

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RESILIENCY
AND WATERFRONTS JOINTLY
WITH HOUSING AND BUILDINGS

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November 19, 2021
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HELD AT: Remote Hearing, Virtual Room 2

B E F O R E: Justin L. Brannan
Chairperson, Resiliency and
Waterfronts

Robert E. Cornegy, Jr.
Chairperson, Housing and Buildings

COUNCIL MEMBERS: Justin L. Brannan
Ruben Diaz, Sr.
James F. Gennaro
Deborah L. Rose
Eric A. Ulrich

Robert E. Cornegy, Jr.
Fernando Cabrera
Margaret S. Chin
Mark Gjonaj
Barry S. Grodenchik
Farah N. Louis
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Carlina Rivera

Helen K. Rosenthal

A P P E A R A N C E S (CONTINUED)

Jamie Bavishi
Director
Mayor's Office of Climate Resiliency

Suzanne DeRoche
Deputy Director for Infrastructure and
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Assistant Commissioner for Technical
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Kyle Kimball
Vice President of Government, Regional,
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Con Edison

Shakira Wilson
Vice President of Electric Operations
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Michael Dulong

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3 SERGEANT AT ARMS: Recording to the PC
4 has started.

5 SERGEANT AT ARMS: Recording to the cloud
6 has started as well.

7 SERGEANT AT ARMS: Backup is rolling.

8 SERGEANT AT ARMS: Thank you. Good
9 morning and welcome to the New York City Council
10 remote hearing on the Committee on Resiliency and
11 Waterfronts jointly with the Committee on Housing and
12 Buildings. At this time would all panelists please
13 turn on your videos. Thank you. To minimize
14 disruptions please place all electronic devices to
15 vibrate or silent mode. Thank you. If you wish to
16 submit testimonies you may do so at

17 testimony@council.nyc.gov. I repeat,
18 testimony@council.nyc.gov. Thank you for your kind
19 cooperation. Chair Brannan, we are ready to begin.

20 CHAIRPERSON BRANNAN: Thank you. Um, my
21 name is Justin Brannan. I have the privilege of
22 chairing the Committee on Resiliency and Waterfronts.
23 I want to welcome you to today's joint hearing with
24 the Committee on Housing and Buildings on the state
25 of housing resiliency along the waterfront. Ah, I
want to first thank my cochair, Council Member

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2 Cornegy, for holding this hearing, um, and I just
3 want to acknowledge all the other members who have
4 joined us this morning. Ah, Council Members
5 Grodenchik, Chin, Gennaro, Gjonaj, Cabrera, R. Diaz,
6 Sr., Ulrich, Rosenthal, Rose, Louis, um, and River.
7 I think that's everybody, but if I missed someone
8 please send me a text. Um, and today we're going to
9 examine how resilient our waterfront infrastructure
10 and buildings are and what we're doing to ensure that
11 buildings are designed and built to withstand
12 multiple climate hazards that the city faces. We'll
13 also examine the practicality of continuing to build
14 along the waterfront. Coastal flooding and severe
15 storms are becoming more intense and occurring more
16 frequently. We all know this. A recent study by the
17 National Oceanic and Atmospheric Administration found
18 that coastal communities are experiencing twice the
19 number of high tide flooding events than they were
20 just 20 years ago. By the 2030s, less than 10 years
21 from now, low-lying areas in the city could
22 experience 20 to 40 flood days each year. Such
23 flooding has a significant impact on our buildings
24 and our infrastructure. The city has more residents
25 living in high-risk flood zones than any other city

3 in the country and people who live in these high-risk
4 flood zones and have a federal-backed mortgage must
5 have flood insurance. FEMA, which administers the
6 National Flood Insurance Program, developed Risk
7 Rating 2.0, a new flood insurance rating system.
8 This new rating system went into effect last money
9 for all new flood insurance policies. In the city's
10 ten poorest ZIP codes 38% of premiums will increase.
11 Flood insurance is important but these rate increases
12 will have significant negative effects on low-income
13 individuals who already struggle to afford flood
14 insurance. In September, before the new rating
15 system went into effect the city embarked on a one-
16 month education campaign to inform property owners
17 about the importance of flood insurance. What else
18 is the city doing? I look forward to hearing what
19 outreach has been conducted and what additional
20 outreach and financial support is planned to help
21 alleviate this economic burden on families that are
22 just trying to make ends meet. As sea levels
23 continue to rise and flooding and storm surges worsen
24 waterfront buildings will become more and more
25 susceptible to the impacts of climate change. In
June of this year a 12-story beachfront condo in

3 Miami partially collapsed, killing 98 people.

4 Hurricanes, storm surges, and salty air penetrated
5 the building's concrete and rusted its rebar and
6 steel columns. The tragedy ignited safety concerns

7 from residents living in high-rise buildings all
8 throughout the country, including right here in New
9 York. The building's collapse may have been avoided
10 if it had been properly maintained and had resilient
11 features to protect it from severe weather events.

12 We must learn from this and we must ensure that our
13 waterfront buildings are and continue to be built to
14 avoid such tragedies. Earlier this year the council
15 passed Intro 2092, the Climate Resiliency Design
16 Guidelines. The pilot program required by the law
17 should be underway and I look forward to hearing what
18 types of buildings and facilities have been included
19 in the pilot. I also look forward to discussing how
20 city buildings will incorporate resilient features
21 and how we can expand such requirements to all
22 buildings. Today we'll also hear Intro 2198,
23 sponsored by Council Member Gjonaj. This bill would
24 require the Office of Long-Term Planning and
25 of relocating above-ground power lines underground.

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2 The city conducted a similar study back in 2013, but
3 eight years and several damaging storms later it's
4 time for another discussion on the feasibility of
5 undergrounding these above-ground power lines. I
6 look forward to hearing from the Mayor's Office of
7 Climate Resiliency and the Department of Buildings
8 during today's hearing. Ah, before I turn it over to
9 Cochair Cornegy, I want to thank my committee staff,
10 Committee Counsel Jessica Steinberg-Alban, senior
11 policy analyst Patrick Mulvahill, senior finance
12 analyst Jonathan Selzer, my senior advisor, John
13 Yettin, chief of staff Chris McCray, and my
14 legislative director, Michael Sheldon, as well as the
15 staff for the Housing and Buildings Committee for all
16 their hard work in putting this hearing together. I
17 now want to turn it over to my cochair, ah, Council
18 Member Cornegy, to give his opening statement.

19 CHAIRPERSON CORNEGY: Ah, good morning,
20 everyone. Thank you so much for your patience. We
21 had technical difficulties this morning. Ah, thank
22 you, Chair Brannan. Um, good morning, everyone. I'm
23 Council Member Robert Cornegy, chair of the council's
24 Committee on Housing and Buildings. I'm pleased to
25 be joining my colleague, Council Member Justin

3 Brannan, and the Committee on Resiliency and
4 Waterfronts, together with members of the Committee
5 on Housing and Buildings for today's hearing on
6 housing resiliency along the waterfront. New York
7 City has had more than its fair share of experiences
8 with climate events. In this past year alone we've
9 experienced tropical storms Elsa, Henry, and Ida, all
10 of which brought historic levels of rainfall and
11 flooding to our city. The State of New York ranks
12 third in the nation for the most homes at risk of
13 coastal inundation from sea level rise by the end of
14 the 21st century, and with many of these homes at
15 risk in our very boroughs. There's also the risk of
16 our communities, that our communities face from
17 flooding caused by rainfall, which disproportionately
18 affects low-income communities and communities of
19 color. This is a huge source of property damage
20 within the city, even in the landlocked neighborhoods
21 in my district by Crown Heights and Bedford
22 Stuyvesant. Following the aftermath of Tropical
23 Storm Ida, residents in Crown Heights, which has some
24 of the highest points in Brooklyn, suffered flooding
25 basements and ground floors. Meanwhile, in Bed-Stuy
flooding was so bad that a handball court on Ralph

2 Avenue and Monroe Street resembled a swimming pool in
3 addition. The city logged 617 3101, 311 complaints
4 related to flooding in Bed-Stuy's ZIP code. In
5 addition to flooding, the city suffers other climate
6 events that heat, like heat waves and snowstorms,
7 both of which the city has been facing with
8 increasing intensity and regularity. There is an
9 urgent need to understand what the city can do to
10 protect its residents and prepare for the climate
11 events we can expect in our future. I look forward
12 to hearing testimony from the administration,
13 industry experts, advocates, and interested members
14 of the public. This is an incredibly important and
15 precedence issue. And today's testimony will be
16 instrumental in addressing current problems as well
17 as planning for our future. Thank you. And I just
18 want to add that I think that people, um, forget to
19 realize that we are, um, a maritime city, ah, and,
20 and that our waterways, ah, play an incredible part
21 in everything from tourism and hospitality, um, to
22 recreation in our city. So it's very important. And
23 thank you for co-hosting this hearing with me, Chair
24 Brannan.

2 CHAIRPERSON BRANNAN: Thank you, Chair
3 Cornegy. Ah, I want to now turn it over Council
4 Member Gjonaj, who wants to make a statement on his
5 bill.

6 COUNCIL MEMBER GJONAJ: Good morning.
7 Thank you, Chairs Brannan and Cornegy for holding
8 this joint hearing and giving Intro 2189 the
9 opportunity for discussion. I look forward to
10 hearing from the public and the administration's
11 feedback on this bill. We've all heard tale of two
12 cities. In this case it's the tale of two boroughs,
13 which has played out in many ways, but perhaps none
14 so glaringly disproportionate as storm impact and
15 power loss. While Manhattan certainly braces for
16 storms the outer boroughs need to brace much harder.
17 After the great blizzard of 1888 Manhattan's power
18 lines were buried underground. Over a century later
19 the remain four boroughs still have power lines
20 [inaudible] above ground. They're in the brunt of
21 storms and risking power outage. Tropical Storm
22 Isaias left nearly 120,000 homes without power, of
23 which Manhattan only accounted for 67, or less than
24 0.06%. The other 99.94% of power loss was in the
25 outer boroughs, which we can safely assume that the

2 above-ground power lines played a major role in.

3 Without meaningful change and investment this trend

4 will continue. Loss of power, especially for

5 prolonged periods, is not just a mere inconvenience.

6 New Yorkers suffer. Seniors and the sick often have

7 life-sustaining machines reliant on power. Low-

8 income families can't afford the cost of food

9 spoilage and remote working, as it becomes more

10 common, the loss of power can affect livelihoods.

11 And small businesses affected lose income and

12 perishables that could make a difference between a

13 profit or loss for the year. Advances in climate

14 science suggest that storms will strike with greater

15 frequency in the years to come. We need to be ready.

16 Intro 2189 gets the ball rolling with a feasibility

17 study that will lay the groundwork for our city to

18 invest in its infrastructure by placing power lines

19 underground. I remind all, Washington is currently

20 debating a nearly 2 trillion dollar package that

21 addresses infrastructure and climate. New York could

22 be negotiating to get the funding that is needed for

23 this project, which would be a sound investment that

24 would bring parity and justice to the outer borough

25 residents and businesses. Thank you.

2 CHAIRPERSON BRANNAN: Thank you, Council
3 Member Gjonaj. Ah, I now want to turn it over to the
4 Committee Counsel, ah, Jessica Steinberg-Alban, to go
5 over some procedural items.

6 COMMITTEE COUNSEL: Thank you, Chair
7 Brannan. I am Jessica Steinberg-Alban, counsel to
8 the Committee on Resiliency and Waterfronts, and I
9 will be moderating this hearing. Before we begin I
10 would like to remind everyone that you will be on
11 mute until you are called on to testify, at which
12 point you will be unmuted by the host. During the
13 hearing I will be calling on panelists to testify.
14 Please listen for your name to be called, as I will
15 periodically announce who the next panelist will be.
16 We will first hear testimony from the administration,
17 followed by testimony from Con Edison, followed by
18 members of the public. During the hearing if council
19 members would like to ask a question of the
20 administration or a specific panelist, please use the
21 Zoom raise hand function and I will call on you in
22 order. We will be limiting council member questions
23 to five minutes, which includes the time it takes to
24 answer these questions. For members of the public,
25 we will be limiting speaking time to three minutes in

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2 order to accommodate all who wish to speak today.

3 Once you are called on to testify please begin by
4 stating your name and the organization you represent,
5 if any. We will now call on representatives of the
6 administration to testify. Appearing today for the
7 administration will be Jamie Bavishi, director of the
8 Mayor's Office of Climate Resiliency, Suzanne
9 DeRoche, deputy director for infrastructure and
10 energy, and Joseph Ackroyd, assistant commissioner
11 for technical affairs and code development of the
12 Department of Buildings. At this time I will
13 administer the affirmation to each representative of
14 the administration. I will call on each of you
15 individually for a response. Please raise your right
16 hands. Do you affirm to tell the truth, the whole
17 truth, and nothing but the truth before this
18 committee and to respond honestly to council member
19 questions? Director Bavishi.

20 DIRECTOR BAVISHI: Yes.

21 COMMITTEE COUNSEL: Deputy Director
22 DeRoche.

23 DEPUTY DIRECTOR DEROCHE: Yes.

24 COMMITTEE COUNSEL: Assistant
25 Commissioner Ackroyd.

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2 ASSISTANT COMMISSIONER ACKROYD: Yes.

3 COMMITTEE COUNSEL: Thank you. At this
4 time I will invite Director Bavishi to present
5 testimony. Please begin when ready.

