

Share, Where?

a look into
Fair Share
in NYC



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Project team

The Center for Urban Pedagogy (CUP)

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CUNY College Now at Hostos

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Special thanks to our interviewees: Kellie Terry-Sepulveda and Adam Liebowitz (The Point CDC), Tony Ard (Gracie Point Community Council), FAO "Fritz" Schwarz and Myrna Pérez (The Brennan Center for Justice), Brad Lander and Eric Stern (New York City Council)

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Who we are:

The Center for Urban Pedagogy (CUP) is a non-profit that uses the power of design and art to increase public participation in shaping the places where we all live.

Urban Investigations are CUP's project-based afterschool programs in which high school students explore fundamental questions about how the city works. Students collaborate with CUP and teaching artists to create multimedia teaching tools that reach audiences in the arts and social justice.

To learn more about CUP, visit welcometocup.org

College Now is a free City University of New York program, designed to prepare New York City's public high school students for success in college. By taking part in College Now, students get acquainted with the demands of college life and work before they get there. Research shows that this preparation does help. CUNY students who participated in College Now tend to do better than their peers.

To learn more about College Now, visit collegenow.cuny.edu

Our apologies to Staten Island for cutting you off on two out of three maps! It won't happen again, we promise.



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An intrepid group of Bronx public high school students in the College Now program at Hostos Community College teamed up with CUP to find out how NYC decides where to put the burdensome, smelly, and dangerous facilities that make the city run—but nobody wants in their backyards.

Turns out, there are some guidelines called *Fair Share* that were made a couple of decades ago to try to spread the burden of noxious facilities more evenly throughout the city. How does it work? Are communities taking on their fair share? How else could the city promote fairness?

To get the scoop on Fair Share, the crew hit the streets and interviewed sanitation workers, environmental justice advocates, an anti-waste facility neighborhood group, policymakers, policy-shakers, and the father of Fair Share. The crew collected their knowledge nuggets into this book.

Find out how Fair Share works now, and maybe how it could work better in the future!

A brief history of Fair Share:

In 1989, the Mayor brought together a group of people to rewrite something called the New York City Charter. That's like the City's Constitution: it spells out how the government operates. We spoke to Fritz Schwarz, who led the group revising the City Charter:

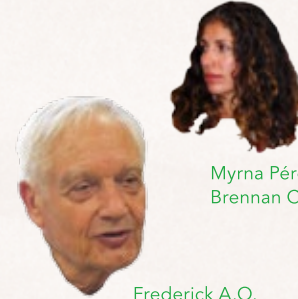
"In 1989 there was a terrible racial divide: Blacks and Hispanics felt they were being underrepresented. People in the boroughs other than Manhattan thought they were being underappreciated. In NYC's poor communities there was an overuse of harmful facilities like sanitation garages, refuse stations, prisons, and homeless shelters.

I put the Fair Share concept on the table at a meeting in 1989. Fair Share says before the city can place any use—particularly uses that people don't want or that are unhealthy—they have to publish a study that shows whether the proposed neighborhood is already overburdened. We just wanted the city to be upfront with it, and perhaps the city would be embarrassed about overburdening communities.

The charter revision was passed by a majority vote of everybody in the city, it got a huge, high vote."



Meet the interviewees:



Myrna Pérez,
Brennan Center

Frederick A.O.
"Fritz" Schwarz, Jr.
Brennan Center

Fritz Schwarz is Chief Counsel of the [Brennan Center for Justice](#), a non-partisan public policy and law institute that focuses on the fundamental issues of democracy and justice. Schwarz led the City Charter Revision Commission that incorporated the Fair Share law in the late 1980s.



Brad Lander, City
Council Member

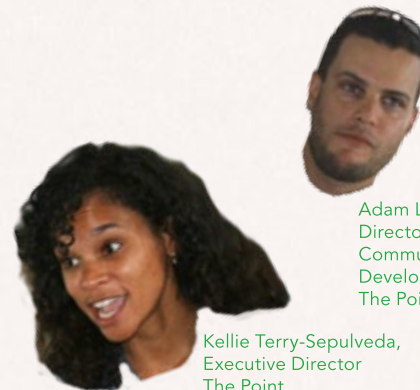
Eric Stern,
Fair Share
researcher

Brad Lander is a member of the [New York City Council](#) representing the 39th Council District in Brooklyn, which covers Park Slope, Cobble Hill, Carroll Gardens, Windsor Terrace, Kensington, and Borough Park. He is working on a proposal to map out city-owned facilities and related health issues online.

The [Gracie Point Community Council \(GPCC\)](#) is an association of individuals who live, work, and own property in the Gracie Point area of Manhattan. The Council was formed to address the City's proposal to open a Marine Transfer Station in Gracie Point.



Anthony Ard,
Chairman
GPCC



Adam Liebowitz,
Director of
Community
Development,
The Point

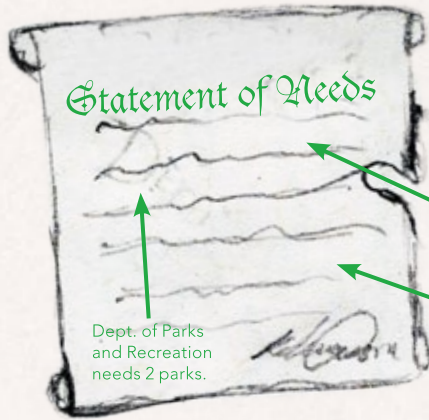
Kellie Terry-Sepulveda,
Executive Director
The Point

The [Point Community Development Corporation](#) is a nonprofit dedicated to youth development and the cultural and economic revitalization of the Hunts Point section of the South Bronx.

