



**Testimony of Deanne Criswell, Commissioner  
New York City Department of Emergency Management  
Before the New York City Council Committees on  
Consumer Affairs and Business Licenses, Resiliency and Waterfronts, Environmental  
Protection, Consumer Affairs and Business, and Parks and Recreation  
September 14, 2020**

Good morning Speaker Johnson, Chairpersons Cohen, Brannan, Constantinides and Koo, and members of the New York City Council. I am Deanne Criswell, Commissioner of the New York City Emergency Management, and I am joined by Commissioner Mitchell Silver and First Deputy Commissioner Liam Kavanaugh from the NYC Department of Parks and Recreation. On August 4<sup>th</sup>, high winds from Tropical Storm Isaias impacted New York City and led to 21,439 downed and damaged tree service requests within 24 hours and, as you just heard from Con Edison, over 200,000 utility customers without power. The only recent comparable downed tree event is Hurricane Sandy, which generated 26,011 service requests and took 47 days to completely address all downed trees. We are pleased to be here today to discuss preparedness efforts for this event, citywide coordination of agencies and partners as we responded, and lessons learned to apply to the next storm.

NYC Emergency Management began tracking the development of Tropical Storm Isaias when it emerged as a disturbance off the coast of Africa on July 24<sup>th</sup>. Following National Weather Service and National Hurricane Center forecasts that met coastal storm planning triggers, our agency began hosting daily Coastal Storm Steering Committee calls with agency partners on Friday, July 31<sup>st</sup>. These calls provide a forum for partner agencies and organizations to discuss the weather forecast and trigger internal and interagency preparedness actions. Initial forecasts predicted major rainfall, storm surge, coastal flooding, and 30-40 MPH winds. The Flash Flood Emergency Plan was activated on July 31<sup>st</sup> to provide DEP, DOT, and Sanitation ample time for pre-storm cleaning. As the storm moved toward NYC, it shifted westward, and NWS advised that there was the potential for higher, more damaging winds.

By Saturday, August 1<sup>st</sup> it was clear that the storm had the potential to have significant impacts on trees and above-ground utility lines so we put the Downed Tree Task Force on alert. The Downed Tree Task Force is a component of the Debris Management Plan that outlines the roles and responsibilities of New York City agencies and utility providers and sets priorities for tree removal following a severe weather emergency. It is comprised of several City agencies, including Parks, Emergency Management, DOT, NYPD, FDNY, Sanitation, DEP and Con Edison. The Parks Department also activated its emergency forestry contracts to supplement City crews. Beyond City resources, Con Edison and PSEG-LI activated mutual aid from around the country for additional overhead line workers and tree-cutting crews.

NYCEM leads development and implementation of the City's Interim Flood Protection Measures – or IFPM – program that provides temporary, deployable flood protection to critical facilities and neighborhoods ahead of longer-term mitigation projects. Leading up to a coastal storm, NYCEM uses models provided by the National Hurricane Center that show potential impacts based on the wind speed, forward speed, and angle of approach. In consultation with the National Weather Service, NYCEM selected the models that were most likely to predict the worst-case impacts of



Tropical Storm Isaias to determine which areas of the city may experience coastal flooding from storm surge. While minor to moderate coastal flooding was possible in several neighborhoods, the only active Interim Flood Protection Measures site that had a risk of flooding was the South Street Seaport, which showed potential for 2-4 feet of inundation. To mitigate this threat, NYCEM deployed – for the first time – IFPM to protect the community from flooding.

Parks also activated its flood protection measures: tide gates were used at Flushing Meadows Corona Park and floodwalls were deployed in Rockaway Beach to prevent coastal flooding from impacting the community. While the tropical storm did not ultimately result in major coastal flooding, the opportunity to activate IFPM at our largest, most complicated, and most heavily trafficked in real time was a learning opportunity and will lead to significant improvements for future deployments across the program.

Preparations continued throughout Sunday, and Emergency Management virtually activated the City’s emergency operations center on Monday, August 3<sup>rd</sup>. Ultimately it was staffed by 19 agencies. Parks staff completed walk-throughs of potential debris staging sites and Downed Tree Task Force agencies and contractors mobilized crews to immediately begin work post-storm. The City pre-staged equipment and supplies at DSNY’s Staten Island Transfer Station, including the NYCEM Mobile Data Center, and DOT staged its assets at Citi Field. Additionally, NYCEM Citywide Interagency Coordinators were deployed across the boroughs to facilitate coordination and expedite the movement of assets to where they were needed most.

Throughout the entirety of the borough-based operation, NYCEM responders conducted in-person checks of critical facilities and sensitive locations. These included hospitals, nursing facilities, DEP facilities, NYPD precincts, and other locations.

Due to the worst case wind and rainfall projections for Tropical Storm Isaias, Mayor de Blasio, NYC Emergency Management and the Department of Buildings continually warned New Yorkers of the potential for high winds. These warnings were amplified via press releases, Notify NYC, and on the City’s social media channels. Our agency issued a press release on August 2<sup>nd</sup> and a Travel Advisory on Monday, August 3<sup>rd</sup> highlighting the threat and encouraging New Yorkers to prepare for the storm and stay home on August 4<sup>th</sup> if possible. We also sent an Advance Warning System message to partner agencies that serve vulnerable New Yorkers to assist them in preparing for the storm.

On Saturday, August 1<sup>st</sup>, my Government Relations team started targeted outreach to many elected officials representing coastal areas to discuss the forecast and preparations, and address any questions you and your colleagues had. NYCEM Government Relations began daily calls for elected officials and community boards on August 3<sup>rd</sup>.

It was clear immediately following the storm that there were widespread downed trees and power outages in many areas of the city. We worked with the Mayor’s Office to reiterate that 911 was for life-threatening emergencies only through our public messaging channels, including Notify NYC. We also messaged that New Yorkers should report non-life-threatening tree and limb damage to 311, preferably via the website or mobile app, which feeds directly into Parks’ forestry



management system and is the fastest way for Parks to prioritize requests. Daily conference calls continued with elected officials through Thursday, August 6<sup>th</sup>.

My colleagues at Parks will speak in more detail about tree removal and their processes and procedures. From an emergency management perspective, the Downed Tree Task Force was activated August 4<sup>th</sup> through August 18<sup>th</sup> and staffed 24/7 by NYCEM and partner agencies. To expedite tree removal and minimize crew stand-by time, Parks and NYCEM adjusted the Task Force response strategy by establishing borough-based command posts, the majority of which were co-located near Borough Forestry Offices. At the command posts, work orders were provided directly to field crews, expediting clearing operations. Due to the scale of this event, NYCEM coordinated the deployment of 42 additional cut-and-clear crews from New York State and worked with DDC to activate two vendors from the City's On Call Emergency Contract program to supplement City crews. Agencies worked together to prioritize the removal of trees that were blocking roads, fallen on homes, and were tangled in live power lines.

Given the volume of downed trees, the Downed Tree Task Force made several innovative adjustments to improve operations. NYCEM, Con Edison, and Parks established "tiger teams" and co-deployed work orders needing utility action, which led to faster resolution. On a subset of work orders, Con Edison deployed ahead of Parks to shut down power and cap live wires in preparation for Parks to cut and clear the tree; this helped to minimize stand-by time of Parks and Con Edison crews who were able to complete other work orders in the interim. However, coordination challenges remain – Con Edison and City agencies have different work order priorities and have separate technology systems for service requests that has led to information sharing challenges.

NYC Emergency Management, Parks, and Con Edison have already documented initial best practices and lessons learned from this incident to improve operations for future severe wind events. We are focusing on improvements that can be quickly implemented in light of the active hurricane season we are experiencing and will continue to improve Downed Tree Task Force operations to better serve New Yorkers during future events. I will now turn to Commissioner Mitchell Silver of the New York City Department of Parks and Recreation, who will provide a more detailed description of that agency's response to Tropical Storm Isaias, after which we will answer your questions.

Thank you for your time today and attention to this matter. We are, as always, available to you and your staff twenty-four hours a day, seven days a week and happy to assist in any manner.



**September 14, 2020**

**Committee on Consumer Affairs jointly with the Committees on Environmental Protection, Parks & Recreation, and Resiliency & Waterfronts.  
Oversight: Tree Removals and the Restoration of Power in the Aftermath of Tropical Storm Isaias.**

Testimony By: Commissioner Mitchell J. Silver, FAICP.

Good morning, Chair Cohen, members of the Consumer Affairs Committee, Chair Constantinides, and members of the Environmental Protection Committee, Chair Koo, and members of the Parks Committee, and Chair Brannan, and members of the Resiliency and Waterfronts Committee. I hope you and your families are doing well during these trying times. I am Mitchell Silver, Commissioner of the Department of Parks and Recreation and I am joined by First Deputy Commissioner Liam Kavanagh and Assistant Commissioner Jennifer Greenfeld.

Before I begin my testimony, it is important to acknowledge the toll this storm took on the public. New Yorkers have had to deal with an enormous amount this year, and severe weather was an additional difficult burden. Tropical Storm Isaias caused an enormous amount of damage and disruption that touched every community board in the City. We are deeply appreciative of the patience and resilience of our neighbors, whose ability to handle adversity is the reason that this city the greatest in the world and are especially thankful for the support they showed our staff in the field who worked so hard to alleviate the problems caused by the storm. I'd like to begin by offering some broader context about our urban forest.

NYC Parks, like many other city agencies, is entrusted with the care and maintenance of vital city infrastructure. Unlike more typical infrastructure like water mains or traffic lights, our responsibility, the city's street trees, are living organisms. Trees make our city more livable by reducing pollutants and carbon emissions from the air, as well as absorbing stormwater runoff. Trees are vital in combatting "heat island effect," a phenomenon that creates higher temperatures in urbanized areas, which is a particularly challenging problem for New York City. A 2017 Mayor's Office of Resiliency report found that extreme heat is the top cause of mortality from extreme weather, and the city averages roughly 115 excess deaths from natural causes exacerbated by extreme heat annually. Worse, disparities in tree cover creates risks for the most vulnerable residents of high poverty neighborhoods. As a result, the city invests significantly in caring for our urban forest, including funds for street tree plantings that will prioritize areas disproportionately vulnerable to heat risks, like neighborhoods in the South



Bronx, Northern Manhattan and Central Brooklyn. New York City's 700,000 street trees are the responsibility of NYC Parks and we have dedicated serious resources to care for our urban forest, to preserve and maximize the vital benefits provided to all New Yorkers.