6 DIRECTOR BAVISHI: Good morning. I am
7 Jamie Bavishi, director of the Mayor's Office of
8 Climate Resiliency. I would like to thank Chairs
9 Brannan and Cornegy for the opportunity to testify
10 today. I would also like to acknowledge my
11 colleague, Suzanne DeRoche, deputy director for
12 infrastructure and energy at the Mayor's Office of
13 Climate Resiliency and Mayor's Office of Climate and
14 Sustainability, and Joseph Ackroyd, assistant
15 commissioner for technical affairs and codelivery of
16 the Department of Buildings, both of whom will join
17 me in answering your questions. As you know, the
18 Mayor's Office of Climate Resiliency is responsible
19 for ensuring that New York City is prepared to
20 withstand and emerge stronger from the impacts of
21 climate change. Our role is to lead the city's
22 strategic direction and planning to prepare for
23 extreme events and chronic impacts and coordinate
24 with agencies to implement this work. Within our
25 citywide resiliency portfolio the city is preparing

3 to adapt to a variety of climate hazards. Our
4 climate adaptation strategy takes a multilayered
5 approach, focused on establishing multiple lines of
6 defense at different scales across the city to
7 respond to the multiple hazards. Some of these lines
8 of defense, including adapting neighborhoods,
9 developing building-level protections, protecting
10 critical infrastructure, and supporting businesses
11 and residents. Today in my testimony we will focus
12 on the suite of strategies that we are using to
13 ensure housing resiliency on the waterfront,
14 including how we are building for the future, what we
15 are doing to manage climate impacts on our existing
16 housing stock, opportunities to reform policy to
17 advance resilient housing, and upcoming initiatives.
18 I will also address the proposed legislation, Intro
19 2189. I'd like to begin by address how we build for
20 the future. Housing resiliency is supported by
21 building code, based on the best available science
22 and engineering knowledge, which is why our office
23 has partnered with the Department of Buildings to
24 update Appendix G of the building code and establish
25 stringent standards for the construction of all new
and substantially rehabilitated structures in the

3 flood plain. We will need to go even further to
4 account for rapidly changing conditions that will
5 lead to more flooding that is both more frequent and
6 extends outside of our current flood plain. To this
7 end, our office is also partnering with FEMA to
8 develop future flood risk maps that go beyond the
9 FEMA flood insurance rate maps, which are only based
10 on historic flood risk information. Once finalized,
11 we hope to use these future flood risk maps as a
12 regulatory tool that will inform the building code
13 with property-specific information about flood risk
14 that incorporates sea level rise. We look forward to
15 working with council when you review future building
16 code updates to ensure the city's buildings stock a
17 [inaudible] for future flood conditions. Our office
18 is also delighted to share that over 20 city capital
19 agencies will begin designing and constructing dozens
20 of new projects using the New York City Climate
21 Resiliency Design Guidelines, which were developed by
22 the Mayor's Office of Climate Resiliency using
23 cutting-edge science and research. This ensures that
24 projects constructed today will be prepared for
25 worsening extreme weather decades into the future and
can continue to provide critical services to New

2 Yorkers. Soon, very soon, we will be announcing the
3 projects that will be included in the pilot program
4 required by Local Law 41. These projects were
5 selected through a rigorous process that considered
6 climate exposure, equity, and project scope. We look
7 forward to using the results of the pilot to inform
8 the broader city mandate around use of the design
9 guidelines across the entire capital plan, starting
10 in 2026. Building code is a critical tool for
11 dealing with future climate change impacts on new or
12 substantially upgraded buildings, but in a growing
13 city with over one million existing buildings, we
14 must also consider how retrofits and upgrades will
15 help us withstand and recover better from a hotter
16 and wetter future. We must also think deeply about
17 how to engage and problem solve with the communities
18 that will be most impacted by extreme weather. We
19 have already started this work. Following Hurricane
20 Sandy the city led three major retrofit efforts - the
21 Build It Back Program, which helped over 12,500
22 families recover from the impacts of the storm and
23 return to their homes, the HPD Sandy Multifamily
24 Program, which completed repairs and resiliency
25 retrofits, serving nearly 20,000 units of multifamily

2 housing, and the 3 billion dollar NYCHA Sandy
3 Recovery Program, which is upgrading and reinforcing
4 35 Sandy-impacted NYCHA developments. These programs
5 and projects were ambitious and precedent-setting in
6 their scope and impact, and also left us with many
7 lessons learned. Recently NYCHA released its
8 forward-looking climate change adaptation plan based
9 on insights gained from the Hurricane Sandy Recovery
10 Implementation, which will serve as a blueprint for
11 future retrofits on NYCHA campuses. After Hurricane
12 Ida the city also announced a series of commitments
13 related to our built environment and the report
14 entitled *The New Normal - Combatting Storm-Related*
15 *Extreme Weather in New York City*. As mentioned in
16 the report, we will begin an interagency assessment
17 of the city's housing stock so that we can develop
18 and augment existing programs to increase climate
19 risk awareness, reduce climate risk exposure, and
20 provide retrofit and housing mobility assistance.
21 While we are just beginning this process, this
22 comprehensive housing analysis will help us
23 understand the climate adaptation needs for millions
24 of New York residents. In the meantime, we are
25 working with FEMA to conduct a backwater valve study

3 to determine exactly where backwater valves would be
4 most effective. Backwater valves may be a low-cost
5 retrofit that would benefit many New Yorkers. The
6 results of this backwater valve study, which is on
7 track to be completed next summer, will inform the
8 scale of the city's installation program, areas of
9 prioritization, and direct community outreach by
10 clearly delineating what types of buildings and
11 locations would most benefit from backwater valves.
12 We are also restarting and expanding a range of
13 services through Flood Help NY, including resiliency
14 audits, financial counseling, and operational
15 trainings for one- to four-family homes in vulnerable
16 multifamily buildings. These services are critically
17 important for helping homeowners and renters to
18 understand their risks and the available mitigation
19 options. With that said, low-cost financing for
20 retrofits is the biggest challenge we face when it
21 comes to adapt our existing building stock and
22 support from all levels of government is essential to
23 advance this priority because of the enormous scope
24 and scale of [inaudible]. While we advance programs
25 and policies to ensure the resiliency of our housing,
we also remain focused on advocating for critical

2 policy reforms at the state and federal levels. In
3 particular, the city has been and will continue to
4 advocate for reforms to the National Flood Insurance
5 Program, including greater affordability, increased
6 mitigation options, and better communication and
7 claims reform. In May we testified to Congress and
8 penned an op ed in *The Hill* to highlight our platform
9 in light of the changes FEMA is implementing through
10 Risk Grading 2.0. Even as we advocate for these
11 changes, we continue to do our part to raise
12 awareness about flood risk and flood insurance, given
13 that insurance is one of the most important financial
14 resiliency tools for residents. Our partnership with
15 the Center for New York City Neighborhoods and Flood
16 Help NY provides all New Yorkers with the resource to
17 assess their flood risk based on their property
18 location and to learn more about flood insurance
19 enrollment. Since 2021 New York City has seen
20 national flood insurance program policies increase by
21 approximately 50% citywide. This enrollment success
22 is due in part to our extensive outreach and
23 education work, including a 1.1 million dollar
24 outreach campaign with FEMA this past hurricane
25 season. At the state level there are also tremendous

2 policy opportunities. We hope to advance a flood
3 risk disclosure mandate for real estate transactions
4 to increase market transparency. Currently, sellers
5 in New York State can opt out of disclosing of a
6 property's history, including the history of flooding
7 and any flood insurance requirements by paying \$500.
8 This opt-out reduces a buyer's understanding of the
9 flood risk they face before they purchase a home and
10 potential future costs due to flooding.

11 Additionally, there are currently no obligations for
12 landlords to provide flood risk and flood history
13 information to tenants. Improving transparency of
14 flood risk and flood insurance requirements can be
15 easily solved with improved disclosure requirements.
16 Legislation to strengthen the state's requirements
17 for flood risk disclosure were introduced in both the
18 New York State Senate and Assembly earlier this year,
19 and passed in the Senate. The city supports passage
20 of this bill in the year ahead. We are continuing to
21 build on and expand the efforts that I have described
22 thus far to ensure the resiliency of New York City's
23 housing. As we do this, we know that New Yorkers
24 will experience the impacts from climate change
25 unevenly. That is why in the draft goals and

3 strategies of the comprehensive waterfront plan,
4 which was released for public comment during the
5 summer and will be finalized by the end of the year,
6 the Department of City Planning introduced a coastal
7 land use framework informed by the best available
8 climate science. The aim of the framework is to
9 support decision-making about future development and
10 public investments in housing and infrastructure with
11 an evolving understanding of flood risk. This
12 framework will help promote housing stability in
13 relation to climate risk by establishing different
14 approaches to residential density based on the
15 capacity for neighborhoods to adapt and withstand the
16 impacts of climate change through the 2050s. These
17 approaches include increasing residential density,
18 maintaining permanent density, and limiting future
19 residential density. The coastal land use framework
20 will build off work that DCP has already initiated,
21 including the 2017 designation of special coastal
22 risk districts. After extensive community
23 engagement, special coastal risk districts were
24 created for neighborhoods that flood regularly from
25 high tides and are projected to face daily tidal
inundation. The zoning designation limits the

3 [inaudible] of future developments to avoid further
4 growth of the residential population in a highly
5 vulnerable area while allowing the many current
6 residents to make investments in their existing homes
7 to make them safer. Broad Channel and Hamilton
8 Beach, Queens, and the east shore of Staten Island
9 are all examples of these districts. The coastal
10 land use framework presents a way to align future
11 development, public investments, and housing
12 infrastructure with our understanding of flood risk
13 in neighborhoods. The Comprehensive Waterfront Plan
14 also acknowledges that there are areas of the city
15 that face increasing exposure to chronic high-tide
16 flooding and the ability to maintain uninterrupted
17 access to a decent, safe, and sanitary home may
18 become compromised over time. This scenario requires
19 the development of programs and services that support
20 housing mobility so that New Yorkers can choose to
21 improve their housing stability by moving away from
22 flood risk. Such programs and services related to
23 flooding risks could include housing counseling,
24 voluntary buy-outs, housing search and moving
25 assistance, estate planning, and down payment
assistance. The city is actively pursuing federal

3 resources to create programs and services for a set
4 of housing mobility services that will specifically
5 prioritize housing stability for low- and moderate-
6 income households and support their ability to plan
7 and finance a future move. Together, housing
8 mobility, financial counseling, resiliency audits,
9 and retrofit programs are envisioned as a suite of
10 solutions to support property owners and renters, ah,
11 housing stability, as climate risks increase. As you
12 can hear from my testimony, there are many different
13 strategies and tools the city is employing to make
14 our housing, buildings, communities, and residents
15 more resilient. We look forward to delivering a
16 comprehensive citywide climate adaptation plan next
17 year, thanks to council's leadership on Intro 1620.
18 This plan will evaluate the impacts of the various
19 climate hazards that New York City faces, incorporate
20 the latest findings in climate science, and
21 articulate and build consensus around a climate
22 adaptation strategy. This is a significant step
23 forward that will ensure continuous, strategic, and
24 transparent leadership that helps the city become
25 even more resilient to the threats caused by climate
change. Regarding Intro 2189-2021, our office

2 recognizes the intent of this bill and we understand
3 there are certainly cases where power lines above
4 ground can cause outages for residents. In 2013 the
5 Office of Long-Term Planning and Sustainability with
6 support from Con Edison released a report entitled
7 *Utilization of Underground and Overhead Power Lines*
8 *in the City of New York*. At that time the study
9 found undergrounding citywide to be prohibitively
10 expensive. We understand that Con Edison recently
11 started to underground power lines in some parts of
12 the city and will be looking for support at their
13 upcoming rate case to expand this work. We will be
14 working closely with them on these future plans. We
15 believe that exploration of where and how
16 undergrounding would be useful and feasible should be
17 led by Con Edison based on their knowledge and
18 expertise. While our office could support this in an
19 advisory capacity, we do not have access to Con
20 Edison's data and are not staffed to perform this
21 study. In conclusion, I would like to thank the
22 committees on Resiliency and Waterfronts and Housing
23 and Buildings for allowing me to testify here today.
24 Resiliency strategies require the collaboration and
25 partnership at all levels of government and I look

2 forward to joining my colleagues in answering your
3 questions about housing resiliency along the
4 waterfront.

5 COMMITTEE COUNSEL: Thank you. Excuse
6 me, thank you. I will now turn it over to questions
7 from Chair Brannan, followed by Chair Cornegy.
8 Panelists, please stay unmuted if possible during
9 this question and answer period. Thank you. Chair
10 Brannan, you may begin your questions.

11 CHAIRPERSON BRANNAN: Thanks, Jess. I
12 want to, ah, give Council Member Gjonaj an
13 opportunity to ask questions as it's his bill we're
14 hearing.

15 COUNCIL MEMBER GJONAJ: Thank you, Chair
16 Brannan. Ah, and thank you for that report, Director
17 Bavishi. Ah, you mentioned expensive and you
18 mentioned that you give, you rely on Con Edison to
19 determine, ah, where and what locations we should be
20 focusing on removing the above-ground power lines to
21 below ground. I just wonder when after 1888 winter
22 where all of Manhattan enjoys the privilege of having
23 underground power lines why now we have to rely on
24 Con Edison to determine. It is not sensible and the
25 word expensive, how expensive would it be for all

2 power lines to be buried underground citywide, all
3 four boroughs?

4 DIRECTOR BAVISHI: Ah, thank you, Council
5 Member Gjonaj, for the question. Um, I'm gonna defer
6 to my colleague, Deputy Director DeRoche, to answer
7 this question.

8 DEPUTY DIRECTOR DEROCHE: Thank you,
9 Jamie. Um, so what we mentioned in our testimony is
10 that the city did study this in 2013, so right after
11 Sandy. And that study did find that undergrounding
12 lines was prohibitively expensive. However, a lot
13 has changed since 2013 and we are, we understand that
14 Con Edison is moving forward with plans. They
15 already have areas of the city that they are actively
16 looking to underground and are looking to, um, expand
17 that to other places. I'm not gonna speak on behalf
18 of Con Edison. They're here today and will testify
19 in more detail on what those plans are. Um, but in
20 regards to your question about the city's role in
21 studying undergrounding, you know, Con Edison is
22 regulated by New York State, the Public Service
23 Commission, and we do not have access to Con Edison's
24 data as to where and how undergrounding should happen
25 throughout the city. Each neighborhood has different

2 characteristics and they are in the best place to
3 look at those characteristics and identify what areas
4 should be undergrounded.

5 COUNCIL MEMBER GJONAJ: Thank you, Deputy
6 Director, Deputy Director. The question isn't which
7 neighborhoods, it should be all neighborhoods. It
8 should be all five boroughs, just like Manhattan,
9 that enjoys that privilege. And so you say the word
10 expensive, that must mean you have a number that was
11 given to you. What is the cost of burying all power
12 lines?

13 DEPUTY DIRECTOR DEROCHE: So I'm gonna
14 defer that question to Con Edison. We do not have
15 access to current cost information and I, and I
16 understand they will be speaking to that today.

17 COUNCIL MEMBER GJONAJ: Then, Deputy
18 Director, we should be careful when we say expensive.
19 If you don't have data and don't know the numbers you
20 cannot assume it's expensive or inexpensive.

21 DEPUTY DIRECTOR DEROCHE: Thank you.

22 COUNCIL MEMBER GJONAJ: That's the point
23 I'm making.

24 DEPUTY DIRECTOR DEROCHE: I understand.

2 COUNCIL MEMBER GJONAJ: And currently
3 Washington is debating a 2 trillion dollar package
4 that could be used in New York City to bury all power
5 lines. Do you, ah, Deputy Director or Director, do
6 we know the costs that, to the city when we lose
7 power lines due to storms and trees, ah, the
8 maintenance of those trees and cutting of branches
9 and the damage that impacts, ah, New Yorkers and the
10 cost to the city during power outages due to power
11 lines?

12 DEPUTY DIRECTOR DEROCHE: So that's a
13 great question and every storm is different. Um, you
14 know, we, we undertake tree trimming, um, in
15 conjunction with Con Edison and those costs that Con
16 Edison incurs are, um, reported to the Public Service
17 Commission. So, again, I'm gonna defer to them to
18 answer specific cost questions related to, um, power
19 outages.

20 COUNCIL MEMBER GJONAJ: Do you know what
21 the city's responsibility for those, the expense
22 associated with tree trimming, ah, is?

