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SMALL BUSINESS

## Last-Mile Distribution Center Legislation

### Problem: Why is legislation needed?

The e-commerce boom of the last decade, exacerbated by the pandemic, resulted in an unprecedented number of last-mile distribution centers cropping up in neighborhoods around New York City. Many of these facilities are concentrated in lower income, communities of color already bearing the brunt of pollution and traffic from a concentration of trucks. As New Yorkers rely more and more on delivery for items purchased online, the City of New York needs to take a stronger hand to address the environmental justice, street safety, and workers' rights issues raised by the proliferation of last-mile distribution centers.

- The uptick in warehouse delivery truck traffic in residential neighborhoods has serious public health impacts. Last-mile warehouses worsen rates of air pollution, noise pollution, traffic congestion, and street safety.
- An estimated 16.3 million square feet of e-commerce warehouses have been planned or developed in New York City. At least eight facilities are being developed in Brooklyn's majority Black and Latinx neighborhoods of Sunset Park and Red Hook, neighborhoods that already have higher levels of fine particulate matter than the city average. Under current City zoning, no public input or environmental review process is required for the siting of new last-mile warehouses in these neighborhoods.
- Jobs in the transportation and warehousing sector, which have doubled to over 16,000 in recent years, have high injury rates, frequent turnover, and inadequate benefits and pay.

### Solution: What does the bill do?

Last-mile distribution centers apply for a license to operate in New York City. The licensing process must take into account the facility's impact on the neighborhood, establish mechanisms to reduce the emissions produced by last-mile distribution centers, and ensure they are sited fairly across the city rather than overburdening specific neighborhoods.

New legislation in the New York City Council would require last-mile distribution centers to be licensed by the Department of Consumer and Worker Protection (DCWP). The licensing process will address:

- **Environmental Justice:** Distribution centers will be required to submit an environmental health and safety plan that addresses the greenhouse gas emissions and air pollution anticipated by the delivery routes to the facility for review by the local community board and DOT. Distribution centers would also be required to offset their emissions through adoption of an “indirect source rule” mandating purchase of zero emissions vehicle technology or payment of a mitigation fee.
- **Workers’ Rights Standards:** The legislation requires all workers at last mile distribution centers or performing deliveries for the distribution centers to be properly classified as employees, rather than gig workers, and sets forth a series of workers’ rights for these employees including a minimum compensation standard of \$20 per hour, to be evaluated and adjusted by the Comptroller annually in accordance with changes in inflation, and safety leave.

The bill also creates a distribution standards and implementation board made up of workers, worker representatives, and employers to evaluate changes in the industry and make recommendations on wage standards, leave benefits, fair scheduling practices, and health and safety provisions. The bill places historic limitations on the use of electronic monitoring for worker discipline, and any use of workplace surveillance technology will require approval by the Department of Consumer and Worker Protection.

- **Fair Share:** In order to limit the impact of last-mile facilities concentrated in specific neighborhoods, the City will implement a cap on the number of distribution centers within each community district. Last mile distribution centers will not be permitted within 1000 feet of a residential district, 500 feet of a school, 250 feet of a hospital, or 2,000 feet of each other.
- **Street Safety:** An influx of commercial trucks has contributed to congestion and at times dangerous conditions for pedestrians, cyclists, and fellow drivers. The legislation will require facility owners to submit an analysis and a plan for reducing the risk of collisions, traffic violence, and parking violations caused by delivery traffic and routing. Waterfront last-mile facilities will be required to conduct 80% of deliveries via marine transport, and all facilities will be required to use either bicycles or pedal-assisted bicycles, electric vehicles, or hand trucks.

**Action: To promote the health, safety, and wellbeing of New Yorkers, pass [Int 1054-2023!](#)**