While our street trees are beneficial to the city, they are uniquely vulnerable infrastructure. Trees cannot be bolted down, or boarded up, or placed in storage when we have inclement weather. Even the healthiest of trees can be felled by a powerful storm. Since we cannot ultimately control the severity of storm season, we work hard to make sure that our City's tree canopy is as strong and healthy as it can be. This is accomplished through our proactive tree maintenance efforts, largely guided by a Risk Management approach, which uses standards set by both the International Society of Arboriculture and the American National Standards Institute. Included in this approach is our block pruning program, which thanks to significant investment during much of this Administration's term and support from Council, over \$492.8M from FY15 through FY20] has allowed us in recent years to have one-seventh of our entire tree inventory pruned annually, on top of risk inspections prompted by public service requests. The goal of our program is to inspect and identify concerns before they become major problems, performing systematic and preventive tree care. This proactive approach cannot and will not completely negate the impact of serious storms but mitigates what could be even worse scenarios.

Specific to Tropical Storm Isaias, as our colleagues of NYCEM have testified, the impacts of the storm were swift and severe, and the damage that Isaias caused bore comparison with Superstorm Sandy in 2012 and the tornadoes that touched down in Brooklyn and Queens in 2010. Tropical Storm Isaias prompted over 21,000 service requests in one day, a volume of incoming requests that we normally receive in four months. In any case, NYC Parks rose to the challenge; at its peak nearly 700 NYC Parks staff was redeployed to assist with emergency response, tree inspection and data review, and in coordination with the Downed Trees Task Force, additional tree work crews were recruited, and over 500 staff and 167 crews were mobilized. To ensure that life safety concerns are addressed first and foremost, we prioritized clearing roads and thoroughfares, as well as leaning trees on homes. Many other City agencies contributed to the storm response, which included tree crew assistance provided by NYPD, FDNY, DSNY, DOT, DEP and DDC.



Additionally, City agency staff served as auxiliary inspectors to confirm conditions on the ground, provided by DOB, DOC, DHS, HPD, NYCHA and the Mayor's Community Affairs Unit. Further, "mutual aid" assistance was retained from other jurisdictions, such as State DOT, State Parks, DEC and the National Guard. We also activated \$10.9 million dollars in emergency contracts to secure the assistance of additional tree crews from private contractors. Due to this massive mobilization of resources, all serious obstructions from downed trees were cleared by August 13, while the majority of lower-priority conditions were addressed in the following week -- a faster response time compared to similar emergency events in recent years. I am extremely proud of our Parkies, emergency contractors, city agencies and mutual aid partners who stepped up to respond to one of the most damaging storm events impacting trees we have experienced in New York City.

Resolving this significant volume of requests required an enormous amount of both physical and logistical effort from our staff and our fellow agencies. This complex and challenging work takes time, and while we are aware that storms come every year, their severity and their impacts vary, prompting us to be creative in new ways to meet the challenge. This year, we piloted a strategy in which Parks crews traveled alongside Con Edison crews to deal with outages caused by trees. We also quickly developed and deployed a mobile inspection device that enabled hundreds of staff from Parks and other agencies to assess and report conditions from the field. We are continuing to refine that device to make it even more valuable in future storms. We hope to be able to build upon these innovations for future storm recovery efforts. While we recognize that it can be very frustrating to experience the aftermath of severe storm tree impacts, NYC Parks is committed to working smarter and faster with its sister agencies and with its non-agency partners.

Thank you, Chairs for the opportunity to testify today. We would be happy to answer any questions you may have. I'll ask First Deputy Commissioner Kavanagh and Assistant Commissioner Greenfeld to serve as the primary respondents to your questions today, as they most directly oversaw our operational storm response efforts.



**Testimony of Con Edison President Tim Cawley  
City Council Joint Oversight Hearing:  
Tree Removals and the Restoration of Power in the Aftermath of Tropical Storm Isaias  
September 14, 2020**

**Introduction**

Good morning Chairpersons and to all the honorable members of the New York City Council. My name is Tim Cawley and I am the President of Con Edison Company of New York.

I am joined today by my colleagues Robert Schimmenti, Senior Vice President of Electric Operations, Kyle Kimball, Vice President of Government, Regional & Community Affairs, Matt Sniffen, Vice President of Emergency Preparedness, and Patrick Burke, Vice President of Brooklyn/Queens Electric Operations.

We appear before you today to describe and discuss Con Edison's preparations and response to Tropical Storm Isaias, a historically destructive storm which struck on August 4 and whose impact was felt from the Carolinas to Vermont. As I will explain, we were prepared for the forecasted storm and as the storm's impact greatly exceeded forecasts, we responded aggressively in our restoration efforts.

I want to start by acknowledging that all of us at Con Edison are keenly aware of how disruptive it is to be without power for a few hours – let alone for multiple days. The purpose of our existence as a Company is to provide energy to our customers safely, reliably, and sustainably, and when events like this occur, we see firsthand what a hardship it is for our customers, especially now, as people may be working from home, taking online classes and facing employment and financial struggles.

**Next Steps, Continuous Improvement**

We have already heard from our customers, municipal partners, and elected officials, including many of you about areas where we can better serve our customers and our communities. All these issues deserve thoughtful diagnosis and remediation. We have a deep-seeded culture of continuous improvement and are committed to addressing these issues.

**Pre-Storm Preparation**

At Con Edison we prepare for all kinds of weather events year-round. Our in-house meteorologists constantly track weather trends and model potential impacts on our system.



We invest over \$1 billion annually, including in storm hardening measures, in our electric system and estimate that these efforts resulted in 20 percent fewer outages during Isaias than we otherwise would have expected.

Con Edison spends about \$14 million annually on a robust tree trimming program. And we are more than halfway through installing smart meters throughout the Con Edison service territories. Once this project is complete, smart meters will help to improve the accuracy and timeliness of outage and restoration information.

We also leverage our productive and robust relationship with the City of New York by regularly coordinating with them through information sharing and drills.

In addition to all these system-wide “Blue Sky” resiliency preparations, we also make necessary preparations for specific weather events, such as Isaias.

As forecasts became clearer that Isaias would impact our region, we took many steps to prepare, including initiating internal storm preparations, requesting mutual aid, and retaining additional contractor crews to be on the ground, ready to respond as soon as the storm passed.

Prior to the storm we also held calls with municipal and elected officials throughout our service territories.

### **Weather Event**

We monitored Isaias as it formed and made its way towards our area up the eastern seaboard.

On Monday, August 3, based on information from the National Hurricane Center, we expected Isaias to pass just west of the New York City area.

Early on Tuesday, August 4, the forecasted path was roughly the same, with slightly stronger winds.

Just four hours before the storm hit the New York City region, it suddenly and without warning tracked 30 miles to the west towards Pennsylvania. None of the weather models predicted this change in the storm’s track.

This change caused the storm’s strongest wind gusts – 60 to 70 miles per hour – to hit the New York City area.

### **What Happened: Post-Storm Damage**

These extremely strong winds caused widespread destruction.



All told, nearly 330,000 Con Edison customers lost power including about 205,000 in New York City. In Con Edison's long history, only Superstorm Sandy caused more outages.

Entire trees collapsed onto our poles, wires and other core infrastructure. This damage was so severe that we were required to entirely rebuild sections of our system rather than just repair them.

Isaias brought down thousands of trees across New York City and our service territory. Our trouble tickets show that over 1,450 trees damaged our energy delivery infrastructure, including damage to more than 450 poles throughout the service territory. Our understanding from the Parks Department is they received a huge number of service requests during and after the storm, and the storm inflicted the 3rd highest amount of tree damage (reflected by number of work orders) in recent memory.

Isaias also caused incredible damage to surrounding areas as well. Roughly 3 million customers were impacted from the Carolinas to New England.

### **Rebuilding and Restoration Effort Begins**

As with any storm we face, restoration work began as soon as the storm passed, and it was safe to do so.

While the damage was extensive, the pace of restoration for this storm was significantly faster than previous major storms.

For our New York City customers whose service was interrupted, 68 percent were restored by the end of the second day of restoration, 87 percent by the end of day three, and 98 percent by the end of day five.

### **Rebuilding and Restoration: Mutual Aid**

One of the reasons we were able to make such quick progress was the presence of mutual aid.

We began requesting and securing additional crews four days before Isaias hit. After the storm passed and the extent of the damage became clear, we widened our search and began bringing in crews from all over the country.

Thanks to these efforts, we had a total of 784 overhead and tree workers on site the day of the storm on August 4<sup>th</sup>. As the event progressed, we continued to add resources to the response. Overall, during this restoration effort we applied 1.6 times as many overhead resources than we applied during the same period to Superstorm Sandy.



### **Rebuilding and Restoration Effort: Continuous Improvement**

Many of the corrective actions that we implemented following winter storms in 2018 were helpful for this storm response.

We started using right of first refusal contracts for some mutual aid contractors, which enabled us to have additional workers on site before Isaias hit.

And, for the first time, we flew in 100 mutual aid workers, and provided them with trucks when they arrived, to get them on site and restoring power faster.

### **Where Do We Go from Here?**

As I mentioned at the beginning of my remarks, Con Edison was prepared for the forecasted storm and as the storm's impact greatly exceeded forecasts, we responded aggressively in our restoration efforts.

We have implemented the recommendations from past storms and strengthened our system over the years to make it smarter and more resilient, but we know this is not enough.

Our customers have made it clear that they have no patience for incremental changes – especially when they are out of power for multiple days. And I, and we, all understand their frustration.

Ultimately, we are accountable to our customers, and under these type of extreme storm conditions, it is clear that we are not meeting our customers' expectations.

It is also clear that destructive storms like these have grown stronger and more frequent as the realities of climate change take hold.

Con Edison's expertise is in reliably transmitting and distributing electricity – we were among the first to do it nearly 200 years ago, and today we are one of the most reliable electric utilities in the country.

We know what it would take to be able to restore 100% of customers very quickly after a storm like Isaias.

I hope we can start that conversation today.

There are three primary ways that we can reduce major outages and restore more quickly:



First, all the trees that are near power lines could be removed, but I know none of us want to do that.

Second, we could underground the entire system. We have studied this in the past, and are open to continuing to explore the idea, but we all need to be honest about what undergrounding entails.

Previous studies have shown it would cost around \$50 billion. This does not include how much customers would have to pay directly – roughly \$15-\$20 thousand each – to install new equipment on their homes and businesses to connect the new underground lines.

The third option is having more crews on standby to aid in storm restoration; however, the cost of retaining the necessary thousands of additional workers would be incredibly high.

Restoring power very quickly can be done, but it comes at a very high cost. It can only be done if there is first a frank conversation among all stakeholders about what achieving this level of resiliency would require. It is a conversation where your voices – the voices of policymakers and community leaders at all levels – are essential.

Our customers depend on Con Edison to provide an essential service, and they understandably expect this service to be as reliable as possible. We understand this and work hard every day to meet that expectation.

But balancing expectations with costs for our customers is also critically important and must be a central part of the conversations going forward.

As always, we are open to your ideas and welcome your feedback and look forward to your partnership in an open, constructive, and productive dialogue as we work together in finding effective and achievable solutions.

## **Conclusion**

2020 has been a tough year for everyone, and our employees are no different. They showed up every day during the worst days of the pandemic and every day during this long, hot summer. They work tirelessly to serve our customers safely and maintain what is widely regarded as the most reliable electric system in the country.

