

## Center for Zero Waste Design

Attachment 2:

### Proposed Amendments to Intro 1574

§ 16-1001 Commercial waste zones; designation. ...the commissioner shall divide the geographic area of New York city into no less than twenty commercial waste zones. The commissioner may amend the boundaries of such zones or establish additional zones as deemed appropriate by the commissioner and consistent with the purposes of this title.

In establishing such commercial waste zones, the commissioner shall consider:

1. Business Improvement District boundaries, such that these districts are not subdivided into different franchise zones.
2. Geographic choke points on the roadway system such that providing service within an entire zone—or accessing origins (garages) or first-dump sites (transfer and processing facilities) outside the zone—would require passing through a volume-constraining feature (such as a bridge or tunnel), thus increasing traffic congestion within the zone or in accessing origin or destination points needed to provide service within the zone, relative to the boundaries that could be created for a zone or zones that would serve the same set of waste generators.
3. Existing infrastructural features (e.g., rail or roadway viaducts, tunnels, boardwalks) or planned features (e.g., "Big U"-type resilience measures) that would facilitate or be conducive to the development of superior/best-case waste-collection or -management systems (such as pneumatic collection), so that systems developed in conjunction with these features could be managed within one zone under a franchisee responsible for that zone.
4. Existing or planned waste-collection or -management facilities or systems using superior/best-case methods (e.g. for aggregated, automated collection, such as is used for residential waste at Battery Park City, or as might be involved in the pilot projects contemplated in DSNY/DOT's 2019 Request for Expressions of Interest) whose operations would be disrupted or adversely affected by being separated by two zones or by requiring the involvement of multiple franchisees instead of one responsible entity.
5. All demographic, land use, transportation features, and infrastructure data practicably available in order to establish the boundaries of zones
  1. that function as rational waste-sheds (from the perspective of transport distances between collection truck origins, routes, and destinations)
  2. whose density and use characteristics show complementarity between commercial waste generators with reference to collection equipment, set-out equipment, set-out and collection times, waste fractions and composition, in order to maximize the efficiency of collection operations
6. Making the sizes of zones unequal so that both larger and smaller carters may have the capability of submitting viable bids, so that the universe of carters working in the city can be broader and deeper.
7. Making the number of zones as high as is consistent with the overall minimization of truck miles traveled between points of origin, collection routes, and first-dump sites, and with the practicable administration of the management systems established pursuant to

this law, such that the maximum number of carters who meet all of the requirements for proposals and agreements pursuant to this law, including adherence to service pricing that is below the threshold for proposers that is established pursuant to the bidding process conducted pursuant to this law, may be awarded franchises.

In establishing such commercial waste zones, the commissioners shall not be constrained by:

1. Pre-existing jurisdictional delineations such as borough or community board boundaries insofar as they would preclude least-distance transport trips between collection routes (waste sheds) and garages and/or first-dump (transfer or processing) sites.

In establishing such commercial waste zones, the commissioner may consider:

- ~~1. The number and types of commercial establishments within the proposed zone;~~
- ~~2. The amount and types of waste generated by commercial establishments within the proposed zone and the potential for achieving the city's commercial waste reduction goals;~~
- ~~3. Existing service patterns within the proposed zone and the potential for traffic and noise reduction;~~
- ~~4. The types and estimated amounts of recyclable materials generated by commercial establishments within the proposed zone that are required to be recycled, reused or sold for reuse pursuant to section 16-306 of this code and any rules promulgated pursuant thereto;~~
- ~~5. The estimated amount of organic waste collected within the proposed zone;~~

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§ 16-1002 Agreements.

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c. Any agreement entered into pursuant to subdivision b of this section shall include:

1. A requirement that the franchisee use the facilities and sites specified in the agreement as to origin points (garages and ancillary facilities) for its collection equipment and destination points (transfer or processing facilities).
  1. To the extent that DSNY or another City agency controls facilities specified (such as marine or rail transfer stations or recyclable or organics processing facilities or refuse disposal facilities), these facilities shall be made accessible to the franchisee for such use at the price and under the terms specified in the agreement, and their use by the franchisee shall be required by the agreement.
  2. To extent that the sites specified are under the franchisee's control, or under the control of another private entity, but require regulatory, zoning, permitting, or other accommodations under the City's purview, the City shall make all appropriate efforts to facilitate such approvals.
  3. In the event that there are no such origin or destination facilities within the zone or within an economically and/or environmentally desirable distance of the zone but there are potential locations within the zone or within a desirable distance that are under City control and could be made available for this use without undue disruption to other existing or planned public purposes, the City shall make these

sites available for use by the franchisee under terms and conditions specified in the agreement.

4. Should the commissioner so determine, based on objective criteria such as overall vehicle miles traveled, overall environmental impacts, overall impact on adjacent populations, and other such relevant criteria, that facilities and locations used by the franchisee for servicing the specified zone, whether they be owned or controlled by the franchisee, another private entity, or the City, shall also be made available under terms of equal access to franchisees for other zones, sub-contractors to the franchisee in the specified zone, or to the DSNY for its own collections.
2. A requirement that the franchisee use any existing facilities for providing superior/best-practice collection that may be in place in the zone, or planned for the zone, (e.g., equipment for aggregated or other non-door-to-door set-out and pick-up, whether this equipment or these facilities are located in private or public space). Should such facilities be subject to ongoing financing arrangements or other financial or other contractual commitments, the franchisee shall assume responsibility for its proportional share of those costs (based on relative volume of material or other objectively quantifiable considerations) for the duration of its franchise term or of the duration of such contracts (whichever is shorter).
3. A requirement that service to customers within the zone not be allowed to provide pick-up for different businesses within the same building or same block (or the same business) more than once a day for any given material fraction unless it can be documented that such service does not increase truck miles traveled relative to collecting the same volume of the specified material from the same generator or set of generators on a given route or routes without such multiple per-day collections.
4. A requirement that, if deemed appropriate by the department for a particular privately- or publicly-owned location, or for the purposes of managing a waste fraction from one or more franchise zones, that a franchisee develop or cooperate in the development and financing of a local transfer, processing, or disposal facility, the franchisee shall undertake, or cooperate in, the development of such a facility, and shall agree to use such facility, on its completion and to the extent that it can be successfully operated, for the duration of the term of the franchise agreement.

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