23 DEPUTY DIRECTOR DEROCHE: So I'd be happy
24 to get more information to you, ah, regarding a
25 particular storm, um, and, and if you'd, you know,

2 like to get back to us about which storm you're, you,
3 ah, want the cost information for we can get that to
4 you.

5 COUNCIL MEMBER GJONAJ: The point I'm
6 trying to make is this is gonna continue to be an
7 expense to the city, whether it be tree trimming or
8 repairs to power lines and the sooner we invest in,
9 ah, the long-term solution of burying our power lines
10 we're gonna be spending good money after bad money.
11 Um, and that's the point I'm trying to make here.
12 And relying on Con Edison to give the information, I
13 assure you that you'll stay on, I hope. You'll hear
14 Con Edison's response will divert back to the city.
15 They're saying they're not prepared, they don't know,
16 you should speak to the city, the agencies, the
17 department, the state, and it begins this whole cycle
18 of, ah, finger pointing, not me, someone else. So
19 when we come to these hearings the public that is
20 attending these hearings is looking for information.
21 And that information begins with the impact, the
22 cost, studies, determinations, so that they're more
23 informed, ah, as well as the council members. But
24 thank you. Thank you, Chair Brannan and Cornegy.

2 CHAIRPERSON BRANNAN: Thank you,
3 Councilman. Um, I want to go back to the, um, the
4 urban flooding and the flood plain. Ah, Jamie, the,
5 the property is located within the, the 1% flood
6 zone, ah, that have a federally backed mortgage or
7 that have experienced a flood disaster must have
8 flood insurance, right? Um, FEMA developed, ah, this
9 new flood insurance rating system, ah, called Risk
10 Rating 2.0. Um, all those new policies became
11 subject to this new system on October 1 of this year.
12 In the city's 10 poorest ZIP codes 38% of premiums
13 will increase. So what, what is the city doing, if
14 anything, to help alleviate this, this economic
15 burden, especially during a time like this?

16 DIRECTOR BAVISHI: Um, so, Chair Brannan,
17 I'm actually not familiar with the data that you
18 provided. I, I heard it in your opening testimony.
19 What I can say is that FEMA has provided aggregate
20 level data at the federal, state, and ZIP code level,
21 but has declined New York City's request to provide
22 more granular data at the individual property level
23 to understand how individual properties will be
24 impacted by the changes. So what I know is that in
25 New York City about 38% of residents will see premium

3 decreases, but about 61% will see premium increases.
4 Um, most of these increases will be relatively
5 moderate, resulting in no more than about \$20 a
6 month. Um, and, and we know that, you know,
7 different factors have been considered, things like
8 flood history, property location, property value, um,
9 but FEMA has not publicly or privately shared how
10 these different pieces, um, are evaluated, ah,
11 relative to each other. But, um, in terms of your
12 question about everything that the city is doing, um,
13 you know, in general the city provides training and
14 information about the national flood insurance
15 program and flood insurance, um, ah, in general for,
16 for city agencies, for nonprofits, as well as annual
17 briefings for local, state, and federal elected
18 officials, and we do outreach events with residents.
19 Um, we recently offered a briefing for council
20 members in September in coordination with meta share
21 updates on Risk Rating 2.0 and we'll be partnering
22 with FloodHelpNY this fall and further outreach, um,
23 around these changes. Um, you know, as, as, um,
24 discussed in the new normal report, we are also
25 planning to expand FloodHelpNY for all New Yorkers.
This program was previously funded, um, and only

2 offered to Sandy-affected areas because it was funded
3 with federal disaster recovery dollars. So we're
4 expanding the program, um, now and, um, you know, our
5 office continues to work with city agencies such as
6 HPD, DCP, um, and New York City Emergency Management
7 to provide flood insurance information, um, to
8 communities through existing outreach and
9 communication channels. Um, we've been, we've
10 participated in over 200 events, ah, to provide,
11 provide this information. Um, and FloodHelpNY is
12 just, you know, our, our main vehicle to make sure
13 that New Yorkers are aware of their flood risk and
14 have assistance to navigate the National Flood
15 Insurance Program, which can be incredibly
16 complicated. And as I mentioned in my testimony,
17 just very recently, between July and September, we
18 ran a visible 1.1 million dollar campaign in
19 collaboration with FEMA headquarters, raising
20 awareness about flood insurance.

21 CHAIRPERSON BRANNAN: Can, can you tell
22 me what neighborhoods the outreach was conducted in?

23 DIRECTOR BAVISHI: Um, I, I can't tell
24 you off the top of my head. I'm happy to, um, get
25 you more information, ah, about...

2 DEPUTY COMMISSIONER BRADDICK: What was,
3 what was like the, the rubric used for where you did
4 the outreach?

5 DIRECTOR BAVISHI: So, so, um, as I
6 mentioned, you know, FloodHelpNY, um, has been a
7 program that's been, um, that was funded previously
8 with post-Sandy federal disaster recovery dollars.
9 So the, um, the, the communities that were, um,
10 focus, um, that, that were the, ah, main focus of, of
11 FloodHelpNY and the outreach, um, where Sandy
12 impacted communities, places like southern Brooklyn,
13 southern Queens, um, where we, where we saw all the
14 Sandy damage. Um, we just recently in the new normal
15 report expanded FloodHelpNY to also serve M1
16 communities, so we're going to be, um, expanding that
17 outreach significantly. You know, and I just also
18 want to mention that, um, on top of all this outreach
19 that we're doing through FloodHelpNY and the services
20 that we provide, ah, through FloodHelpNY, we are
21 also, um, very loudly advocating to Congress and have
22 been for many years to substantial reform to the
23 National Flood Insurance Program, particularly
24 focused on affordability. Um, you know, we've been
25 quite concerned about the impacts that we're

2 screening 2.0 can have on, ah, the financial
3 resiliency of New Yorkers, especially low, low and
4 moderate income New Yorkers. Um, so we have been,
5 um, ah, as I mentioned in my testimony, we've, ah,
6 testified to Congress, we've been, um, writing op eds
7 and, and getting the word out about our concerns, um,
8 and engaging with FEMA about them and we will
9 continue to do that. Um, and I just also want to
10 clarify that, that the FloodHelpNY program is
11 particularly targeted to low- and moderate-income New
12 Yorkers, so that I just wanted to make sure that that
13 was, that was made clear.

14 CHAIRPERSON BRANNAN: OK. The data, the
15 data that I, that I referenced, ah, is from an
16 article in *The City* from October 12, 2021. Um, just
17 for your info. Um, I, I know, ah, your office has
18 been working on the future flood risk maps and based
19 on the most recent timeline that we received at the
20 council, ah, the modeling and mapping of these maps
21 was to be completed in May 2021, ah, with the public-
22 facing tools to be developed this past summer. So
23 could you give us an update on where we're at with
24 all that?

2 DIRECTOR BAVISHI: Um, you know, um, I,
3 ah, am happy to give you an update. Um, the, the
4 future flood risk maps are actually based on, um,
5 the, ah, mapping that FEMA is doing to, um, reissue
6 the, the FEMA flood insurance maps. They, um, used
7 to do that modeling first and then work essentially
8 going to be layering sea level rise on top. Um, so,
9 ah, I, I am surprised by the data that you have. Um,
10 I need to, I'd be happy to, you know, ah, ah, work
11 with your office on that because, um, that, the FEMA
12 flood insurance rate maps are not complete, um, and
13 are not gonna be complete for several years. So we
14 are going to work closely with FEMA to push for those
15 maps to be complete and then, um, in parallel be
16 working on the future flood risk maps.

17 CHAIRPERSON BRANNAN: So how do you think
18 these maps would, would influence or inform
19 development decisions along the waterfront?

20 DIRECTOR BAVISHI: I'm happy to speak to
21 that. Thank you for the question. Um, so
22 essentially, you know, our building code right now
23 takes into account our latest understanding of flood
24 risk, um, which are, which is the 2015, um, FEMA
25 flood insurance rate maps. But FEMA flood insurance

2 rate maps are based on historic flood risks and what
3 we are doing is accounting for sea level rise through
4 the future flood risk maps so that we can understand
5 the risk that's posed by sea level rise and a
6 property-specific, ah, at a property-specific level,
7 um, so that we can essentially use those maps as a
8 regulatory tool and one day, with council's help,
9 integrate them into building code. Um, that will
10 ensure that the, that any new building or substantial
11 rehabilitation takes future risks into account going
12 forward.

13 CHAIRPERSON BRANNAN: OK. Um, so, just
14 so you know, the, the data that we have and the data
15 that was mentioned in that article, the October 12 in
16 *The City*, was actually from a presentation that was
17 given to us by the Mayor's Office of Climate
18 Resiliency. The presentation was given in May of
19 2020. So that data shouldn't be puzzling to you.

20 DIRECTOR BAVISHI: Um, I'd be happy to
21 check on that. I have not seen any data about the 10
22 poorest ZIP codes in, in the city. I'm not even
23 sure, ah, I, I need to check on that, so I'm happy to
24 check on that and follow up with your office.

2 CHAIRPERSON BRANNAN: OK. Um, so Local
3 Law 41, the Climate Resiliency Design Guidelines, was
4 recently enacted and part of this law, um, requires
5 that each agency identify projects in their portfolio
6 to be part of the pilot program that will help inform
7 these guidelines. Can you give us an update on the
8 pilot, and I think it was supposed to have commenced
9 in the end of August?

10 DIRECTOR BAVISHI: Ah, yes, I'm happy to.
11 So first of all, thank you, ah, to council for your
12 leadership and partnership in passing Local Law 41.
13 Um, this was an incredibly impactful step we've taken
14 to, um, move towards a mandate of the Climate
15 Resiliency Design Guidelines, um, and it's just an
16 incredibly, um, important step towards mainstreaming
17 resiliency across city investments. So, um, ah,
18 thank you for your partnership on that. Um, we are
19 going to be releasing, as I said in my testimony, um,
20 the list of pilot projects that are in the pilot
21 program very soon, um, I'm hoping later today. Um,
22 you know, we're delighted to share that 23 city
23 capital agencies are participating, participating the
24 pilot and will be designing and constructing dozens
25 of new projects, um, using the Climate Resiliency

2 Design Guidelines. Um, there are 40 pilots that were
3 selected through this process, um, and it, they, the
4 process considered climate exposure, equity, and
5 project scope. Over 40% of the projects are being
6 advanced under this, under this program, um, that are
7 being advanced under this program will be constructed
8 in environmental justice areas. Um, and, you know, I
9 think this pilot is going to be able to inform the
10 broader city mandate around the use of the design
11 guidelines across the entire capital plan in 2026.
12 So it's, it's, ah, an incredibly informative and
13 important step, um, and we look forward to staying
14 connected with council as we move through the pilot.

15 CHAIRPERSON BRANNAN: What, what are
16 city's views on constructing homes and businesses in
17 areas that regularly flood now?

18 DIRECTOR BAVISHI: Um, so, you know, I
19 mentioned in my testimony, um, the coastal land use
20 framework that DCP has developed. Um, and I think
21 this is an important, um, important tool to, ah, sort
22 of frame this response because we know that this, in
23 the city we have a growing population...

24 CHAIRPERSON BRANNAN: [inaudible].
25

2 DIRECTOR BAVISHI: Ah, we, we know in the
3 city we have a growing population. We also face an
4 affordable housing crisis. Um, and so we need to
5 both continue to address our housing needs and the,
6 the needs of our growing population while we also
7 address the risk that are posed by climate change.
8 Um, so the coastal land use framework, um, you know,
9 is science-based and acknowledges that in areas where
10 we are able to we need to increase density to create
11 housing opportunities, um, and maintain housing
12 stability, um, and, and again, all this is informed
13 by, by the, by the best available climate science.
14 Um, we, we also, there will be neighborhoods where we
15 need to maintain permitted dense, permitted density.
16 And then there will be neighborhoods where we must
17 limit density, um, given, ah, the continued, the,
18 the, the presence of, ah, high tide flooding now and,
19 um, the worsening of that flooding, um, due to sea
20 level rise. Um, where we are limiting density we,
21 we've developed a new zoning designation called
22 special coastal risk districts. Um, and this, this
23 designation was only developed, um, through extensive
24 community engagement, um, that was really important
25 as it's part of, um, the arrival and approval of, of

2 this designation. Um, and, you know, and I, I will
3 also say that, um, ah, in, in those areas that are
4 designated special coastal risk districts, um,
5 residents can still make it, make, ah, improvements
6 to their homes that may make their homes safer, um,
7 in the face of, of, ah, continued flooding. And
8 additionally all new construction that's sited within
9 the flood plain must meet the stringent resiliency
10 requirements that are laid out, um, in Appendix G of
11 the New York City building code.

12 CHAIRPERSON BRANNAN: So is there, what,
13 what are the city's views that on constructing homes
14 and businesses in areas that will regularly flood a
15 decade from now, two decades from now?

16 DIRECTOR BAVISHI: So the coastal land
17 use framework that I described actually takes into
18 account the climate projections through 2050. So
19 we're not just taking into account, um, the current
20 conditions, but rather future conditions.

21 CHAIRPERSON BRANNAN: And what are we
22 doing to educate and support those homeowners and
23 businesses that are already in the areas of high
24 flood risk?

2 DIRECTOR BAVISHI: Um, that's a great
3 question. So, again, I, I'm gonna refer back to
4 FloodHelpNY, um, because it is an important tool
5 that, um, that, that we use to deploy information
6 about flood risk and flood insurance, um, and flood
7 insurance requirements and, um, now that it is, ah, a
8 program that we deploy citywide we will use it that
9 way and, and ensure that we're doing education about
10 flood risk, um, in communities across the city.

11 CHAIRPERSON BRANNAN: OK. Um, several
12 recent waterfront development projects plan to
13 incorporate, ah, resiliency measures in affordable
14 housing, ah, including the riverine in Williamsburg,
15 ah, the Ford Landing Project in, in University
16 Heights, ah, and Mott Haven, the, the Bronx Point
17 Project. These projects are in or adjacent to the
18 flood plain. Um, what, can you just give us an
19 overview of what resiliency measures are in place for
20 these projects and if there's an update on these
21 projects?

22 DIRECTOR BAVISHI: Um, so I, um, you
23 know, what I can say is that any new projects with,
24 um, ah, ah, in, in the flood plain would take into
25 account the stringent requirements that are a part of

2 Appendix G of the New York City building code. And
3 I'm happy to, um, defer to my colleague, Assistant
4 Commissioner Ackroyd, to describe those requirements.