I am extremely proud of them and the work they have done and continue to do.

Thank you for the opportunity to be with you all today, and we look forward to your questions.



**SHARON LEE**  
Acting President

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**PREPARED TESTIMONY BEFORE AN OVERSIGHT HEARING  
OF THE NEW YORK CITY COUNCIL  
REGARDING TREE REMOVALS AND THE RESTORATION OF POWER  
AFTER TROPICAL STORM ISAIAS**

**SEPTEMBER 14, 2020**

**PRESENTED BY:**

**SHARON LEE  
PRESIDENT, BOROUGH OF QUEENS**

Thank you to Chairs Constantinides, Koo, Brannan, and Cohen for convening this important hearing and for inviting me to speak about Con Edison's disastrous response to recent electricity outages in Queens County. These outages rendered over 73,000 of Con Edison's 737,000 customers in Queens powerless, some for as long as nine days, in the wake of Tropical Storm Isaias. Understanding our borough's experience is necessary to inform any future action resulting from this hearing.

Con Edison has acknowledged that Tropical Storm Isaias hit Queens "particularly hard." But focusing only on the storm minimizes the company's own role in what happened in the mitigation efforts before and recovery efforts in the immediate and prolonged wake of the storm.

Con Edison has not explained, first, why the response in Queens was disproportionately slow and inequitable compared to the other boroughs of New York City, thereby unnecessarily compounding the danger posed to tens of thousands of Queens families. Nor have they explained, second, whether the impact in Queens could have been lessened by more judicious storm mitigation planning in the borough. In short, Con Edison needs to explain its planning and decisions both before and after the storm, and the company must be held to account.

Queens was hit hardest citywide from the start, with 73,000 customers losing power, which is approximately 38 percent of the total 193,000 powerless Con Edison customers in New York

City, and over a fifth of all customers impacted in the region. When we talk about Con Edison hurting 73,000 “customers” in Queens, the actual number of people impacted is much greater; an outage affects everyone living under the roof of a “customer,” all coping with a lack of power amid relentless heat and humidity, day after day, night after night. For days and nights post-Isaias, I witnessed downed powerlines and uprooted trees, many blocking home entrances and exits, driveways, sidewalks and roadways. I heard from Queens residents who felt trapped and in danger of going outside, not dissimilar to the fears at the height of the COVID-19 pandemic. I know that it did not have to be this way.

Con Edison’s own outage numbers indicate that the company surged power restoration in other boroughs but failed to prioritize restoration in Queens, the hardest-hit borough from the start. In the critical 48 hours after the storm hit on August 4, Con Edison restored 89 percent of outages in Brooklyn and 81 percent on Staten Island. But at the same time, Con Edison had only restored 59 percent in Queens, where 30,000 customers remained powerless on Day 3, nearly as many as the rest of the city combined. By August 8, almost 100 hours after the storm, Con Edison finally broke the 80 percent threshold of restoration for Queens, but even then, 14,000 customers continued to be left in the dark, constituting more than half of the remaining 24,700 outages citywide. By that point, Con Edison had already long restored over 95 percent of impacted customers in other parts of the City. By August 11, seven nights after the storm, over 3,000 Con Edison customers in Queens—as well as everyone else residing in those households, which were located in all fourteen community districts across Queens—still remained powerless and in the dark amidst relentless heat and humidity. Only on August 13, a full nine days later, did Con Edison report having fully restored power across Queens. We are grateful to the workers who got it done, but our patience had long expired with the management that so obviously bungled the response.

It is clear that in the immediate and extended wake of Tropical Storm Isaias, Con Edison failed Queens, utterly and spectacularly. Once the delays began to drag, my office asked Con Edison how many crews they have to cover Queens. Their answer was that, on any given day without a storm, they have a total of 25 crews to cover all of Queens and Kings Counties combined. That is a tremendous amount of ground to cover, even without a storm. It is still unclear how many more crews beyond the standard 25 were tapped in anticipation and preparation of Isaias. It is also

unclear how many of the out-of-state reinforcements were dedicated to Queens—again, the hardest-hit county in New York City.

We also asked how they were prioritizing restorations, a pressing question after we saw Con Edison numbers restoring at a much faster clip in Brooklyn and Staten Island than in Queens. Con Edison responded that outage concentrations dictated their response; for example, if a cluster had 1,000 outages and another had 100, the cluster of 1,000 would receive priority. Yet if it were solely about the numbers, then why weren't the hardest-hit communities in Queens on the top of the priority list?

Furthermore, a response to widespread utility outages should be informed by more than just the raw numbers. Priority should go to the most vulnerable, such as those who rely on medical equipment like CPAP machines, or where there are large populations of elders. Within the first few days following the storm, we asked Con Edison how many of the 73,000 customers without power in Queens relied on electricity-dependent medical equipment. Their answer: 109 customers across Brooklyn and Queens. I found that low number hard to believe, especially since they could not even tell us how many of the 109 were based in Queens. Utilities and emergency management should be able to quickly assess urgency vis-à-vis vulnerability, perhaps by seeking and collecting pertinent self-reported information from customers prior to a storm. In assessing urgency, Con Edison should be aware of basic information about its customers, such as whether a household member uses medical equipment that relies on electricity, whether a person has a medical condition that would be impacted by a prolonged outage, the number of elderly or young individuals in the home particularly vulnerable to extensive power outages, et cetera. The failure to consider these issues, coupled with a general lack of urgency, compounded a widespread disaster for which Con Edison should have been prepared.

Indeed, Con Edison has had ample time to plan for the worst. Following previous mass outages caused by Superstorm Sandy of 2012 and subsequent storms—and accompanying sluggish restorations—Con Edison had reported that it invested approximately \$1 billion in infrastructure improvements for storm resilience, paid for in part by a rate hike in 2017. Queens customers were on the hook for the rate increase, so did Con Edison make appropriate investments and plan to protect the most vulnerable areas of Queens? Have the investments made actually resulted in

safer, more reliable service and speedier restorations? The most recent Con Edison rate hike, approved by the PSC earlier this year, was a 13.5 percent increase in residential electricity rates over three years, which again was deemed necessary to improve infrastructure, safety, and reliability. Again, where is Con Edison directing these investments? And will future investments be made equitably in Queens, which is so vulnerable to disastrous service failures?

In the short term, Con Edison must do right by the people they failed in Queens. I have been very vocal in calling for Con Edison to issue immediate and full rebates to last month's bill to all 73,000 customers affected by outages from Isaias, in addition to reimbursing them for all spoiled food, medicine, and other losses. It is the very least they could do. If Con Edison chooses not to do so, then the State should ultimately require it. This is not without precedent. In June 2006, a Con Edison power outage in Astoria/LIC rendered up to 174,000 Queens residents and business owners powerless for nine days. In January 2007, the New York State Public Service Commission determined that the blackout resulted from Con Edison's "failure to address a multitude of pre-existing problems and issues associated with the operations, maintenance, and oversight of" its western Queens infrastructure. And in 2008, facing legal action by Queens residents and business owners as well as an ongoing investigation by the Public Service Commission, Con Edison agreed to a settlement that provided a \$46 million rate benefit for its customers, and a \$17 million benefit fund for those directly affected in Western Queens, half of which was dedicated to significant bill credits.

Ultimately, even though the storm itself was not in its control, Con Edison is fully responsible for its decisions in the lead-up and aftermath of extreme weather events. Con Edison needs to explain why these families and communities in Queens were the ones they decided should bear a disproportionate and extended burden.

Thank you again for this opportunity to testify. Accompanying this testimony are supplementary materials for your information. Queens asks that you remember our experience as you hold the utilities accountable to the powerless people they serve.



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## **TABLE OF CONTENTS FOR SUPPLEMENTARY MATERIALS**

1. Attachment 1: Outage Restoration Pace by County
2. Attachment 2: August 11, 2020 Press Release
3. Attachment 3: Queens Outages by Community District
4. Attachment 4: Queens Community District Map

ATTACHMENT 1

OUTAGE RESTORATION PACE BY COUNTY

	TOTAL PEAK OUTAGE	per ConEd press release THU 06Aug 6am (~36hrs)								per ConEd press release WED 05Aug 5:15pm (~23hrs)								per ConEd press release WED 05Aug 10:30am NR (~16hrs)							
		REPORTED TOTAL PEAK OUTAGE	SHARE OF TOTAL NYC ACTUAL PEAK OUTAGE	RESTORED 06Aug	APPROX RESTORATI ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %	REPORTED TOTAL PEAK OUTAGE	SHARE OF TOTAL NYC ACTUAL PEAK OUTAGE	RESTORED 06Aug	APPROX RESTORATI ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %	REPORTED TOTAL PEAK OUTAGE	SHARE OF TOTAL NYC ACTUAL PEAK OUTAGE	RESTORED 06Aug	APPROX RESTORATI ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %			
QUEENS	73,000	70000	36%	34000	944	49%	36000	51%	64000	33%	21000	913	33%	43000	67%	57000	29%	10000	625	18%	47000	82%			
BROOKLYN	30,800	31400	16%	27000	750	86%	4400	14%	31600	16%	26000	1130	82%	5600	18%	31100	16%	21600	1350	69%	9500	31%			
STATEN ISLAND	58,000	57000	29%	44000	1222	77%	13000	23%	53000	27%	35000	1522	66%	18000	34%	51800	27%	30500	1906	59%	21300	41%			
BRONX	32,000	29800	15%	10000	278	34%	19800	66%	29800	15%	5300	230	18%	24500	82%	27600	14%	4600	288	17%	23000	83%			
NYC	193,800	188200		115000	3194	61%	73200	39%	178400		87300	3796	49%	91100	51%	167500		66700	4169	40%	100800	60%			
WESTCHESTER	133,000	128000		45000	1250		83000		126000		30000	1304		96000		120000		21000	1312.5		99000				
		<a href="http://www.coned.com/en/about-us/media-center/news/20200806/con-edison-to-customer-were-more-than-halfway-there">www.coned.com/en/about-us/media-center/news/20200806/con-edison-to-customer-were-more-than-halfway-there</a> Crews have restored power to more than 45,000 Westchester County customers and are working on the remaining 83,000 customers. In Queens, more than 34,000 customers have gotten service back with about 36,000 still out. In Brooklyn, crews have restored about 27,000 customers with about 4,400 remaining out and in Staten Island, the company has restored more than 44,000 customers with about 13,000 still out. In the Bronx, crews have restored more than 10,000 customers and about 19,800 are out of service.								<a href="http://www.coned.com/en/about-us/media-center/news/20200805/con-edison-plans-to-finish-vast-majority-of-isaia-restoration-by-sunday-night">www.coned.com/en/about-us/media-center/news/20200805/con-edison-plans-to-finish-vast-majority-of-isaia-restoration-by-sunday-night</a> Crews have restored power to more than 30,000 Westchester County customers and are working on the remaining 96,000 customers. In Queens, more than 21,000 customers have gotten service back with about 43,000 still out. In Brooklyn, crews have restored about 26,000 customers with about 5,600 remaining out. In Staten Island, the company has restored more than 35,000 customers with about 18,000 still out. In the Bronx, crews have restored 5,300 customers and 24,500 are out of service.								<a href="http://www.coned.com/en/about-us/media-center/news/20200805/con-edison-off-to-a-fast-start-on-post-isaia-restoration">www.coned.com/en/about-us/media-center/news/20200805/con-edison-off-to-a-fast-start-on-post-isaia-restoration</a> Crews have restored power to more than 21,000 Westchester County customers and are working on the remaining 99,000 customers. In Queens, more than 10,000 customers have gotten service back with about 47,000 out. In Brooklyn, crews have restored more than 21,600 with about 9,500 remaining out. In Staten Island, the company has restored 30,500 customers with 21,300 still out. In the Bronx, crews have restored 4,600 customers and 23,000 are out of service.							