All these things and more are subject to Fair Share. The 'good' stuff, the 'bad' stuff, and the in-between!



Here's how the Fair Share process works:



1 Every year, the city releases a **City-wide Statement of Needs**. It spells out what facilities each City agency would like to build for the coming year.

Sanitation dept. needs 3 waste transfer stations.

Homeless Services proposes 5 new shelters



2 The Citywide Statement of Needs comes with an Atlas that shows where city-owned facilities already exist.



3 Community boards and borough presidents can hold public hearings. That's where the public gets to submit comments and alternative proposals

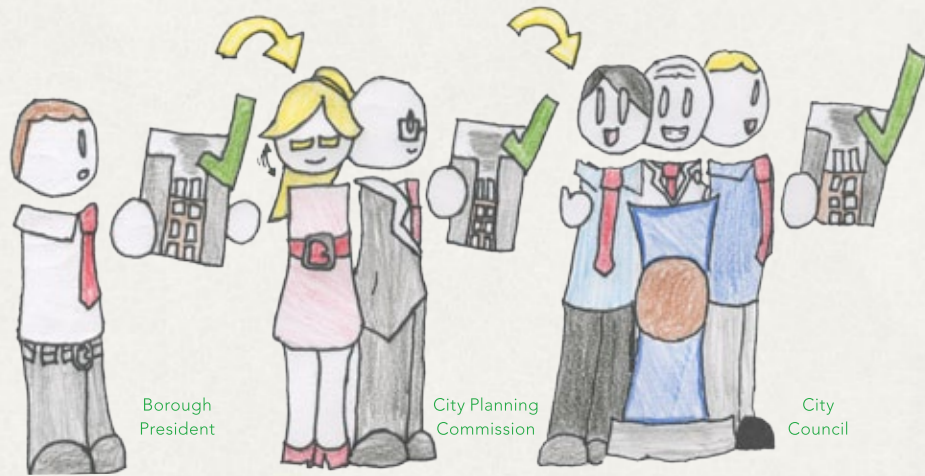


4 Each agency issues a Fair Share Analysis. That means they write a report saying they considered Fair Share principles when they thought about where to put their new facility.

We have looked into Fair Share, and we've considered it. What a nice idea...



5 Approvals— if the city is buying the land, then the siting has to be approved by the Borough President, the City Planning Commission, and the City Council.



BUT... a lot of the time the city will contract with a business or a non-profit organization to run the facility. That's a different process. Let's see how that goes!



Here's how it works when agencies bring in private companies...

1 In the **Citywide Statement of Needs**, agencies say they're looking to site a facility

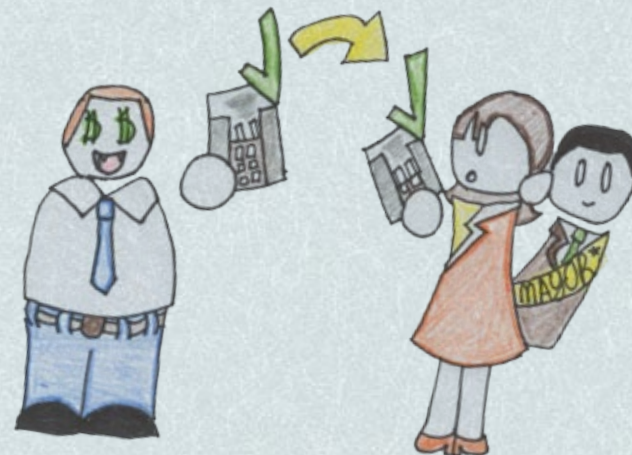


Private business or non-profit organization.

I already have the perfect site for these facilities.

LOOPHOLE:
Where it goes depends on who the contract goes to.

2 The agency hires a private business, and the application goes through the contracting office, part of the mayor's office.



Private Business

Contracting Office (with Mayor's Office)

BUT...
that means it's not voted on by the Borough President, City Council, or the City Planning Commission



3 Agencies publish their intentions in "the city records", it's a notice that there will be a public hearing in the mayor's office of contracts.

LOOPHOLE:
no one ever
reads this thing!