5 ASSISTANT COMMISSIONER ACKROYD: Sure.

6 Um, thank you, Director Bavishi and Chair Brannan for
7 the question. Ah, I, I don't have specifics on those
8 particular, ah, developments. Um, but I can speak to
9 the requirements of the construction codes, ah,
10 specifically Appendix G. So if a, a development is
11 located within the special flood hazard area then the
12 requirements of Appendix G would apply. If it was
13 located adjacent to the special flood hazard area the
14 way the, the code is currently structured then
15 Appendix G would not apply. Um, so buildings that
16 are non-residential for flood zone purposes have two
17 options for compliance, ah, the first being elevating
18 the lowest floor, um, and providing nothing more than
19 parking, storage, and building access below that
20 lowest floor, um, and that is one strategy. Ah, the
21 second strategy is, ah, dry flood proofing if that
22 building is nonresidential for flood zone purposes.
23 Um, that would be, you know, designing the structure,
24 ah, to, to resist all of the flood loads and keep the
25 water out of the, ah, spaces below the design flood

2 elevation. It would also, um, those types of
3 buildings are allowed to have uses, ah, other than
4 parking, storage, and building access below that
5 lowest floor because they are dry flood proof. So
6 there are, ah, a, a few strategies for construction
7 in the special flood hazard area. Um, we do have
8 many, many, many buildings in the special flood
9 hazard area that are, ah, you know, there is
10 development going on in the special flood hazard area
11 and provided it's compliant with Appendix G then it
12 can move forward. Um, for, for purely residential
13 buildings, ah, dry flood proofing is not permitted
14 and, ah, such buildings need to have that lowest
15 floor elevated above the design flood elevation and,
16 um, again, nothing other than parking, storage, and
17 building access below the design flood elevation.
18 They're also prohibited from having subgrade space.
19 Um, so that, that's just a quick and dirty overview
20 of, of the types of strategies, ah, for new
21 construction in the special flood hazard area.

22 CHAIRPERSON BRANNAN: And, um, what
23 factors are we using to determine whether to install
24 gray versus green infrastructure, or a combination of
25 the two?

2 DIRECTOR BAVISHI: I'm sorry, Chair
3 Brannan. Could you repeat the question?

4 CHAIRPERSON BRANNAN: Sure. So what
5 factors, ah, are we using to determine whether to
6 install gray versus green infrastructure?

7 DIRECTOR BAVISHI: At the building level?

8 CHAIRPERSON BRANNAN: Yeah, or any
9 specific location. What, what's, how are we
10 determining which, which we're going with?

11 DIRECTOR BAVISHI: Ah, so let me speak at
12 a high level because, um, you know, this, this
13 question comes into play even in sort of like
14 coastal, ah, flood projects for storm water
15 management projects or even, um, how we're, um,
16 advancing our heat resiliency portfolio.

17 CHAIRPERSON BRANNAN: I, I guess I'm just
18 try to get to how does the city determine the, where
19 we're doing gray, but, you know, how do you determine
20 that? I mean, there's gotta be some sort of
21 methodology for it.

22 DIRECTOR BAVISHI: So I, what I would say
23 is that, you know, we're, it, it really depends on
24 the particular site in which we are, um, implementing
25 resiliency measures. And, um, we're, we're always

2 looking for ways to implement green measures, um, and
3 incorporating and, um, blending green and gray
4 measures wherever we can. Um, so, you know, for
5 example, um, I'll just, ah, talk about a few coastal
6 protection projects, um, and then I can talk about
7 storm water and heat resiliency as well. So for,
8 for, in terms coastal protection projects, you know,
9 we've got the Rockaway Atlantic Shorefront Project,
10 which because it's on a beach we're able to, um, use,
11 ah, measures like putting more sand on the beach as a
12 buffer, um, for, ah, future storm surge. Um, the
13 sand dune that is already there is also an important
14 element of the project, but the gray part comes in
15 because we are reinforcing the dune with stone and
16 steel to, um, create additional reinforcements and
17 additional layers of protection, um, for the, that
18 vulnerable community. Um, with East Side Coastal
19 Resiliency Project we are building a flood wall, but
20 another big, um, as a feature of the project is
21 creating, um, you know, pervious surfaces within the
22 park to absorb storm water. So it's just another,
23 um, kind of, ah, blending of, of different, um, ah,
24 measures. Um, with storm water resiliency, you know,
25 we'll be advancing cloud burst management projects,

2 but as, as we assess, um, particular sites for cloud
3 burst management some, some sites may be open space
4 that are green spaces that can absorb storm water.
5 Other sites maybe where there's more, um, where
6 there's less sort of, ah, pervious, um, surfaces we
7 may have to look to streetscapes or recreational
8 areas like basketball courts to absorb storm water,
9 to, to store storm water, I should say, and then take
10 pressure off the sewer system. Similarly, with heat,
11 um, we are, um, focused on, um, you know, planting
12 street trees and increasing vegetation. It's one of
13 the, um, the, the most useful strategies, the most
14 effective strategies in lowering neighborhood
15 temperatures. Um, but we are also recognizing that
16 some places are, some area of the city are denser
17 than others, um, focused on increasing reflective
18 surfaces, for example through our Cool Roofs Program,
19 um, because where we don't have enough space to plant
20 street trees we need to also be, um, using other
21 measures like reflective surfaces to bring down
22 temperatures.

23 CHAIRPERSON BRANNAN: OK. Um, who do we
24 have here from the Buildings Department?

2 DIRECTOR BAVISHI: We have Assistant
3 Commissioner Ackroyd.

4 CHAIRPERSON BRANNAN: Oh, OK, I'm sorry,
5 sorry. Um, I wanted to ask in relationship to, um,
6 what happened in Miami has, have we changed anything
7 here? Are we doing anything differently? I know in
8 Miami there's, I believe there's a requirement, ah,
9 for an inspection, ah, 40 years after something's
10 built. Is there any sort of similar requirement here
11 in the city and, and, you know, are, are we doing
12 what they're doing? Are we doing anything
13 differently after that happened?

14 ASSISTANT COMMISSIONER ACKROYD: Ah,
15 thank you for the, for the question, Chair Brannan.
16 Um, so I, I think it would be prudent to first
17 acknowledge that there's an ongoing forensic
18 investigation at that site and, um, I think we're all
19 feeling as though deferred maintenance played a role,
20 but we're not certain on, you know, the exact cause,
21 and so therefore, ah, I'm not sure that we're ready
22 to enact any, ah, measures, ah, to, to necessarily,
23 um, address those specific concerns. But I would say
24 that, that department, ah, I should say that the
25 construction codes currently have, um, a series of

2 inspections that required ah that, that would, you
3 know, alert an owner to, ah, possible structural
4 issues. So, for instance, we have our façade
5 inspection and safety program, um, where buildings
6 over six stories are required to periodically inspect
7 exterior walls and appurtenances every five years,
8 and, and, you know, repair those, those, ah,
9 deficiencies that are found. Um, we, ah, as part of
10 Local Law 126, which is the update of our
11 construction codes, we have incorporated a parking
12 structure condition assessment, um, that would
13 require, ah, a condition assessment every six years
14 and an annual parking structure observation. Um, now
15 I, I just want to highlight that this isn't in
16 reaction to what happened in Miami. It's just what's
17 prudent for New York City, um, and I think as, ah,
18 more information becomes available, ah, the
19 Department of Buildings and the City of New York be,
20 ah, our sister agencies would be happy to work with
21 council to figure out the appropriate, um,
22 modifications to the construction codes or any
23 additional inspections that would be appropriate to
24 address, ah, similar structures here in New York
25 City.

2 CHAIRPERSON BRANNAN: OK. With, and this
3 might be a question for the, ah, Miami Buildings
4 Department. Is there an idea of when we think that
5 forensic investigation is gonna be completed? Are we
6 following that?

7 ASSISTANT COMMISSIONER ACKROYD: We are
8 certainly following that. Um, and we're working with
9 the International Code Council to stay on top of it.
10 I know they are. Um, I, I don't have, ah, a actual,
11 ah, projected completion date, but we are following
12 it and have, ah, acquaintances and colleagues that
13 are, you know, truly a part of the investigation and,
14 and we feel like we'll, we'll have that information
15 as soon as it's available.

16 CHAIRPERSON BRANNAN: Um, I have some, I
17 have some more questions, but I want to, I want to
18 ask one last thing and then, and then give it over
19 to, to my cochair today and then I'll come back. Um,
20 for 2089, um, to study the, the feasibility of
21 burying, burying all the existing still above ground
22 power lines, um, I guess just, just broadly, does the
23 city support this bill and what is your position on
24 whether some or all of the remaining overhead power

2 lines in the outer boroughs should be placed
3 underground?

4 DIRECTOR BAVISHI: I'm gonna defer to my,
5 my colleague, Deputy Director DeRoche, to answer this
6 question.

7 DEPUTY DIRECTOR DEROCHE: Thank you for
8 the question, Chair. Um, so we are understand that
9 Con Edison is moving forward with plans to
10 underground areas of, ah, power lines in areas of the
11 city. Ah, and we're looking forward to working
12 closely with them and also with council on what these
13 future plans are. Um, we believe that this
14 exploration of how and where to underground power
15 lines would really only be feasible and useful if
16 it's led by Con Edison, um, of course with our office
17 in an advisory role. So, you know, when we talk
18 about the resiliency of the grid it, it is one of our
19 top priorities. Um, we are moving towards a clean
20 energy future. Ah, but that grid also needs to be
21 resilient to climate change at the same time. And
22 due to the city's advocacy at the state level, um,
23 Con Edison and other local utilities have conducted
24 climate change vulnerability studies, um, and have
25 [inaudible] implementation plans. Um, so, you know,

2 there are many ways to integrate resiliency into the
3 grid. That includes, ah, storage capacity as well as
4 new transmission of renewables. Um, undergrounding
5 is really one tool in the toolbox and it can be used
6 well in the right circumstances, ah, to reduce the
7 frequency of outages.

8 CHAIRPERSON BRANNAN: Yeah, I mean, we're
9 constantly told, ah, that burying the remaining
10 vulnerable overhead lines in the outer boroughs is
11 just cost prohibitive, but I struggle to, um,
12 understand how mass outages and their exponential
13 impact is somehow cost effective. So, I mean, I
14 guess if the city doesn't really have to pay for this
15 then are you guys fully, I mean, are you fully in
16 support of this? Why wouldn't you be in support of
17 burying all the overhead power lines?

18 DEPUTY DIRECTOR DEROCHE: So we are
19 supportive of burying those lines in the right places
20 under the right circumstances. And, like I said...

21 CHAIRPERSON BRANNAN: What does, what
22 does that mean?

23 DEPUTY DIRECTOR DEROCHE: So, again, we
24 don't have the data to be to evaluate this on a

2 neighborhood by neighborhood level and Con Edison is
3 here to talk through that.

4 CHAIRPERSON BRANNAN: OK.

5 DEPUTY DIRECTOR DEROCHE: Um, they are
6 currently working to underground certain
7 neighborhoods in the city, um, and can give you
8 details on that. And I understand that in their next
9 rate case, which the city will be a stakeholder and
10 they'll be asking for additional funding to expand
11 that program. We look forward to looking at what
12 those plans are, um, and if those plans are, it makes
13 sense from a cost perspective the city will support
14 them. Ah, we just don't have the details, um, nor do
15 we have the data to do that evaluation ourselves.

16 CHAIRPERSON BRANNAN: OK. Um, just let
17 the record reflect that Manhattan has zero overhead
18 power lines. Um, last thing and then I, I want to
19 give over to, ah, my cochair. Ah, what is the DOB
20 doing, what, is the DOB contemplating any policy
21 changes that would help protect residents of basement
22 apartments from, from fatal flooding in the future
23 based on what we saw in August?

24 ASSISTANT COMMISSIONER ACKROYD: So,
25 um...

2 CHAIRPERSON BRANNAN: And if the resident
3 is living, if the resident right now is living in an,
4 in an illegally converted basement apartment are
5 there resources available to them that, you know,
6 would still hold them harmless from, you know, sort
7 of reporting themselves?

8 ASSISTANT COMMISSIONER ACKROYD: Um, it,
9 it's a very good question, thank you, Chair Brannan.
10 And, ah, to the, to the first part I, I know that,
11 ah, the Department of Buildings is participating in a
12 task force that is, ah, is grappling with the
13 legalization of basements apartments. This is
14 certainly something that, um, the city recognizes is
15 an issue that, that there are many, many, ah,
16 affordable housing units in these basement
17 apartments, but also that they are, ah, in need of,
18 um, legalization. So there is a task force that is
19 working to attempt to, um, to streamline, um, and
20 also to, to develop strategies that are appropriate
21 for New York City. Um, I know that the pilot, the
22 basement pilot program is serving as, as a sort of a
23 model for how to, um, examine the construction codes,
24 um, and, and try to, ah, make modifications to allow
25 for basement apartment, um, legalization where it's

2 appropriate. But, again, I, I think we learned a
3 lot, ah, or are learning a lot as a result of, ah,
4 Ida and, and this task force is hopefully going to,
5 um, provide us with, with additional information so
6 that we can prioritize, ah, changes to the
7 construction codes if they're appropriate and any
8 sort of enforcement action, um, that's appropriate.

9 CHAIRPERSON BRANNAN: So if they reach
10 out, if I'm living in an illegally converted basement
11 apartment and I reach out to, to understand what
12 resources are available to me, um, will I face
13 repercussions?

14 ASSISTANT COMMISSIONER ACKROYD: I, I,
15 I'm reluctant to answer that question, um, because I
16 don't have the answer, ah, that is, I don't have the
17 answer for you. Um, I don't believe that, that the
18 department is, is vacating those, ah, basement
19 apartments. Um, but again I'd like to, you know, ah,
20 coordinate with the appropriate units and, and
21 provide you accurate information.

22 CHAIRPERSON BRANNAN: But what about, so
23 what are we, I mean, it's two months later now. So
24 what have we done? If folks are living in these
25 apartments, we know they are, we know it's, it's due

3 to an affordability crisis in our city. If, if
4 people are scared to death now that they're seeing
5 what happened, especially in Queens, and they reach
6 out to the city for help, what's, what are we doing?
7 Are we, are we, what are we doing?

8 ASSISTANT COMMISSIONER ACKROYD: So I
9 think, ah, the Department of Buildings is providing,
10 um, we, immediately following Ida there were many
11 sessions, ah, for homeowners, ah, to come in to the
12 Department of Buildings to understand what the
13 process is for, um, filing with the department for
14 repairs, um, providing, um, any support we can within
15 our, um, any support we can within our, um, within
16 our area of expertise and within our jurisdiction.
17 Ah, you know, I know the city is, is, ah, working on
18 a, a more comprehensive communication plan to help,
19 um, get the word out in advance of, ah, a future
20 event and I know that is essential to the safety of
21 these, ah, occupants. Um, I know that, that is a
22 role, ah, that OEM plays, um, amongst other agencies.
23 Um, so, you know, I, I think that, that the, the
24 focus is not on necessarily, ah, vacating these,
25 these basement apartments, it's more on, um, you
know, helping people to get back to normal and, um,

2 you know, focusing on, ah, further study to figure
3 out the appropriate strategies to, um, to effectively
4 and appropriately address this, it's, it's a
5 complicated issue.

