



RECKLESS ENDANGERMENT

How New York City's Unsafe Commercial Garbage Trucks Put Us All At Risk



**TRANSFORM
DON'T TRASH NYC**



**TRANSPORTATION
ALTERNATIVES**

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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.

EXECUTIVE SUMMARY

In 2014, Mayor de Blasio committed to Vision Zero, a one-decade goal of eliminating all traffic deaths and serious injuries on New York City streets. This goal cannot be met without comprehensive change on part of private waste haulers responsible for the commercial waste fleet. Research shows that much of the safety risk attributed to commercial waste fleets originate from poor vehicle maintenance. The top private haulers in NYC also experience a disproportionate amount of vehicles being taken out of service by inspectors due to poor maintenance when compared to the national average. Holding haulers accountable to keeping their fleets safe is fundamental to achieving Vision Zero goals and protecting the rights of all.



Key Findings

According to US Department of Transportation (USDOT) vehicle inspection data from the past two years¹, 96% of all safety violations identified in inspections of NYC's largest haulers² were concerning vehicle maintenance, while only 3% were related to driver fitness and 1% were related to unsafe driving.³

For the largest haulers in NYC, an average 48% of all trucks were taken out of service due to maintenance problems – a proportion more than double the national average for all commercial trucks registered with USDOT. Some companies, such as Crown Container, had vehicle out-of-service rates that were as high as 86%⁴.

Poor safety practices and reckless driving come at a real human cost. In July 2015, a Crown Container truck fatally struck a disabled woman crossing the street near her home in Brooklyn and immediately fled the scene.¹⁵⁶

Policy Recommendations

The City should create exclusive commercial waste collection zones that hold haulers to higher fleet management standards that promote clean, safe trucks and safe operating practices.

¹ From Feb 2014 - Feb 2016.

² See Footnote 4.

³ Safety inspection and violation data was obtained through the Federal Motor Carrier Safety Administration's Safety Measurement System database.

⁴ Rate from Feb 2014 - Feb 2016.

⁵ "Brooklyn woman using walker killed by garbage truck in hit-run," NY Daily News, 3 July 2015.

<http://www.nydailynews.com/new-york/brooklyn/disabled-woman-killed-garbage-truck-brooklyn-hit-run-article-1.2280167>

⁶ Complete SMS Profile - Crown Container Co Inc, Safety Measurement System , 27 May 2016.

<https://ai.fmcsa.dot.gov/SMS/Carrier/1136588/CompleteProfile.aspx>

INTRODUCTION

Improving the safety of private waste collection trucks is key to Vision Zero success.

In 2014, Mayor de Blasio committed to a one-decade goal of eliminating all traffic deaths and serious injuries on New York City streets. The Mayor's Vision Zero action plan makes specific mention of the need to partner with the private sector in order to make Vision Zero a success. The plan identified large fleets (including commercial



vehicles and trucks, buses, and taxis) as accounting for only 6% of vehicles on the road but involving in 20% of crashes where pedestrians were severely injured or killed. **Crashes involving commercial fleets are also three times more likely to result in a pedestrian fatality than crashes involving passenger vehicles.**⁷ Private sanitation trucks are a significant commercial fleet in NYC with 4,200 trucks in operation. In the past year alone, the city's largest haulers⁸ accounted for 35 crashes. USDOT inspection data show that much of the safety risk attributed to commercial waste fleets originate from poor vehicle maintenance.

Vision Zero is based on the principle that all traffic crashes should be seen as preventable. This includes those caused by human error in operating, as well as those in which defective or poorly-maintained equipment plays a role in causing injury or death. Ultimately, it is the responsibility of commercial waste fleet management to ensure that their vehicles are in safe condition and to properly oversee their operators to make sure they comply with safe driving practices. They must take the safety of all road users, including those whose work puts them inside waste haulage trucks, into consideration. It is clear the reality of Vision Zero will never be met without comprehensive change on part of the haulers responsible for the commercial waste fleet.

