

**Testimony of the NYC Department of Education
and the NYC School Construction Authority**

On Int. No. 420

Before the New York City Council Committee on Environmental Protection

June 25, 2015

Ross J. Holden Executive Vice President & General Counsel,
NYC School Construction Authority

Good afternoon Chair Donovan and Members of the Committee on Environmental Protection. My name is Ross Holden, Executive Vice President & General Counsel of the NYC City School Construction Authority (SCA). I am joined today by Melanie La Rocca, Chief of Staff for the SCA. We appreciate the opportunity to discuss Int. No. 420, which mandates that all noise mitigation plans for construction sites within seventy-five feet of any classroom specify that noise levels will not exceed 45 dB (a) (decibels) during normal school operating hours and that noise levels at schools sites shall be continuously monitored during normal school operating hours.

We have strong concerns as to the adverse impact that the bill before you today would have on our ability to deliver much needed school seats in overcrowded districts, especially the construction of additions and annexes to existing facilities. The exteriors of new school buildings must be built during daylight hours. Commencing work only after school is in recess for the day would unduly constrain the schedule and delay project completion by providing an unreasonably short and unproductive period within which to perform daily construction activities. Further, we would be faced with an increase in labor costs due to second shift or night differential labor rates.

Both the DOE and SCA work closely with impacted schools communities during the course of our construction projects adjacent to an occupied school building. For all of our projects, we hold a pre-construction meeting at the school with SCA representatives, contractors, Principal, and custodial staff during which we explain the phasing of our construction work and develop open lines of communication essential for a successful project. We discuss ways that the SCA and its contractors can best minimize any disruption to the educational environment as the project proceeds, such as suspending noisier work when state-wide tests are given. The SCA and DOE also work closely with the United Federation of Teacher's Environmental Health and Safety Unit to assure that school staff is apprised of project plans and schedule. Throughout the course of the project, the school community is kept informed as to progress so that there are no sudden, unexpected, or unexplained construction activities. Of course, the Principal and staff realize that the inconvenience we will cause sometimes, will inevitably be short-lived and that



**Department of
Education**

Carmen Fariña, Chancellor

the result of their patience with us will be a terrific new school facility they are all anxious to have.

On certain occasions, where feasible, the SCA has been able to employ mitigation measures to help reduce noise during construction. We have, for instance, pre-augured holes for the placement of structural piles instead of relying solely on loud pile-driving equipment for installation.

Additionally, we have concerns as to the economic and human resources necessary for conducting noise monitoring. Further, the bill as currently drafted does not prescribe the frequency of required monitoring of metering devices for instance in real-time, or on a daily or other periodic basis. Lastly, the bill does not contain an exemption provision for occupied versus unoccupied school buildings.

In light of the tens of thousands of new seats planned for construction over the next five to seven years, we fear that Int. No. 420 would hinder our ability to provide for the expansion and enhancement of school buildings across the five boroughs needed to serve the City's 1.1 million school children, teachers and staff.

Thank you again for allowing us to testify today. and we would be happy to answer any questions you may have.



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Gale A. Brewer, Manhattan Borough President
Testimony for the Committee on Environmental Protection
June 25, 2015

Good afternoon. My name is Gale Brewer and I am the Manhattan Borough President. Thank you Chair Richards, Council Member Levine, and the Members of the Committee on Environmental Protection for the opportunity to testify today.

The proposed legislation, Intro Number 420-2014 would amend section 24-220 (g) of the administrative code of the City of New York in relation to mitigation of construction noise within seventy five feet of a school. It states that “noise shall not exceed 45 dB(a) during normal school operating hours in any receiving classroom in any public or private preschool or primary or secondary school on lots that are within seventy five feet from the construction site.”^[1]

The right to a quality, safe, supportive, healthy and effective education for the students of New York City must be protected. Rejection of Intro 420-2014 will be profoundly detrimental to this right and the physical, physiological, and psychological health of our students. In the past, construction adjacent to schools has exposed students to the harmful effects of sustained loud noise that even the most effective teachers and administrators cannot overcome. My staff has worked directly with parents, constituents, school leaders, Community Boards and Community Education Councils across the borough to address noise impacts at school sites, including P.S. 199, P.S. 163, the School of the Future, and P.S. 153, and Community Education Council 3 has unanimously passed a resolution in support of proposed legislation Intro Number 420.^[2]

^[1] The New York City Council, Legislative Research Center. “Int. 0420-2014” By Council Members Levine, Rosenthal, Chin, Gentile, Koo, Rodríguez, Kallos, Treyger, Constantinides, Richards, Rose, Deutsch, Reynoso, Levin, Lancman, Dromm, Arroyo, King, Johnson, Gibson, Torres, Lander and Espinal. Accessed June 24th, 2015, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1853959&GUID=BEED546E-C8C1-4157-8475-F1524CEEB56D&Options=&Search=>

^[2] “Resolution In Favor of City Council Proposed Legislation Int. No. 420 to Reduce Construction Noise within 75 Feet of a School to Ensure All District 3 Schools May Continue the Education Process,” Community Education Council Resolution Vol. 14 No. 5. Accessed June 24th, 2015. http://www.ccc3.org/www/cecd3/site/hosting/Resolutions/2014-2015/Vol.%2014%20No.%205_%20In%20Favor%20of%20City%20Council%20Proposed%20Legislation%20Int.%20No.%20420_Amended.pdf

Parents at schools facing next-door construction are calling me to get assistance in moving their children who have asthma out of the school, to another equally good school, creating disruption on many levels.

The New York State environmental conservation law, and the New York State and New York City Environmental Quality Review manuals all specify that noise levels in schools should not exceed 45 dB(a) to ensure a positive learning environment. Yet, in contrast to these standards set by the State and other organizations, the Draft Environmental Impact Statement by the New York State Department of Health for the proposed construction of the Jewish Home Lifecare (adjacent to P.S. 163), demonstrates that the absolute noise level for that site may rise as high as 79.5 dB(a) during the excavation stage of construction, and up to 81 dB (a) during superstructure construction.^[3] By contrast, the typical ambient noise in a library is 40 dB(a).^[4] The levels of this proposed construction are thus substantially over the recommended dB(a) for a positive learning environment, and will have a dramatic, negative impact on our students' capacity to learn.

The scientific literature on the harmful effects of sustained noise to children's physical, psychological, and academic well-being is voluminous and conclusive.

Experts from Mount Sinai Children's Environmental Health Center report that schoolchildren's chronic exposure to increased background noise results in impaired reading comprehension. Further, Mount Sinai found that for every 5 dB(a) increase in ambient noise measured during daytime hours on the exterior surfaces of school buildings, grade school aged children experienced a one to two month delay in reading comprehension.^[5] In the context of P.S. 163, in which construction is expected to take at least 14 months, one could expect children to read at a level three to six months behind their peers.^[6] As a result of the predicted noise levels, children could be set back up to half a year.

Additionally, researchers Gary Evans from Cornell University and Stephen Lepore from Carnegie Mellon University found that "residing or attending a school near a major noise source is associated with elevated blood pressure....elevations in blood pressure in children

^[3] "Draft Environmental Impact Statement for the Jewish Home Lifecare, Manhattan, New York County, New York," New York State Department of Health, prepared by AKRF, Inc. in association with Sam Schwarz Engineering D.P.C. Accessed June 24th, 2015. <http://www.who.int/docstore/peh/noise/Comnoise-4.pdf>
https://www.health.ny.gov/facilities/cons/environmental_quality_review/jewish_home_lifecare/docs/draft_environmental_impact_statement_deis.pdf

^[4] "Noise Sources and Their Effects" Purdue. Accessed June 24th, 2015.
<https://www.chem.purdue.edu/chemsafety/Training/PPETrain/dblevels.htm>

^[5] "Comments of the Draft Environmental Impact Statement (EIS) for the Jewish Home Lifecare (JHL) Construction Project" Mount Sinai Children's Environmental Health Center, April 29th, 2015. Accessed June 24, 2015. http://www.cec3.org/www/cec3/site/hosting/Minutes/Council%20Meetings/2013-2015%20Approved%20Council%20Minutes/09.10.14%20Calendar%20Minutes/09.10.14%20Handout_Mt%20Sinai%20Expert%20Noise%20Report.pdf

^[6] Ibid.

appears to track into adulthood, increasing the likelihood for cardiovascular disease.”^[7] Their research concluded that “brief exposures to uncontrollable noise are capable of inducing learned helplessness,” with measurable harm to a child’s psychological, physiological and academic well-being.^[8]

The noise standards set by New York State and New York City, the recommendations of multiple organizations, and current scientific research are critical to ensuring a positive learning environment and student success. Adoption of Bill Intro Number 420 will help codify that basic protection. I believe that the well-being of thousands of school children rests on its adoption. I urge the Committee to vote in favor of Intro Number 420.

Thank you again for the opportunity to testify, and thanks to all those who are here in support.

^[7] Gary W. Evans & Stephen J. Lepore, “Non-auditory Effects of Noise on Children: A Critical Review” In *Children’s Environments*, Vol. 10, No. 1, September 1993 (Colorado: The Board of Regents of the University of Colorado, a body corporate, for the benefit of the Children, Youth, and Environments Center at the University of Colorado Boulder) Accessed June 24, 2015.

http://www.jstor.org/stable/41515250?seq=1#page_scan_tab_contents

^[8] Ibid.



**Mount
Sinai** *Children's
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Health Center*

TESTIMONY

**The Committee on Environmental Protection
of the
The New York City Council**

in support of
**Limiting Construction Noise Levels in School Classrooms
Through Policy Measures Such as Intro 420**

New York, NY
June 25, 2015

Presented by

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Distinguished Members of the Committee on Environmental Protection,

Thank you for the opportunity to provide this testimony in support of mitigating noise from construction projects within 75 feet of schools by implementing policy measures including City Council Bill Int. No. 420.

Background

Dr. Lauren Zajac is a board-certified pediatrician with special expertise in pediatric environmental health. Dr. Thomas Hays is a physician-scientist, currently training in pediatrics. We are part of the Children's Environmental Health Center, based in the Icahn School of Medicine at Mount Sinai in New York City. The mission of the Children's Environmental Health Center is to educate health care providers and others about the scientific and medical aspects of environmental health problems impacting children; and to provide clinical consultation to families, health care professionals, public health officials, and community organizations with concerns regarding children's exposure to environmental health hazards. As environmental pediatricians, we study the ways that children are exposed to environmental pollution—through the air they breathe, the water they drink, the foods they eat, and the environments they inhabit, including their homes, day care centers, schools and neighborhood streets.¹

The school environment is particularly important to consider since children in New York spend on average 6.6 hours per day, 182 days per year in a school.² The physical, psychosocial, and nutritional environment of a school can impact a child's health and well-being.³ The noise in the school environment can impact a student's performance and is important to consider when developing policies to optimize learning environments.

Children are Vulnerable to the Impacts of Noise Pollution

As pediatricians, we are concerned about children's exposure to increased level of noise because noise can affect hearing and can also result in physical and psychological health effects. Construction projects can increase the background noise near schools for many months. Noise can interfere with children's ability to learn and communicate, and with their concentration, motivation, and memory. Noise can be stressful, especially if loud or persistent, and can result in elevated blood pressure. Students with sensory impairment, auditory processing disorders, Attentional Deficit Hyperactivity Disorder (ADHD), and Autism Spectrum Disorders (ASD), may be particularly sensitive to noise. Prolonged exposure to sound louder than 85 dBA can potentially cause damage to the inner ear (for context, a garbage disposal emits approximately 80 dBA and a busy urban street is approximately 90dBA). However, prolonged exposure to noise at lower intensity can also have deleterious health effects including stress, cardiovascular effects, and learning issues.³

Studies have demonstrated that schoolchildren's chronic exposure to increased background noise results in impaired reading comprehension. For example, one study examined how increased noise from aircraft and traffic (within the 30 to 70 dBA range) affected reading comprehension in children. The study found that for every 5 dBA increase in ambient noise measured during daytime hours on the exterior surfaces of school buildings, grade-school aged children experienced a one to two month delay in reading comprehension.⁴ A follow up study in the same population found that for every 5 dBA increase in aircraft noise (but not traffic), there was a reduction in performance on tasks of recognition memory.⁵ Additionally, it is important to note that these findings apply to average children. Children with ADHD or ASD may have increased vulnerability to noise, which is less well characterized, but important to consider.