6 CHAIRPERSON BRANNAN: Yeah, understood.

7 I mean, I think we, you know, need to come to terms
8 with the fact that people are living in illegally
9 converted apartments, not because it's their first
10 choice, but it's because it's all they can afford,
11 um, and ultimately if they can't live here then
12 they're gonna be homeless. Um, but if they reach out
13 to the city there needs to be some sort of, um,
14 immunity given to them if they're just looking to
15 have, figure out how they can stay safe, and if they
16 can't stay safe where they're living then that's
17 another story. But, um, I, I just thought we were
18 further along in what, what we were doing about that.
19 Um, I just worry that if it's the type of thing where
20 people feel they have to reach out to find out what
21 resources are available for them I think they're
22 gonna be, you know, ratting themselves out basically
23 and we don't want that.

24 DIRECTOR BAVISHI: Chair Brannan.

2 CHAIRPERSON BRANNAN: Yeah, I hope
3 there's some sort of amnesty that's given to these
4 folks.

5 DIRECTOR BAVISHI: This is really an
6 interagency issue and Emergency Management at HPD.
7 Both play very, very important roles here.
8 Unfortunately they're not here today so I think that
9 this is something that we can follow up with you on.

10 CHAIRPERSON BRANNAN: Yeah, that's,
11 that's pretty damn important, so. All right, thanks
12 guys. I'm gonna, I'm gonna hand it over to my
13 cochair, ah, Rob Cornegy.

14 CHAIRPERSON CORNEGY: Ah, thank you,
15 Chair Brannan. I, I do have to say that, um, you
16 know, you know, the chair has been incredibly
17 thorough in his line of questioning, both on recovery
18 and resiliency, and on, ah, DOB and, and regulation
19 issues. I do want to double down on a couple of
20 things. One is, um, Council Member Gjonaj's line of
21 questioning as it related to, you know, the
22 responsibility of the city to move forward and to,
23 um, align ourselves with the federal government for
24 resources, especially around, ah, alternative energy
25 and burying the power lines in the outer boroughs.

2 Um, I don't think it's incumbent upon Con Ed, ah,
3 with all due respect to, um, ah, Carl Kimble, who I
4 see is on the call. I don't think it's Con Ed's
5 responsibility to navigate or negotiate that process.
6 I feel like it's the city's responsibility, ah, to do
7 that and I think that if, you know, this is really
8 important. Ah, at this particular time if I heard
9 the words recovery or resiliency one more time I'm
10 just gonna go crazy, and for us not to be
11 coordinating with the federal government in any real
12 way with these trillion, literally trillions of
13 dollars that will pour for infrastructure in the
14 city, um, I, I, I'm kind of at, at a loss. And
15 that's less of question and more of just a statement,
16 ah, of, of where we are and what's important as a
17 city, recovery or resiliency, recovery or resiliency?
18 We hear it every single day and yet we're sitting
19 here on top of trillions of dollars of infrastructure
20 spending that have been earmarked for, ah, ah, for
21 infrastructure and we have really no plan to access
22 them to upgrade the city in a way that protects its
23 residents, ah, and energy, and, and I find that
24 incredibly concerning. Um, so if anybody would like
25 to speak to that, um, I, I know, ah, um, Council

2 Member Gjonaj is, is as livid as I am, you know, not
3 being able to have any real concrete answers to what
4 we're going to do moving forward, with the money
5 literally on, figuratively and literally on the table
6 as we speak.

7 DIRECTOR BAVISHI: Chair, Chair Cornegy,
8 I would like to speak to that, and I, I, ah,
9 certainly don't want to leave you with, or any of the
10 council members with the impression that, um, we are
11 leaving any money on the table. Um, so Congress has
12 just passed a huge infrastructure bill, as you noted.
13 Um, and the funding that's made available by this
14 infrastructure bill presents a very unique
15 opportunity to advance projects, um, adaptation and
16 resiliency projects proactively, um, and I think, you
17 know, it will be projects, programs, and planning
18 across the city. Um, specifically funding was made
19 available for waterfront resiliency infrastructure,
20 community vulnerability assessment and planning,
21 transportation resiliency, residential heating and
22 cooling assistance, household weatherization, um, as
23 well as dedicated funding to FEMA's building
24 resilient infrastructure, Building Resilient
25 Infrastructure and Communities Grant Program, and for

2 the Army Corps of Engineers, um, Resiliency Planning
3 and Projects. Um, so I just want to assure you, um,
4 that, um, the Mayor's Office of Climate Resiliency,
5 city agencies, um, federal legislative affairs, and
6 OMB are all collaborating, um, quite actively to
7 understand eligibility requirements for this funding
8 and identify resiliency projects and programs that
9 will best serve the most vulnerable communities,
10 adapt our infrastructure, and make the city more
11 livable for New Yorkers. Um, and in addition to the
12 infrastructure bill there are other source of federal
13 funding that will become available over the next
14 year, which we are, ah, actively planning for as
15 well, including, um, FEMA's COVID Hazard Mitigation
16 Grant Program funding, um, funding that's made
17 available in the Ida [inaudible] and then next year,
18 um, you know, the state Environmental Bond Act will
19 go to voters, um, and that could unlock important
20 resources, um, as well. So I, ah, I just want to be
21 clear that we are, um, you know, certainly eager to,
22 um, get those dollars to New York City. We are
23 actively planning for that. Um, and that will go
24 towards energy projects as well as other resiliency
25 projects across the board.

2 CHAIRPERSON CORNEGY: I, I thank you for
3 that response. But I guess the simple question is
4 how can we ask for resources when we don't know the
5 cost? We, we sound, we sound crazy, like you're
6 gonna ask for or lean on the federal government to
7 some degree to provide those resources and we can't
8 even provide to the council what we, what the, what
9 the estimated cost would be for that type of, ah,
10 infrastructure development.

11 DIRECTOR BAVISHI: So the infrastructure
12 needs of New York City are [inaudible] that we are,
13 um, going to be advocating for and competing for
14 federal funding for. Um, that is not limited to the
15 undergrounding of power lines.

16 CHAIRPERSON CORNEGY: Unfortunately for
17 me December 31 marks, ah, my transition from the
18 council. But I'm hoping that you will provide to
19 this body and, and these two chairs at least at some
20 point in the very near future, ah, what, what we feel
21 like that spending would be on infrastructure
22 projects. Um, I know that it's probably not a public
23 document that can be shared, but I feel like the
24 council should at least know what we're fighting for
25 and, and if you can provide that to whoever my

2 successor, whoever Council Member Gjonaj's successor
3 or Council Member Brannan will still be here, ah,
4 unfortunately for you guys he's gonna still be here
5 and he's gonna probably want you to follow up, ah,
6 with those numbers. Um, so thank you for your
7 testimony.

8 DIRECTOR BAVISHI: We'd be happy to
9 follow up. And I, I just want to say that I think
10 the first step is really understanding what the
11 eligibility requirements for these programs are.
12 There are big buckets of funding and big numbers out
13 there. But there's, um, still more, more information
14 we need to understand what kinds of projects will be
15 competitive. So we'll, um, you know, keep the
16 council posted as we have that information, um, and
17 then, ah, we can, you know, follow up with additional
18 information.

19 CHAIRPERSON CORNEGY: Thank you. As I
20 said earlier, um, my, my cochair was very thorough in
21 his line of questioning for that. Ah, there's
22 another thing I'd like to double down on and
23 obviously, um, as the chair of Housing and Buildings
24 I've been very intimately involved both in this
25 legislative session and the last legislative session

2 on the, the basement pilot program. Um, and I've
3 literally been referring people back to the city when
4 they're asking me can we get help. And now I'm a
5 little concerned that, ah, you know, my, my
6 grandmother had a saying that we fatten frogs for
7 steaks. I feel like I'm, I'm fattening a whole bunch
8 of, ah, homeowners, ah, ah, for steaks by sending
9 them back to the city and, and, and you didn't make
10 me feel any comfortable. I literally during this
11 process, during the pandemic, ah, during the early
12 stages of the pilot program were referring families
13 to bring their homes online, um, and now I'm not
14 certain that that's, you know, I, I, I haven't heard
15 any feedback from people that I referred, but I'm
16 concerned that we don't have a process that either
17 grants amnesty, ah, where there is safety, listen,
18 safety is a priority. Safety has been a priority for
19 me as the chair from day one. So safety is 100% my
20 priority, ah, and, and even the basement pilot
21 program, but in order to bring these units online
22 throughout the city with the supportability needs,
23 um, I, I'm a little concerned at, ah, at, at
24 Commissioner Ackroyd's, ah, your, your answer. And,
25 and this is not an indictment of you, it's just

2 [inaudible] the city agencies when we, when we're,
3 when we're responsible to, to provide a referral
4 process for constituents and, and now I'm not sure
5 that that referral process, process will yield for
6 them what they'd like, which is ultimately to have
7 the information necessary to make their units safe
8 and to actually be, ah, ah, find available programs
9 to help them with recovery and resiliency in, in
10 basements in general, or certainly basement
11 apartments that are providing affordability across
12 the city. You don't have to respond to that, but I,
13 I just, I'm just a little bit concerned, um, ah, at
14 that, at that response. Um, so there's just a couple
15 more questions I have. Like I said, my, my cochair,
16 ah, in the true spirit of Brooklyn has been very,
17 very thorough in his questioning. But the Local Law
18 126, ah, that I do have some questions about. Ah,
19 and I'll start with, um, Local Law 126, ah, expand
20 the applicability of flood zone requirements of 100
21 here flood hazard area to all critical facilities
22 located in a 500-year flood zone. Have there been
23 any plans to expand the applicability of these flood
24 zone requirements to other facilities located in the

2 500-year flood zone? That's a mouthful, I understand
3 it.

4 DIRECTOR BAVISHI: Um, I, I just want to
5 clarify that the Local Law 126 is, um, ah, Council
6 Member Matteo's bill on freeboard, um, that was
7 passed earlier this year, is that right?

8 CHAIRPERSON CORNEGY: Yes.

9 DIRECTOR BAVISHI: OK. Um, so let me
10 start and then I will, um...

11 ASSISTANT COMMISSIONER ACKROYD: I'm
12 sorry, can I just clarify, ah, Local Law 126 was the,
13 ah, update to the construction codes. So it updated,
14 ah, the construction codes generally. Ah, I believe
15 it was Local Law 43 of 21 that updated the freeboard.

16 DIRECTOR BAVISHI: OK. Um...

17 CHAIRPERSON BRANNAN: You're correct,
18 Commissioner, I'm sorry.

19 ASSISTANT COMMISSIONER ACKROYD: OK.

20 DIRECTOR BAVISHI: OK. Well, what I, I
21 can say here is that, you know, we are developing
22 these future flood risk maps that will, um, require,
23 that, that will provide property-specific information
24 about future flood risks due to sea level rise. Um,
25 and our goal is to use them as a regulatory tool that

2 can be integrated into both building code and create
3 more stringent requirements, um, for new construction
4 and substantial rehabilitation when it comes it, um,
5 keeping their property safe, um, in, in the face of
6 flood risk. But I will, um, defer to my colleague,
7 Assistant Commissioner Ackroyd, in case he has
8 anything to add, because I believe he's more familiar
9 with the, the local law and its requirements.

10 ASSISTANT COMMISSIONER ACKROYD: Sure.

11 CHAIRPERSON CORNEGY: Ah, Ackroyd,
12 there's a couple of questions, um, ah, in Local Law
13 126, if I could ask those, and maybe you can ask
14 them, answer them in sequence as opposed to going
15 back and forth, if you don't mind?

16 ASSISTANT COMMISSIONER ACKROYD: Fire
17 away.

18 CHAIRPERSON CORNEGY: Um, Local Law 126,
19 um, includes amendments that encourage the use of
20 alternative energy production processes, including
21 hydrogen fuel cells. Can you explain what other
22 types of alternative energy production this law
23 encourages? And, and I believe we had a earlier
24 conversation on this hearing about alternatives, so
25 it's kind of a timely question. And then, um,

2 lastly, ah, how does Local Law 126 support the use of
3 sustainable building materials? So just those three,
4 um, Commissioner Ackroyd. And thank you, ah, for
5 your patience on the, on the question.

6 ASSISTANT COMMISSIONER ACKROYD: Sure,
7 sure, sure. Um, so, ah, we have been, ah,
8 coordinating with, ah, the Fire Department, FDNY, on,
9 ah, their [inaudible] fire code, which I know, um,
10 you all are, are working on now, and, um, the, ah, as
11 part of that coordination, um, we added the, the, ah,
12 requirements on hydrogen fuel cells and, and the
13 idea, um, really is that, that they're integral, um,
14 to ensuring, ah, sustainable energy production, but
15 we want to ensure that it's being done in a safe
16 manner. Um, and I know that the, the fire code is
17 also going to be, um, ah, addressing energy storage
18 systems. So battery systems, ah, to be installed
19 within, um, buildings and, and so that is, ah,
20 something that we've been coordination with, with,
21 ah, FDNY on, um, to ensure that the, ah,
22 installations are safe, um, but also that there is
23 guidance on how, um, they're to be installed. So,
24 um, I think that the, that those, those two items
25 come to mind. Um, the construction codes already,

2 ah, you know, address, ah, in the mechanical code
3 many, ah, building system types, um, so I, I think
4 that, ah, I, I'm drawing a blank to actually point to
5 a specific system beyond, ah, that which, which is
6 newly, um, encouraged, ah, by Local Law 126, but I
7 don't think that we are prohibiting, um, innovation
8 in, in any way. Um, so I hope that answers your
9 question, your first question. Ah, and then you, you
10 had a question prior to this regarding the, ah,
11 protection of critical infrastructure, um, where,
12 where the, the Appendix G is now going to mandate
13 that, ah, critical infrastructure located in the 500-
14 year flood zone, ah, be built to, um, to higher, more
15 rigorous standards and, and I think you were, ah,
16 interested to know if, um, if we were contemplating,
17 um, expansion of, ah, the construction requirements,
18 ah, for all buildings and, and for, for this
19 particular code revision cycle I think that, ah, it
20 was deemed appropriate to just think of fire, rescue,
21 ambulance, police stations, designated emergency
22 stations, power generating stations, um, those types
23 of facilities, ah, for the, for this expanded
24 requirement, but would absolutely, um, continue to,
25 to investigate whether it's appropriate to expand the

2 horizontal extension of the special flood hazard area
3 and I think that the, ah, incorporation of these, ah,
4 climate smart maps, um, is a, is an opportunity to do
5 that. Um, so I just wanted to, to jump back to that
6 and, and, and speak a bit on that. And then lastly
7 you, um, asked about the support of sustainable, ah,
8 building systems, I believe?

9 CHAIRPERSON CORNEGY: Yes.

10 ASSISTANT COMMISSIONER ACKROYD: Um, and,
11 and one thing that we're really happy to, to, to, ah,
12 speak about with Local Law 126 is the, um, allowance
13 for cross-laminated timber. Ah, cross-laminated
14 timber is, ah, a sustainable, ah, material that, that
15 we are now recognizing for construction, um, in New
16 York City. Previously it was not recognized and, and
17 was not allowed, and so this is a, a sustainable, um,
18 material that can be use for buildings, ah, up to 85
19 feet in height, um, up to seven stories, and it
20 provides an opportunity for, um, an alternative, and
21 so that is, is one example of, ah, a sustainable
22 material which is newly recognized by the, ah, by the
23 updated construction codes.