	TOTAL PEAK OUTAGE	per ConEd press release SAT 08Aug 5:30am (~83hrs)					per ConEd press release FRI 07Aug 6:45pm (~72hrs)					per ConEd press release FRI 07Aug 5am (~59hrs)					per ConEd press release THU 06Aug 6:45pm (~48hrs)					
		APPROX RESTORATI					APPROX RESTORATI					APPROX RESTORATI					SHARE OF TOTAL NYC PEAK OUTAGE	APPROX RESTORATI				
		RESTORED 06Aug	ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %	RESTORED 06Aug	ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %	RESTORED 06Aug	ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %		RESTORED 06Aug	ON PACE PER HOUR	RESTORED %	STILL OUT	STILL OUT %
QUEENS	73,000	54,000	651	74%	19000	26%	49,000	681	67%	24000	33%	49,225	834	67%	23775	33%	38%	43000	896	59%	30000	41%
BROOKLYN	30,800	29,400	354	95%	1400	5%	29,300	407	95%	1500	5%	28,042	475	91%	2758	9%	16%	27500	573	89%	3300	11%
STATEN ISLAND	58,000	54,800	660	94%	3200	6%	50,500	701	87%	7500	13%	44,832	760	77%	13168	23%	30%	47000	979	81%	11000	19%
BRONX	32,000	22,300	269	70%	9700	30%	19,000	264	59%	13000	41%	20,493	347	64%	11507	36%	17%	16000	333	50%	16000	50%
NYC	193,800	160,500	1934	83%	33300	17%	147,800	2053	76%	46000	24%	142,592	2417	74%	51208	28%	1	133500	2781	69%	60300	31%
WESTCHESTER	133,000	80,000	964	60%	53000	40%	78,000	1083	59%	55000	41%	64,372	1091	48%	68628	52%		58000			75000	
		<a href="http://www.coned.com/en/about-us/media-center/news/20200808/isaia-restorations-surpass-270000-nearly-3000-workers-deployed">www.coned.com/en/about-us/media-center/news/20200808/isaia-restorations-surpass-270000-nearly-3000-workers-deployed</a> Westchester County where the electric delivery system is nearly all overhead has 53,000 customers out of service with local restoration times that vary from tomorrow at 3:00 pm to 11:00 p.m. on August 10. Queens has 19,000 customers without power and a restoration time of 11:00 p.m. on August 9. The Bronx with 9,700 customers out of service and a restoration time of 11:00 p.m. on August 9. Staten Island has 3,200 customers without service and a restoration time of 11:00 p.m. on August 9. Brooklyn has 1,400 customers without service and a restoration time of 11:00 p.m. on August 9.					<a href="https://www.coned.com/en/about-us/media-center/news/20200807/isaia-restorations-surpass-240000-as-additional-workers-continue-to-arrive">https://www.coned.com/en/about-us/media-center/news/20200807/isaia-restorations-surpass-240000-as-additional-workers-continue-to-arrive</a> The company's outage map reports about 55,000 customers out of service in Westchester County, where the electric delivery system is nearly all overhead. The company reports about 24,000 customers out in Queens, 13,000 in the Bronx, 7,500 in Staten Island, and 1,500 in Brooklyn.					<a href="http://www.coned.com/en/about-us/media-center/news/20200807/con-edison-continues-making-restorations">www.coned.com/en/about-us/media-center/news/20200807/con-edison-continues-making-restorations</a> Customer outages as of 4:00 a.m. includes Brooklyn with 2,758 customers without service; Westchester County with 68,628 customer outages; Queens with 23,775 out of service; Staten Island with 13,168 customers without power; and 11,507 Bronx customers without service.					<a href="http://www.coned.com/en/about-us/media-center/news/20200806/con-edison-crews-continue-restoration">www.coned.com/en/about-us/media-center/news/20200806/con-edison-crews-continue-restoration</a> Crews have restored power to more than 58,000 Westchester County customers reported out since Tuesday and are working on the remaining 75,000 customers. In Queens, more than 43,000 customers have gotten service back with about 30,000 still out. In Brooklyn, crews have restored about 27,500 customers since Tuesday with about 3,300 remaining out and in Staten Island, the company has restored more than 47,000 customers with about 11,000 still out. In the Bronx, crews have restored more than 16,000 customers and about 16,000 are out of service.					

	TOTAL PEAK OUTAGE	per ConEd press release MON 10Aug 9:40am (~135hrs)					per ConEd press release SUN 09Aug 8pm (~122hrs)					per ConEd press release SUN 09Aug 5:30am (~107hrs)					per ConEd press release SAT 08Aug 7:30pm (~97hrs)				
		RESTORED 06Aug	APPROX RESTORATI		RESTORED %	STILL OUT	STILL OUT %	RESTORED 06Aug	APPROX RESTORATI		RESTORED %	STILL OUT	STILL OUT %	RESTORED 06Aug	APPROX RESTORATI		RESTORED %	STILL OUT	STILL OUT %		
			ON PACE PER HOUR	ON PACE PER HOUR					ON PACE PER HOUR	ON PACE PER HOUR											
QUEENS	73,000	70,200	520	96%	2800	4%	68,900	565	94%	4100	6%	62,000	579	85%	11000	15%	59,000	608	81%	14000	19%
BROOKLYN	30,800	30,400	225	99%	400	1%	30,300	248	98%	500	2%	29,800	279	97%	1000	3%	29,600	305	96%	1200	4%
STATEN ISLAND	58,000	#VALUE!	#VALUE!	#VALUE!	N/A	#VALUE!	57,901	475	100%	99	0%	56,900	532	98%	1100	2%	56,500	582	97%	1500	3%
BRONX	32,000	31,350	232	98%	650	2%	29,900	245	93%	2100	7%	25,100	235	78%	6900	22%	24,000	247	75%	8000	25%
NYC	193,800	189,950	1407	98%	3850	2%	187,001	1533	96%	6799	4%	173,800	1624	90%	20000	10%	169,100	1743	87%	24700	13%
WESTCHESTER	133,000	118,000	874	89%	15000	11%	105,500	865	79%	27500	21%	97,900	915	74%	35100	26%	92,000	948	69%	41000	31%

<https://www.coned.com/en/about-us/media-center/news/20200810/con-edison-continues-focus-on-westchester>  
 The company reports about 19,000 customers currently without service due to the storm. They include about: 15,000 in Westchester, 2,800 in Queens, 650 in the Bronx and 400 in Brooklyn.

[www.coned.com/en/about-us/media-center/news/20200809/crews-working-safely-efficiently-to-restore-55000-customers](http://www.coned.com/en/about-us/media-center/news/20200809/crews-working-safely-efficiently-to-restore-55000-customers)  
 The workers will focus on customers without service including: 35,100 in Westchester, 11,000 in Queens; 6,900 in the Bronx, 1,100 in Staten Island and 1,000 in Brooklyn.

[www.coned.com/en/about-us/media-center/news/20200809/crews-working-safely-efficiently-to-restore-55000-customers](http://www.coned.com/en/about-us/media-center/news/20200809/crews-working-safely-efficiently-to-restore-55000-customers)  
 The workers will focus on customers without service including: 35,100 in Westchester, 11,000 in Queens; 6,900 in the Bronx, 1,100 in Staten Island and 1,000 in Brooklyn.

[www.coned.com/en/about-us/media-center/news/20200808-2/additional-crews-supplement-con-edison-push-to-restore-customers](http://www.coned.com/en/about-us/media-center/news/20200808-2/additional-crews-supplement-con-edison-push-to-restore-customers)  
 The focus is on Westchester, where about 41,000 customers have no service. In New York City, Queens has about 14,000, the Bronx 8,000, Staten Island 1,500, and Brooklyn over 1,200 remaining out.

ATTACHMENT 2

AUGUST 11, 2020 PRESS RELEASE



SHARON LEE  
Acting President

CITY OF NEW YORK  
OFFICE OF THE  
PRESIDENT OF THE BOROUGH OF QUEENS  
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FOR IMMEDIATE RELEASE: Tuesday, August 11, 2020  
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## QUEENS BLASTS CON EDISON FOR DISASTROUS POWER RESTORATION POST-ISAIAS

*BP Lee Calls for Full Rebate of August ConEd Bill for 73,000 Queens Customers  
Inequitable, Disproportionate Pace of Restoration  
Compounded Effects of Ongoing COVID-19 Pandemic  
Precedent for Direct Remedy for Con Edison Customers  
Rate Hikes in Recent Years Were to Improve Infrastructure, Safety, Reliability*

QUEENS, NY – Acting Borough President Sharon Lee, together with federal, state and city elected officials and community boards representing some of the most heavily and extensively impacted areas of the borough, today collectively blasted Con Edison's disastrous management of power restoration in Queens County that rendered over 73,000 of its customers without power in the wake of Tropical Storm Isaias since last Tuesday.

Seven nights after the storm, over 3,000 Con Edison customers in Queens – as well as everyone else residing in those households – still remain powerless and in the dark amidst relentless heat and humidity.

Representative officials slammed Con Edison's disproportionate pace and inequitable power restoration for Queens relative to the rest of New York City. Some noted the compounded effects of the ongoing COVID-19 pandemic in Queens, citing residents feeling "trapped" by downed and hazardous wires left in the sidewalks and roads or suspended midair blocking home entrances and driveways for days on end. Officials also noted Con Edison's rate hikes in recent years including 13.5% increase in residential electricity rates over three years, approved in January 2020, as well as past precedent for direct remedy to the company's customers.

Many of the Queens elected officials at today's news conference included members of both the New York State Senate and State Assembly Committees on Corporations, Authorities and Commissions. The state legislature is planning hearings on the utilities later this month.