Limiting Ambient Noise in Classrooms is Recommended by Leading Health Groups

General guidelines for classroom noise have been proposed because ambient noise may negatively affect the understanding of speech in a classroom.⁶ We recommend that ambient noise in a classroom remain below these levels to optimize the learning environment:

For children with normal speech processing, maximum classroom ambient noise should remain below 40 dBA for children older than 12 years, 39 dBA for children 10 to 11 years, 34.5 dBA for children 8 to 9 years, and 28.5 dBA for children 6 to 7 years old. For vulnerable groups (children suspected of delayed speech processing in noise), maximum classroom ambient noise should remain below 21.5 dBA for 6 to 7 years old.^{3,6}

The World Health Organization (WHO) has also released guidelines for background sound in schools. They recommend that during teaching sessions, background sound pressure level should not exceed 35 dB LAeq. This means that sound experienced over the course of a teaching session should not exceed 35 dBA on average, so students are able to hear and understand spoken messages in classrooms.⁷

It is also important that any large construction project consider the full range of child activities and also children's unique susceptibilities to noise, especially in the learning environment. An additional factor to consider is the increased exposure to noise children may experience while outdoors during school hours. Noise levels at a school playground would likely exceed those found inside the school since the walls and windows of the school provide some buffering of the noise from outdoors. And, children entering/exiting the school building and walking nearby would likely experience higher levels of noise than in the classroom.

Reducing Noise Pollution Close to Schools is Important for Student Performance

As recently laid out by the NYC Department of Education's "Framework for Great Schools", one of the six key elements is a supportive environment that focuses on classrooms that are welcoming, safe, and orderly, and that support the social and emotional growth of all students.⁸ We posit that a supportive environment involves optimizing the physical environment to create a setting that facilitates growth – an important component of a healthy physical environment is low levels of ambient noise. Chronic exposure to noise, like exposure to any other environmental stressor such as lead or air pollution, can degrade children's performance and thus undercut the valiant efforts that NYC Department of Education and our teachers are making to enhance children's performance and position them for success in life.

Conclusion: Support Noise Mitigation to Create a Healthier Environment for NYC Schoolchildren

As environmental pediatricians, our primary goals are to reduce children's exposure to potentially harmful pollutants such as noise and to optimize learning environments. Given the potential impacts on student performance seen with increased levels of ambient noise, we support careful implementation of noise reduction strategies during construction projects nearby schools. In summary,

- 1) We encourage New York City Council to adopt Int. No. 420 to mandate noise mitigation plans for construction sites within 75 feet of schools, and that noise levels should not exceed 45 dBA in classrooms and shall be continuously monitored during operating hours.
- 2) We also recommend considering the following actions with regard to construction-related noise:
 - a. When feasible, we encourage implementation of the most advanced noise mitigation strategies and strive for ambient noise levels less than the 45 dBA in classrooms since

younger children and children with delayed speech processing may be impacted by noise levels even lower than 45 dBA.

- b. When feasible, we encourage the noisiest activities of a construction project be scheduled for times when the children are not present in the school (such as during summer vacation or other breaks).
- c. We encourage regular communication between construction project managers with school representatives in order to discuss progress, concerns, and unanticipated impacts as a construction project moves through its various phases.

Thank you very much for considering this testimony.



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**Testimony of Angela Licata
Deputy Commissioner for Sustainability
before the
New York City Council Committee on Environmental Protection
concerning
Intro. 420 – Mitigation of Construction Noise within 75 feet of a school
City Hall – Committee Room
June 25, 2015, 1 pm**

Good afternoon, Chairman Richards and Members of the Committee. My name is Angela Licata, Deputy Commissioner for Sustainability at the New York City Department of Environmental Protection (DEP). I am joined today by Associate Commissioner for Public Affairs Eric Landau, Assistant Commissioner for Environmental Compliance Michael Gilseman, as well as other DEP staff. Thank you for the opportunity to testify on Introduction 420.

As you know, DEP's mission is to protect public health and the environment by supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous materials pollution.

Introduction 420 proposes to mandate that the noise mitigation plan for construction sites within 75 feet of any receiving classroom in any public or private preschool or primary or secondary school shall provide that noise shall not exceed 45 dB (a) (decibels) during normal school operating hours and that noise levels at school sites must be continuously monitored during normal school operating hours.

DEP supports the intent of this legislation, which is clearly aimed at providing a quiet learning environment for our City's school children. However, we have some technical questions about the legislation's implementation. As currently written, the legislation does not take into account the variability of sound levels within and outside of buildings, including schools. There are likely to be situations where the sound level in a classroom at different times of the day will be above 45 decibels without any construction activity. With that in mind, it is not clear how this legislation would apply to those cases. A similar concern relates to a situation where the sound level rises above 45 decibels from non-construction related sources outside of the classroom. Traffic, emergency sirens, loud car stereos, airplanes, buses, the subway, or even a passing ice cream truck with its jingle playing could increase the sound level to something greater than 45 decibels. Typically, an equivalent noise level (Leq), which is basically the average of all of the sound energy over a selected period of time, is used to represent the average noise level for the period. In general, the temporal pattern of noise may be continuous, variable, intermittent, or impulse and it may not always be possible to ascertain the source or sources that are contributing to the levels.

Conceptually, an alternative approach worth further consideration is to prohibit the noise from construction activities from raising the ambient decibel level above a certain threshold in any receiving classroom. While this may be complicated, the key is defining a methodology for determining the ambient sound level that would rely on sound measurements at the affected school before the construction begins. Some of the predictive and modeling techniques used in

environmental impact statements could certainly form a basis for defining the methodology. Factors that would need to be considered would include:

- The selection of representative classrooms throughout the building;
- Whether the windows would need to be opened during the construction period;
- Period of time that the monitoring will occur and whether to average the decibel levels obtained during each period of time.

We believe it would be beneficial to further discuss the specifics with the Committee. In addition, we suggest including a provision requiring the contractor or developer to conduct noise monitoring prior to construction commencing, as well as during construction. We also suggest that the level of detail for monitoring requirements, as well as the definition of ambient noise level, either be spelled out in the legislation or provided for by rule.

We recognize that the legislation would also require some changes in the construction noise mitigation rule. A specific process would need to be developed to allow the contractor to demonstrate how much the construction site mitigation measures reduce the sound levels reaching the school site, and if additional mitigation measures are needed to preserve the classroom sound level. One scenario would require that on-street monitoring occur throughout different parts of the day, as noise fluctuates and conditions such as traffic patterns change prior to construction beginning. By taking readings outside, a plan can be developed to mitigate the sound that travels into the classroom. Once an average baseline is established, the contractor would be able to best design for the techniques and strategies to implement a sound mitigation plan.

Over the years, DEP has had good success working with contractors and coming up with creative solutions to significantly reduce construction-related noise. Using quieter equipment, as well as additional mitigation techniques such as noise barriers, will be required when construction work is planned near sensitive receptors including, but not limited to, schools.

Finally, we also suggest working with the Council to look at revising the design of a monitoring component from a requirement for continuous monitoring within the classroom to monitoring outside the school or the construction site during construction that would still be protective of the learning environment. The premise here is that all of this work will lead to the installation of sufficient noise mitigation techniques to insure that the sound level in the classrooms stays within the limits that will be determined. Monitoring sound levels should only need to be used to confirm that the techniques are working and to confirm that changes in the construction activities have not reduced the effectiveness of the mitigation. A contractor could choose to use a handheld instrument to check the sound level or could contract with a company to install equipment that could simply send an alert if the sound levels were approaching a certain level. Communication between the school and the contractor is also a very effective way of monitoring.

Again, we firmly support the intent of the proposed legislation, and believe that providing a certain amount of flexibility is an important component in achieving that intent. We look forward to working with the Committee and further discussing some of these approaches in the very near future in an effort to find workable solutions to mitigate noise in and around our schools. Again, I thank you for the opportunity to testify today, and would be happy to address any of your questions.

**Testimony before the Committee on Environmental Protection
of the New York City Council
By Ryan J. S. Baxter, Senior Policy Analyst
Real Estate Board of New York
June 25, 2015**

Good afternoon Chairperson Richards and members of the Committee on Environmental Protection. My name is Ryan Baxter and I am a Senior Policy Analyst for the Real Estate Board of New York. The Real Estate Board of New York, representing over 16,000 owners, developers, managers, and brokers of real property in New York City, thanks you for the opportunity to testify regarding construction noise mitigation. We also appreciate that the New York City Council has been proactive in seeking our comments and in collaborating with building owners.

We agree that the City needs a mechanism to prevent construction sites from unnecessarily disturbing classrooms throughout the City. However, we believe that Int. No. 420 would have the unintended consequence of essentially creating a moratorium on construction within seventy-five feet of schools during school hours due to the requirement for noise levels to stay below 45 dB(A).

Int. No. 0420-2014 – Mitigation of construction noise within seventy-five feet of a school

- The number of potential construction sites that would be impacted by the proposal is large.
 - According to DCP data, there are 2,252 public and private preschool, primary, and secondary schools in the City.
- The proposed noise level of 45dB(A) is an unachievable standard
 - The Occupational Safety and Health Administration (“OSHA”) places normal conversation at 60 dB(A), while the Center for Hearing, Speech, and Language (“CHSL”) estimates that the interior of an average home is 50 dB(A), as is moderate rainfall, while most ear buds can produce music between 60-120 dB(A).
 - Quantitative measurements have revealed that occupied kindergarten classrooms can range from 65 to 75 dB(A), occupied elementary classrooms can range from 55 to 65 dB(A), and occupied high school classrooms can range from 60 to 70 dB(A).
 - OSHA found that 10 common construction tools produce more than 80 dB(A), and CHSL shares that the 45 dB(A) threshold would be surpassed by 15 individual pieces of equipment and activities commonly found on construction sites.
 - Similarly, the NYC Noise Control Code describes 58 construction tools and permits all of them noise emissions above 70 dB(A).
- Additionally, the bill’s noise level threshold does not reflect health and safety considerations.
 - OSHA recommends that work places maintain noise levels below 85 dB(A), and employer requirements for noise monitoring and employee protections begin at 90 dB(A). However, construction sites are permitted to produce up to 115 dB(A) for periods up to 15 minutes.
- The proposal is duplicative with the much more comprehensive NYC Noise Control Code.

- NYC's nationally recognized Noise Control Code also already requires the creation of noise mitigation plans that cater specifically to affected locations, such as schools, hospitals, and houses of worship. And Local Law 113 of 2005 established standards and procedures to reduce noise levels from construction.
- The proposal may lead to construction activity during more disruptive times of day.
 - Construction activity is currently permitted to occur between 7am and 6pm on weekdays, when most City residents are working. This proposal may encourage more construction projects to pursue after hour and weekend work authorization, which would likely be more disturbing to surrounding communities.
 - By discouraging activity during the school day, Int. No. 420 may lead to increased construction costs, more construction delays, and a surge in tenant noise complaints.
- We are also concerned about the City's ability to enforce this requirement.
 - DEP may not have the necessary resources to continuously monitor noise levels within all slated classrooms throughout the City. It may also prove difficult to differentiate between noise created at the construction site and ambient noise in the neighborhood given the proposal's desired noise level.
- Finally, the proposal's requirement for noise levels at affected schools to be continuously monitored during normal school operating hours may prove more disruptive than the noise being mitigated.
 - Noise in classrooms varies substantially during the course of the day, and a number of sources of noise could be in the school (such as HVAC equipment, announcements, students in between classes), which would be impossible to differentiate by monitor from nearby construction. =Providing the requisite access to this additional presence would likely bring safety and logistical concerns which are likely to be disruptive to classroom settings.

For these reasons, we strongly oppose this propopsal. Thank you again for the opportunity to comment. We look forward to continuing our conversations with the Council to continue improving conditions in the City for all New Yorkers.

**Testimony of Mark Ladov,
New York Lawyers for the Public Interest,
Before the Environmental Protection Committee of the New York City Council
Hearing on Intro Bill 420
June 25, 2015**

Thank you, Chairperson Richards, for hosting today's hearing, and to Councilmember Mark Levine for sponsoring legislation to protect New York City's children from damaging construction noise that could harm their health and education. My name is Mark Ladov, and I am a staff attorney with the Environmental Justice program of New York Lawyers for the Public Interest (NYLPI). We are pleased to speak in support of Intro 420 today.