24 CHAIRPERSON CORNEGY: So anybody watching
25 these hearings sometimes believe that there's

2 contention between the council and the agencies. I
3 was very happy to work in conjunction with DOB on
4 that particular bill, and, and many others. So, so
5 while these hearings look like from the outside we
6 don't work together, it, it's quite the opposite.
7 Just so everybody who's watching, ah, we worked
8 together on, I proudly worked together with DOB, ah,
9 ah, and yourself on, on that bill and, and a ton of
10 other bills over my time in the council. So, ah, ah,
11 I'm aware that if you're somebody new who's watching
12 these hearings you think they're getcha hearings, and
13 they really aren't because off camera we work
14 together, ah, I think very well and I'm hoping that
15 the future will yield the same type of collaboration
16 and cooperation going forward. The city only
17 benefits from that. So the city doesn't benefit from
18 gotcha hearings. It actually benefits from us, ah,
19 ah, sometimes waiting to the midnight hour working
20 together on pieces of legislation that move the city
21 forward and, and provide, ah, extra amounts of
22 safety. So that, that bill is just one of the, ah,
23 hundreds I've been able to work on with, with you,
24 so. [inaudible] to that. Um, I am, I'm, I'm pretty
25 much done with my questioning and I'd like to turn it

3 back. I see Chair Brannan is back so I'd like to
4 turn it back to, ah, the chair.

5 CHAIRPERSON BRANNAN: Here we go. Thank
6 you, Chair Cornegy. Um, I want to see if any of my
7 colleagues who are still on if they have any
8 questions. No? Mission Control is telling me no.
9 OK. Um, OK. Let's, I want to take to Kyle 'cause I
10 know he's gotta leave. Ah, I won't take that
11 personally, Kyle. So let's talk about that Gjonaj's
12 bill, 2189. Um, and let's, let's try to dig in a
13 little bit on, ah, the administration before was, was
14 talking about how they support it, but they need to
15 know where we're doing it. What is, what is the
16 rubric that, that Con Ed would be using to figure out
17 where to bury these power lines, um, and, that's,
18 that's what I need to know. How are we deciding
19 which ones are more, which ones are more vulnerable
20 than others? Like are some overhead power lines
21 somehow more resilient than others? Um, certainly
22 you, you and I speak quite frequently about this and,
23 um, in my district power goes out reliably twice a
24 year, even if there's no storms, right? The winter
25 we always have one and the summer we always have one.
Ah, I know, I understand that, um, you know, at least

2 you have told me that Con Ed often feels like it's,
3 it's sort of a Catch-22, but it's easier to repair
4 the overhead power lines than it is to repair the,
5 the buried power lines. However, um, you know, power
6 goes out reliably in the outer boroughs, um, and no
7 one blinks. The power went out a couple summers ago
8 in Manhattan and it was a world, a worldwide story.
9 Um, but Manhattan has zero overhead power lines while
10 we're out here in the Ozarks dealing with this,
11 whether there's a storm or not. So, um, are we
12 getting to a place where Con Ed is, is ready to admit
13 that, um, the, the repairs and the damage is, is
14 equally cost prohibitive versus the, what it would
15 take to bury these lines? That's my first question,
16 and I think the second is how are you determining
17 where if and when we do this, where do we start and,
18 and why?

19 KYLE KIMBALL: Can you hear me?

20 CHAIRPERSON BRANNAN: Yes, sir.

21 KYLE KIMBALL: OK. Ah, Shakira, do you
22 want to take that, or do you want me, [inaudible]
23 Shakira Wilson. You need to unmute yourself,
24 Shakira. Yeah. So do you want to introduce
25 yourself, Shakira?

2 SHAKIRA WILSON: Yep, I did. I needed
3 permission, though, so thank you.

4 KYLE KIMBALL: OK, sorry.

5 CHAIRPERSON BRANNAN: Permission granted,
6 Shakira.

7 SHAKIRA WILSON: Thank you, thank you.

8 Um, yeah, so good morning, all. Thank you. Um, so
9 great questions. And I would say in regards to the
10 criteria that we're utilizing, so we do have a few
11 demonstration projects going on currently right now.
12 Um, one is in Middle Village in Queens, and we're
13 also looking to finalize a project in Staten Island.
14 So what we are doing is we're looking at, ah, past
15 service interruption data, history over a 10-year
16 period, and major storm events. Ah, and we're
17 looking at particular segments of our overhead, um,
18 system. So through a ton of benchmarking with peer
19 utilities, um, and also reviewing storm restoration
20 data, ah, we're looking at our restoration curve as a
21 whole and the number of days it takes and what we
22 found was, um, some of the laterals, or we, I would
23 call a spur off of the main run or backbone of our,
24 ah, overhead circuits, ah, would tend to have more
25 significant damage or be later on in the restoration

2 curve. So applying the criteria, looking at, um,
3 outages, simple objective outage data, the number of
4 outages, also the duration, applying that to specific
5 areas of an overhead circuit is basically how we come
6 up with our list. Um, and that list we came up
7 working closely with our engineering team, ah, we'll
8 go through the list, the top jobs we'll go to first,
9 like the one in Middle Village right now that's, um,
10 about 70% complete. Ah, we'll go out, we'll do field
11 walks, we'll look at the feasibility of taking the
12 overhead lines and putting them underground. Ah,
13 clearly we'll look at the tree density. Um, there's
14 some factors there, too, as well. Um, and then we'll
15 decide if it's, ah, working with stakeholders and our
16 customers. Um, if they agree we would, we would
17 start that process. And that's what we did with the
18 current projects, um, that are happening right now.

19 KYLE KIMBALL: Yeah, I would say the,
20 it's also important to note that, um, just, some of
21 the questions that came up, just in terms of the
22 data. This is that, um, so 83% of the Con Edison
23 system in the five boroughs is already underground.
24 So what we're talking about is the, is the remaining,
25 you know, 15%, 17%. Ah, that's, that's first and

2 foremost. And just to, just address the questions
3 that Council Member Gjonaj asked earlier, ah, I'm not
4 gonna point fingers at the city and say ask them.
5 I'm gonna give you, ah, a direct answer. In 2013 the
6 study that was done after Sandy said that it would
7 cost about 42.9 billion dollars to underground. So
8 that's the number. And those are in 2013 dollars.
9 And to address something that you said, Council
10 Member Brannan, it's actually not free to the city.
11 Ah, there's actually a significant cost to the city
12 as well, ah, and in 2013 that was estimated to be
13 about, about 18 billion. Um, so if you escalate
14 those numbers to today, it's, you know, roughly a 70
15 billion dollar project to underground the remaining
16 17% of the system. Now having said that, ah, we do
17 have, are, are in the process of making smart
18 investments in terms of, when we say smart
19 investments, all the criteria that Shakira just
20 talked about, ah, and neighborhoods relationship to,
21 um, you know, the transmission system and the
22 distribution system, and these are just like very
23 solid engineering decisions about where it makes
24 sense, and it's important to know that this is
25 something that, as you know, Tim Cawley, our new CEO,

2 um, has made a priority. And so I think you'll see,
3 um, we are making more efforts to underground
4 different parts of the city, ah, more aggressively
5 than we have in the past. Ah, whether or not that's
6 an admission of anything other than we see the
7 reliability benefits of having something underground,
8 but it's not something that we can do, you know, we
9 can't really wave a magic wand overnight because of
10 the cost. Um, and...

11 COUNCIL MEMBER BRANNAN: I know you, I
12 know you, but I'm sorry I jumped the gun. I know you
13 have testimony. But let me ask one...

14 KYLE KIMBALL: That's all right.

15 CHAIRPERSON BRANNAN: And I want to know,
16 I want to know, I want to hear it. But let me just
17 ask one you one thing before you, you do it.

18 KYLE KIMBALL: Yeah.

19 CHAIRPERSON BRANNAN: Let's say I gave
20 you 70 million dollars. How long, how long would
21 that take, ballpark?

22 KYLE KIMBALL: 70 million? 70 billion.

23 CHAIRPERSON BRANNAN: [laughs] I have the
24 full 70 billion for you in my checking account. How
25 long does it take to get that done?

2 KYLE KIMBALL: Well, that's an
3 interesting question. I mean, 'cause I think one of
4 the things that we wanted to talk about here was
5 that...

6 CHAIRPERSON BRANNAN: I mean, are we
7 talking, are we talking decades? Are we talking five
8 years?

9 KYLE KIMBALL: I would say decades, yeah.

10 CHAIRPERSON BRANNAN: Um-hmm, wow, OK.

11 KYLE KIMBALL: It's, it's a significant,
12 and, and Shakira can talk about this. So we had two
13 projects. She talked about the project in Middle
14 Village. What's also important is that we had, we
15 have a project in Staten Island, ah, that we're
16 working on now, is the second project we're doing in
17 Staten Island, where a neighborhood we were going to
18 Union Grove and they actually did not want it. So a
19 significant part of this is stakeholder buy-in, um,
20 so you could have, you could have your 70 billion bu
21 there's certain neighborhoods that just don't want
22 it.

23 CHAIRPERSON BRANNAN: Stakeholder buy-in,
24 you mean like I need to get the, the grouchy
25

2 neighborhood who doesn't construction done to agree
3 to this?

4 KYLE KIMBALL: No, meaning, so if you
5 underground a neighborhood, a circuit, ah, or a spur
6 as Shakira is saying, you'd have to get, so it's not
7 just that, undergrounding is not just a function of
8 us putting our lines underground. That is one big
9 component of it. The other piece is that we have to
10 take, so if you think about your house now it's
11 connected outside and your fuse box, and your fuse
12 box to y our house is probably somewhere on your
13 first or second floor. So what has to happen for
14 undergrounding is yes, we have to bury our
15 distribution line and then we have to dig a trench in
16 your front yard or through your driveway to your
17 basement and then we have, you as the homeowner have
18 to move your fuse box and the connection to the
19 system from the second floor to the basement, and
20 that's at your cost. And it's at your disruption,
21 um, so there's...

22 CHAIRPERSON BRANNAN: [inaudible]

23 KYLE KIMBALL: ...there's Con Edison cost
24 and there's customer costs.

2 CHAIRPERSON BRANNAN: But why would that,
3 what, what does that matter if my power is coming
4 above or underground? Why does that matter?

5 KYLE KIMBALL: Because it connects into
6 your house, ah, through the basement. So anyone,
7 every, every, everywhere there are underground power
8 lines there, the connection from the service box to
9 the fuse box is in the basement. So you would have
10 to do rewiring in your house.

11 CHAIRPERSON BRANNAN: This is the first
12 I'm hearing of this, I mean...

13 KYLE KIMBALL: There's a significant
14 customer component to underground.

15 CHAIRPERSON BRANNAN: But why does it, if
16 the power is already coming in, whether it's above
17 ground or underground, why does that affect what's
18 going on in my basement?

19 SHAKIRA WILSON: So, again, it's the
20 point of entry. So, um, our responsibility is up to
21 the weatherhead, up to a, a home or a customer's
22 property. And beyond that it's customer
23 responsibility. So if you have an overhead service,
24 typically that will come in, like Kyle said, to the
25 top or the awning of a house and it will come done

2 into your, ah, meter pan, above. When we go
3 underground we will now, like Kyle said, you trench
4 up and then you're gonna come up below your meter
5 pan, and that work has to be done by an electrician.
6 That is not something that we would do. That is
7 customer responsibility. So your point of entry is
8 going to change, and that's what Kyle is referring
9 to.

10 CHAIRPERSON BRANNAN: Well, I assume that
11 if we were to walk down this road together this would
12 have to be something that the city would mandate.
13 This can't just be up to every neighbor if they want
14 to do it. This isn't like getting FIOS.

15 SHAKIRA WILSON: I think Kyle is trying
16 to jump in. But yet, that, it would be
17 conversations, that is, um, one option. Ah, it's
18 just like if you're doing a sewer project or you're
19 looking, that's something that, you know, the city or
20 various, ah, areas, that would be a conversation. At
21 the end of the day...

22 KYLE KIMBALL: Your question, was your
23 question what, why does everyone have to agree?
24
25

2 CHAIRPERSON BRANNAN: If we have to get
3 everyone to agree we'll never do anything, so that's
4 the problem.

5 KYLE KIMBALL: Right, that's the, that's
6 the problem with underground.

7 SHAKIRA WILSON: No.

8 KYLE KIMBALL: That, that, so we had that
9 problem in Staten Island with [inaudible] project.
10 We wanted to do, we found an area that we identified
11 using the data and we had to do a significant
12 outreach to the customers one by one, knocking on
13 doors, phone calls, and everyone on a circuit has to
14 agree, ah, because it doesn't make sense that some
15 houses would be under and some would be above.
16 Because it's a system, right, and so if a tree, if,
17 if you have a neighborhood where, you know,
18 theoretically 10 houses were underground and one was
19 above ground and a tree fell at the one the whole,
20 the whole five houses go down. And so it's, the
21 system is only as good as its weakest component in an
22 undergrounding situation.

23 CHAIRPERSON BRANNAN: Hmm. OK. Do you
24 want to give your testimony?

2 KYLE KIMBALL: Um, I, I know, we, it's up
3 to you, Shakira. I mean, I think we're also fine to
4 just answer questions, but...

5 SHAKIRA WILSON: Either or, it's fine
6 with me.

7 KYLE KIMBALL: Yeah, I mean, we can, we
8 can, we can submit, we'll submit our testimony and
9 just focus on the Q&A.

10 CHAIRPERSON BRANNAN: I'll be down to the
11 beach this weekend.

12 SHAKIRA WILSON: [laughs]

13 KYLE KIMBALL: The one thing I would say
14 that I think is very important is that, um, yes,
15 undergrounding does have resiliency benefits. Ah,
16 and it's gonna be super important in the context of
17 clean energy, the, the transition to clean energy and
18 electrification. So the other big component that
19 we're thinking about here is, so there's one piece of
20 undergrounding which is just taking a feeder that's
21 above ground and putting it below ground, and, and
22 all the issues around that. But then there's the
23 other piece of electrification, so if we are now
24 picking up the heating, the load that, is currently
25 being served by natural gas by electricity if your

3 neighbor, if your neighborhood has one feeder,
4 because we're gonna be picking up electrified houses
5 over time, or buildings, we probably will need to run
6 two or three more feeders, right? Because that's
7 additional electric load that's being picked up by
8 the electric system. So the other piece that is
9 happening with undergrounding is, it will continue to
10 happen with undergrounding, is thinking about we're
11 gonna have to make investments to bolster the system
12 anyway, so do we need to put them underground while
13 we're at it? Um, but I do think it's important to
14 note that yes, there are resiliency benefits to
15 undergrounding, but you are trading storms. So, um,
16 you know, we have a lot of, we have, a lot of the
17 storms that we have, you talked about earlier were
18 above-ground storms. We have trees falling on power
19 lines. Um, we have wind and, and that sort of
20 situation. But with underground situations you have,
21 you're trading a wind storm for a heat storm. So if
22 you have a five-day, ah, you know, heat wave of, you
23 know, 98, 110, whatever we have with increasing heat
24 waves, ah, that does drain the system. And the
25 problem with underground systems, as I think you said
at the time, is when the power does go out it, the,

2 the duration of the outages can be longer, um,
3 because you do have to find, ah, where the, where the
4 short is and then you have to dig it up, ah, and then
5 replace it. And so, ah, and you also have salt, ah,
6 with winter storms as well. So there are some, you
7 know, it's not a panacea for a, an outage-free grid.