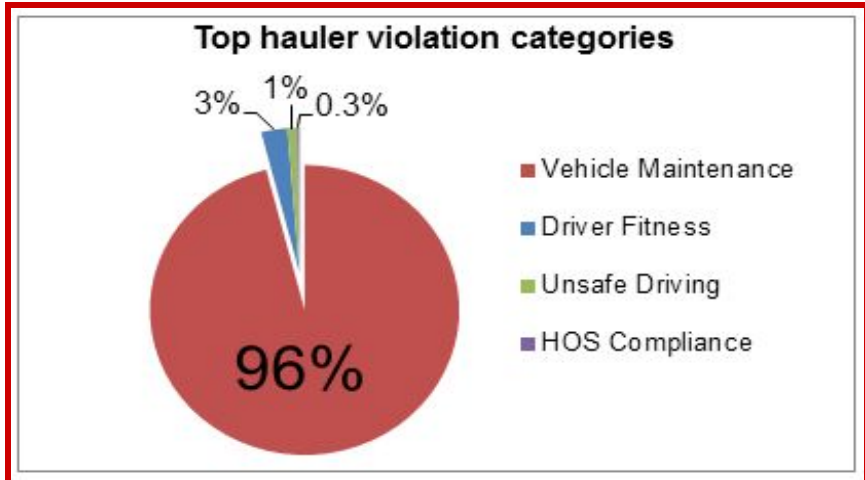
⁷ Vision Zero Action Plan, City of New York - Mayor Bill de Blasio, 2014.
<http://www.nyc.gov/html/visionzero/pdf/nyc-vision-zero-action-plan.pdf>

⁸ The largest haulers were chosen by market share using the most recent available customer register from the Business Integrity Commission. The haulers were then ranked based on number of customers. The top 20 haulers serve around 80% of NYC's businesses and are the focus of this study. Haulers include: Action Environmental Services/Interstate Waste Services, Avid Waste Systems Inc., Boro-Wide Recycling Corp., City Waste Services, Crown Container Co., Five Star Carting, Gaeta Interior Demolition, Inc., IESI NY Corporation, Liberty Ashes, M & M Sanitation Corp., Mid Bronx Haulage Corp., Mr. T Carting Corp., Royal Carting Company., Sanitation Salvage., and Viking Sanitation, Inc.

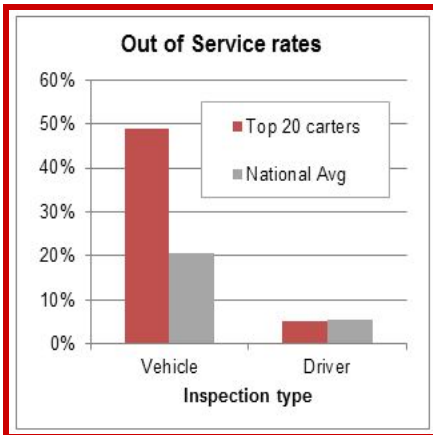
THE ISSUES

Private sanitation trucks are unsafe because they are poorly maintained.

Although the fault for crashes and other road incidents is often assigned to operators of vehicles, ensuring road safety requires not only that drivers have clear judgement, *but also that* their employers service the trucks regularly and meet applicable safety standards. Indeed, according to USDOT vehicle inspection data from the past two years⁹, **96% of the safety violations identified in vehicle inspections of the the**



largest haulers in NYC were concerning vehicle maintenance, while only 3% were related to driver fitness and 1% were related to unsafe driving.¹⁰



Over the past two years¹¹, vehicle maintenance problems have been so significant that a disproportionately high number of trucks had to be taken out of service upon inspection as reported to the USDOT. For the top 20 haulers in NYC, an average **48% of all trucks were taken out of service due to maintenance problems - more than twice as high as the national average** of all other commercial trucks registered with USDOT.¹² Some companies, such as Crown Container, had vehicle out-of-service rates that were as high as 86%. In contrast, with regards to driver-related violations, NYC's largest haulers were about on par with national averages for commercial trucks: only about 5% of all drivers failed to pass

inspections and were taken off the road.