This legislation will update the city noise ordinance to reflect compelling evidence that noise levels exceeding 45 decibels (dBA) harm children's health and educational progress. The bill will also ensure that the burden to mitigate harmful noise levels is on developers, instead of parents and schools.

Research shows that excessive noise can harm children's health and learning. Noisy environments can lead to stress and misbehavior, lower school performance, decreased learning, lower reading comprehension, and concentration deficits.¹ Noise pollution can harm children's language comprehension and acquisition.² Noise also adversely affects short and long-term memory.³

We are concerned that excessive noise from construction projects near schools could harm students in these ways as well. These concerns are particularly acute for some children with disabilities (such as sensory impairments, auditory processing disorders, ADHD, and autism) who may be particularly sensitive to noise.⁴

Fortunately, the detrimental impacts of construction noise can be mitigated with proper noise reduction and protection. For example, when P.S. 234 parents in Tribeca faced the construction of a 1.1 million sq. ft. residential project including a 400 ft. condo tower near the school, concerned parents, school administrators and elected officials brokered a deal with developers to regulate and mitigate noise impacts on the school. The deal ensured construction noise would be minimized by utilizing sound barriers at both the work site and the neighboring school, alternative construction methods that used quieter equipment, and delaying certain construction until after children completed

¹ Hammer at 116 (citing P. Lercher (2005), *supra*, note 4; and Stansfield, et al., *Aircraft and road traffic noise and children's cognition and health: a cross-national study*, 365 *Lancet* 1942-49. (2005).).

² Joe Wilensky & Metta Winter, *Quiet Zones for Learning*, 29 *Human Ecology* Issue 1, 16 (2001).

³ UCLA Health Impact Assessment Clearinghouse Learning and Information Center, available at: <http://www.hiaguide.org/sectors-and-causal-pathways/pathways/noise-pollution>.

⁴ Etzel R, et al., *Pediatric Environmental Health*. American Academy of Pediatrics Council of Environmental Health, 2011.

standardized testing. The noise reduction plan was designed to minimize the impact on students and address parents' environmental concerns.

Unfortunately, current legal requirements and protections are insufficient to ensure that this approach to noise mitigation is standard whenever children's health and learning is at risk. The PS 234/Tribeca case appears to be the exception, not the rule. It required parents in one of our City's most affluent neighborhoods to spend significant resources on advocating for their children's health, such as hiring engineers and experts to evaluate the risk of noise impacts.⁵ Those resources may not be available at other schools facing similar threats.⁶ The law needs to place the burden on developers to perform that analysis, and to provide noise mitigation measures if needed.

Currently, if a school community fears that a neighboring construction project will create harmful environmental impacts, the only recourse may be to seek mitigation measures through the City Environmental Quality Review (CEQR) process. But that process is very difficult for parents and schools to navigate without substantial legal and technical assistance. Unless a school has the organization and resources to provide public comments or other advocacy around the CEQR review, then the interests of classroom students and teachers may not be adequately represented. And even the best organized schools may find that this process does not actually improve protections for their children, because while the CEQR technical manual acknowledges the need to study construction noise impacts near "sensitive receptors" such as schools, it lacks firm standards for mitigation measures that are adequately protective of classroom health and learning.⁷ Moreover, the CEQR environmental review process may not apply in every instance; many large construction projects may be built "as of right," meaning that there is no need for any City discretionary approvals, and therefore no need for a CEQR review.

Intro 420 will help solve this problem. By amending the City noise ordinance, the legislation would make sure that the burden is no longer on parents and local school officials to protect their children from construction noise. Instead, the burden will be on developers to monitor construction noise impacts inside neighboring schools, and to take mitigation measures to ensure that noise does not exceed healthy levels for a classroom.

This legislation will help ensure that appropriate protective measures are put into place for any school threatened by major, long-term construction noise impacts. Careful planning and noise mitigation should be an integral part of every construction project that endangers children's learning and health.

⁵ See Shadi Rahimi, *TriBeCa School's Squeaky Wheels Get Some Piece*, N.Y. Times (Sept. 29, 2005), available at <http://www.nytimes.com/2005/09/29/nyregion/tribeca-schools-squeaky-wheels-get-some-piece.html>; Ronda Kaysen, *P.S. 234 Wins Noise Protections in Development Deal*, Downtown Express (Oct. 6, 2006), available at http://www.downtownexpress.com/de_125/ps234winsnoise.html.

⁶ http://www.huffingtonpost.com/david-a-love/waiting-for-environmental_b_5549181.html

⁷ See Mayor's Office of Environmental Coordination, *City Environmental Quality Review [CEQR] Technical Manual* (March 2014), Chapter 19: Noise and Chapter 22: Construction, available at http://www.nyc.gov/html/oec/downloads/pdf/2014_ceqr_tm/22_Construction_2014.pdf, p. 22-2-3.

City Council Hearing on the Proposed Noise Amendment to Section 24-220 of the Administrative Code of the City of New York, June 25, 2015

--Testimony of Professor Rebecca Bratspies, Professor of Law and Director of the CUNY Center for Urban Environmental Reform.

Thank you for holding this hearing today and for focusing on this vital issue of environmental protection.

Noise is far more than a nuisance! It is a serious threat to the health and welfare of all New Yorkers,¹ especially children.²

Noise in schools poses a particularly thorny problem. Being forced to learn in a noisy environment has a significant and negative effect on academic success.³ For example, research has shown that an increase of 10 dB background noise in classrooms decreases word recognition performance in eight year olds who are learning English as a second language.⁴ High levels of chronic, intermittent noise (like that associated with elevated subways or construction) impair children's reading comprehension and recognition memory.⁵ Noise also limits children's ability to acquire and grow their expressive vocabulary.⁶ A growing body of

¹ Daniel Shepherd et al., *Exploring the Relationship between Noise Sensitivity, Annoyance and Health-Related Quality of Life in a Sample of Adults Exposed to Environmental Noise*, INT. J ENVIRON. RES. PUBLIC HEALTH 3580 (2010); Stephen A. Stansfeld & Mark P. Matheson, *Noise Pollution: Non-auditory Effects on Health*, 68 BRITISH MED. BULLETIN 243 (2003).

² Animal studies indicate that children are more susceptible to the health effects of noise, and that noise interferes with language acquisition. See WORLD HEALTH ORGANIZATION, GUIDELINES FOR COMMUNITY NOISE, Sections 3.2, 4.3.2 (1999).

³ ERIC JENSEN, TEACHING WITH THE BRAIN IN MIND 82 (2d ed. May 2005).

⁴ Peggy Nelson, Kathryn Kohnert & Sabina Sabur, *Abstract: Classroom Noise and Children Learning Through a Second Language*, 36 LANGUAGE, SPEECH, & HEARING SERVS. IN SCHS. 219-29 (2005), available at <http://lshss.asha.org/cgi/content/abstract/36/3/219>.

⁵ *Road Traffic and Aircraft Noise Exposure and Children's Cognition and Health: Exposure-Effect Relationships and Combined Effects*, RANCH (2005), http://www.wolfson.qmul.ac.uk/RANCH_Project/publications/FinalDraftGlossy_220405.pdf (conclusions drawn from a study of the effects of airplane noise on 2000 school children).

⁶ Kristine Grohne Riley & Karla K. McGregor, *Abstract: Noise Hampers Children's Expressive Word Learning*, 43 LANGUAGE, SPEECH, AND HEARING SERVS. IN SCHS. 325-37 (2012), available at <http://lshss.asha.org/cgi/content/abstract/43/3/325>.

evidence shows that noise does more than just make it harder for students to learn--it actually prevents children from acquiring speech recognition skills in the first place.⁷

In New York City, we have known for 40 years just how badly noise impairs student learning.⁸ In 1975, Professor Arlene Bronzaft conducted a landmark study in an elementary school directly adjacent to an elevated subway. She documented that the reading skills of students in classrooms on the noisy side "lagged anywhere from 3 months to as much as 1 year behind their peers on the quiet side of the building."⁹ Construction noise creates comparable noise levels and has similar effects on learning.

Your Proposed Noise Amendment is vitally important to over one million New York City school children. While construction projects come and go, the negative effects on learning persist long after the noise ceases.¹⁰ A child is only in third grade once. She has one opportunity to learn the age-appropriate math and reading skills. Noise pollution will reduce her ability to master those necessary skills. In this era of high stakes testing, the consequences of noise exposure can be devastating to a child and to her teacher. But, it gets worse. A child who has not mastered the third-grade curriculum starts fourth grade at a disadvantage, and the risk snowballs over time. No child deserves this fate.

More than a decade ago, the American National Standards Institute (ANSI) adopted "Acoustical Performance Criteria for Schools." These standards emphasize the importance of minimizing distracting noise in the classroom and lay out the parameters of an appropriate educational environment. For classrooms, the standards limit the maximum exterior noise levels to **35 dB**.¹¹ The New York School Construction Authority currently sets a standard of 45 dB for new or renovated schools.

⁷ Eric JENSEN, *Teaching with the Brain in Mind* 88 (2d ed. May 2005). Twenty studies show external noise, like traffic and airport noise, can have a negative influence on children's cognition. John Farley, *Gauging the Impact of Noise on Children's Learning*, METROFOCUS, THIRTEEN.ORG (August 28, 2012) (quoting Dr. Charlotte Clark), <http://www.thirteen.org/metrofocus/2012/08/gauging-the-impact-of-noise-on-childrens-learning/>.

⁹ Arlene L. Bronzaft & D. P. McCarthy, *The Effects of Elevated Train Noise on Reading Ability*, 7 ENV'T & BEHAVIOR 517-27 (1975); see also Elizabeth Jago & Ken Taner, *Research Abstract: Environmental Influence on Student Behavior and Achievement: Acoustical* (Apr. 1999), THE UNIVERSITY OF GEORGIA, <http://sdpl.coe.uga.edu/researchabstracts/acoustical.html>.

¹⁰ G. Evans & L. Maxwell, *Chronic noise exposure and reading deficits: The mediating effects of language acquisition*, 29 ENV'T & BEHAVIOR 638-56 (1997) (finding that children in a noisy school burdened with airplane overflight noise displayed decreased reading skills when compared with similar children in a quiet school, even when both groups of students were tested in quiet conditions.).

¹¹ <http://www.asha.org/public/hearing/American-National-Standard-on-Classroom-Acoustics/> The American Academy of Audiology endorses these standards as ensuring that students can hear their teachers.

Students in existing schools deserve this same attention to the noise levels in their learning environment. That means protecting them from construction noise, from subway noise, and from traffic noise that exceeds 45 dB.

This Measure is Consistent With Federal Law

Federal law guarantees each child “an appropriate learning environment.”¹² Whatever else an “appropriate environment” includes, it surely includes a school classroom quiet enough for her to hear the teacher and to think without distractions. In 1972, responding to the “growing danger to the health and welfare of the Nation’s population, particularly in urban areas” from “inadequately controlled noise,” Congress passed the Federal Noise Control Act.¹³ This Act directed EPA to identify noise thresholds that should not be exceeded in order protect the public.¹⁴

EPA concluded that indoor noise levels above 45 dB cause annoyance and interfere with normal indoor activities.¹⁵ EPA specifically indicated that noise levels above that threshold were not conducive to an educational setting.¹⁶ **Thus, more than 40 years ago, EPA concluded that the maintenance of noise levels at or below 45 dBA in schools was necessary to protect the public from adverse health and welfare effects.**¹⁷ The measure under consideration today will help give effect to this long-standing recognition of the burdens that noise places on learning.

Because the effects of noise on learning are so pervasive and negative, noise guidelines often focus on the need to mitigate noise in schools.¹⁸ For example, the Federal Aviation Administration’s regulations on eligibility for assistance with noise-abatement measures recognize the danger to education from noise. The regulations indicate that noise insulation is specifically justified for schools because of the “substantial and disruptive effect” of noise.¹⁹

¹² 20 U.S.C. 1400 et seq (West 2013)

¹³ 42 U.S.C.A. § 4901 et. seq. (West 2013).

¹⁴ 42 U.S.C.A. § 4904.

¹⁵ ENVIRONMENTAL PROTECTION AGENCY (EPA), 550/9-74-004, INFORMATION ON LEVELS OF ENVIRONMENTAL NOISE REQUISITE TO PROTECT PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF SAFETY (1974), available at <http://nepis.epa.gov/Exe/ZyPURL.cgi?Dockkey=2000L3LN.txt>.

¹⁶ *Id.*

¹⁷ *Id.* at 5-6.