"Con Edison failed Queens in the immediate and extended wake of Tropical Storm Isaias, depriving us – at length – the necessary urgency, service and communications that we are owed as customers without a choice," said **Borough President LEE**. "While 73,000

customers in Queens were rendered powerless, here in the Borough of Families, the real impact hit real people in multiples of that. Con Edison has the power now to choose to do right by its Queens customers for the prolonged trauma and danger imposed upon them. I urge Con Edison to offer immediate and full rebates to the 73,000 Queens customers on this month's bill to remedy this disproportionate and inequitable restoration. It is the very least Con Edison can do."

"As customers, we are grateful to the workers, but after repeated recovery failures, patience for the company has long expired," **Borough President LEE** added. "The only thing reliable about Con Edison post-Isaias was its consistent failure to communicate accurately and effectively to the public. Power is essential, as we were acutely reminded during the heights of the pandemic. The restoration of power especially after a storm is a race against time for safety, public confidence and the preservation of livelihoods."

### **Inequitable and Disproportionate Pace of Power Restoration**

Officials slammed Con Edison's disproportionate pace and inequitable power restoration for Queens relative to the rest of the City over the critical [first 48 hours after the storm](#), at which point Con Edison had restored 89 percent in Brooklyn and 81 percent in Staten Island. By then, Con Edison had only restored 59 percent in Queens where 30,000 customers remained powerless, virtually as much as the rest of the city combined.

By Saturday, August 8, nearly [100 hours after the storm](#), Con Edison finally broke the 80 percent threshold of restoration for Queens; 14,000 Queens customers, however, were still left in the dark, over half of the remaining 24,700 outages citywide. By then, Con Edison had already long restored over 95 percent of impacted customers in both Brooklyn and Staten Island.

### **Compounded Effects of Ongoing COVID-19 Pandemic**

Con Edison's restoration failures have compounded the effects of the ongoing COVID-19 pandemic for many in Queens, which was the epicenter of the epicenter at the pandemic's peak in New York. The extensive power outage and bungled restoration has caused prolonged trauma and danger to tens of thousands of Con Edison customers and their families.

[Infuriating delays](#) in power restoration and removal of downed and hazardous wires — as well as a consistent failure to communicate accurately and effectively to its customers and representative officials — not only left Queens residents feeling ["exasperated"](#) and ["trapped,"](#) but also created exceedingly dangerous situation and prolonged stress for Con Edison's customers in Queens who rely on critical medical devices like CPAP machines.

### **Precedent for Direct Remedy for Con Edison Customers**

There is precedent for Con Edison providing restitution to its Queens customers for a failed response to power outages. For nine days in July 2006, a Con Edison power outage left up to 174,000 people in western Queens without electricity. In January 2007, the New York State Public Service Commission determined that the blackout resulted from Con Edison's

“failure to address a multitude of pre-existing problems and issues associated with the operations, maintenance, and oversight of” its western Queens infrastructure. In 2008, facing legal action by Queens residents and business owners as well as an ongoing investigation by the Public Service Commission, Con Edison agreed to a settlement that provided a \$46 million rate benefit for its customers, and a \$17 million benefit fund for those directly affected in Western Queens, half of which was dedicated to significant bill credits.

Last week on August 5, Governor Andrew Cuomo directed the State Department of Public Service to launch an investigation of Con Edison and other New York utilities’ failed response to Tropical Storm Isaias.

### **Con Edison Rate Hikes in Recent Years**

Following previous mass outages caused by Superstorm Sandy of 2012 and subsequent storms, Con Edison has spent approximately \$1 billion in infrastructure improvements, paid for in part by a rate hike in 2017. Two components of Con Edison’s 2013 resilience plan were (1) to upgrade its overhead distribution equipment with the aim of “making the system more resilient against damage from high winds and downed trees and limbs,” and (2) “selectively undergrounding portions of the overhead system based on [its] analysis of outage data and field surveys of tree density.” But in 2018, after the 2017 rate hike was already in place, an ABC7 investigation revealed that Con Edison subsequently reneged on its initial plans to bury overhead power lines.

Earlier this year, the Public Service Commission approved the most recent Con Edison rate hike for residential electricity service, a 13.5% increase over three years, which was deemed necessary in part to “allow [Con Edison] to replace aging infrastructure and to modernize its systems.” But it is unclear whether these promised investments have been equitably implemented or have actually led to safer and more reliable service promised for Queens County.

“Queens residents are suffering from both COVID-19 and loss of electricity due to Tropical Storm Isaias — 73,000 Queens residents left in the dark is devastating,” said **U.S.**

**Representative CAROLYN MALONEY.** “ConEdison must begin work immediately to restore power now.”

“Con Edison’s recovery following Tropical Storm Isaias has been inadequate, sporadic and unacceptable,” said **New York State Senator TOBY ANN STAVISKY.** “I understand restoring power to 73,000 homes in Queens is a difficult task, but leaving thousands without power nearly a week after the storm is just plain dangerous. Con Ed needs to be held accountable for their listless response.”

“The bottom line is that Con Edison’s response to Tropical Storm Isaias was simply unacceptable,” said **New York State Assemblymember EDWARD BRAUNSTEIN, Chair of the Assembly Committee on Cities, which is a co-sponsor of the legislative hearing on utilities to be held later this month.** “The utility was totally unprepared for the storm and its communication with those who lost power was severely lacking. Later this month, I will be co-sponsoring a legislative hearing on ConEd’s response to Isaias where we will be

demanding answers about what went wrong and what changes need to be made going forward.”

“The lack of preparedness by our utility companies for Tropical Storm Isaias was beyond unacceptable. We have had conversations and reassurances from these companies that they’re ready for anything, yet a week after the storm hit my constituents are still without power,” said **New York State Assemblymember STACEY PHEFFER AMATO, Member of the New York State Assembly Committee on Corporations, Authorities and Commissions**. “I have no confidence in the utilities’ ability to carry out an emergency preparedness plan or manage post disaster recovery. This is a moment where serious reform must come, quickly, because we’re in the middle of hurricane season and we may be tested again very soon.”

“My colleagues in the state legislature have been calling for immediate plans to hold Con Ed accountable, including putting forward legislation to create a pathway toward a public takeover,” said **New York State Assemblymember RON KIM, Member of the Assembly Committee on Corporations, Authorities and Commissions**. “It is clear that an energy company driven by investor profits that have monopolized New York City’s energy market is not working. It is time to put our people over Con Ed’s profits.”

"It's absolutely unacceptable that every call my office has made to ConEd over the past few days provided no updates on when residents could expect power to be restored. From downed trees sitting on power lines, major intersections without traffic lights, and seniors at home without electricity, outerborough neighborhoods continue to be an afterthought in storm preparation and recovery," said **New York State Assemblymember NILY ROZIC, Member of the Assembly Committee on Corporations, Authorities and Commissions**. “While Queens residents have been left in the dark and at risk, it is clear that ConEd's woeful inability to handle the City's power must be investigated."

"Con Edison's response times were flat out horrible," said **New York State Assemblymember BRIAN BARNWELL**. “We still have people without power. We cannot continue to give Con Edison a de-facto monopoly without any accountability."

“Almost a week after Tropical Storm Isaias toppled a gigantic London plane tree on my own block, it is still laying on top of the cars it landed on. I understand the frustration and disruption caused throughout my Assembly District by this storm. From Ravenswood to Sunnyside, Maspeth, and Ridgewood, there are trees still down, streets blocked, and power out,” said **New York State Assemblymember CATHERINE NOLAN**. “Understanding the difficulties, there still needs to be better coordination, response, and results following storms in New York. My thanks to my colleagues for working together to address these problems."

“The repeated shortcomings of Con Edison have left residents struggling to bear extreme temperatures and cope with health conditions,” said **New York City Councilmember ADRIENNE ADAMS**. “In the aftermath of the recent tropical storm, we have been met

with false promises and inefficient recovery. Con Edison has failed all New Yorkers and we must elicit full transparency for the people of this city.”

"I know that Con Edison, like every agency, faces a tremendous number of locations that require attention after the recent storm," said **New York City Councilmember BARRY GRODENCHIK**. "Residents have been quite patient, but now a week has passed, and frustrations are rising. Those who live in Queens, which was most severely impacted, need power restored right away."

"In a post-Sandy New York City, there is simply no excuse to be overwhelmed and unprepared for a storm of this magnitude," said **New York City Councilmember PETER KOO**. "New Yorkers don't expect miracles, but we demand a reasonable degree of responsiveness, transparency and basic communications from our utilities. Sadly, too many have been kept in the dark."

"Year after year, Con Ed reliably wins rate increases from the Public Service Commission; month after month, my constituents reliably pay their electric bills; yet storm after storm, Con Ed proves that it can't be counted on to keep their refrigerators working, their air conditioners running, and their lights on," said **New York City Councilmember RORY LANCMAN**. "Con Ed's virtual monopoly on power in New York City cannot go on."

"I'm beyond outraged at Con Edison and PSEG's lack of preparedness for Tropical Storm Isaias, which left thousands of Queens residents in the dark," said **New York City Councilmember DONOVAN RICHARDS**. "Now is the time to transition to public power, so the public has an opportunity to hold utility companies accountable," ended Richards.

"Today, six days after Hurricane Isaias, a resident emailed Community Board 2 out of complete desperation. She said that it took three days to get any kind of response from ConEd. They promised power would be on Sunday night and nothing happened," said **Community Board 2 Chairperson LISA DELLER**. "It is now Monday and residents in her building still have no power," she asked. "How is New York City allowing this after everything that has happened with COVID?" We agree. We need action now."

"The numbers show Southern Queens — CBs 10, 12, and 13 — suffered the most loss of electricity in the Borough from Isaias; and today, a full week later the people behind those numbers — our residents — are still suffering in the dark. Suffering first from their loss of electrical power, and second suffering from their powerlessness to get answers from ConEd leaving them in the dark about when to expect restoration," said **Community Board 10 Chairperson BETTY BRATON**. "It may not be ConEd's fault the lights went out, but it is ConEd's obligation to get them back on and to provide clear information to people about when the company will get their power restored."

Eastern parts of Queens were most severely impacted by the storm as well as by the company's failure to deliver reasonable expectations of service and reliability to its customers for over seven days and nights. See attached graphic for the full breakdown by

Community District of Queens customers still left powerless after the first 48 hours of Tropical Storm Isaias.

Also joining today's news conference were Shameeza and Michael Singh of Queens Village, whose power was not restored until last night at approximately 11:00PM, seven nights after the storm. Joining the Singhs were their three young children, some of whom have compromised immune systems, including 6-year-old cancer survivor King Singh.