⁹ From Feb 2014 - Feb 2016.

¹⁰ Safety inspection and violation data was obtained through the Federal Motor Carrier Safety Administration's Safety Measurement System database.

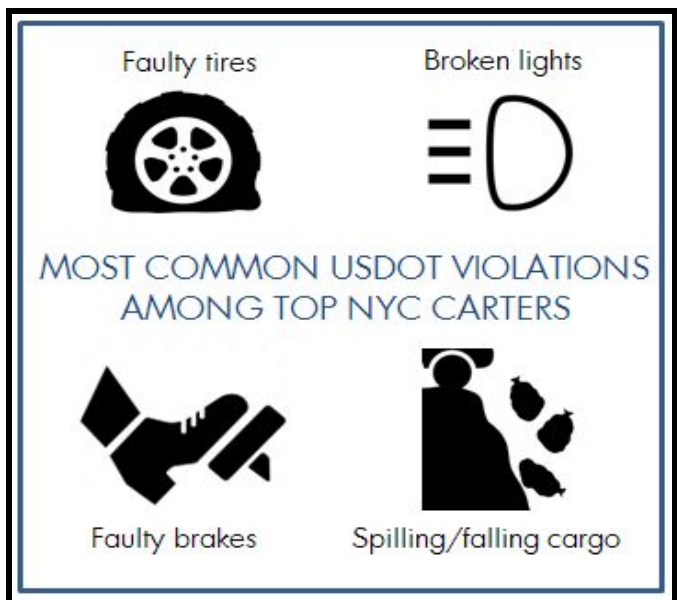
¹¹ From Feb 2014 - Feb 2016.

¹² FMCSA SAFER Company Snapshots of top 20 haulers by customer totals, see Intro footnote.

Poor maintenance of private sanitation trucks prevents drivers from doing their jobs safely.

Over the past 24 months, the most common vehicle maintenance violations reported to the USDOT were related to brake issues, tires, load securement, and proper headlights and turn signals. Most of these violations are given high severity ratings by USDOT, meaning they significantly heighten crash risk. Nineteen percent of all violations committed by the top 20 haulers in NYC were related to brakes. Brake issues are known to contribute to commercial truck crashes: in 2007, the Federal Motor Carrier Safety Administration found that faulty brakes were a factor in 29% of all crashes involving commercial trucks.¹³

The violations with the highest severity ratings by USDOT related to tires, load securement, and headlights and turn signals. These most severe violations comprised 30% of all violations identified in inspections by the top 20 haulers in NYC. The National Highway Traffic Safety Administration found that tires with low tread are 10 times more likely to be involved in a crash than properly treaded tires, and that flat or leaking tires are three times more likely to be involved in a crash than properly inflated tires.¹⁴ Spilling or falling cargo was another common violation found among the top 20 haulers. Waste spillage poses a safety threat by creating wet roadways and falling cargo can potentially hit a worker, pedestrian, or other motorists. Broken headlights pose a risk while driving at night, as private haulers often do.



Some worker-reported repairs are delayed or ignored by employers.

Interviews with sanitation workers conducted by Alliance for a Greater New York and analyzed by the Partnership for Working Families cited regular dangers from the condition of garbage trucks. Despite repeated worker reports to their companies, some repairs are delayed or ignored. Only a minority of these workers felt their trucks were safe. Many spoke of old trucks that were failing but nonetheless remained in use, with problems that put drivers and helpers at risk, such as

¹³ The Large Truck Crash Causation Study - Analysis Brief, Federal Motor Carrier Safety Administration - USDOT, 2007. <https://www.fmcsa.dot.gov/safety/research-and-analysis/large-truck-crash-causation-study-analysis-brief>

¹⁴ Highway Safety Information System: An examination of fault, unsafe driving acts, and total harm in car-truck collisions, Federal Highway Administration - USDOT, 2004. <http://www.fhwa.dot.gov/publications/research/safety/humanfac/04085/>

faulty brakes, leaking fluids and other mechanical issues. They also reported broken steps (which the helpers often ride on between stops), doors, and seat belts.