¹⁸ See WORLD HEALTH ORGANIZATION, GUIDELINES FOR COMMUNITY NOISE, Sections 3.2, 4.3.2 (1999); see also FED. AVIATION ADMIN., ORDER 5100.38C, which recognizes the importance of mitigating noise in “buildings used primarily for educational or medical purposes.”

¹⁹ FED. AVIATION ADMIN., ORDER 5100.38C ch. 8.

This measure is an appropriate step to regulate construction noise, akin to the FAA noise mitigation regulations.

This Measure is Consistent with Existing New York Standards

In 2005, the New York City Council conducted an extensive overhaul of its Noise Code, after finding that “excessive and unreasonable and prohibited noises within the city...is a menace to public health.”²⁰ Pursuant to those revisions, the New York City Department of Environmental Protection released a series of recommended noise standards for elevated subways in 2010.²¹ These recommendations explicitly state that noise in schools and preschools should not exceed 35 dB during teaching sessions. The noise burdens associated with construction and elevated subways are currently significantly above this recommended level.

This Measure Will Help Implement International Noise Standards.

The World Health Organization has also addressed the question of how noise affects student learning and performance.²² It recommends that to ensure that spoken messages are heard and understood in the classroom, the background sound levels should not exceed 35 dB during teaching sessions.²³ While the measure under consideration today sets a higher permissible noise level than the WHO recommends, it will still be an important step forward in protecting our children.

Conclusion

We have known of the relationship between noise and impaired learning for four decades. Measures to protect children, like the bill under consideration today, are long-overdue. On behalf of the CUNY Center for Urban Environmental Reform, and as a parent with a child in a New York City School, I commend this Committee for focusing on this vital issue, and I urge the entire City Council to do the right thing to protect our children.

²⁰ NYC DEP, A Guide to New York City’s Noise Code, http://www.nyc.gov/html/dep/pdf/noise_code_guide.pdf (November 2011).

²¹ The NYC DEP does not have authority to regulate the MTA, so these guidelines are in the nature of recommendations rather than binding legal obligations. Yet, even without binding effect, these recommendations are helpful for the City Council as it considers what is reasonable in a learning environment, and what students should be entitled to expect.

²² WORLD HEALTH ORGANIZATION, GUIDELINES FOR COMMUNITY NOISE vii, 53 (1999).

²³ WORLD HEALTH ORGANIZATION, GUIDELINES FOR COMMUNITY NOISE, Section 4.3.2 (1999).

Good Afternoon, I'm Dr. Jacqueline Shannon, founding Chair of the Department of Early Childhood Education and Art Education at Brooklyn College, City University of New York (CUNY), and associate professor of Early Childhood Education. I am also a mother of three NYC public school children.

I hold a Ph.D. in Developmental Psychology from New York University (NYU), and have been a member of the National Early Head Start Research Consortium. I have been employed as a research scientist and a postdoctoral research fellow at New York University and the National Institute of Child Health and Human Development, respectively. I directed a home-based-program and worked in close partnership with Mount Sinai Hospital, in the Department of Community Medicine and the Department of Pediatrics, serving disadvantaged communities by working with families in support of their children's health, social-emotional development and cognition in the context of their home and classroom environments.

My research examines normative trajectories of children's social-emotional, language and cognitive development in the context of their relationship with their parents and the broader community. I regularly publish my research in rigorously peer-reviewed journals, such as *Child Development* and *Applied Psychology* and serve on the editorial board of *Infancy*.

My opinion, based on professional training, experience, and critical analysis of empirical research done on noise and its effects on children's outcomes is that disruptive and dangerous construction noise levels negatively impact our City's culturally, linguistically, and socioeconomically diverse body of school children of all ages. The passage of Intro 420 lets our children know that the quality of their overall health and wellbeing is our City Council's priority.

Distinguished national and international agencies and professional organizations, including the American National Standards Institute (ANSI), the U. S. Access Board, Acoustical Society of America (ASA), World Health Organization (WHO), and American Speech-Language-Hearing Association (ASHA) have carefully examined and analyzed the research on noise and provided criteria and guidelines for the maximum suggested ambient noise levels in schools to ensure the safety and health of one of our most vulnerable population, children.

All these agencies and professional organizations agree and call for a maximal background noise level in classrooms NOT to exceed 35 dBA (except in rooms of area larger than 566 m², where 40 dBA is acceptable). These standards have been widely adopted for schools, and the construction industry.

Shockingly, however, these standards have not been adhered to by our own schools here in NYC. As a result, we have been placing our city's children in harm's way, and this needs to end now. The passage of Intro 420, which limits construction noise that children are exposed to in the classroom, allows our city to put the health and safety of our children first.

A critical review of the research on noise in schools indicates that students' and children's exposure to noise has a detrimental effect on their reading ability, auditory discrimination, and long-term recall. Also, students' exposure to elevated noise levels in the classroom was negatively correlated with their test scores in math, science and literacy. Further, children's

exposure to noise has a negative effect on their mental state, attention and frustration tolerance. Even children's brief exposure to uncontrollable noise was associated with their learned helplessness and teachers' difficulty in motivating children in their school work. Finally, research indicates a relationship between increased noise levels and a noticeable negative effect on children's cardiovascular health. Specifically, children attending school near a major noise source was associated with elevated blood pressure, which appeared to be tracked into their adulthood.

In summary, it is my professional opinion based on my training and a thorough review of the literature that these findings give sufficient cause to be concerned about NYC construction noise levels that reach above 35dBA. Children's exposure to elevated noise levels above 35dBA will have long-term negative impacts on their health, learning, education, and welfare, including those already experiencing learning and physical differences.

Clearly, all of these findings underscore that allowing construction to occur less than 100 feet from a school filled with children will have an unacceptably damaging impact on their physical, psychological, academic and overall wellbeing. On the day when the U.S. Supreme Court has affirmed the right of all Americans to health care, I urge everyone on this committee, the full City Council and the Mayor to show they care about the health of our children by supporting swift passage of Intro 420.

Thank you for hearing me today. Due to limitation of time, I will have a complete report for the committee. I appreciate your time.

Sincerely,

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FOR THE RECORD

HEARING TESTIMONY FROM THE BUILDING OWNERS AND MANAGERS ASSOCIATION OF GREATER NEW YORK:

INT. NO. 420, A LOCAL LAW TO AMEND THE ADMINISTRATIVE CODE OF NEW YORK, IN RELATION TO MITIGATION OF CONSTRUCTION NOISE WITHIN SEVENTY-FIVE FEET OF A SCHOOL.

Good afternoon Chairman Richards and the esteemed members of the Committee on Environmental Protection. I thank you all for affording the Building Owners and Managers Association of Greater New York (BOMA/NY) the opportunity to offer testimony on Intro Number 420, which would require monitoring and preventing excessive noise from construction in nearby schools.

First, a little background on BOMA/NY and the real estate industry. BOMA/NY represents more than 750 owners, property managers, and building professionals who either own or manage 400 million square feet of commercial space. We are responsible for the safety of over 3 million tenants, generate more than \$1.5 billion in tax revenue, and oversee annual budgets of more than \$4 billion. BOMA/NY is the largest Association in the BOMA International Federation, the world's largest trade organization.

The commercial real estate industry is a significant contributor to the Nation's and, in particular, the City's economic engine. Our industry employs over 228,000 New Yorkers and contributes over \$14 billion to the Gross State Product.

As for the proposed legislation, with all due respect, although we appreciate the importance of providing a healthy and reasonably quiet school environment, Int. No. 420 could create a total construction stoppage in much of the city during school operating hours. In addition, the bill ignores the extensive stakeholder work that went into updating the noise code by proposing to amend it through a local law.

When the noise code was last amended, the city undertook a multi-year process that engaged a long list of stakeholders. To be frank, balancing noise-related quality-of-life and environmental impacts with the everyday working of a large city is complex and

requires careful thought and planning. This is perhaps especially true of construction noise, because developing and updating the intricate array of buildings that provide our citizens innumerable services and help drive the economy in a densely populated city is so challenging. For this reason the Noise Code established a task force that undertook additional effort to work out an approach to construction noise. Amendments to the conclusions of those efforts should be equally aware of the complexities of the issues and inclusive of stakeholder participation.

As to the specifics of Int. No. 420, both the noise threshold of 45 dB(A) and the 75 foot distance seem arbitrary, and in particular the 45 dB(A) threshold seems unnecessarily and unworkably low. According to the NYC DEP, normal conversation/laughter creates noise of 50-65 dB(A); consequently, this bill would call for noise levels that are likely at or even below ambient levels. Last, the continuous monitoring requirement would be incredibly expensive and disruptive to schools, and it is doubtful that such monitoring could separate out construction noise from other noise.

The current Noise Code recognizes the need to pay attention to sensitive receptors such as schools when developing noise mitigation plans. The proper noise mitigations tools in such plans are likely dependent on site-by-site circumstances, and therefore, in order to protect our children's learning environment, it is critical for those conducting construction activities to thoroughly understand and take into consideration the proximity and circumstances of schools and other sensitive receptors in the area. That said, requiring certain noise levels at particular distances is probably impossible and inappropriate.

For these reasons we strongly oppose Int. No. 420.

Thank you once again for allowing BOMA/NY to testify on this legislation.



Testimony for Bill 420

(on behalf of Jennifer Chase, MD, Pediatrician Specializing in School-Based Health)

As a specialist in school based health, I spend most of my work time helping children achieve and maintain their optimal health, so that they can focus on their primary job of learning. Of course this can be very tricky when they're plagued with a sore throat, cough, trouble breathing, or an itchy rash. For children with chronic illnesses- diabetes, severe allergies, asthma- the challenge is that much greater. As such, it seems quite intuitive that passing Bill 420, and minimizing further disruptions to children's ability to learn, is both straightforward and desperately needed. As clearly described in the report by the Childrens' Environmental Health Center, 'the data on loud noises as it pertains to learning is quite clear- reading levels decline. Specifically, "for every 5 dBA increase in ambient noise measured at the outside surfaces of school buildings, grade-school aged children experienced a one to two month delay in reading comprehension". The Lancet study from 2005 looking at the effect of noise on children's cognition and health evaluated a sample of nearly 3000 9-10 year old students, and found "a linear.... association between.... noise and impaired reading comprehension and recognition memory in children", and not surprisingly they also found an association between loud noises and annoyance. They go on to explain that loud noise exposure "has been related to impairments of children's cognition in terms of reading comprehension, long-term memory, and motivation. Tasks that involve central processing and language comprehension, such as reading, attention, problem solving, and memory seem most affected by exposure to noise." Moreover, noise that is characterized by "variability and unpredictability, is likely to have a greater effect on children's reading.... Children might adapt to noise interference during activities by filtering out the unwanted noise stimuli. This tuning out strategy might overgeneralise to situations where noise is not present, such that children tune out stimuli indiscriminately. This tuning out response is supported by the findings that children exposed

to noise have deficits in attention, auditory discrimination, and speech perception. Similarly, learned helplessness has been proposed as a mechanism to account for deficits in motivation in children exposed to noise." (1)

It is incongruous that we could legally mandate children to not only attend school every day, but also expect high standards of achievement, and yet not have in place the basic safety measures to ensure that such achievement is even feasible. Given the preponderance of evidence showing how construction does and will devastate children's ability to learn, as a pediatrician specializing in school based health, I desperately call upon our City Council Members to urgently pass Bill 420 and protect our schoolchildren.

References:

1) Stansfeld SA, Berglund B, Clark C, et al. 2005. Aircraft and road traffic noise and children's cognition and health: a cross-national study. Lancet; 365(9475):1942-9.



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June 2015

To Whom It May Concern/Attention City Council Members;

I am unable to attend the hearing of June 25th, 2015 because of work commitment. I have passed on my testimony to Erica Brody, to deliver in my absence.

Please do not hesitate to contact me with any questions.

J Chase

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BUILDING & CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK

GARY LaBARBERA
PRESIDENT

AFFILIATED WITH THE
BUILDING CONSTRUCTION TRADES DEPARTMENT
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BUILDING AND CONSTRUCTION TRADES COUNCIL
OF NEW YORK STATE

AMERICAN FEDERATION OF LABOR OF CONGRESS
OF INDUSTRIAL ORGANIZATION

**Building & Construction Trades Council of Greater New York
Committee on Environmental Protection Public Hearing Testimony on Intro. 420
June 25, 2015**

Good afternoon. My name is John Wund speaking on behalf of the Building & Construction Trades Council of Greater New York.