The following were also present at Tuesday's press conference included:

- Acting Queens Borough President Sharon Lee
- U.S. Representative Grace Meng
- State Senator Leroy Comrie, Chair of the Committee on Corporations, Authorities and Commissions
- State Senator Joe Addabbo, Jr.
- State Senator John Liu
- State Assemblymember Edward Braunstein, Chair of the Committee on Cities
- State Assemblymember Stacey Pheffer Amato, Member of the Assembly Committee on Corporations, Authorities and Commissions
- State Assemblymember Ron Kim, Member of the Assembly Committee on Corporations, Authorities and Commissions
- State Assemblymember Nily Rozic, Member of the Assembly Committee on Corporations, Authorities and Commissions
- State Assemblymember Clyde Vanel, Member of the Assembly Committee on Corporations, Authorities and Commissions
- State Assemblymember David Weprin
- City Councilmember Barry Grodenchik
- City Councilmember Peter Koo
- City Councilmember Rory Lancman
- Community Board 10 Chairperson Betty Braton
- Community Board 6 District Manager Frank Gulluscio
- Community Board 9 District Manager James McClellan
- Community Board 12 District Manager Yvonne Reddick

Queens residents are encouraged to share their experiences from the wake of Isaias by contacting the Queens Borough President's Office via [info@queensbp.org](mailto:info@queensbp.org) or 718-286-3000.

*Follow the Office of the Queens Borough President via @QueensBP2020 on Twitter, Facebook and Instagram*

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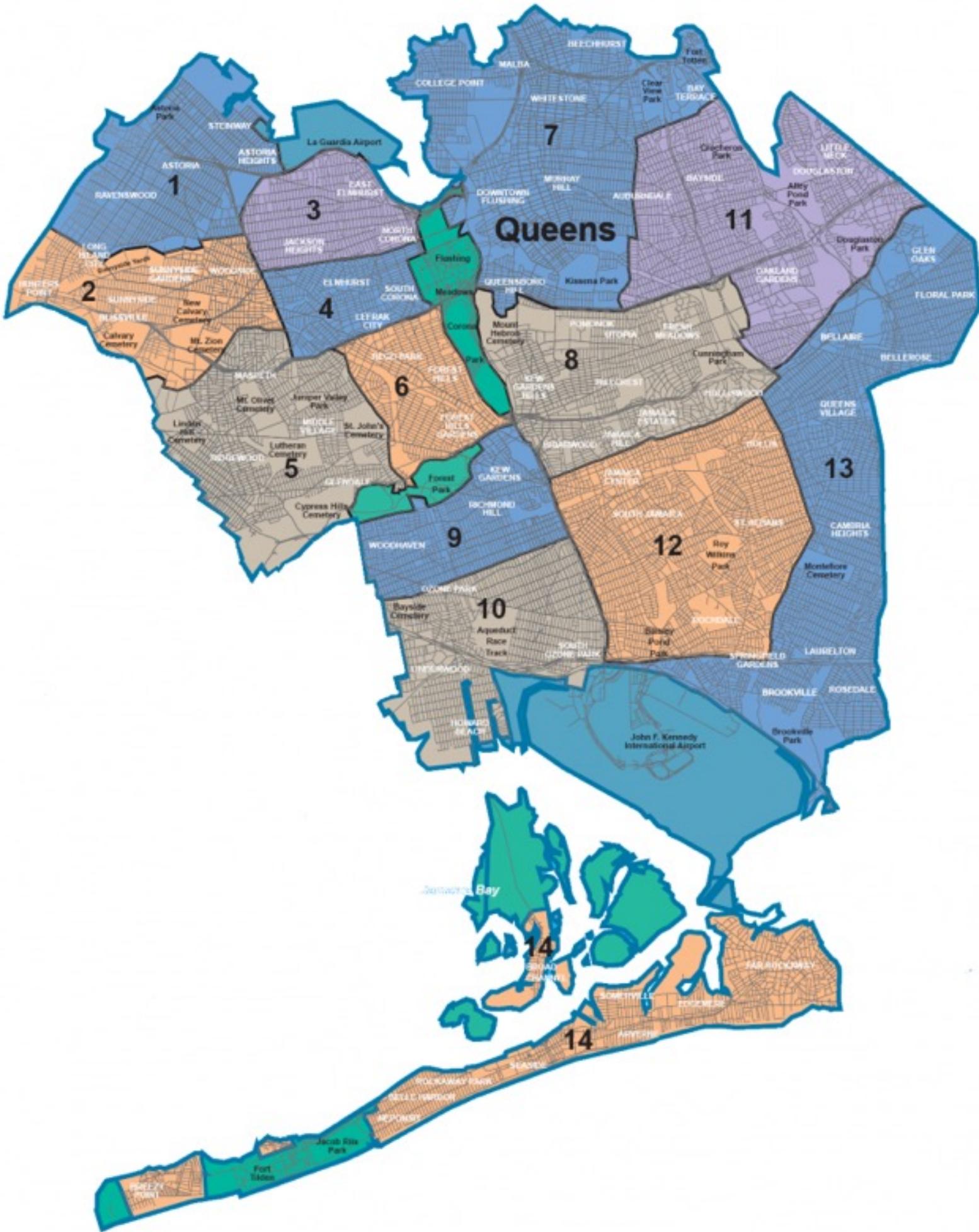
ATTACHMENT 3

QUEENS OUTAGES BY COMMUNITY DISTRICT

COMMUNITY DISTRICT	THU 07Aug @ 6PM	FRI 07Aug @ 12:30AM	FRI 07Aug @ 1:15PM	SAT 08Aug @ 12:30AM	SAT 08Aug @ 10:30AM	SUN 09Aug @ 2AM	SUN 09Aug @ 1PM	MON 10Aug @ 12:30AM	MON 10Aug @ 10AM	MON 10Aug @ 11:30PM	WED 10Aug @ 5:30PM
1	227	308	330	305	309	317	322	202	207	163	4
2	911	921	974	762	734	386	338	99	102	74	11
3	472	462	998	946	936	430	382	237	251	219	46
4	127	130	202	178	153	161	158	127	128	132	32
5	1,276	1,341	3,555	1,086	934	671	477	377	376	370	55
6	271	481	340	313	312	304	223	261	248	260	13
7	4,895	3,877	3,909	2,381	2,225	1,315	1,136	564	709	445	287
8	2,417	2,352	2,070	1,486	1,480	556	568	291	288	117	21
9	1,116	1,081	1,098	1,120	987	920	925	815	809	509	141
10	4,898	3,999	4,053	2,480	2,469	1,556	1,314	752	716	585	52
11	2,457	1,483	2,140	1,302	1,299	539	494	338	280	89	301
12	7,182	4,432	4,572	3,469	2,244	1,642	1,147	632	615	358	73
13	5,759	3,447	3,294	2,699	2,610	1,604	1,423	976	809	456	28
14	109	156	159	153	159	158	138	94	94	1	0
<b>TOTAL</b>	<b>32,117</b>	<b>24,470</b>	<b>27,694</b>	<b>18,680</b>	<b>16,851</b>	<b>10,559</b>	<b>9,045</b>	<b>5,765</b>	<b>5,632</b>	<b>3,778</b>	<b>1,064</b>

ATTACHMENT 4

QUEENS COMMUNITY DISTRICT MAP





PUBLIC ADVOCATE FOR THE CITY OF NEW YORK  
**Jumaane D. Williams**

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**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEES ON ENVIRONMENTAL  
PROTECTION, RESILIENCY AND WATERFRONT, PARKS AND RECREATION,  
AND CONSUMER AFFAIRS AND BUSINESS LICENSING - HEARING  
SEPTEMBER 14, 2020**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank the Committee on Environmental Protection Chair Costa Constantinides, Committee on Resiliency and Waterfront chair Justin Brannan, Committee on Parks and Recreation chair Peter Koo, and Committee on Consumer Affairs and Business Licensing chair Andrew Cohen for holding today's hearing on the aftermath of Tropical Storm Isaias.

While the storm occurred over a month ago, it revealed that our infrastructure is still fragile when responding to storms. Trees in the streets and broken power lines are examples of this. Over 200,000 residents across the City lost power, which for some took several days to return. There was confusion as the order of removing trees and restoring power lines. Con Edison needed to restore the power lines before removing trees, while the Park Departments needed to remove trees before the power lines could be restored. Frankly, the response was botched. Again.

The answer, as I have advocated in public informed by the "Municipalizing New York City's Electric Grid" report published by my office, is municipal grid control. We have seen time and again that utilities, primarily Con Edison and its near monopoly, are unable to balance its responsibility to its shareholders and the public. This is where the City could and should step in to avoid what appears to be a common problem when a natural disaster occurs. We could expand the New York Power Authority for municipal control, obtain the assets of Con Edison, and reimagine our electric grid for public power. Isaias was only a tropical storm, but, considering climate change, we should fear what could happen if another hurricane hits New York City.

For this plan of control, there are four pillars: feasibility, acquisition, transition, and fruition. It will be a long process that will require studying how to transition away from the current model. It may be costly, and it may take several years. But I consider it necessary because we need transparency. We need resiliency. We need affordability. We need change. We cannot forget that climate change will become an increasing threat to our City, which includes more storms and



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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flooding. Are our utility systems prepared for that? I worry that there are still reactive policies in place rather than proactive measures to minimize damage.

As my office's report notes, New Yorkers pay electricity bills that will increase by an average of 4.2 percent for this year. Next year it will be 4.7 percent. But what guarantee is there that our municipal grids will get better with these rate increases? Many New Yorkers cannot afford these rate increases with the sudden economic crisis. Yet we have these hearings on the same issue that have an obvious solution. If Con Edison, or any private utility, cannot make dramatic changes to our utility grid for avoidable blackouts, then it is time for a change. This is not a new proposal as other municipalities across the country are considering taking or have already taken control of electrical power. In New York, places such as in Massena or Rockville Centre have made the switch to municipal control.

Of course, having a public utility would require the state to intervene by providing a home rule to allow for municipal control. I understand the Governor criticized Con Edison and PSEG for its response to Tropical Storm Isaias, and considered revoking their licensing permits. I am hopeful the Governor will be receptive to the idea of municipal grid control. We need the state to assist us in what will undoubtedly be a joint effort in managing and transferring control of a vast power grid.

Whether in 1977 or 2012, blackouts in New York City have the same narrative. Con Edison was unable to handle a storm, lightning strike, or hurricane. People are left without power. It takes hours, if not days for power to return. How much longer should this continue? The consequences are felt by residents in the City who do not have a stake in Con Edison's decisions.

In general, I recommend that we explore municipal control of our electric grid. For far too long, we have seen blackouts and rate increases that do not make private control feasible. I am not alone in calling for municipal control, and I anticipate that this proposal will be reiterated the next time we see private utilities fail in their responsibility for our residents. The question is whether we can work on this long-term plan for accountability, affordability, and resiliency. I thank the chairs for today's hearing, and I anticipate today's testimony.

# QUEENS COUNTY FARM MUSEUM

## Tropical Storm Isaias Tree Damage Testimony September 14, 2020

Greetings Chairs and Members of the Committee, my name is Jennifer Walden Weprin and I am the Executive Director of the Queens County Farm Museum. I was advised to submit testimony regarding the farm's tree damage due to Tropical Storm Isaias and the farm's experience with subsequent storm related tree removal.

