inc., et al*, Case 1:15-cv-09434 (EDNY, 2015); *Mayo v. Liberty Ashes, Inc., et al.*, Case 1:15-cv-06681-MKB-VMS (EDNY, 2015)
9. Halcrow Engineers, PC, "New York City Comprehensive Commercial Waste System Analysis and Study," August 2012.
10. DSNY, Private Carting Study, Executive Summary, August 17, 2016. Available at: http://www1.nyc.gov/assets/dsny/downloads/pdf/studies-and-reports/Private_Carting_Study_Executive_Summary.pdf
11. This could include a version of exclusive waste zones in which the City selects a single hauler to handle different source-separated waste streams such as recyclable organic waste, dry recyclables, and refuse within each zone.
12. Business Integrity Commission, Trade Waste Safety Manual, February 20, 2018. Available at: https://www1.nyc.gov/assets/bic/downloads/pdf/safety/bic_safety_manual_022018_final.pdf
13. Nine of the largest 20 trade waste licensees are members of New Yorkers for Responsible Waste Management, an industry association expressly devoted to lobbying against the commercial waste zone system.
14. Reportable crashes are those that involve a fatality, an injury, and/or a tow-away. https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/Truck_and_Bus_Crashes_Reportable_to_FMCSA.pdf