The Building & Construction Trades Council represents 100,000 working men and women in New York City.

I want to start by thanking the Council for hearing my testimony.

I'm here today to raise several concerns that our organization has with intro. 420.

The New York City Noise Code already recognizes certain locations that the City deems particularly sensitive to the impacts of a construction project

For example, for construction to occur next to hospitals, places of worship or schools, additional mitigations are mandated beyond those required for activity in the vicinity of other sites.

Often, extra steps are taken for many projects near schools beyond the regulatory requirements to ensure noise is kept to a moderate level. Work hours are often adjusted to accommodate special circumstances like major testing. Physical improvements to a school's campus are made to help further mitigate noise impacts, such as the installation of noise-attenuating windows which is planned for the school adjacent to the site of the proposed new Jewish Home on the Upper West Side. Constantly evolving noise suppression technology also continues to be used on sites throughout the City to reduce noise at construction sites overall.

Placing a limit of 45 dB on a work site that's near a school, as Intro 420 proposes, is impractical given the requirements already in place. Intro. 420's noise limits are simply unrealistic and would halt construction on a far-reaching set of public and private projects, including important infrastructure development, health and social service facilities, non-profit organizations, cultural institutions, and even affordable housing that neighbors a school.



Furthermore, the concept of limiting construction activity to 45 dB is dramatically lower than any standard that currently exists.

Another disturbing aspect of this legislation is the sweeping consequences for the construction industry and its workforce. Workers on current and planned projects would be unduly effected.

Also, according to the NYC Department of Health's own measurements, the standard being proposed with this legislation would allow for fewer decibels than are emitted from everyday household appliances, such as dishwashers (78db).

In 2007 the City made several meaningful updates to the Noise Code. Among these was requirement that prior to the commencement of construction, all projects must have in place a Noise Mitigation Plan. The purpose of this effort was to place greater accountability on construction projects. NYC DEP requires noise conditions to be monitored on site at all times. Noise Mitigation Plans must be available on site and the DEP can request review and inspection at any time. These plans are working.

The Noise Code in our city was carefully considered to balance the need to mitigate impacts from construction with the need for the city to continually rebuild and renew. The legislation that's being proposed is well intentioned, but the city already has taken steps to protect sensitive uses like schools near construction sites. The grave burden that this legislation would impose on the future prospects of building in our city has not been sufficiently calculated.

We urge the Council to oppose Intro 420.

Thank You!



*Louis J. Coletti
President & CEO*

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**TESTIMONY PRESENTED TO
NEW YORK CITY COUNCIL
ENVIROMENTAL PROTECTION COMMITTEE**

**HEARING ON INTRODUCTION #420
June 25, 2015**

Submitted By

Building Trades Employers' Association

Good afternoon Chair Richards and members of the Committee on Environmental Protection. My name is Donald Ranshte and I am Senior Vice President at the Buildings Trades Employer's Association (BTEA), an organization representing 27 contractor associations, and 2,000 union construction managers, general contractors and specialty trades contractors doing business in New York City. Thank you for allowing me the opportunity to testify today.

While we can understand that some may think that construction noise is too loud in New York City, we believe that Int. No. 420 would have the unintended consequence of essentially creating a moratorium on construction within seventy-five feet of schools during school hours.

The requirement in Intro. 420, to keep construction noise under 45 decibels is, most likely, unachievable. The Occupational Safety and Health Administration (OSHA) places normal conversation at 45 decibels, if you've ever been by a construction site in New York City, this means that simply having workers on the site, not using any tools, will definitely push that construction site over the decibel limit.

A better example is, in Manhattan, truck, vehicle and other ambient sounds levels at street side are also fairly consistent throughout the length of a day. These could be potentially just as loud, or louder, than some construction operations that are occurring seventy four feet away from a school. The NYC Noise Control Code allow the operation of 58 construction tools with noise emissions above 70 decibels, the use of all of these would therefore be prohibited.

If we were to draw a circle around each of the almost three thousand schools in the City (captured by this bill), what we would find is that large areas of the City would be unbuildable prior to 3pm. This would leave contractors the unenviable decision to apply for after-hours variances, or not build. This forces the choice of; disturbing residences well into the evening hours, early mornings, and/or, on weekends (and at considerable costs in terms of labor during those hours). If the phraseology “normal school operating hours” used in the bill also includes pre and post school activities (which the bill leaves open to interpretation) then the times for construction work would fall into even less desirable hours for local residents. Construction activity is currently permitted to occur between 7am and 6pm on weekdays, roughly the same as in-session classroom instruction. Are we saying the only other options are before 7am, or starting at 4pm? Just to reiterate, most construction work would then take place on evenings and weekends.

We are also concerned with the location of the monitoring of the construction site noise, which is not at the site, but at the school. By having the monitors up to 75 feet way from the actual construction site, wouldn't other ambient noises, such as street traffic, be included in the monitored total?

Based upon the OSHA decibel levels quoted above, one would have to think that the average grade school classroom probably already has a decibel level closer to 80-90 within its classroom walls. The bill's noise level threshold does not reflect concerns related to health and safety considerations, but seems arbitrary. OSHA recommends that construction workers at sites be permitted to safely produce up to 115. The more comprehensive NYC Noise Control Code establishes standard levels for construction site noise and procedures to reduce noise levels from construction sites when necessary.

For these reasons, we must oppose this introduction. Thank you again for the opportunity to comment, and I would be happy to take any questions.

My name is Rene Kathawala. I am the father of three children, my oldest being 10 year old Anna, who attends Public School 163 on West 97th Street in Manhattan. Anna is a hardworking, thoughtful child, who has cherished her school since her first day of kindergarten. She now represents her class in the school's student council, advocating to make her school the best it can be. She is part of a community of teachers and friends who make her experience there extremely fulfilling both academically and socially. P.S. 163 represents what public education should be. Unfortunately, P.S. 163 is threatened by a proposed 20 story, 275 foot tall structure to built mere steps from the school. The project will disrupt almost every aspect of the school day as she and her 600+ elementary schoolmates now know it -- for three long years.

It is a singular coincidence that in my professional life, I serve as the pro bono counsel for a large international law firm. In that capacity, I serve low-income New Yorkers and work on public policy projects that seek to help the underprivileged and disadvantaged. I am one of only about 100 full-time lawyers in the world who manage a law firm pro bono practice and in my position, I have the opportunity to represent clients in need without charging them. For this reason, I am uniquely positioned to help the entire P.S. 163 community address the dangerous construction that is proposed to take place near the school, and to seek to safeguard the children from the trifecta of excessive noise, hazardous materials and dangerous traffic increases.

P.S. 163 is just one school of many that has faced or will face loud, hazardous, long-term construction next to it. None of the other schools had the benefit of a full-time parent pro bono counsel who could meaningfully advocate for his or her child and school. The result has been, and I don't say it lightly, the destruction of these schools' educational environments for months and even years. This is because there was absolutely no regulation, such as Intro No. 420, in place to protect the children.

This is why this bill is so important -- it provides the basic protection all schools need and deserve to ensure construction next to schools does not impair the learning environment of any school and that such protection is not dependent on the school community having -- or, in most cases -- not having, the resources to protect the school environment and the children, teachers and staff who are the casualties of these construction projects. Protection for children across the City should not be dependent on their or their families' socio-economic standing.

In the past four years alone, several massive construction projects similar in scope to the Proposed Project that confronts P.S. 163 have gone up next to or at existing public elementary schools. Just as in our situation, these public elementary school communities were assured that construction was "an every day occurrence" and "would not interfere with learning". It was only once construction began that the school communities suffered the painful consequences of this short-sightedness.

In 2011, P.S. 51 in Hell's Kitchen in Manhattan experienced construction so loud that students were unable to hear their teachers; children and teachers reported illnesses; and the school was ultimately relocate for two years, at incredible cost to the school community in terms of academic access and performance, and at the cost of millions of dollars to the taxpayers of New York City. You will hear from a representative of P.S. 51 as part of this committee hearing.

Another example is a public elementary school on the Lower East Side, P.S. 315, which faced construction of a seven-story building directly next to the school. One parent at the school said: "My son attends the school next to this [construction] site and the noise is insane. His entire classroom shakes when they are pile driving and the teachers have to shout to be heard. I complained to the construction manager, who told me even he did not understand why the city was permitting them to build during school hours, but 'ours is not to reason why.'"

We believe these are compelling reasons why this Honorable Committee, and the City Council as a whole, should move with deliberate speed to pass Intro No. 420. And, as the testimony from Mt. Sinai's Children's Environmental Health Unit and Dr. Jacqueline Shannon demonstrates, the health impacts of construction noise have profoundly negative short- and long-term consequences for all children. In short, all of the credible and extensive research focused on the correlation between noise and education shows that noisy conditions at levels even less than the 45 decibels proposed in Intro No. 420 for periods of 6 months or longer have direct negative impacts on learning, particularly language and reading development, as well as causing indirect problems to learners by distracting or annoying them. The impacts on children with identified learning disabilities are even harsher. At P.S. 163, for example, at least 15% of children – 90 or more – have an Individualized Education Plan to provide support services for their disabilities. These vulnerable students have the most to lose.

Finally, as P.S. 163 advocates have proven, Intro No. 420 does not in any way prevent construction. It simply imposes economically reasonable requirements to ensure that noise mitigation measures – such as windows that attenuate noise – are installed in schools before construction is allowed to proceed. These windows cost hundreds of thousands of dollars, in comparison to the more than the \$250 million that the developer of the project threatening P.S. 163 is proposing to spend on its venture. Certainly, less than 1% of a construction project budget ought to be allocated to safeguard our children's educational environment.

Against this background, I respectfully submit that the reasons Intro No. 420 should be passed into law as soon as possible are deeply compelling. We urge you to take the bold and visionary action necessary to protect children, teachers and school staff at all of our more than 1,700 New York City schools. Thank you for your advocacy on their behalf.



LEHMAN
COLLEGE

DEPARTMENT OF MATHEMATICS
AND COMPUTER SCIENCE

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Dear Honorable Committee Members:

My name is Jason Behrstock. I have two children ages 7 and 10 and they both attend PS 163 which is located on West 97th Street in Manhattan. They are both thriving in the diverse educational environment at PS 163. Despite being in the middle of this enormous city, their school setting is quiet and the school provides an excellent educational environment.

Unfortunately, the pending construction of a 20-story building immediately next to PS 163 threatens to completely upend the learning environment, replacing tranquility with jackhammers, pile drivers, and other noisy construction equipment. The developer of this project admits in their environmental impact statement that noises from this construction site reaching the school will regularly attain over 80 dB(A) (decibels) for a period of at least 14 months.

I had to look up what 80 decibels means: it is louder than a vacuum cleaner or Time Square on a busy day. It is closer in volume to that of a garbage disposal or the awful screech you sometimes hear when a subway train pulls into the station. I love the NYC subway, and I took it here today, but I wouldn't want my kids to attend school on the subway platform every day for more than a year.

I'm here not just for my children and their school, but because I have come to learn that NYC has a strict City Environmental Quality Review (CEQR) process. And despite the fact that CEQR recommends that construction noise near a school not exceed 45 decibels, many projects are approved with much higher noise levels or are not even subject to any form of environmental review. This has negatively impacted a number of schools throughout the city, as we have heard today; and, without your help, will injure many more.

In my professional life I am a professor of Mathematics at the City University of New York and have received a number of honors including being a Fellow of the American Mathematical Society. As an educator I have seen that even college students get distracted on the occasional day when the lawn is being mowed outside the classroom. Daily, to have noises more than twice as loud as a lawnmower would be devastating to a classroom full of Pre-K, elementary, middle school, or high school students. Those students would be protected by this bill, which I strongly urge you to pass, for my kids, and for other young students throughout the city!

Thank you for your time.

Sincerely,

Jason Behrstock

Simons Research Fellow at Barnard College, Columbia University

and

Associate Professor of Mathematics at The Graduate Center and Lehman College, CUNY

jason.behrstock@lehman.cuny.edu



My name is Athena Dawn Shapiro. I am a teacher at PS 163. Last year, during our final writing unit, which focused on opinion writing, my students were motivated to write about the issues that our neighborhood faces. One of the issues that they focused on is the proposed building of a 20 store, 275 foot nursing home mere feet from our school. Although I know how to project my voice, even I cannot imagine teaching over the impending noise that is anticipated to invade our classrooms.