Queens County Farm Museum (QCFM) is one of the longest continually farmed sites in New York State, dating back to 1697. It is a New York City Landmark, on the National Registry of Historic Places and part of the Historic House Trust of New York City. It is the largest tract of farmland in New York City and resides on New York City Department of Parks and Recreation property.

Queens County Farm Museum serves over 400,000 visitors\* a year, over 10 million since 1975, by optimizing the 47-acre site for public programming, education and growing food. Today it is home to the single, largest honeybee apiary in New York City and over 200 farm animals. This past year Queens Farm harvested 16,500 pounds, 12,729 bunches and 1,660 pints of food and produced 2,500 dozen eggs, 300 pounds of honey, 117 skeins of yarn and 210 packages of herbal tea from its own resources, in addition to collecting 22,500 pounds of compost. It is an important player in New York City's ecosystem and serves the public from every zip code in New York City. Admission to QCFM is free 354 days per year except for a few holidays and special admission days.

Queens County Farm Museum opened to the public for the first time after Covid-19 business closures on August 2, 2020. August brought robust visitation numbers since the site offers an opportunity for New Yorkers to find enrichment while social distancing outdoors.

Due to Tropical Storm Isaias on August 4, 2020, Queens County Farm Museum had over 50 downed trees and branches across QCFM's public spaces including a large branch on the roof of the Historic House (c.1772); two large trees blocking site roadways, 2 large trees hanging over the honeybee apiary, one large tree in the compost area leaning on the fence that separates QCFM from PS 186 and at least seven hanging branches over pedestrian walkways and public spaces.

Sunday, September 6, 2020 was the first date that Parks Department crew came to remove the trees and branches. To date, as of September 14, a fraction of the tree and branch removal is complete.

Please find a timeline for your reference of the work/correspondence to remedy this situation.

- **August 4, 2020:** Tropical Storm Isaias swept through Queens County Farm Museum knocking down over 50 trees and branches across the farm's 47-acre site.
- **August 4, 2020:** Jennifer Walden Weprin, Executive Director of Queens County Farm Museum emailed Queens Parks Commissioner Michael Docket and John Krawchuck, Executive Director of Historic House Trust to notify them of the storm damage and find out when a team can come out to clear it. At the time, Jennifer Walden Weprin was advised to report the downed trees through 311 and that Parks Dept. was prioritizing trees that fell on streets and private property first.
- **August 5, 2020:** QCFM Director of Operations called 311 and made the report.
- **August 5, 2020:** NYC 311 Service Request #311-03465727 8:56 AM email noted "The Department of Parks and Recreation has reviewed this request and will visit the location to investigate the condition."
- **August 5, 2020:** QCFM team cut up trees blocking the roadway and started collecting downed branches and trees for about a week, leaving the tree debris that was beyond QCFM's ability for Parks Dept. to address. QCFM created a debris field of the storm material for Parks Dept.
- **August 6, 2020:** NYC 311 Service Request #311-03465727 12:05 PM email noted "The Department of Parks and Recreation has inspected the location and will perform work to correct the condition." As per QCFM, QCFM was not aware of a Parks representative visit and cannot confirm that it occurred.
- **August 10, 2020:** A representative from NYC's Department of Buildings showed up at Queens Farm. QCFM's Director of Education was on-site at the time. DOB employee did not leave their name or business card. They were given a limited tour of the grounds because the farm's Operations Director and Executive Director were not on-site at the time to show the full scope of the damage.
- **August 14, 2020:** Danielle Monopoli, Project Development Coordinator for Historic Houses, emailed Jennifer Walden noting that the Historic House Trust reached out to Park's Director of Forestry for Queens regarding the inspection from Monday Aug. 10th. Danielle Monopoli noted that HHT asked Forestry for an update as to when they can remove the storm debris from QCFM.
- **August 18, 2020 12:50 pm:** In response to Jennifer Walden's email, John Krawchuk (HHT) emailed Jennifer with the following message – "I just called over to Qns Forestry and they haven't yet mobilized to remove limbs and trees in parks. They are still working on streets as priorities through this week. They told me that the Work Order request is in for QCFM and you are up high on the list. They are hopeful to start the work next week."
- **August 18, 2020 2:02 pm:** Danielle Monopoli emailed Jennifer with a cc to John Krawchuk noting that Forestry could send a contractor out to QCFM on Thursday, August 20th. Jennifer replied that Jennifer and Gary would not be on-site that day.
- **August 20, 2020:** NYC 311 Service Request #311-03465727 7:35 PM email noted "The Service Request submitted did not have sufficient location or complaint information for the Department of Parks and Recreation to respond. Please submit a new Service Request with adequate site details, including a full street address and descriptive location information."
- **September 4, 2020:** Danielle Monopoli (HHT) inquired if someone from QCFM would be on site Sunday, September 6 of Labor Day Weekend so that Parks could come by to work on the tree removal.
- **September 6, 2020:** Parks Dept. met QCFM Director of Operations on site at 7:30 am until 11:00 am to work on the downed trees and branches. About 1/3 of the work was complete before they left

because the site was too busy with visitors. (Note, the large tree in the apiary was cut up and left on top of the beekeeper's equipment.)

- **September 11, 2020:** In a call with John Krawchuk (HHT), Jennifer updated John noting that Parks Dept. still needs to return to finish the work.
- **September 14, 2020:** No further update at this time.

Thank you for the opportunity to present this information.

– Jennifer Walden Weprin, Queens County Farm Museum

*\*Pre Covid-19 Business Closures*

# Queens County Farm Museum

Farmed Since 1697



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To: Committee on NYC Parks and Recreation, CM Peter Koo.

From: Carsten W Glaeser, Ph.D Consulting Arborist

Date: September 14, 2020.

RE: Expert testimony.

NYC COUNCIL HEARING: "Tree Removal and the Restoration of Power in the Aftermath of Tropical Storm Isaias."

Parks Committee Chairman Peter Koo and others of the various Committees gathered here this morning, thank you for the invitation to share my thoughts and experiences with you on matters pertaining to the aftermath of Tropical Storm Isaias and its consequences to the residents of the City of New York.

My name is Carsten Glaeser. I am an urban tree expert, and an International Society of Arboriculture Certified Arborist, working in New York City as an independent Arboricultural Consultant, and owner of Queens-based Glaeser Horticultural Consulting. I am a member of NYS Arborists Association and the American Society of Consulting Arborists (ASCA)- professional organizations that serve the arboricultural and consulting industries. I am an ISA Qualified Tree Risk Assessor. With that, I have accrued 35 years delivering an arboriculture expertise to a range of clientele that includes the City of New York, the NYC Law Department, construction and engineering firms as well as to the tree owning public. I bring to you a unique knowledge-based skill set and approach to understanding urban trees as a living landscape element and by its importance for the inhabitants of this City.

My preparation for testimony began the moment that Tropical Storm Isaias hit NYC, more notably across Queens- the Boro of Trees. It also began with Hurricane Irene and Hurricane Sandy that had far devastating affects on peoples lives and with voluminous tree failures and losses. These storms and the others that followed with thousands of fallen trees and tree branches and the level of damage and

destruction (and its dollar cost), reveal a highly troubling fact about the health and structural condition of the street trees that shade our communities, that needs your attention.

The street tree debacle caused by Storm Isaias has brought certain tree-related issues to the fore. Those tree issues need to be explored from a tree expert's perspective. Protecting the public from defective and damaged trees is an extremely important goal and an essential component of any viable Urban Forest Management Plan and Municipal Tree Risk Assessments. It is, however, prefaced by the notion that protocols and procedures should effectively be in place to reduce the quantity of risk street trees found within the public Row of Way. That is, trees that present an unacceptable high risk to the public and neighboring structures for the harm that they can pose. Yet by this storm and the others that proceeded it I dare now claim, could have been avoided had not only had proper pruning protocols been delivered, but had professionally performed tree inspections and risk assessments appeared as a foremost activity on the NYC Parks Urban Forest Management Plan and agenda. Today we know it was not.

**What is the underlying cause for so many street tree failures and tree losses during these storms?**

Gale force winds when acting upon tree crowns engage the tree in a key stressor what is referred to as Wind-Loading. By Wind-Loading the trees and its branches undergo a persistent and repetitive *sway-movement* throughout the duration of a storm where tree trunks and branches are so mechanically stressed to surpass the critical limit to become a catastrophic failure. Some trees more than others. And why is that?

Where many failed trees appeared as WINDTHROWS, whereas the entire curbside tree and its adjacent sidewalk entirely uproot, an equal or greater volume of structurally failed tree trunks and large branches occurred due to pre-existing tree defects. It is the pre-existing defects that I am most concerned with.

The likelihood for tree or tree branch failure and, the likelihood of trees striking a target (whether a person or structure or other) is significantly amplified when there is a pre-existing detectable defect within

the tree. The frequency of whole tree and branch failures because of pre-existing defects (such as having advanced decay of interior tree wood present for years, a general tree weak-woodedness, poor branch connections and/ or a combination of the two)- drives very serious questions that need to be answered of the NYC Parks Forestry leadership about the mismanagement of street trees and the absence of delivering sound arboricultural practices. The current unacceptable branch pruning practices with its unsupervised tree care deliverables performed by novices and the non-credentialed that is well known for making street trees less “storm-proof”, is one thing. But more so, it is about the nature of Street Tree Inspections (and Assessments). It is requested then of the Committee on Parks to consider exploring how the agency and its Foresters actually perform tree inspections as a key element in Urban Forest Management and Planning.

I pose several questions related on Tree Inspections;

1. Why are there are so many structurally defective street trees populating the streets of the City of NY?
2. Who and how many Foresters or their external partners are tasked with performing tree risk and tree condition inspections and assessments for health and defects at any time?,
3. What is the frequency of the tree-by-tree risk inspections and assessments, and re-inspections?
4. How many Foresters and / or their partners at any time are performing tree inspections and assessments across the City or per Boro?,
5. Who are they and What is the arboricultural credential and skillset of those performing, documenting, and managing tree inspections and assessments,
6. How much does NYC Parks Forestry rely on tree-novice volunteers for inspections?
7. Who ensures the arboricultural quality control of the tree inspections and assessments?,
8. Who initiates and manages the follow-up tree care deliverables for tree risk mitigation of identified tree defects?,
9. What is the time sequence between identifying a probable to imminent risk condition (caused by a defect) and the tree care action taken to mitigate that risk?

These questions are significant because in the aftermath of this storm of our now known impoverished structural condition of so many street trees. The homeowner, the pedestrian, and City Council Members in their treed communities, all demand a high level of confidence of those qualified and tasked with managing public street trees with the need to know- Is it Safe?

