

NYLPI

**JUSTICE THROUGH
COMMUNITY POWER**

**Testimony of Alison Roberts, Legal Intern
at
The Disability Justice Program, New York Lawyers for the Public Interest
to
The New York City Department of Sanitation
regarding
Proposed Rules on Residential Building Waste Management Plans
July 20, 2021**

Good morning.

To ensure safe and accessible sidewalks for all New Yorkers, including people with disabilities, seniors, people pushing strollers, delivery drivers, and others, the New York City Department of Sanitation (DSNY) must strengthen its proposed rule by adding specific instructions to provide a minimum of eight feet of pedestrian space on sidewalks when disposing of trash. Without this requirement, the rule may unintentionally make the city less accessible for New Yorkers with disabilities as well as other residents and visitors.

My name is Alison Roberts and I am representing New York Lawyers for the Public Interest (NYLPI), Disability Justice Program. For the last 40 years, our organization has worked with the disability community to identify issues that impact New Yorkers with disabilities, and we have steadfastly fought for change on behalf of the disability community. The Disability Justice Program works on a range of issues, including ensuring that public space in the city is accessible.

While NYLPI is generally supportive of DSNY's proposed rule "not [to] impede the flow of pedestrian traffic," the rule requires amendment to make explicit the need for at least eight feet of clear pedestrian space on sidewalks. Without an unambiguous requirement for eight feet of clear space, DSNY may end up blocking sidewalks on trash day, and obstacles on sidewalks can endanger New Yorkers with disabilities who, when left with no other passable routes, are forced into the city's busy streets. While sidewalk obstacles are especially dangerous for New Yorkers with disabilities, all New Yorkers and our visitors, including senior citizens, people pushing strollers, delivery drivers pushing carts – and the list goes on -- need clear and passable sidewalks.

Manhattan Community Board 4 recently conducted a survey ([see link](#)) that provides further community input about the ways that the city's sidewalks affect New Yorkers. The survey of 1,000 New Yorkers living in Clinton and Chelsea asked residents about the quality and cleanliness of neighborhood sidewalks. Overall, 59% of residents, including 68% of disabled residents, said sidewalks were of low quality, and 79% said they were often, very often, or always dirty. The survey was inspired by a desire to increase the City's involvement with sidewalk maintenance following a rule change that put the burden exclusively on property owners. DSNY's rule creates an opportunity for the City to do just that by clarifying what a property owner's responsibility to keep the street clear entails.

Sidewalk management can be difficult without clear guidelines, as we have seen with New York City's Open Restaurants Program. Conversely, The New York City Department of Transportation (DOT)'s Street Design Manual ([see link](#)) provides clear guidelines for keeping sidewalks clear, recommending eight feet of space be cleared for pedestrians. By including this guidance in its new rule, DSNY will make it easier to enforce such a requirement and help maintain clear, pedestrian-ready sidewalks throughout the city.

We look forward to working with DSNY to ensure the eight-foot requirement is incorporated into the new rule. Please feel free to contact NYLPI with any questions about this recommendation or how to further improve accessibility for the city's sidewalks.

Thank you.

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NYLPI is a non-profit civil rights organization that harnesses the power of the private bar to protect the rights of New Yorkers. With a focus on environmental, health, and disability justice, the organization fights for the rights

of all New Yorkers to live in a more just city by collaborating with affected community members to harness community power. NYLPI's Disability Justice Program works on a variety of issues important to the disability community, including accessible transit, fair housing, access to appropriate education, mental health crisis response, and other issues identified by the community.