Next year, I will be changing grades. There will be a huge jump, from third grade to kindergarten. Yet this is not the only challenge that I will be facing. Four out of five of PS 163's kindergarten classes will be housed in the two trailers outside of our school building. The magnitude of the imminent noise is simply overwhelming. Earlier this year, when they were cutting down the trees in the parking lot adjacent to our school to make way for the new building, the noise within the trailers was pushing 100 decibels! This vastly exceeds the 45 decibels proposed in this bill.

I am also a parent of a four-year-old with special needs. She already has delays in her language development. The thought of having her, or any other child, listening to noises greater than 45 decibels as they try to focus and learn seems an anathema to me. How can she learn how to pronounce words if she cannot even hear them? How can she be expected to learn and process her world around her with constant noise interference?

I am a teacher and a parent, but I am here as a concerned member of the NYC community. Our city will continue to grow and change, but we need to safeguard our children's educational environment - they are our future. Please protect our children and our future.

Dear Honorable committee members

My name is Josh Kross, and I am currently a co-president of the PTA at PS 163. As of this coming September I will have three children in the school, in Kindergarten, 2nd, and 5th grades

However, I am not here to speak on behalf of our school. I am here to speak for the millions of children in New York City who spend their days trying to learn. The DOE-run public schools alone account for more than 1.1 million children in over 1,800 schools. As part of our school's leadership, I've interacted with individuals and schools throughout the five boroughs who are faced with education-obliterating noise from nearby projects.

As countless people have said to us, construction happens in the city. Our own district superintendent laughed at our fight, saying, "This is New York. Construction happens."

That's exactly the case and as this video will demonstrate, construction is easy to find next to schools.

<https://youtu.be/XqCJArQr8bs>

All these were shot during school hours on school grounds. We couldn't hold this hearing under these conditions. I'm not sure how anyone could expect a five-year-old at PS 164 in Brooklyn, or a sixth-grader at IS 141 in Astoria, or even an 11th grader at Springfield Gardens High School to learn under such conditions.

Let's also be clear about one thing. This bill isn't going to stop any construction. Developers are going to develop. It's in the name. If anything, the added requirements will add jobs to do the work of respectful construction. What the bill IS going to do is require developers be considerate of the neighborhoods they hope to profit and prosper in.

Thank You,
Josh Kross
joshkross@gmail.com

Honorable Committee Members and other Elected Officials,

Our names are Jessica Rodriguez and Tosh Anderson, former parents of children at P.S. 51, an elementary school, in Hell's Kitchen. Our school community faced very significant health and safety affects as a result of a large scale, three-year construction project that began in Spring 2011, behind our then existing school at the start of a block long development project. It is important to note that at the time of the relevant events, P.S. 51 faced only the construction of one structure next door to our school, very similar to the projects that we understand are proposed to be built next to P.S. 75 and P.S. 163, representatives of which you will hear from as part of today's testimony.

After 9/11, Lower East Side and Chinatown residents and workers came together to fight for recognition, study and treatment of their health problems resulting from the toxic dust that covered lower Manhattan. They prevailed despite years of denial at all levels of government that the air was unsafe. One lesson learned from that struggle was that once you lose your health, you cannot regain it. The other lesson learned was that affected communities will not always receive accurate information about health risks when the truth jeopardizes development plans and economic interests.

When Former New York City Council Speaker Christine Quinn and the School Construction Authority met with P.S. 51 parents in Hell's Kitchen in 2010 about the impending 3-year construction project, parents asked about the noise impacts and if there were toxins in the ground. We were told that we had nothing to worry about – noise would be controlled and there were no toxins. That turned out to be absolutely false. Immediately after the construction project started, the noise was deafening – completely incompatible with a school learning environment. I believe you will see a video that shows how noisy and intrusive the construction was at our school. In addition, we quickly learned the City's own environmental assessment of the site revealed the presence of unsafe levels of toxins in the soil and groundwater surrounding the school, including trichloroethene ("TCE"), a known carcinogen, tetrachloroethene ("PCE") as well as lead, mercury and chromium.

What we discovered, like the Lower East Side and Chinatown residents and workers after 9/11, was that the health and safety of our school community was never a priority—particularly for the developer. What followed was an 8-month struggle to move our children and their school out of harm's way.

Eventually, the school administration, teachers and the UFT came around to support us. Unfortunately, as the construction started, students and teachers began experiencing health problems such as bloody noses, breathing issues and unexplainable headaches. Had it not been for the organizing of parents and the community, our school community would have been subjected to years of incalculable exposure to, among other things, massive noise and years of an intolerable learning environment. *We forced the developers and elected officials not to put us at risk.* Our actions must be informed by these lessons: 1) once we lose our health, we cannot regain it, and 2) never entrust our health and the health of our families to those with competing interests.

Fightfor51 therefore is an example of a group that has lived through construction and knows intimately how important this proposed legislation is that you are considering. Had this legislation been in place when our children were in school at P.S. 51 during the construction, it would have prevented the harm to our children, teachers and staff. There is no doubt that this legislation will safeguard and protect thousands of similarly situated children, teachers and staff all across the City. We therefore implore you, our elected officials, to stand on the side of children, teachers and administrators who are educating our children and pass this legislation as soon as possible. Thank you for your work and attention to this very serious and important issue. Thank you.

P561

Kindergarten teacher 1 (Elyssa Keller): When they were building the foundation, there was so much banging that the floor vibrated. Students were (regularly) getting dizzy and nauseous. This year, we were coming back from a trip, and the workers were not paying attention to the kids [crossing the street]. They changed the truck's direction, and it almost ran over my kids. It seemed like they didn't see the kids, or pay attention to the kids.

Kindergarten teacher 2 (Beverly Rosario): There are cracks in the wall, at the top near the windows (see attached photos). Every day, right at 3 or right before school, they would come in to measure the cracks and the separation between sides of the cracks. Never once did they explain why they were coming in here or what they were doing. There were times that we had to leave the class and go down to the other end of the building, because the noise was so loud it was actually scaring the children.

1st/2nd grade teacher (Susan Browne): I would close my door, and even with my door closed, it would be too loud, particularly when they were digging the foundation. A lot of instruction was disrupted because of that. The noise level was way too much.

Testimony on Int. No 420

June 25, 2015, at 1 pm, in the Committee Room, City Hall

Good afternoon Chairman Richards my name is Lynne Strong-Shinozaki. I thank you and the Members of your Committee on Environmental Protection for this opportunity:

Every child has the right to an environmentally safe and healthy learning environment. School officials and appropriate public agencies should be held accountable for environmentally safe and healthy schools. Schools should serve as role models for environmentally responsible behavior. These are not my words this is from:

Guiding Principles for improving the Environmental Quality of Schools, adopted by New York State Board of Regents, 1994

New York State Laws on School renovation and Construction adopted in 1999 known as the "Comprehensive Public School Safety Program", was revised in 2010, Part 155 Regulations has a check list it specifically calls out the issue of excessively loud noises.

We appreciate that the State of New York values the health and welfare of our children and we know that New York City will move forward with legislation that continues to protect and value our most important resource our children.

We now want to hold you accountable for protecting our children. We need you to move forward with this legislation.

Honorable Committee Members, and other elected, public officials:

My name is Jim Egan. I am employed by Dedicated Building Services, LLC, a company based in West Harrison, New York. We provide construction-consulting services for developers in New York City and in the tri-state area. My specific expertise is in the management of large scale, high-rise construction similar to the Proposed Project schedule to take place next to P.S. 163. I am serving as an expert consultant to the P.S. 163 community in their pending litigation against the New York State Department of Health challenging the sufficiency of the environmental review that was done with respect to that proposed construction. As further background, many developers seek out and use my services; most recently, the real estate development and construction firm of Jones Lang Lasalle hired me to manage the Madison Square Garden Transformation Project, acting as liaison between Turner Construction and Madison Square Garden Operations. Prior to that I was the Director of Mechanical, Electrical and Plumbing Services at HRH Construction Corporation. Earlier in my career, I held positions at construction management firms such as Bovis Lend Lease. I have over 20 years of relevant construction experience with projects of the same or similar cost, size and complexity as that being proposed to be built next to P.S. 163.

In sum, and representing the interests of the construction industry, I believe Int. No. 420 is a bill long overdue and that would not in any way prevent construction from taking place safely and economically next to schools in New York City. I can use P.S. 163 as an example to support my conclusion. The environmental impact statement and the Findings Statement that the New York State Department of Health issued relating to P.S. 163 concludes that the developer was committed to a wide range of mitigation measures because the Project Site is located in close proximity to an existing Public School. NYSDOH further claimed the Proposed Project meets or exceeds code requirements and exceeds normal construction practices. My review of the Environmental Impact Statement and Findings Statement, however, reveals the opposite; that the maximum amount of mitigation measures have not been employed, and the construction will have significant, negative impacts on P.S. 163, particularly with respect to noise.

Furthermore, based on the size, scale and duration of the Proposed Project, it is unlikely that any of the proposed mitigation measures will ensure that P.S. 163 is kept safe and operational, even before construction delays are factored-in. Indeed, NYSDOH does not appear to be requiring the same level of mitigation it would require for a similar health care project to be built within 30 feet of an existing health care facility. The Guidelines they enforce for health care facilities reveal the maximum noise levels in patient rooms. For example, a health care facility that NYSDOH constructs must have noise levels in patient rooms between 30 decibels and 40 decibels, significantly less noise than P.S. 163 will face for several years as even NYSDOH is forced to concede.

On the issue of noise mitigation, P.S. 163 has sensibly demanded windows that attenuate noise by 35 decibels and central air conditioning to provide the fresh air circulation when the windows are shut during construction. These mitigation measures are interdependent – one does not work without the other. Unfortunately, NYSDOH has rejected the proposal even though the total cost is only approximately \$2.5 Million, less than 1% of the total construction project cost of over \$250M. As a contractor, I know first-hand about the low margins on construction, but this

frankly could not be a deal breaker for the developer of the proposed project next to P.S. 163. The math and economics just do not make sense. This is particularly true when you consider what the noise impacts of the construction will be – for more than 2 years – of consistent noise in the classrooms at P.S. 163 in the low 70 to low 80 decibels. This is equivalent to parking a concrete mixer outside the children’s classrooms. Who would think to do that? The point of the P.S. 163 example is that if Int. No. 420 was law, the P.S. 163 school community would not have to concern itself with this nightmare. That is why I respectfully request this Honorable Committee and the City Council as a whole to pass Int. No. 420 as soon as possible. The children of New York City need and deserve this legislation.



Testimony for Proposed Amendment to NYC Noise Ordinance (Bill 420) -- June 25, 2015

June 25, 2015

Good Afternoon,

My name is Erica Brody. Professionally, I am a general pediatrician and Asst. Prof. Of Pediatrics at Mount Sinai Medical Center, where I work primarily with low income families in our outpatient pediatric clinic, most of whom are spanish-dominant Latino immigrants.

Personally, I am the Dual Language Chair at PS 163, and the mother of Sheyla, Nash, and Micah. We've been at PS 163 now for 4 years, ever since we took my eldest out of private school and enrolled her in the Dual Language program when she started the 2nd grade. Though it wasn't an easy decision at the time, we can now look back and appreciate what a great choice we made. Not only has she enjoyed a strong education and been well prepared to move on next year to her first choice middle school, but she's bilingual, biliterate, and bicultural, and most importantly she has deeply absorbed an understanding of and appreciation for racial, ethnic, and socioeconomic diversity. This diversity at PS 163 is unparalleled. Children from families with advanced educations, from a vast range of countries, those who live in the nearby public housing projects, and those of immigrant families with minimal english all join together for dancing, recess, eating, cooking, crafts, trips, and learning.

This phenomenal but fragile diversity, a key element of the education at PS 163, will also be eroded without Bill 420. The threat alone of possible construction has already caused unprecedented numbers of families to leave the school last summer, and without Bill 420 in place to protect our children, another mass exodus will occur as the remaining upwardly mobile families pursue other options for their children, leaving behind only the more limited families without the ways or means of pursuing better school options. And once again, the divide between the 'haves' and the 'have-nots' will grow wider as underprivileged and disadvantaged low income families are left behind in a substandard learning environment.