The trucks are the worst. One time on the back, the hopper stopped working. They brought us another truck and two hours later the hopper broke again. Two trucks in one night. I did like 13 hours [that night].

The other day while we were on the highway, my door kept flying open because it was broken. I was in the middle at the time. I don't even have a real seat, so there is no seat belt. It's real dangerous. If there is an accident, you're all messed up. It's my biggest problem in the company. They knew the door was broken before we left and they tried to fix it and they slammed it and slammed it but they don't really care.

The brakes are always going bad. I'll write it up for weeks and it doesn't get fixed so I'll slam the truck into the wall and that makes them pay attention.¹⁵

There is a real human cost to poor safety practices.

Poor safety practices and reckless driving come at a real human cost. In the past two years, there were 35 crashes involving seven of the top 20 largest haulers in NYC, two of which resulted in a fatality.¹⁶ One of the fatalities occurred in July 2015, when **a Crown Container truck hit a disabled woman outside her home in Brooklyn and immediately fled the scene.**¹⁷¹⁸ This work is dangerous for workers as well: in 2014, being a waste worker is the 5th deadliest occupation ahead of policemen and miners.¹⁹



¹⁵ Anonymous in-person interviews with New York City sanitation workers. [11/2014-12/2015].

¹⁶ FMCSA SAFER Company Snapshots of top 20 haulers by customer totals, see Intro footnote.

¹⁷ "Brooklyn woman using walker killed by garbage truck in hit-run," NY Daily News, 3 July 2015.

<http://www.nydailynews.com/new-york/brooklyn/disabled-woman-killed-garbage-truck-brooklyn-hit-run-article-1.2280167>

¹⁸ Complete SMS Profile - Crown Container Co Inc, Safety Measurement System, 27 May 2016.

<https://ai.fmcsa.dot.gov/SMS/Carrier/1136588/CompleteProfile.aspx>

¹⁹ Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries by selected worker characteristics, occupations, and industries, civilian workers, 2014," Bureau of Labor Statistics.

http://www.bls.gov/iif/oshwc/foi/cfoi/cfoi_rates_2014hb.pdf

CONCLUSION & RECOMMENDATIONS

Private waste haulers have the opportunity to set an example for safe operation in a Vision Zero era. The City should create exclusive commercial waste collection zones and hold haulers to a "gold standard" for commercial fleets that ensure safety for everyone on NYC streets. The following recommendations consist of concrete steps haulers can take to ensure that their vehicles are roadworthy:

1. **Exclusive commercial waste collection zones**

Municipal government has the power and responsibility to increase industry accountability and enforce compliance with safety standards for trucks. Waste zones would achieve greater road safety through the following:

- A. Reporting, monitoring and enforcement requirements for private haulers that ensure compliance with high-road safety and labor standards.
- B. Decrease in truck traffic by encouraging more efficient routes that require fewer trucks on the road.

2. **Vehicle design**

Enhancing vehicle design to ensure fleet vehicles licensed to operate within New York City are designed to protect the safety of all road users. Some potential standards to be applied as part of the vehicle design portion of the protocol include:

- A. Require the removal of riding steps on private sanitation fleets. The Business Integrity Commission should require that waste collection vehicles be equipped sufficient legal seats and seat belts to accommodate the collection crew. If there are not enough legal seats and belts, alternate transportation should be required for the crew.

3. **Crash response**

To systematize the post-crash response of our partner fleets, standards would include:

- A. Internal crash tracking metrics with goals measuring each crash involving a fleet vehicle
- B. Timely release of pertinent crash information and data such as the company's name, number of people injured/killed and contributing factors
- C. Guidelines for punitive actions taken against the company post-crash depending on injury severity such as financial penalties.