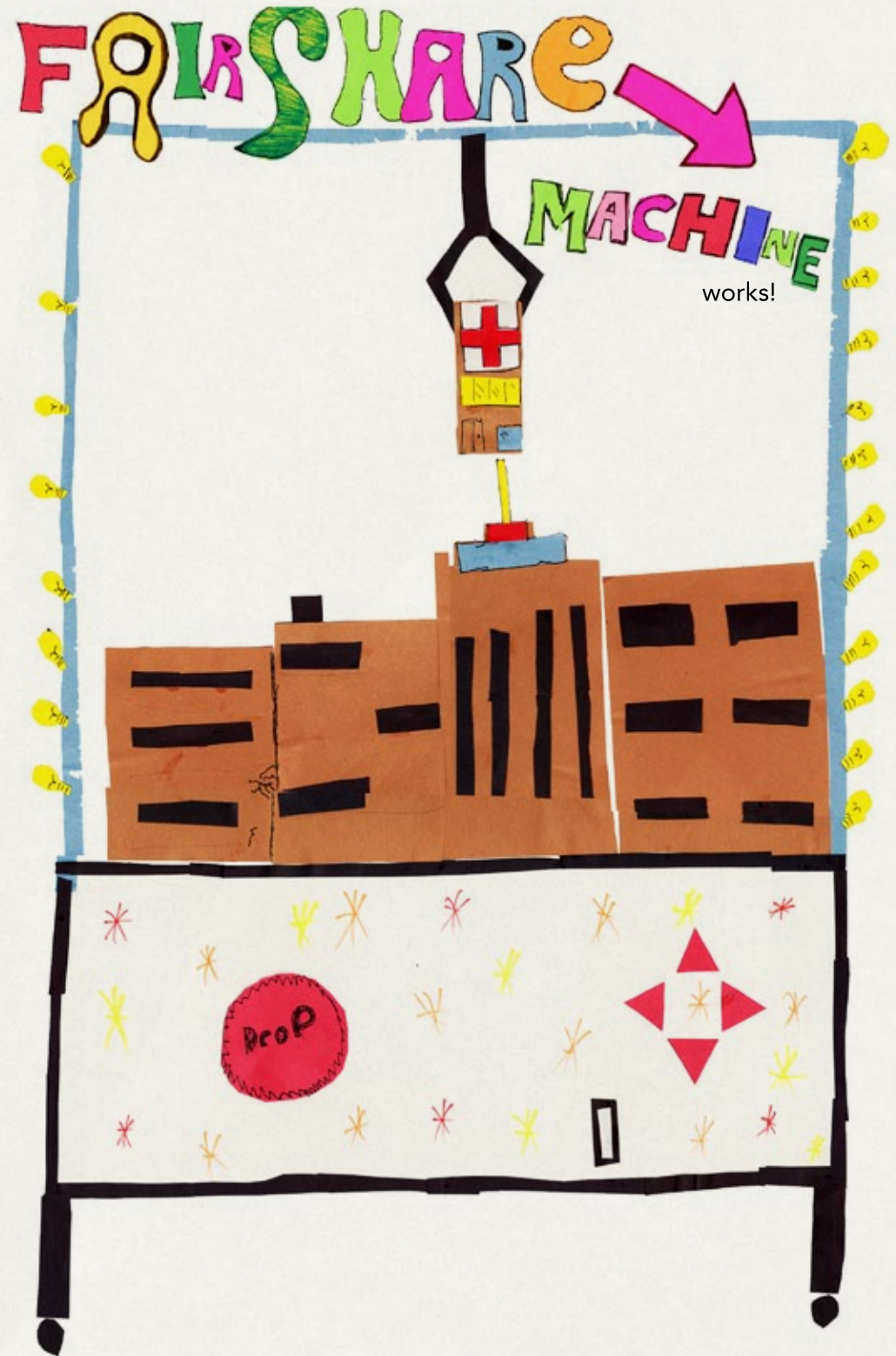
4 People can go to the public hearing and submit comments.



BUT...
if no one writes to
the agency within five
days of the notification,
the agency can cancel
the hearing.



So that's how the



How Are Waste Transfer Stations Distributed?

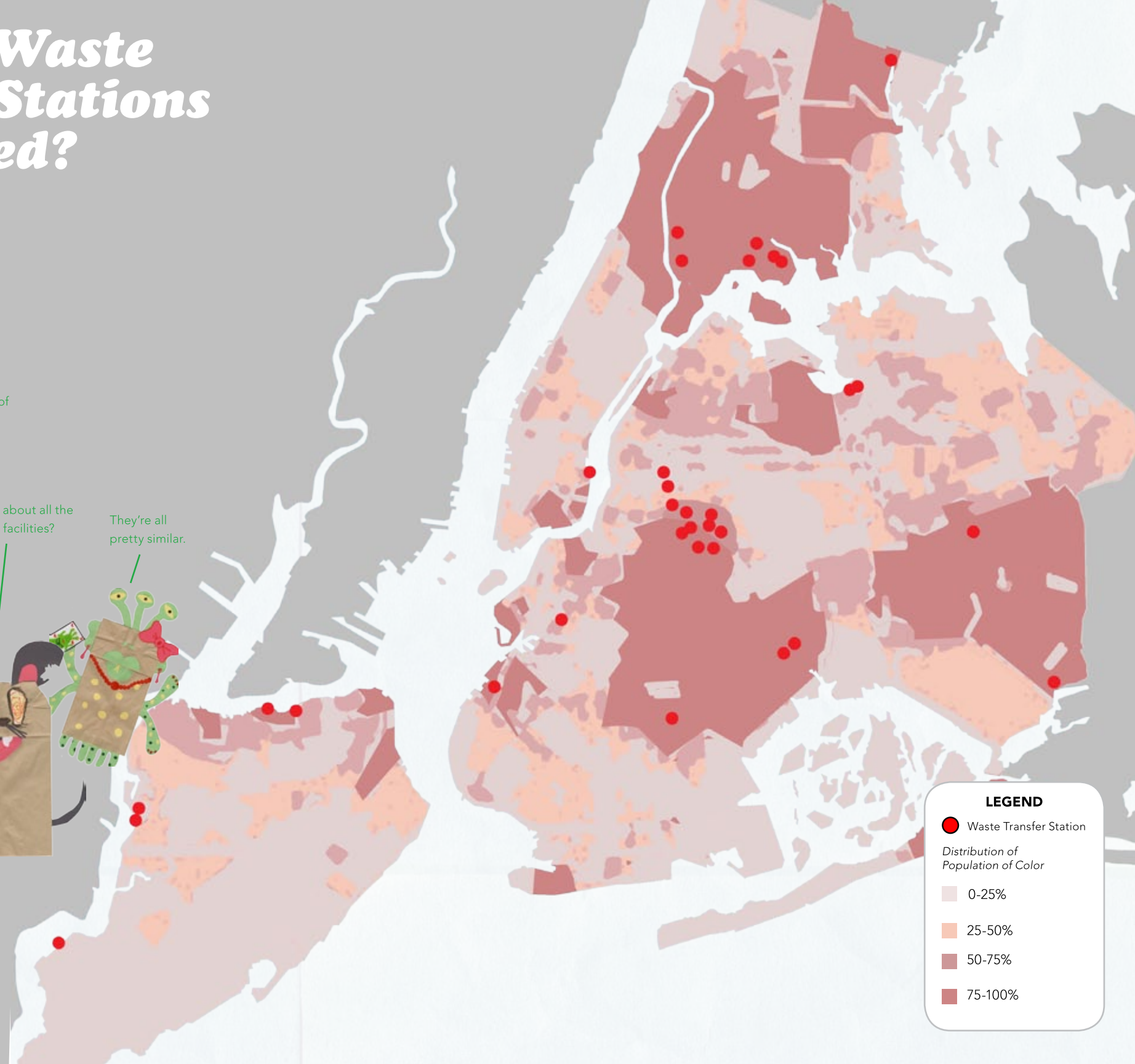
Hmmm, looks like there's a pattern goin' on...