In academic medicine, we are adamant that our practices be 'evidence based', meaning we have ample scientific data to support all our decisions. I'm extremely grateful to Drs Galvez, Zajac and Hays from the Children's Environmental Health Center for working with us to present that clear cut evidence (and for all the work they do to keep children safe!). And yet, I think bill 420 is really just about common sense. I ask you all on the city council to merely close your eyes for a few moments and imagine being 30 feet away from a large team of jackhammers at work. Now imagine placing an old, thin, rickety sheet of glass between you and that noise. And someone is standing 10 feet away from you trying to lecture, to convey critical information..... Would you send your children, grandchildren, cousins, nieces, or nephews to learn under those

circumstances, day in and day out for year after year? Or using your advanced education and saavy New Yorker wits, would you pull them out of that environment and chose one instead where they can spend their school days actually learning?? Bill 420 is a straightforward and common sense measure to protect New York's most fragile- its children, and especially those from already underserved backgrounds.

The New York City Council

Committee on Environmental Protection

Hearing on Int. Bill 420, Legislation to Mitigate Construction Within 75 feet of a School

Thursday June 25, 2015

Oral Testimony Presented by Avery S. Brandon

My name is Avery Brandon and my daughter is a PS 166 student who is finishing 2nd grade tomorrow. For K and 1st she attended PS 163.

In January of 2012, when she was a 4-year old preschooler, I learned of Jewish Home Lifecare, the proposed tower of a building that was planned to be built next to 163, the small but sweet public school where she would begin kindergarten that September.

Immediately I had concerns. How could the children learn in an environment so close to a construction site? Clearly the noise would prohibit learning. Certainly it could be damaging to the children. I contacted the school and the PTA to find out what was going to be done to protect the children. The school would not answer me, and the PTA president said, "Don't worry. They say the children will be fine." She must not have known about PS 51.

There was no answer to what specifically would be done to protect my child from the proposed construction – from the cacophony that she would have to endure, from the potential damage to her physical body, to her psyche, to her learning and total development. There was no answer to what specifically would be done to protect my child from damage caused by chronic noise exposure – of what it might do to her developing body and brain: The very real possibility of depression, anxiousness, fearfulness, inability to learn, impairment of reading comprehension and development of long term memory. Not to mention hearing damage or raised blood pressure.

When presented last June with the opportunity to move, I took it. I uprooted my family to get her the hell out of harms way. Better to take her away from her friends, teachers and the school that she loved while she was younger, then to risk not being able to do it later. And it was not a smooth adjustment. She suffered, but suffered far less than the damage that would have come with construction.

Most families do not have this option, but those who do will take it in a heart beat.

Thank you to Council Member Levine and the sponsors of 420. Thank you for standing up to developers by holding them accountable to something greater than their profits, our children. And thank you to the parents of 163 who have shown so much strength and good citizenship by working with the city council to introduce tangible protection for our children's well being so that they may grow up to be healthy, smart, confident and with a great sense of citizenship.

Testimony on Int. No 420

June 25, 2015, at 1 pm, in the Committee Room, City Hall

Testimony of Catherine Albisa

Every child in New York is entitled to a sound basic education. This is a constitutional mandate in our state. Indeed, education is considered a fundamental human right across the country and the world. The government obligation to ensure that right is unquestionable. So the only question of relevance here is whether schools would be able to educate children in the face of levels of noise upwards of 70 decibels.

I am a parent with an incoming 10th grader at School of the Future. Having overseen homework in my home for many years now, I can assure you that children are fairly easily distracted. Moreover, as a resident of the lower east side for the last two decades, I have suffered through a great deal of construction. When buildings have gone up behind and next door to our apartment building, it was simply impossible for my children to even do the most basic homework tasks. We would have to go to coffee shops or friend's homes to get their work done. I find it hard to imagine how a teacher with 25 plus children in a class would be able to teach under those circumstances. So when I discovered that a massive three-year construction project was going up next to my son's school I was naturally alarmed. But I assumed that in our city there would be some regulatory framework to protect our children. I was stunned to discover there was nothing.

Other cities have taken action. In Los Angeles new construction near a school cannot go up without a detailed analysis of the noise reduction requirements is made and needed insulation is included in the design of the construction. And if decibels are over 70 new construction is generally discouraged. It is extraordinary to me that with the amount of construction in our city, we have not already taken action.

As adults, we know what it takes to concentrate and be productive for ourselves. It doesn't take a lot of imagination to understand we could not get our work done with loud construction next door. How much more difficult for a child who is still learning to learn.

I can assure that all the parents at School of the Future feel strongly that this bill should be moved quickly and adopted. Let's not forget what is at stake – the education of our children – which as I opened my testimony noting is a fundamental right which we are obligated to protect.

Testimony

Manuel Casanova, Parent at PS75 Upper West Side

English Version

Good Afternoon. My name is Manuel Casanova a parent at PS75 from the UWS. I'm here today to ask you to put Intro 420 for a City Council vote. PS75 faces unprecedented damaging construction noise levels.

PS75 is a model for diversity in public schools in the city. Construction noise will dramatically affect our mono & dual language students and the fast growing NEST student body. Today, we have 16 children in the NEST program. In September, we will have about 24 and 50 students in two years.

Uncontrolled noise levels above 45 decibels will damage our student's learning process and their future.

We ask you to put Intro 420 for a City Council vote and protect PS75 children's future and our city's future.

Thank you.

Version en Español

Buenas Tardes. Mi nombre es Manuel Casanova, padre de PS75 en el UWS.

Estoy aquí para pedirles para que voten por *Intro 420*. PS75 enfrenta daños por nivel de ruido sin precedente.

PS75 es un modelo de diversidad en educación pública en nuestra ciudad. Ruido producidos por construcción afectaran dramáticamente a nuestros estudiantes de Mono & Dual Language y al creciente número de estudiantes NEST. Hoy día tenemos 16 estudiantes en el programa NEST. En Septiembre, tendremos 24 y en dos años 50 estudiantes.

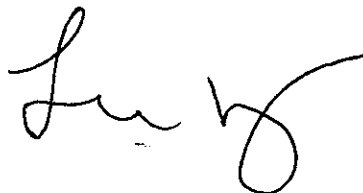
Descontrolados niveles de ruido por sobre los 45 decibeles dañaran el proceso de aprendizaje de nuestros estudiantes y sus futuros.

Les pedimos que sometan a vote *Intro 420* y que protejan a nuestros niños y sus futuros y el futuro de nuestra ciudad.

Gracias

6/16/15

My name is Lorenzo Krakowsky and I am the Director of the Upper School at the Calhoun School on the corner of West End Avenue and 81st Street. I am writing in support of Bill No. 420, which is currently under consideration by the New York City Council. As someone who has worked in schools for 27 years, and who cares deeply about school children, including those on the Upper West Side where we are located, I believe that it is imperative that we take steps to protect all school children across the City from noise and other hazards engendered by construction projects done adjacent to schools. I worry about the known significant adverse effects of such noise on both the capacity for students to concentrate and learn, and on their health. I fully support a bill that would cap the noise levels of construction projects that are adjacent to or near school buildings. I very much hope that this bill passes to protect children at Calhoun and around the city, and I appreciate your time and attention.



RESOLUTION

Date: January 6, 2015

Committee of Origin: Youth, Education & Libraries

Re: City Council Intro 420 re noise mitigation for construction projects proximate to schools.

Full Board Vote: 28 In Favor 4 Against 0 Abstentions 0 Present

Committee: 8-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan supports measures that would meaningfully limit the noise generated by construction proximate to populations particularly vulnerable to such impacts, and recommends that Intro 420 be enacted by the City Council and signed into law by the Mayor.

Michael A. Vega, M.S. Ed.
Public School 163
163 West 97th Street
New York, NY 10025
(212) 678-2855

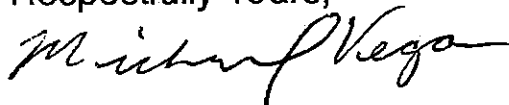
To whom it may concern;

I am writing this letter on behalf of our school community. I have been a teacher at P.S. 163 since 2001. I have been a teacher in the New York City Department of Education for a total of twenty-three years. I am extremely concern about the anticipated construction project that is planned to begin this coming fall, next to our school.

We have approximately 600 students in our school ranging in age from 4 years old to 11 years old. The construction site will be less than 50 yards from our school. This project will create potentially hazardous conditions as well as tremendous noise that will no doubt disrupt the learning of our students. Another common problem will undoubtedly be the rodents that are disturbed when most ground breaking construction in the city begins.

I am in full support of Int. No. 420, A Local Law to amend the administrative code of the city of New York, in relation to mitigation of construction noise within seventy-five feet of a school. I respectfully request that you pass this amendment.

Respectfully Yours,

A handwritten signature in cursive script that reads "Michael Vega".

Michael Vega, M.S. Ed.

City Council Int. 420 hearing testimony, 6/25/15

I am a parent of a P.S. 163 fourth grader, and I am also a professor of biomedical engineering at City College, where I have been on the faculty for 19 years.

As you've already heard, this bill grew from an impending construction project directly next to P.S. 163. When I first became involved with the P.S. 163 Task Force for a Safe School almost two years ago, I was astounded that while there are noise regulations for work done within New York City schools, no such protections exist for external projects done by others. When our task force discovered the experiences of schools next to large construction projects that severely disrupted learning and endangered the health of students, we felt that in addition to trying to protect our school, this is a larger issue that needs to be addressed.

For the 30-month-long construction project that is planned next to P.S. 163, it has been estimated that the noise levels will be elevated for a total of 14 months. We are talking about distracting noise levels that can disrupt classroom learning for 14 months. That's about 280 school days, which would span two school years. Noise levels that are not just annoying; noise levels that have been shown to interfere with children's ability to learn and communicate, as you have heard about today.

Every single day of learning is important for a child. That no protection exists for learning such that major construction projects are allowed to take place without considering that a school is a sensitive noise receptor full of children as young as three years old trying to hear and concentrate is a travesty in my opinion.

In my experience, the prevailing attitude of developers and others involved in such projects seems to be, "Too bad if a huge building will be constructed directly next to your school. It's New York City, this happens all the time." To that I say, Yes, it is New York City, a place where the education of our youngest citizens is a priority. A place where supporting the success of schools, especially our socioeconomically and racially diverse public schools, is a priority. And a place where ensuring the health and safety of the most vulnerable among us is a priority.

For such a densely populated city, New York is actually pretty good at making things work. Our city should be a model of state-of-the-art architecture and urban living while at the same time protecting, ensuring, and promoting the health and well-being our most vulnerable citizens.

If a major construction project does occur next to a school, should additional sound barriers, taller noise walls, sound-attenuating windows, and other noise mitigations only be included after the activism of parents, the community, and elected officials, along with filing law suits, as has happened with P.S. 163? Is this the way it should be? What about schools that don't have parents willing to spend hundreds and hundreds of hours fighting to ensure that noise mitigations are put in place before a construction project proceeds? Who is going to be harmed then? Of course, it will be schoolchildren who have no one to protect them.

A common-sense solution to this very real problem is to enact Int. 420.

This bill will not stop construction from occurring. What it will do is require those wanting to construct a building directly next to a school to know **BEFORE** construction is planned and commenced that time, effort, and funding must be expended to ensure that the children of the affected school are adequately protected against the construction noise. Because of course this comes down to money, and the current regulations favor construction, without much consideration given to the health, education, and safety of children.

The results of scientific research are unequivocal: children learn better when outside distractions, including noise, are low. Please pass this bill to create a workable and common-sense protection for the most valuable asset of our city: our children.

Susannah Fritton
211 W. 107th St. #5W
New York, NY 10025



**Testimony of Felice Farber, Director External Affairs
The General Contractors Association of New York
NYC Council Committee on Environmental Protection
Hearing on Intro 420-2014
June 25, 2015, 1:00pm**

Thank you Chairman Richards and members of the Environmental Protection Committee for the opportunity to express our many concerns regarding Intro 420. I am Felice Farber, Director External Affairs for the General Contractors Association of New York. Our members build New York City's infrastructure including roads, bridges, parks, transit and water systems and even New York City's schools.

I would like to state at the outset that we would like to work with the Council and the Administration to address noise concerns. Unfortunately, this legislation as proposed will have the direct effect of stopping all construction within the vicinity of a school and is simply not workable.

The noise level of my testimony today and this hearing exceeds that permitted by Intro 420. Normal conversation ranges between 50 and 75 decibels.