8 CHAIRPERSON BRANNAN: Um...

9 SHAKIRA WILSON: Yeah, and I, I was just
10 gonna add, so while undergrounding, you know, there's
11 a component of, um, many programs and initiatives
12 that we have to make the system more resilient and
13 reliable. Um, but we want to make sure that we do it
14 in, in the right areas, where it provides the most
15 benefit for our customers. And I, we think with
16 these projects that we're currently doing we're gonna
17 get a better idea of the costs, um, just we'll have a
18 better sense of what it takes to schedule, what it
19 takes as far as the communication, ah, working with
20 our peer, peer utilities that are actually they share
21 poles with us, um, so they have to do this with us to
22 make it, you know, people look at this for the
23 aesthetics reasons. Um, we can go under, but there's
24 a lot of infrastructure that's out there on poles and
25 we all have to be in this together. So we're gonna

2 get a lot more information from these projects, um,
3 and most certainly use that, those lessons learned,
4 moving forward, um, because this is something we're
5 committed to doing, um, and we're gonna have this
6 part of our rate filing and, you know, more to come
7 on this.

8 CHAIRPERSON BRANNAN: OK. I just
9 realized I broke protocol here and I need to like,
10 like let you guys introduce yourselves, so.

11 KYLE KIMBALL: [laughs]

12 SHAKIRA WILSON: [laughs]

13 CHAIRPERSON BRANNAN: So I'll let the
14 lawyer handle that. Jess, you want to take that?

15 COMMITTEE COUNSEL: Thank you, Chair.
16 Um, yes. If, um, Shakira Wilson and Kyle Kimball, if
17 you could please introduce yourselves for the
18 record. Um, just state your names and, um, the
19 organization, that company, um, that you're
20 affiliated with. Thank you.

21 SHAKIRA WILSON: OK, so I'll, I'll guess
22 I'll start. Ah, my name is Shakira Wilson and I'm a
23 vice president of electric operations, ah, for Con
24 Edison.

2 KYLE KIMBALL: Ah, Kyle Kimball, vice
3 president of government, regional, and community
4 affairs for Con Edison.

5 COMMITTEE COUNSEL: Thank you both.
6 Chair, please continue.

7 CHAIRPERSON BRANNAN: I thought we were,
8 I thought we were doing a podcast there for a minute.
9 I forgot we were doing a, a hearing of the City
10 Council of New York. Um, Councilman Gjonaj, do you
11 have questions about your bill?

12 COUNCIL MEMBER GJONAJ: I do. Thank you,
13 ah, Chair Brannan, and I want to thank you, ah, Kyle
14 and, um, Ms. Wilson for the feedback and answering
15 some of the questions. I'm just trying to get a
16 better understand of this. How did we do Manhattan?
17 How is it that Manhattan has underground power lines?
18 What was the cost to those properties? To get a
19 better understanding of is this, are we making this
20 much more complicated than it really has to be? We
21 currently have, and I'll compare it to, ah, New York
22 City water lines and sewer lines, where the homeowner
23 is responsible for the line up to the city's main
24 connection. In this regard why do we have to
25 relocate the electric pan, I believe you referred to

2 as, from the top floor down to the basement when you
3 can bring the line underground up to the foundation
4 of the building and run it exterior right up to where
5 the existing [inaudible] connection. So that's one
6 question. The second question is who's responsible
7 for the power lines to the point of connection in a
8 home? Is that Con Edison? And if so why would this
9 be any different then?

10 SHAKIRA WILSON: So I'll, I'll take that.
11 So, um, just to the second question. So we have a
12 responsibility what's, what's ours versus what's
13 theirs. We have, um, education out there that we
14 always try to communicate with our customers. So we
15 own up to the point of the weatherhead, um, and we
16 maintain that service to our customers. Anything
17 else beyond that the customer is responsible to, um,
18 maintain.

19 COUNCIL MEMBER GJONAJ: For those of us
20 that don't understand weatherhead.

21 SHAKIRA WILSON: Sorry, the top of, I'm
22 sorry, so, ah, sorry. So the top of the connection
23 that comes in, so if you have an overhead service it
24 comes in to the top where you have like a mass and
25 then you'll see it comes down to a pipe into the top

2 of the, ah, the meter pan. So everything, that mass
3 that comes down is the customer responsibility. We
4 own up until that point into the home. So in regards
5 to Manhattan, so I, I think even earlier, um, you
6 mentioned, you know, late 1800s. Um, I know that the
7 blizzard was there. I think the city back then, you
8 know, stated, um, for safety reasons all the
9 Manhattan would be underground at that point and
10 that's well before the, the electric system was, that
11 was beginning stages of when the electric system was
12 actually developed. So in Manhattan that was the
13 edict. That was the way the system was built. And
14 as you moved to the outer boroughs, um, I would say
15 that just like the trains, um, with the MTA, you see
16 all the trains are underground in Manhattan. As you
17 go to outer boroughs much more cost effective not to
18 continue that to be underground, and they're all, for
19 the most part, overhead, ah, like the train system,
20 and I will just say that's similar to what the, um,
21 electric system and how that was built over several
22 years. So I don't have the costs of what that was to
23 maintain Manhattan, um, or, or to do that initially.
24 Um, but that's basically in, in an essence the, the
25 electric system and where that started.

2 COUNCIL MEMBER GJONAJ: Just so we can
3 have a better understanding, the weatherhead, ah,
4 from the weather head into the home is the
5 responsibility of the home ownership, the property
6 owner.

7 SHAKIRA WILSON: Yes, and we can actually
8 share we you, we, we have, um, educational pieces
9 that we can share with you and give out, because we
10 give that out often. It's also on our website.

11 COUNCIL MEMBER GJONAJ: So then the
12 responsibility of Con Ed would be to the point of the
13 weatherhead?

14 SHAKIRA WILSON: Um-hmm.

15 COUNCIL MEMBER GJONAJ: And then we can
16 enter the same place that, um, the current homeowner,
17 ah, has the power entry coming in and at their own
18 discretion they can ultimately in the future bury it
19 below, below ground when there's developments and
20 those homes come down to a spot there's a redevelop
21 they can do it accordingly updating, ah, from
22 overhead to underground. Am I correct?

23 SHAKIRA WILSON: Yeah, so we provide the
24 service and right now all existing overhead services
25 we are, we are obligated under our tariff [inaudible]

2 adequate service, ah, and maintain that. If an
3 entity or customers, 'cause we have this now, where a
4 customer now decides that they would like to go
5 overhead to underground that entire process is their
6 responsibility. And we have that. We have a few
7 customers that will say I don't know, I no longer
8 want to be overhead and I'd like to go underground.
9 Um, and that is a process where we'll have our
10 engineers, we have our energy services department
11 that works with those customers. There is a cost for
12 the customer that we provide and, um, and they will
13 go out and do that work on their own. So little,
14 just want to make sure I clarify that a little bit.
15 I don't know if that helps you or not.

16 COUNCIL MEMBER GJONAJ: Kind of.

17 KYLE KIMBALL: I think the question is,
18 um, if you ran underground and just ran, um,
19 essentially ran underground, so I guess his point is
20 why, why does the customer equipment have to move,
21 that's his question, in, in an undergrounding.

22 SHAKIRA WILSON: Yeah, so, again I, it
23 depends on the situation. Ah, for the most part it
24 is that part of entry where you have to come into the
25 home, um, and different homes, there's different

2 levels. Sometimes the overhead comes on the second
3 floor. To Kyle's point, um, it's not in the
4 basement. Again, you're going underground so you
5 want to make sure that the facilities, and, again, we
6 have to meet, there's codes, ah, we have to meet all
7 of that. So for the most part the customer would
8 need an electrician in order to do that.

9 KYLE KIMBALL: Yeah.

10 COUNCIL MEMBER GRODENCHIK: I'm back to
11 the weatherhead. If we made everything underground
12 up to the weatherhead, what would be the problem then
13 from the weatherhead where it's the homeowner or
14 property owner responsibility to the point of entry?
15 You can leave that exposed. Since they're
16 responsible for it anyhow.

17 KYLE KIMBALL: Well, the weatherhead is
18 on the roof.

19 SHAKIRA WILSON: It's, yeah.

20 KYLE KIMBALL: So you're, you're going
21 from, like the customer would have to do something
22 because the weatherhead now is something, it's like
23 near your, it's like on the tip of your roof near
24 your gutter.

2 SHAKIRA WILSON: I think what would help
3 is sharing that and maybe having the conversation to
4 go over because it, it can be, you know, just going,
5 a little complicated, so, and we have visuals that
6 can help.

7 COUNCIL MEMBER GJONAJ: I agree, and we,
8 we should take that up. Can, can you tell me what
9 the cost to Con Edison, um, on an annual basis is for
10 tree pruning, and you do this in partnership with
11 City of New York, ah, and maintenance, if you have
12 that answer?

13 SHAKIRA WILSON: Yeah.

14 COUNCIL MEMBER GJONAJ: Um, and secondly
15 the cost, um, of repair lines over the last 10 years.
16 So we're talking about from Hurricane Sandy,
17 Superstorm Sandy, forward. What was the actual costs
18 that Con Edison, whether it was shared with the city
19 or not, in, um, ah, financial burden to make those
20 repairs for the last 10 years?

21 SHAKIRA WILSON: OK, so I'll answer the
22 tree trimming. Um, so on an annual basis we spend
23 approximately 14 million dollars in our tree trimming
24 program, and yes, we do work very closely with the
25 Parks Department. Um, about, I would say about 5

2 million of that does go to the city. Um, maintaining
3 the, the, the lines in the city areas, um, and all
4 the boroughs. Um, so in regards to our relationship
5 with the Parks Department, um, that relationship has
6 definitely evolved over the years. We work very
7 closely. I have, um, arborists that are on my team
8 that work with the arborists in the Parks Department,
9 um, and when the city, when the Parks Department
10 identifies trees that are dead, diseased, dying, um,
11 we have a risk factor that we apply, this is the
12 Parks Department, um, applies to that, um, and we'll
13 come out. We'll help, ah, clear the lines. Ah,
14 sometimes we tap trees below our wires, um, and we
15 work very closely with them, um, on that. But, yeah,
16 it's about 14, um, million dollars. And then we have
17 a three-year cycle that we trim and there's
18 approximately, um, 2200 miles of, ah, overhead lines
19 that we, we trim on a three-year basis throughout all
20 the boroughs.

21 COUNCIL MEMBER GJONAJ: And the cost, um,
22 ah, over the last 10 years for overhead power line
23 repairs?

24 KYLE KIMBALL: Do you mean as a matter of
25 storm repair, or just as maintenance?

2 COUNCIL MEMBER GJONAJ: Maintenance and
3 repair, what was the total cost of all overhead, and
4 we're talking about the last four boroughs, um, for
5 repair and maintenance of overhead power lines?

6 SHAKIRA WILSON: Yeah...

7 KYLE KIMBALL: It's not, I don't know if
8 you have it, Shakira, I don't know if I do.

9 SHAKIRA WILSON: No, I don't have all
10 that for the city and for the past 10 years, um, I
11 will say storms, um, Isaias, that definitely was
12 about 150 million dollars. Um, I don't have all, ah,
13 that storm data...

14 COUNCIL MEMBER GJONAJ: Do, do you know
15 what the cost of Hurricane Sandy was to Con Edison
16 [inaudible]?

17 SHAKIRA WILSON: It was probably in, I, I
18 don't have the figure in front of me, but it was
19 significant.

20 KYLE KIMBALL: Yeah.

21 COUNCIL MEMBER GJONAJ: Significant, in
22 the hundreds of millions, billion?

23 KYLE KIMBALL: Not a billion.

24 SHAKIRA WILSON: Not, not a billion,
25 definitely not a billion.

2 KYLE KIMBALL: Yeah.

3 COUNCIL MEMBER GJONAJ: So, just one
4 storm...

5 SHAKIRA WILSON: Let me think...

6 COUNCIL MEMBER GJONAJ: I'm sorry?

7 KYLE KIMBALL: Well, you have to
8 recognize that some of those costs from Sandy were
9 costs that were incurred to the underground system.

10 SHAKIRA WILSON: Yes.

11 KYLE KIMBALL: Right, though? Um, we had
12 [inaudible] that needed to be replaced and that was,
13 that was a, Sandy was a system-wide event that
14 affected both overhead and underground.

15 COUNCIL MEMBER GJONAJ: Ah, let me ask
16 the question differently. When it comes to
17 maintenance and repairs, is it safe to assume that
18 there is more, ah, exposure to overhead power lines
19 with damage from storms and wind throughout the year?
20 [inaudible]

21 SHAKIRA WILSON: If you have overhead
22 lines we are exposed to wind elements more than you
23 would underground.

24 KYLE KIMBALL: Um-hmm.

25

2 COUNCIL MEMBER GJONAJ: So and if we talk
3 about the future and how we spend and invest and
4 every penny that we invest should yield a return
5 where it's, you make the investment and, ah, over
6 time it pays for itself in just maintenance repairs.
7 Is this something IT we should be focused on when it
8 comes to power lines?

9 SHAKIRA WILSON: So I, I think to your
10 point, looking at, you know, the, the amount that we
11 spend during these events is definitely gonna be part
12 of that cost analysis. Of course it's something you
13 look into. Um, but undergrounding, and we're not
14 suggesting that we, um, clearly it takes decades if
15 you want to, if we want to underground the entire
16 system, but there are other elements that we have in
17 play that can help, and some of that includes taking
18 underground cable and putting it on our poles, and
19 we've seen during, um, events where typically
20 customers on the overhead system are supplied by open
21 wire. It's much smaller, it's thinner, but by then
22 taking them off open wire and putting underground
23 cable on the poles to supply customers that helps
24 that, um, and that, you know, being exposed to wind
25 and trees coming down, we have trees that will come

2 down but they won't take the power out, they'll just
3 lay on that cable. So that's another element that we
4 do. And, again, it's just figuring out where the
5 right places are to do the undergrounding and what
6 makes the most sense. But, of course, that would be
7 part of our, ah, our analysis moving forward.