Looks like the neighborhoods of color got all the bad stuff?!?!?!?!?

What about all the other facilities?


They're all pretty similar.





LEGEND


 Waste Transfer Station

Distribution of Population of Color

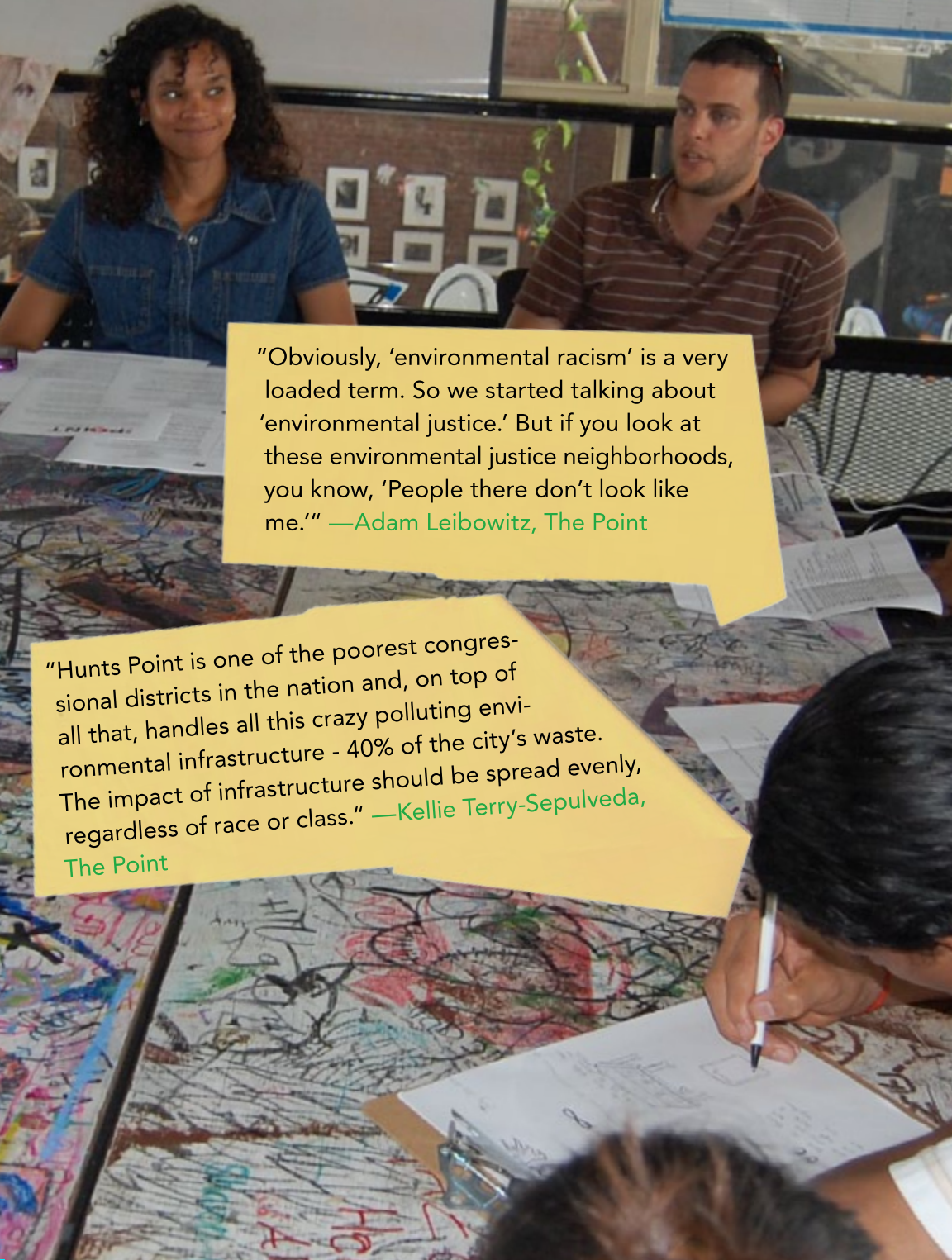
 0-25%

 25-50%

 50-75%

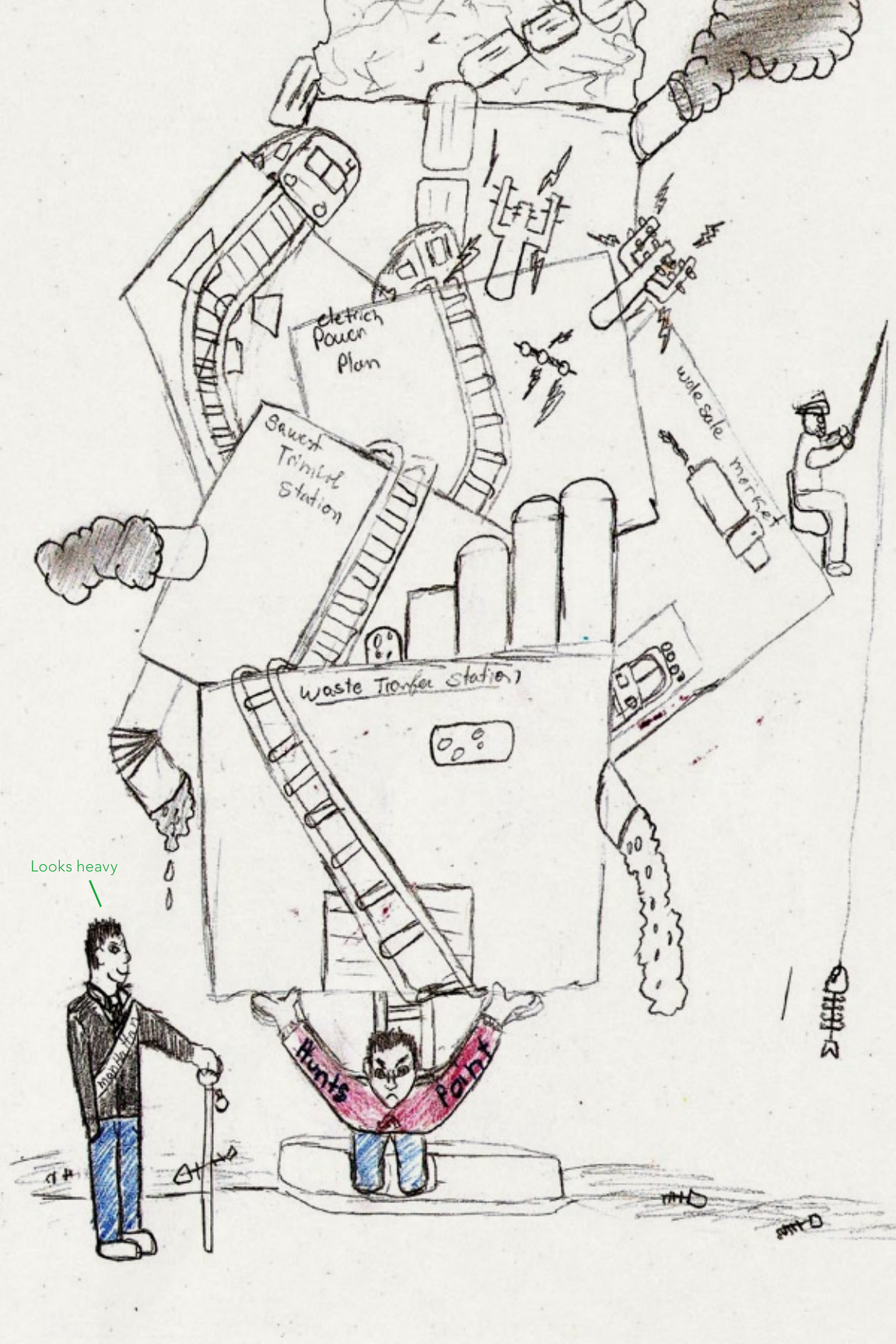
 75-100%

Unfair Share?



"Obviously, 'environmental racism' is a very loaded term. So we started talking about 'environmental justice.' But if you look at these environmental justice neighborhoods, you know, 'People there don't look like me.'" —Adam Leibowitz, [The Point](#)

"Hunts Point is one of the poorest congressional districts in the nation and, on top of all that, handles all this crazy polluting environmental infrastructure - 40% of the city's waste. The impact of infrastructure should be spread evenly, regardless of race or class." —Kellie Terry-Sepulveda, [The Point](#)



Looks heavy

CHITZ



Why do facilities end up where they do?

"Sometime people think 'This neighborhood's going to give us a lot of political fight, so we'll move it somewhere where we think it won't get a political fight.'

Sometimes it's more of an economic racism. So you might go to a neighborhood where the real estate is less expensive, and that would tend to be a low-income neighborhood." —Brad Lander, City Councilmember



Over the Limit...

"One of the big issues is cumulative impact. With a power plant, you're not allowed to have more than 1,000 parts per million of particulate matter. Say a power plant has 999 parts per million. On their own, they're in compliance with the law. Next door, you've got a sludge plant producing another 999 parts per million. And then further down you've got a waste transfer station producing 500 parts per million. So if I live here, I'm breathing way over the healthy limit, but because they're not looking at cumulative impact, you end up with Hunt's Point having the highest asthma rates in the U.S."