In researching the impact of this legislation, Denise Richardson, the Executive Director of the GCA, took noise readings in the vicinity of her neighborhood's local public schools on a Sunday morning – the quietest time of the week. The noise levels ranged from a starting range of no street traffic of 45.2 up 78.4 with traffic going by on the street. Intro 420 would limit construction noise around schools to 45 decibels – effectively stopping all construction activity around schools, including conversation between construction workers.

The city's existing noise code rules require every construction project to have a noise mitigation plan that sets forth the planned construction activities and the actions that will be taken to mitigate construction noise. The mitigation plan must include measures to minimize the impact of construction activities on what are known as "sensitive receptors" such as schools, hospitals and houses of worship. Failure to comply with the requirements of the noise mitigation plan will result in hefty fines.

Permitted noise levels are determined by the surrounding noise in the area in which the construction activity takes place. Noise levels cannot exceed the ambient sound level by more than 10 decibels measured from 15 feet from the source as measured from inside any property with the doors and windows closed. For example, midtown Manhattan traffic noise is about 80-85 decibels. The permitted construction noise would be determined by measuring the noise level from the inside of a receptor (such as someone's home or office) that is at least 15 feet away from the construction source

If the noise levels exceed those permitted volumes and strict compliance with the noise mitigation rules would not be possible or would create an undue hardship because of the location or unique characteristics of the site or of the construction devices or activities to be employed an alternative noise mitigation plan must be developed and submitted to DEP for approval. Such alternative plans must show additional noise mitigation strategies are consistent with the purposes and policies of the noise code.

Every school, indeed every facility, has different issues associated with construction in the surrounding area. A construction project located across the street from the gymnasium/cafeteria area of a school will have a very different impact than one located adjacent to classrooms. The hard and fast standard proposed in Intro. 420 will not enable the noise mitigation options to be tailored to balance the needs of the community and the project.

We believe the revised Noise Code updated in 2007 allows essential construction activities to take place in New York City while continuously working to reduce the impact of construction noise on the surrounding community.

The city's existing noise code provisions appropriately tailor noise mitigation measures to the conditions of the surrounding area. While these mitigation

measures can include equipment mufflers and noise blankets, there are other measures that have been successfully employed in London that should be considered for use in New York. These measures include the use of composite material street plates to absorb the impact of street traffic on excavation covers and recycled steel wrapped construction site fencing instead of the conventional plywood site fence material.

We recommend that any noise mitigation strategies be considered as part of a project's design process and included in all contractors' bid documents to ensure that all contractors bidding a project understand the noise mitigation expectations that are unique to that project.

We appreciate the council's concerns about the impact of construction noise around schools. We hope to have further discussion to arrive at a workable solution that will enable construction projects throughout the city to move forward while addressing overall community concerns.

Thank you.

Site No. 1
Private Apartment
Jackson Heights, Queens
Sunday, June 14, 2015
8:00 – 8:30 AM

Starting Reading:

45.1

Peak Reading:

45.9

Site No. 2
Interior Courtyard
Jackson Heights, Queens
Sunday, June 14, 2015
8:30 – 9:00 AM

Starting Reading:

47.4

Peak Reading:

66.8



Site 3
PS 69
37th Avenue between 77th/78th Street
Jackson Heights
Sunday, June 14
9:30 – 10:00 AM

Starting Reading
with no traffic on street:

51.0

Peak Reading
with traffic and # 7 train going by on
Roosevelt Ave.:

75.8



Site 4
I.S. 145
34th Avenue and Northern Blvd. between 79th/80th Street
Jackson Heights
Sunday, June 14
10:30 – 11:00 AM

Starting Reading on 34th Ave.
No Traffic:

45.2

Starting Reading on 80th Street
No Traffic

46.7

Starting Reading
75' from Northern
Blvd on 80th St.
No Traffic:

46.1

Peak Reading on 34th Avenue
With Traffic:

72.4

Peak Reading on 80th Street
With Traffic:

73.8

Peak Reading
With Traffic

78.4



The Noise Center

INAD 2016

Common Noise Levels

Health Harms

Noise + Children

Noise Center Archives

Occupational Noise Facts

Noise + Music Facts

Recreational Noise Facts

Airport Noise Facts

Noise Complaint

Tips

Common environmental noise levels

How loud is too loud?

Continued exposure to noise above 85 dBA (adjusted decibels) over time will cause hearing loss. The volume (dBA) and the length of exposure to the sound will tell you how harmful the noise is. In general, the louder the noise, the less time required before hearing loss will occur.

According to the National Institute for Occupational Safety and Health, the maximum exposure time at 85 dBA is eight hours. At 110 dBA, the maximum exposure time is one minute and 29 seconds. If you must be exposed to noise, it is recommended that you limit the exposure time and/or wear hearing protection. A three dBA increase doubles the amount of noise, and halves the recommended amount of exposure time.

The following decibel levels of common noise sources are typical, but will vary. Noise levels above 140dBA can cause damage to hearing after just one exposure.

Points of Reference *measured in dBA or decibels

- 0 The softest sound a person can hear with normal hearing
- 10 normal breathing
- 20 whispering at 5 feet
- 30 soft whisper
- 50 rainfall
- 60 normal conversation
- 110 shouting in ear
- 120 thunder

HOME

- 50 refrigerator
- 50 – 60 electric toothbrush
- 50 – 75 washing machine
- 50 – 75 air conditioner
- 50 – 80 electric shaver
- 55 coffee percolator
- 55 – 70 dishwasher
- 60 sewing machine
- 60 – 85 vacuum cleaner

Work

- 40 quiet office, library
- 50 large office
- 65 – 95 power lawn mower
- 80 manual machine, tools
- 85 handsaw
- 90 tractor
- 90 – 115 subway
- 95 electric drill
- 100 factory machinery
- 100 woodworking class

Recreation

- 40 quiet residential area
- 70 freeway traffic
- 85 heavy traffic, noisy restaurant
- 90 truck, shouted conversation
- 95 – 110 motorcycle
- 100 snowmobile
- 100 school dance, boom box
- 110 disco

Blog Contact Calendar Donate Noise Center

You have to make some noise to end it

- 60 – 95 hair dryer
- 65 – 80 alarm clock
- 70 TV audio
- 70 – 80 coffee grinder
- 70 – 95 garbage disposal
- 75 – 85 flush toilet
- 80 pop-up toaster
- 80 doorbell
- 80 ringing telephone
- 80 whistling kettle
- 80 – 90 food mixer or processor
- 80 – 90 blender
- 80 – 95 garbage disposal
- 110 baby crying
- 110 squeaky toy held close to the ear
- 135 noisy squeeze toys
- 105 snow blower
- 110 power saw
- 110 leafblower
- 120 chain saw, hammer on nail
- 120 pneumatic drills, heavy machine
- 120 jet plane (at ramp)
- 120 ambulance siren
- 125 chain saw
- 130 jackhammer, power drill
- 130 air raid
- 130 percussion section at symphony
- 140 airplane taking off
- 150 jet engine taking off
- 150 artillery fire at 500 feet
- 180 rocket launching from pad
- 110 busy video arcade
- 110 symphony concert
- 110 car horn
- 110 -120 rock concert
- 112 personal cassette player on high
- 117 football game (stadium)
- 120 band concert
- 125 auto stereo (factory installed)
- 130 stock car races
- 143 bicycle horn
- 150 firecracker
- 156 capgun
- 157 balloon pop
- 162 fireworks (at 3 feet)
- 163 rifle
- 166 handgun
- 170 shotgun

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 420 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cathy Albisa

Address: _____

I represent: School of the future

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 420 Res. No. _____
 in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: RYAN BAXTER

Address: 570 Lexington Ave, 2nd Fl, NY, NY 10022

I represent: REBNY

Address: Above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 420 Res. No. _____
 in favor in opposition

Date: 6/25/2015

(PLEASE PRINT)

Name: Adina Brooks

Address: 224 Storer Ave, New Rochelle, NY

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. bill 420 Res. No.

in favor in opposition

Date: _____

Name: Erica Brody, MD (PLEASE PRINT)

Address: 11 W 95th St, NY NY 10025

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. bill 420 Res. No.

in favor in opposition

Date: _____

Name: Jennifer Chase, MD (PLEASE PRINT)

Address: Mount Sinai Medical Center

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No.

in favor in opposition

Date: _____

Name: DONALD RANSHTZ (PLEASE PRINT)

Address: _____

I represent: Building Trades Employees Assoc

Address: 1430 Broadway, 1106
NY NY 10018

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Prottya (Souton)

Address: 35 W 86 St LIHABE

I represent: COALITION FOR A WEST SIDE

Address: # 90 PPA 230078

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DEAN DACIAN

Address: 382 CENTRAL PARK WEST APT #1P NY NY 10024

I represent: MYSELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jacqueline Shannon

Address: 2110 Frederick Douglass Blvd #2B

I represent: self NY NY 10026

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Eric London
Address: Associate Commissioner Public Affairs

I represent: DEP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. Thomas Hays

Address: Mount Sinai

I represent: _____

Address: Dr. Lauren Sinai

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. Gerald Side

Address: 382 CPW NYC 10025

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 09/25/15

(PLEASE PRINT)
Name: Ross Holden, EVP & GC

Address: 30-30 Thomson Avenue, LIC

I represent: New York School Construction Authority

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 09/25/15

(PLEASE PRINT)
Name: Melanie LaRocca, Chief of Staff

Address: 30-30 Thomson Avenue, LIC

I represent: New York School Construction Authority

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Arline L. Bonzaff

Address: 5735 79 St

I represent: myself

Address: 505 E. 67 St NYC 10075

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Dr. Lauren Zajac

Address: Mount Sinai

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/26/15

(PLEASE PRINT)

Name: Elizabeth Reidy

Address: 512 W 161st Street

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 470 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Jason Behrstock

Address: 310 Riverside Dr. Apt 207, NY NY 10025

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Manuel Casanova

Address: 175 W 95th St Apt 20B, 10025

I represent: PS75

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Felice Farber

Address: _____

I represent: General Contractors Assoc. of NY

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____
 in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Eli Ch Kwon

Address: 250 Riverside Drive, NY, NY 10025

I represent: The Calhoun School + P.S. 163

Address: 433 West End Ave.

NY, NY 10024

Please complete this card and return to the Sergeant-at-Arms

100
08

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joshua Kross

Address: 301 W. 118th St 7J

I represent: PS 163

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6.25.2015

(PLEASE PRINT)

Name: Lynne Strong-Shimozaki

Address: 30 River Road / 4C NY NY 1004

I represent: School of the Future

Address: 127- East 22nd St NYC

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Abner Greene

Address: _____

I represent: PS 61 teachers (and if she can't make it - Rebecca Batspicy)

Address: and Rene Kethwala (PS 163)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: MARK DILLON

Address: 171 W 79 10029

I represent: [SELF; CB?]

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: James Egan

Address: 301 W. 118th St

I represent: PS 163

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Susannah Fritton

Address: 211 W. 107th St. NYC 10025

I represent: PS 163

Address: W. 97th St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Manhattan Borough President Date: _____

(PLEASE PRINT)

Name: Gale Brewer

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: AVERY BRANDON

Address: 255 W 95TH STREET

I represent: PS 13

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Kashi Behrstock

Address: 310 Riverside Dr Apt 1207 NY NY

I represent: PS 163 and PS 161

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. X Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MANIL OURS

Address: 210 WEST 101 STREET

I represent: PS163

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mark Lador

Address: 151 W 30th St

I represent: New York Lawyers for the Public Interest

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: Angela Licata

Address: Deputy Commissioner Sustainability

I represent: DEP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

(PLEASE PRINT)

Name: John Wunch

Address: _____

I represent: Building Construction Trades Council

Address: 71 W 23rd Street, Suite 501

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 06.25.15

(PLEASE PRINT)

Name: Sherri Simon

Address: 241 West 97th Street #10M

I represent: Rama Ndizya

Address: 3901 Fieldon Road Bronx NY 10471

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Aldo Fierstein

Address: Acoustilog, Inc. 19 Mercer St. NY NY

I represent: ↑

Address: ↑

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: _____

Name: Jodi Gross for Athena Shapiro (PLEASE PRINT)

Address: _____

I represent: Teachers

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 420 Res. No. _____

in favor in opposition

Date: 6/25/15

Name: ALEXANDER KIPPEN (PLEASE PRINT)

Address: _____ PS 361

I represent: Children's Workshop School

Address: + EAST Village Community School PS 315

Please complete this card and return to the Sergeant-at-Arms