8 KYLE KIMBALL: Yeah, and one, one thing I
9 would say, just, also to supplement that is, um, we
10 are doing, like I said, we are moving forward. We're
11 gonna put more undergrounding in our upcoming rate
12 case, um, that will be forthcoming this, ah, next
13 winter, this coming winter. Um, but I do think it's
14 important that while we're, while we're talking about
15 costs to know that it's gonna be incredibly important
16 that, um, when you see these projects and these
17 capital projects in our rate case that we have the
18 city's support. Um, and, you know, Suzanne DeRoche,
19 who spoke earlier, gave a very astute answer that
20 undergrounding is but one of a series of tools that
21 we can use to make the system more resilient in the
22 face of climate change and, um, so, ah, it's gonna be
23 important that we have the city's support with these
24 undergrounding projects, ah, going forward.

25 COUNCIL MEMBER GJONAJ: [inaudible]

2 KYLE KIMBALL: And that's not only
3 including just the money piece but, you know, you can
4 ask Council Member Holden, who I don't believe is on,
5 ah, the, the project we're working on in Queens is in
6 his district and he's been instrumental in, ah,
7 getting the community to support the undergrounding
8 project, ah, and you can ask him, it has not been
9 easy, ah, and, you know, so that's, that's one area
10 that we've, that the council could be very helpful.

11 COUNCIL MEMBER GJONAJ: Thank you, Mr.
12 Kimball. Thank you, Ms. Wilson. I want to thank the
13 chairs for giving me the luxury of asking these
14 questions, and I think this is going to be very
15 helpful as we inform New Yorkers. Two last questions
16 and I'm done. It is a very complicated response, I
17 know this is very complicated. Does any know what
18 the cost to homeowners and businesses has been during
19 these overhead power outages, ah, due to storms? Can
20 anyone even estimate that actual cost?

21 KYLE KIMBALL: Well, one cost that we can
22 estimate, I think there's a lot of intangible costs
23 that can't be calculated. Um, but one thing that can
24 be calculated, we, you know, there's usually, um, we
25 have been very proactive about giving reimbursements

2 for food spoilage and that's usually in the, in the
3 tens of millions of dollars, you know, depending on
4 the storm, sometimes less, again, depending on the
5 storm.

6 COUNCIL MEMBER GJONAJ: That's typically
7 to homeowners, not to businesses, correct?

8 KYLE KIMBALL: Ah, no, that's, that's to
9 both. I mean, it's usually, you know, for food
10 spoilage in a restaurant or a home, yeah.

11 COUNCIL MEMBER GJONAJ: And that...

12 KYLE KIMBALL: [inaudible].

13 COUNCIL MEMBER GJONAJ: Right, then the
14 other factor would be based on the weatherhead
15 location the expense to the home ownership that would
16 have to bring their own electrician in, um, and then
17 the loss of revenue, ah, to a small business that can
18 never be recaptured again, ah, for the obvious
19 reasons. We don't have any estimates on to the as
20 well. Correct?

21 KYLE KIMBALL: I'm not sure I understand
22 the question [inaudible].

23 COUNCIL MEMBER GJONAJ: So when there are
24 power outages obviously businesses are impacted.

25 KYLE KIMBALL: Yeah.

2 COUNCIL MEMBER GJONAJ: That means their
3 business is shut down.

4 KYLE KIMBALL: Yeah.

5 COUNCIL MEMBER GJONAJ: There is no
6 income, and we couldn't, covered the food spoilage
7 depending on the storm. But what we're not
8 calculating in this is the amount of lost revenue to
9 that small business and ultimately the taxable income
10 that would come to the city. So when you look at an
11 impact of a storm it's just not the damages that have
12 to be repaired, the reimbursement for food spoilage,
13 but also an important factor is the income or the
14 revenue that was lost and what that actually means in
15 taxable dollars...

16 KYLE KIMBALL: [inaudible].

17 COUNCIL MEMBER GJONAJ: That's your sales
18 tax collections, income tax, um, payroll tax.
19 There's a real, um, impact.

20 KYLE KIMBALL: That's true, um-hmm.
21 Yeah, I agree with that.

22 COUNCIL MEMBER GJONAJ: And where I'm
23 heading with all of this, and thank you, Chairs, is
24 if we know support, we should be looking at this as
25 the total impact to New York City, homeowners and

2 businesses, including the initial infrastructure
3 investment, considering the impact, which is more
4 than just an inconvenience to homeowners and
5 business, but actual, has a, you have a light impact
6 when it comes to equipment, ah, and a business
7 component to it, where lost revenue and lost revenue
8 to the City of New York. There is a big picture and
9 this may be that time that we lobby Washington while
10 they negotiate a 2 trillion dollar package that will
11 cover, ah, infrastructure, ah, as well. So I'm
12 looking forward to getting as much information, ah,
13 from both you, Mr. Kimball, and from Ms. Wilson as
14 well as the administration, um, on the effects and
15 impacts of storms when it comes to power outages,
16 specifically in and around the, um, overhead power
17 lines and what that ultimately translates to in the,
18 in the form of lost revenue. Thank you.

19 CHAIRPERSON BRANNAN: Thank you,
20 Councilman. Um, I guess, I'd, I'd like to just
21 understand, I mean, and I don't know if you're gonna
22 like this, but I mean, I, I know, I'm, what we're
23 hearing and what we continue to hear is that burying
24 the, the remaining overhead power lines in, in the
25 outer boroughs, um, is cost prohibitive. But I don't

2 see how Con Ed or the city or anyone could contend
3 that the mass outages and, and their exponential
4 impact is cost effective. So how do we, how do we
5 bridge that gap, and is that what you're trying to
6 do?

7 KYLE KIMBALL: So we're not really saying
8 anymore that it's cost prohibitive. Um, so that's
9 just one thing to take off the table.

10 CHAIRPERSON BRANNAN: But you're giving
11 us, you're giving us the price and [laughs].

12 KYLE KIMBALL: No, I'm just, yeah, I'm
13 just, I just, because I just wanted to be responsive
14 with facts, that's what the 2015 report said, and I
15 know that was, that was a contingent at the
16 beginning. But we're not throwing that, and we're
17 not even arguing against undergrounding, but we, I
18 think, we've talked about this in the past and, like
19 I said, with our new CO Tim Cawley, this an important
20 thing to him and you're gonna see undergrounding
21 projects in our rate cases this winter.

22 CHAIRPERSON BRANNAN: OK.

23 KYLE KIMBALL: Um, so that's, we're not
24 really saying that anymore. It's just that now we're
25 transitioning to we have to do it in a, in an orderly

2 way, in a cost effective way, um, and in a way that
3 has the full backing of the city. Um, so that's,
4 that's what we're really saying, saying now, is it's,
5 it's not really saying it's cost prohibitive. But it
6 just needs to be done strategically, smartly,
7 orderly, um, and in partnership with the city, um,
8 because it is, it is complicated. And it's not just
9 the customer piece. It's, you know, the permits and
10 processes and, um, you know, construction in the city
11 is not getting easier. It's, it's only getting
12 harder and, you know, I've been on your side of the
13 screen on these hearings in terms of being part of
14 the city and I know, ah, how much faster and quicker
15 things go if the Mayor's Office of Capital Projects
16 is, ah, behind something. They have an incredibly
17 excellent staff who really knows to execute projects,
18 and so this is not something we can do on our own.
19 We're gonna have to do this in partnership with the
20 city, DOT, DEP, um, and all these processes and align
21 them [inaudible] processes, um, to get these projects
22 in place, as well as, as the support, you know,
23 Council Member Brannan, if we did a project in your
24 neighborhood we're gonna have to be together at the

2 community board hearing talking to people who don't
3 want to do this as to why it's a good idea.

4 CHAIRPERSON BRANNAN: OK. Ah, Chair
5 Cornegy, do you have anything?

6 CHAIRPERSON CORNEGY: Ah, no. Like I
7 said earlier, ah, Chair Brannan, you were very
8 thorough in your line of questioning and I do just
9 thank, um, thank, ah, the, the, everyone for their
10 testimony. So I think it was informative, um, and,
11 and, you know, on this recovery and resiliency we got
12 a lot of work to do.

13 CHAIRPERSON BRANNAN: Yeah. OK. I
14 don't, ah, Mission Control, I don't think we have any
15 members who have questions, right?

16 COMMITTEE COUNSEL: That is correct,
17 Chair.

18 CHAIRPERSON BRANNAN: OK.

19 COMMITTEE COUNSEL: We will, we'll now
20 turn it to public testimony, is that OK?

21 CHAIRPERSON BRANNAN: Yep.

22 COMMITTEE COUNSEL: Great.

23 CHAIRPERSON BRANNAN: Thank you, Con Ed.

24 KYLE KIMBALL: Thank you all.

25 CHAIRPERSON BRANNAN: Keep my lights on.

2 KYLE KIMBALL: [laughs]

3 COMMITTEE COUNSEL: Thank you, Con Ed,
4 for testifying. We will now turn to additional...

5 CHAIRPERSON CORNEGY: [inaudible].

6 COMMITTEE COUNSEL: ...to additional
7 public testimony. I would like to remind everyone
8 that we will be calling on individuals one by one to
9 testify. Each panelist will be given three minutes
10 to speak. Please begin once the sergeant has started
11 the timer and given you the cue to begin. Council
12 members who have questions for a particular panelist
13 should use the raise hand function in Zoom and I will
14 call on you after the panelist has completed their
15 testimony. For panelists, once your name is called a
16 member of our staff will unmute you and the Sergeant
17 at Arms will give you the go ahead to begin upon
18 setting the time. Please wait for the sergeant to
19 announce that you may begin before starting your
20 testimony. I would now like to welcome Michael
21 Dulong of Riverkeeper to present testimony. Michael
22 Dulong, you may begin when the sergeant calls time.

23 SERGEANT AT ARMS: Starting time.

24 MICHAEL DULONG: Hi everyone. Thank you,
25 Chairman Brannan and Chairman Cornegy for the

2 opportunity to testify today. Um, I'm Mike Dulong, a
3 senior attorney with Hudson Riverkeeper and I want to
4 pick up on your line of questioning, Chairman
5 Brannan, about what the city is doing to protect
6 these new shoreline developments, or, or all of the
7 shoreline housing that's in place for the future and
8 not just today, and what it sounds like and what I
9 understand is that there are pretty good, ah, zoning
10 requirements for building the flood plain that will
11 allow a building to survive inundation. But that
12 doesn't mean that there is community resiliency. If
13 a building is getting flooded, um, once a year, once
14 a month, ah, that is just not a good place to live
15 and there's gonna be demand for the city to step in
16 and build resiliency measures or to buy those
17 properties out. Um, and what happens when you have
18 even one flood event you have disruption to, um,
19 electricity, utilities, even building access,
20 destruction of roads. All of those things can affect
21 quality of life and make things difficult. So as
22 what we're seeing, what I see from the boat when we
23 take the Riverkeeper boat out and go into the harbor
24 and up into the tributaries where we used to see a
25 lot of industrial properties, two-, three-, four-

2 story buildings, and, ah, a lot of activity going on,
3 now we are seeing major towers. You know this. You
4 see the development, too. It is like, being on the
5 water now is like walking down a New York City street
6 where you're looking up in awe of all these monstrous
7 buildings. Um, and so that means that over the past
8 20 years or so and looking out into the future if
9 this is still happening there is an enormous amount
10 of shoreline development that is bringing thousands
11 of New Yorkers right to that flood plain, but right
12 in the most dangerous area, the most likely area to
13 flood. A lot of those buildings have no protection.
14 Some of them, like the riverine projects, are taking
15 fairly drastic measures to build out, sort of reclaim
16 areas of the waterway to build out breakwaters to
17 protect the building, and only that local building.
18 So, there is no plan yet for all of this, no sort of
19 unified citywide plan. Ah, 1620 is an incredible
20 bill. The more I think about it, the more I
21 appreciate, ah, what I think the [inaudible] of that
22 bill will be. It is a very broad study of climate
23 adaptation for the city. It does not focus
24 necessarily on the risk to housing stock, on the, the
25 modeled building out of the shoreline, of what's

2 gonna happen to all these properties that are built.

3 Um, and so I encourage you to work with the relevant
4 agencies to make sure that that is a highlighted part
5 of the study and, and that comes through so that we
6 can the risk. Let's see what mapping that over the,
7 the city's flood maps, the development that's
8 happened very recently and is ongoing would go a long
9 way to show you exactly what the problem is and how
10 many New Yorkers are being put in the flood plain.
11 And last, I'll just invite you to...

12 SERGEANT AT ARMS: Time expired.

13 MICHAEL DULONG: I will just invite you
14 out onto the boat. We're about to put it away for
15 the year, but come see what this looks like and come
16 see what's going on in your district on the
17 waterfront. Thank you.

18 CHAIRPERSON BRANNAN: Thank you, Michael.

19 COMMITTEE COUNSEL: Thank you very much.

20 Um, we have, excuse me. If we have inadvertently
21 missed anyone who has registered to testify today and
22 is yet to have been called, please use the Zoom hand
23 raise function and you will be called in the order
24 that your hand has been raised. Seeing none, I will

2 now turn it over to Chair Brannan and Chair Cornegy
3 to offer closing remarks. Chair Brannan.

4 CHAIRPERSON BRANNAN: Thank you. I'll,
5 I'll, ah, hand it over to Chair Cornegy, if he wants
6 to go first.

7 CHAIRPERSON CORNEGY: Again, I want to
8 thank you for cochairing this very important hearing.
9 I don't think we saw enough about, um, ah, safety and
10 security on, in, ah, resiliency on our waterways and
11 about energy conservation moving forward. So, um, I,
12 I'm just thankful to all of the panelists who
13 testified, um, and I, I look forward to continuing
14 the long legacy of working in conjunction with the
15 agencies to get us to a better place as a city. Um,
16 we're, we're a leader in, in, globally in a lot of
17 things. We have to take the lead on coastal
18 resiliency and resiliency in our waterfronts. Ah,
19 thank you, ah, Chair Brannan, for your hard work in
20 this area. It was a pleasure to work today.

21 CHAIRPERSON BRANNAN: Thank you, thank
22 you, Chair Cornegy. Yeah, um, coastal flooding and
23 severe storms are becoming more intense, occurring
24 more frequency. Um, New York City has, has endured
25 and recovered from just about everything and each

2 time I think we come back stronger. That's
3 guaranteed. But we also have to come back smarter
4 and I think we must move forward, um, more informed
5 about the risks that we face and, and better able to
6 prepare and protect for our future. Ultimately
7 that's what resiliency means, right? It means
8 getting up and brushing the dirt off and fighting
9 another day. Um, so, ah, I appreciate everyone who
10 worked behind the scenes on this hearing. Ah, I
11 think there's some follow-up we need to do, um,
12 around some of the basement apartment issues and
13 what's being done there, um, as well as some issues
14 with the, the flood insurance rating system and, and
15 what's being done there. Um, but other than that, I
16 will, ah, gavel out and, and close this hearing
17 today. [gavel] Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 22, 2021