The most relevant issue in my view is that NYC Parks Central Forestry has been relying on volunteers and the unskilled to do whole or part of their street tree inventories and tree inspections. And there may be other paid and unpaid entities, credentialed or not that are doing the same. For the technically unskilled and untrained novice to be asked to provide vital tree information and inputs to agency Tree Managers and Foresters on a matter as complex as assessing physiological tree health, tree biomechanics and tree risk- is absolutely unfathomable in its origin. Because there is no doubt that the consequence of a misdiagnosis of a defect and severe risk condition- can be a matter of not just severe damage to and loss of property, but a matter of life or death.

Thank you again for allowing me to testify today. Chairman Koo I avail my expertise, should you and others of the Parks Committee require additional independent technical input on urban tree care and tree management protocols and methods. Good day.

Carsten W. Glaeser, MPhil, Ph.D, ASCA  
Consulting Arborist / ISA Certified Arborist / NYS # 5198A  
ISA Qualified Tree Risk Assessor



## **ADDENDUM. NON-STORM RELATED STREET TREE LOSSES.**

TREE MISMANAGEMENT DRIVES SIGNIFICANT LARGE STREET TREE LOSSES ACROSS THE CITY OF NEW YORK PER NYC DOB / DOT / DEP / DPR APPROVED AND PERMITTED NEW BUILD PROJECTS WITH STREET TREES.

Prevalent across the urban forest of the City of New York is a long troubling history with the unacceptable magnitude in the loss of invaluable street trees. Even by casual observation, these losses are seen as largely attributed by anthropogenic impacts from NYC permitted construction practices- and not just seasonal wind and ice storms, as was testified. This prompts an inquiry by City Council and the Committee on Parks as to why the mismanagement of NYC street trees has been allowed to persist by tree managers and foresters in a manner that directly impacts and diminishes the treed urban landscape of this important public asset.

I have documented and reported over the course of 25 + years of my professional services in the field of urban forestry and arboriculture how NYC street trees often in good health, acceptable structure condition and with a significant crown presence (large trees now recognized as vital living elements across the urban landscape) are systemically and irreparably abused, harmed and damaged by NYC DOB / DOT / DPR and DEP permitted building contractors in the absence of effective tree protection and preservation implementation and technical oversight. Where instead tree unfriendly practices across scores of construction and excavation operations could have been avoided by enforcement of currently existing NYC tree protection rules.

Proper tree management and the application of the state of the art Street Tree & Landscape preservation and protection tools in the arborists and tree managers tool kit, along with a builders compliance to already existing NYC Parks Forestry policy and rules, would see effective street tree preservation. But Street Tree & Landscape preservation practices are repeatedly not being observed at any NYC permitted new building and building alteration sites where there are street trees affronting those properties within the NYC right of way. It is absolutely unacceptable at a time for the need of increased urban greening amid human health, environmental and global climate concerns that these public street tree assets and their deliberate diminishment and losses exists as an acceptable part of doing business in the construction New Build industry by the City of New York.

The correct behavior that needs to be observed so as to reduce non storm related street tree losses is when trained and ISA Certified Arborists serving as municipal Foresters and their Forestry Directors actually begin doing the job assigned to them. That is, elevating the level of arboricultural tree care as it already exists in a Urban Forest Management Plan.

As previously reported to the Parks Committee Chairman Koo, the persistent decline in numbers of large invaluable relatively healthy public trees in this city can be attributed by the following observations;

1. The waiving of, or inconsistent application of the Administrative Code of the City of New York that protects all trees within the public right of way from permanent and irreparable damages by any entity engaged in general construction and excavation practices. (Within a 50-ft radius of a street tree according to NYC Parks Forestry established Tree Protection Zone).

2. At scores of NYC Department of Buildings (NYCDOB) and NYC Department of Transportation (NYCDOT) permitted new building construction projects found across the City of NY, NYC Parks Forestry applicable Tree Fund program has been highly successful and effective at mandating that building contractors to install one to several new street trees to satisfy the NYC Parks Central Forestry Permits and Plan Review sign-off component for the New Build project. The Tree Fund also accepts voluntary payments by the builder in lieu of tree installation, at the current variable monetary tree cost.

Yet what is known by appearance and outcome is that there is a waiving by agency Foresters of the mandatory protection and preservation measures for an already existing curbside street tree that inhabits the landscape adjacent to the construction sites. A builder is able to receive a Certificate of Occupancy sign-off although the street tree(s) were observed and documented as having received unacceptable levels of abuse, harm and damage- as I have voluntarily alerted and reported such to a number of different Foresters and their Directors. Yet the nature of the response by the Forester to the tree harm alert is only as effective pending the credentials, the level of arboricultural training and the experience by

a Forester.

Many examples in the hundreds if not the thousands of properties with large amenity street trees across Community Board 7, Queens NY that revealed incidents of deliberate abuses and damage by private developers and builders to publicly owned NYC street trees. Where in later years the street tree forced into a RISK CONDITION with the potential to injure the passing public (because of a tree in declining health from construction harms imposed in earlier years)- is now shedding its' dead and dying branches. Or, construction driven related weakened and structurally compromised whole tree and tree branches that has failed as a result of the wind loading action by gale force winds acting upon it.

As a caveat, the passing Tropical Storm Isaias of August 2020 and its known impacts and loss to tens of thousands of streets in Queens and the other boros can have been the outcome of weakened and diminished street trees attributed to previously impacted construction and excavation activities from DOB permitted and NYC Parks Central Forestry new building approved projects. Although it is highly unlikely that the quantity of impacted street trees from construction is part of any NYC Parks Central Forestry tracking and record keeping as part of its Urban Forest Management Plan.

3. Under a scenario that the Parks Forester is alerted that egregious damages to a street tree(s) by building construction is in progress, the Forester from y experience never shall impose upon the builder-developer the need to provide effective remediation for those tree harms, impacts and damages (if remediation is possible). Assumed to be lacking the arboricultural skill set needed to identify such harms and its consequences for the tree, the Forester often simply chooses to *penalize and summons* the builder for those damages rather than do the one thing obligated by all ISA Certified Arborist- PRIMUM NON NOCERE, translated to Do No Harm. Such that the invaluable and once healthy street tree is thereby left on its own in a spiraling decline and diminishment in health, and in later years is cut and removed by NYC Parks Forestry crews or, the tree and tree parts fail as a result of ice and wind storm impacts to it.

4. Although it looks good on paper and on a web page from what I have observed and experienced over a 20 year period, there appears to be no city- wide Urban Forest Management plan for street trees that translates into highly effective tree protection actions on the ground. Where those actions needs to be imposed upon every NYC DOB permitted builder, where a NYC street tree affronts his property. Reasonable and of minimal cost tree protection and preservation protocols and methods are readily available for its application on landscapes occupied by large growing and broadly rooting urban street trees. Yet in the NYC scenario one is very hard pressed to find upon NYC DOB permitted construction projects affronted by NYC street trees any resemblance of what we be labeled as tree preservation in effect.

For starters, I advise then on the following initial measures to address. Duly needed is to convene a conference / hearing or a series of hearings with one to several agency reps for a full review of the present public Urban Tree Management Plan where those agencies have a vested interest in protecting and preserving public trees and by which NYC Parks Forestry is a partner or co-partner. And that such a meeting shall also integrate a presence Tree Care Industry representatives and Arboricultural Consultants that are already partnering with various public agencies in the care of trees that fall under their jurisdiction.

These agencies are likely to be,

- NYC Department of Buildings (NYC DOB)
- NYC Department of Transportation (CDOT)
- NYC Department of Environmental Protection (NYC DEP)
- NYC Department of Parks Forestry (NYC DPR)
- NYC Board of Education (NYC BOE)
- NYC Housing Authority (NYCHA)

END.



**New York City Council Committee on Parks & Recreation  
Oversight - Tree Removal and the Restoration of Power  
in the Aftermath of Tropical Storm Isaias  
September 14, 2020**

Good afternoon. My name is Lucy Robson. I am the Director of Research & Policy at New Yorkers for Parks (NY4P). Thank you for giving me the opportunity to testify at this hearing.

NY4P is a founding member of the Play Fair Coalition, which includes almost 300 organizations citywide, and has the support of a supermajority of the City Council. The Play Fair Coalition worked tirelessly over the past two years to get more money in the parks department budget and now, to prevent cuts to NYC Parks staffing.

NY4P recognizes that our city is in unprecedented times: Tropical Storm Isaias is just one of the example of how New York City is combating climate change during a global pandemic. During normal times NYC Parks relies on foresters, pruners, climbers, and stewardship volunteers to plant and maintain trees along our streets, sidewalks, and inside our parks and open spaces. In previous years' budgets these positions have been supported and funded. It's important to note that investing in these positions helps the City do preventative maintenance on trees throughout the five boroughs, and it's clear that damage from the storm would be worse if the administration hadn't funded forestry positions and services in previous years. But forestry positions were cut in the FY 2021 budget, and it's possible that forestry workers will be on the chopping block as the City considers making further cuts to public employees.

Though often overlooked, New York City's trees play a critical role in our urban infrastructure and livability – just like our roads and bridges. The benefits of trees, from reducing storm water runoff to fighting asthma to lowering ambient temperatures, are well-documented. Trees provide shade on hot summer days and help combat the urban heat island effect. They help us to conserve energy and mitigate our carbon emissions. They provide beauty and greenery on busy streets, serve as habitats to the city's wildlife, and clean the air New Yorkers breathe. NYC Parks has also calculated the monetary value of the services that trees along our streets and sidewalks provide, estimating that these trees provide over \$100 million each year in benefits to New York City and New Yorkers.

Trees are one of NYC's most important and valuable assets. It's up to the City not only to provide adequate funding to care for them, but to continue to plant more of them with a plan in place to care for those new trees, too. Like other infrastructure, trees need maintenance so they can provide positive benefits with risk-making elements removed. An example of tree maintenance is pruning, which ensures

the tree's overall health and provides an opportunity to remove weakened, dead, or decaying branches: the parts of trees that provide the greatest risk to life and property. Even as the City has funded tree maintenance robustly, it's common for volunteers to step into performing tree maintenance and pruning as well, especially for young, vulnerable trees. It's telling that our tree infrastructure system relies on volunteers for needed maintenance even at its highest-funded levels. Continued cuts to Parks staff will only exacerbate issues in tree maintenance, which create unsafe conditions for ourselves, our neighbors, our homes, our neighborhoods, and our parks.

I want to conclude by stating that trees are as important to our city and the people who live in it as our parks and open spaces. Trees can make a difference between a comfortable, shaded bench and a deserted, baking hot plaza. Their significance should not be overlooked and in fact their care and maintenance should be prioritized. We look forward to continuing to work with the Council to fight for the funding and structural changes that will be needed to ensure. Thank you for inviting me to speak today. I'm happy to answer any questions the Council might have.

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*For over 100 years, [New Yorkers for Parks](http://www.ny4p.org) (NY4P) has built, protected, and promoted parks and open spaces in New York City. Today, NY4P is the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods. [www.ny4p.org](http://www.ny4p.org)*