—Adam Liebowitz, *The Point*



WASTE TRANSFER STATION

HELP
WANTED

IT'S
TOO
NOISY

If Fair Share isn't really working, what are some ways to fix it?



"A facility of this sort should not be in any residential neighborhood. Why here, if this is one of the densest residential neighborhoods in the city? Facilities like this shouldn't be in residential neighborhoods, whether its in Central Brooklyn or the South Bronx or here."
—Tony Ard, Gracie Point Community Council



Not in Anyone's Backyard

Plan Way Ahead

AGENDA

• 2010: Evaluate The situation of actual neighborhoods



• 2011: Make a plan to replace The harmful facilities from The over burden neighborhoods



• 2012: (IF we are alive) Start a project to buy land for the state



• 2015: Dig holes in The land owned by The government. To replace The facilities



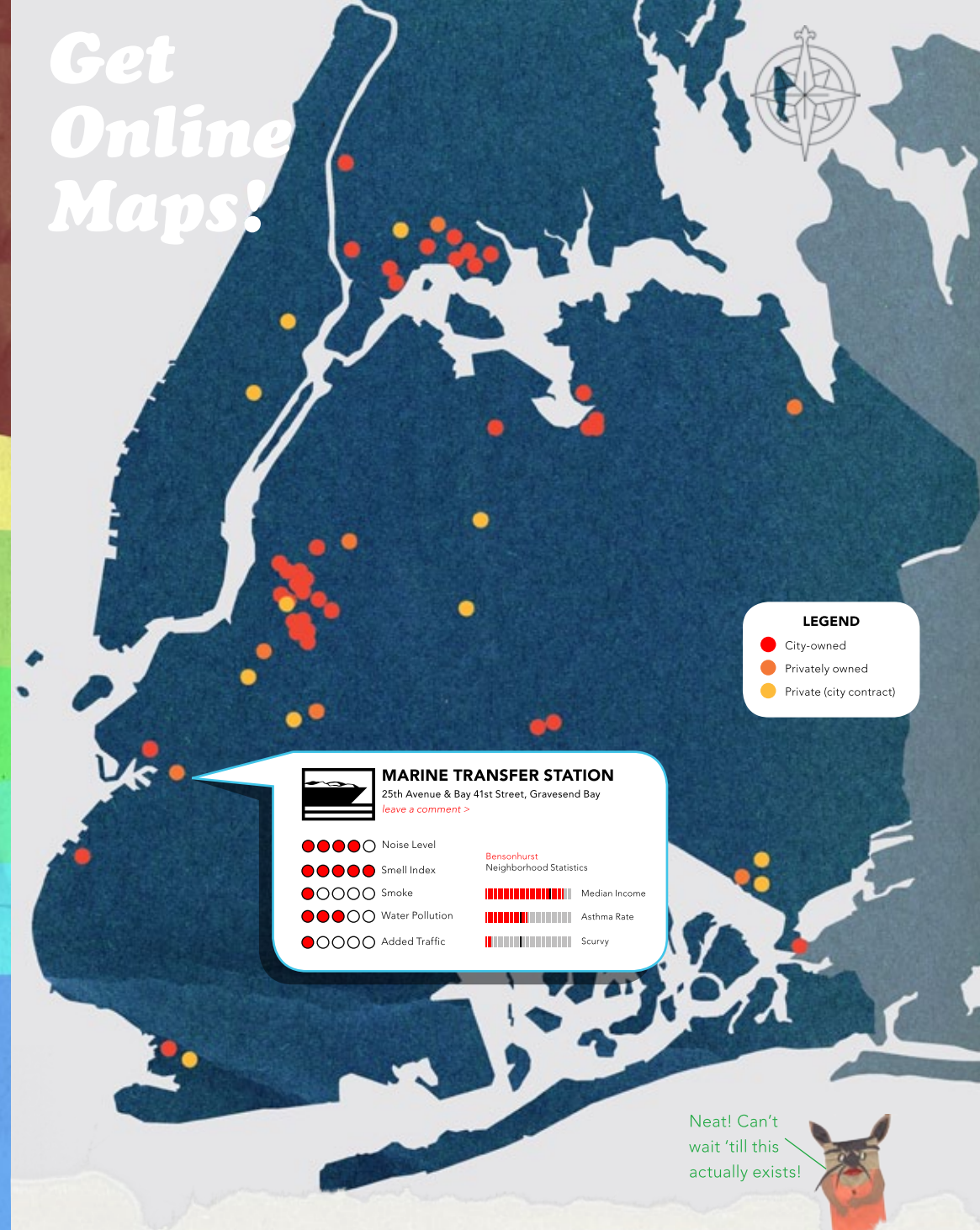
• 2020: Evaluate The situation of actual neighborhoods.

• 2030: Fair share started to grow teeth.



"I would like to see changes to the city planning process so that once every ten years there were a forward look at what we want to do over the next decade – so it's not only looking at a proposal and deciding if it's fair or not; it's figuring out how we move the city in a fairer direction for siting infrastructure, and deciding what we're going to do about it in the next decade."
—Brad Lander, City Councilmember

Get Online Maps!



Neat! Can't wait 'till this actually exists!



Right now, the city is not required to make a map of facilities. They provide a big thick binder with a list of facilities, which is not that useful for people to look at. I plan to propose legislation that would require the city to put a map online which will help you see where these facilities are, and some of the relevant health indicators, so it would be easier for people to understand the consequences of these facilities. —Brad Lander, City Councilmember

No Lying

"You can amend the Statement of Needs at any time and you don't have to go back and get it approved. So you can say 'We're not going to build anything,' and come back later and say 'Actually, we're putting in a waste transfer station there.' You can just circumvent the Fair Share system."

—Adam Liebowitz, The Point

JANUARY

So, are you going to build any new facilities this year?



I don't think so.



fingers crossed

MAY

Materials

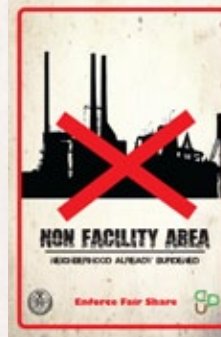


Actually Do It Fairly

"Ultimately, I'd like to see the rules changes so that instead of saying 'the city has to do a Fair Share analysis,' it would say 'the city has to really take Fair Share into account when proposing sitings.'"

—Brad Lander, City Councilmember

Place is full. Find somewhere else buddy!



CAUTION

COMMUNITY WITH ENOUGH BURDENS ALREADY, NO MORE FACILITIES ALLOWED HERE. VIOLATORS WILL BE PUNISHED BY THE LAW.

Waste Transfer Station

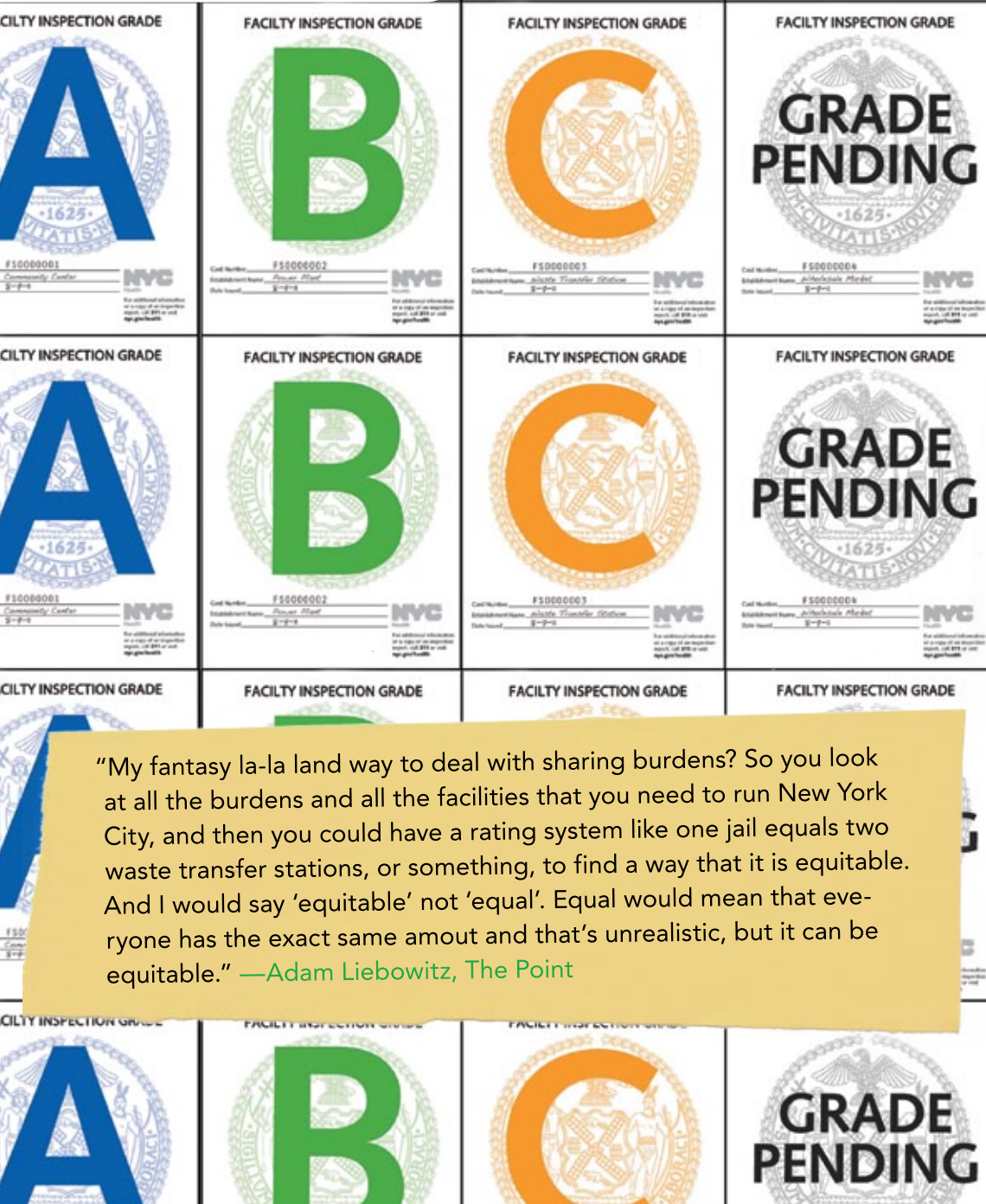


Mitigation Station

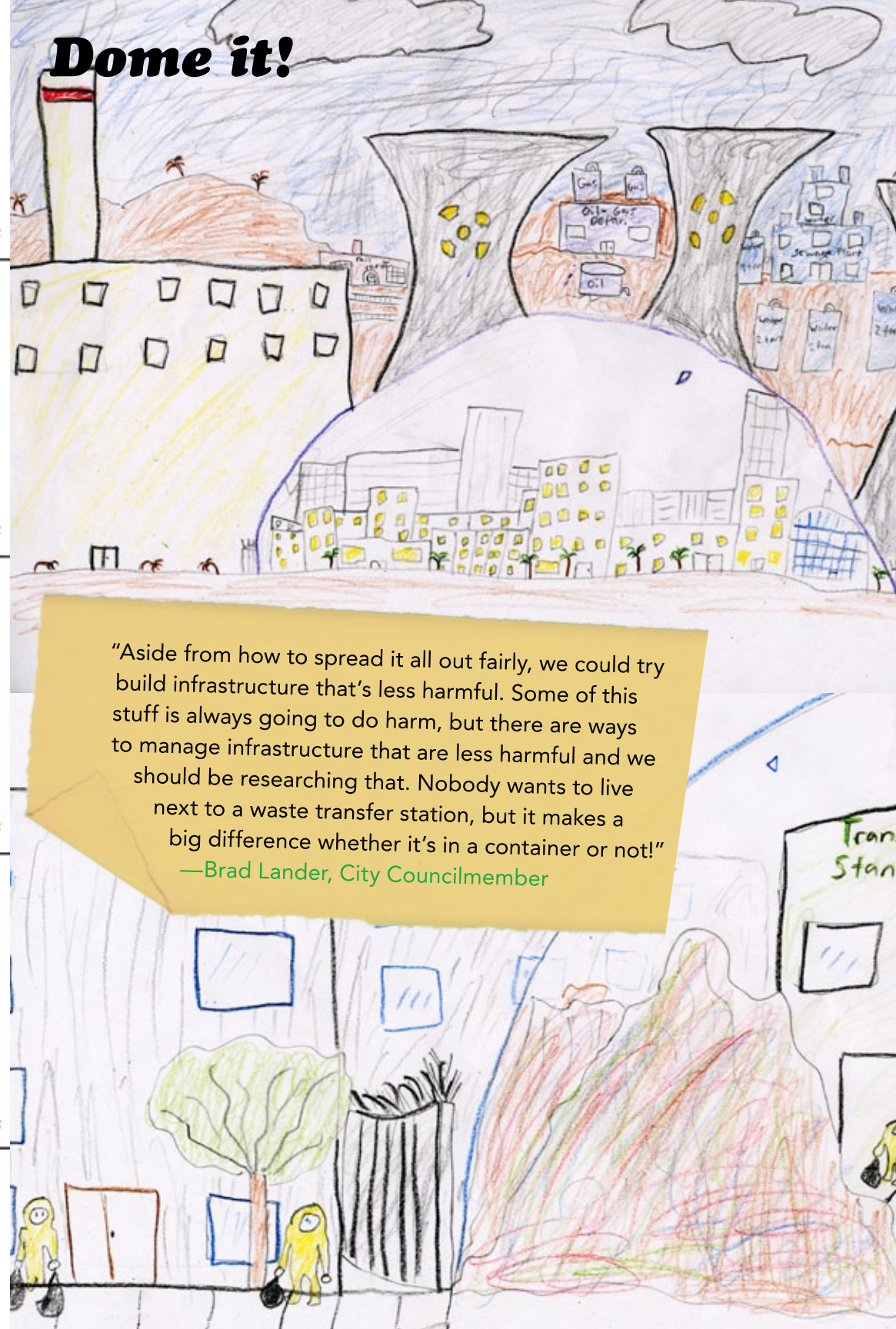
"Mitigation - that's a fancy word for 'do a good thing if you're going to do a bad thing.'" —Fritz Schwarz



Make the Grade



Dome it!



“Aside from how to spread it all out fairly, we could try build infrastructure that’s less harmful. Some of this stuff is always going to do harm, but there are ways to manage infrastructure that are less harmful and we should be researching that. Nobody wants to live next to a waste transfer station, but it makes a big difference whether it’s in a container or not!”
—Brad Lander, City Councilmember

“My fantasy la-la land way to deal with sharing burdens? So you look at all the burdens and all the facilities that you need to run New York City, and then you could have a rating system like one jail equals two waste transfer stations, or something, to find a way that it is equitable. And I would say ‘equitable’ not ‘equal’. Equal would mean that everyone has the exact same amount and that’s unrealistic, but it can be equitable.” —Adam Liebowitz, *The Point*

Our Team

"I never thought of Fair Share and where does the garbage go nor the other facilities before I joined this program but now I am concerned of the people who live next to the bad facilities especially the waste transfer stations." —Fatoumata Seck

"I think fair share means that facilities should be placed equally among boroughs and that not only one borough should be given all the work. Fair Share can also mean equal sharing and not only one person should do everything." —George Dzagali

"I think that people of the boroughs should rise up and protest that there should be a fair amount of facilities in every borough." —Steven Peña

"Fair Share is like a baby, but all babies grow. Fair Share should be an unbreakable law that everyone has to follow and obey. We are not up to it at this moment but we will be there soon. Fair Share is 20 years old but that don't mean that it stopped growing." - Kelvin Guzman

"Something I learned about the Bronx that I did not know was that the Bronx is not the only place that has different over-burdened communities." —Sergio Garcia

"It is hard for every neighborhood to get its fair share of facilities when all want the good but none want the bad." - Kristina Colon

"My idea of Fair Share is making the laws more stronger: more teeth" —Malik Lynch



