



American Council of Engineering Companies of New York

Intro. 2092 – Resiliency Design Guidelines
Intro. – Elevation of Structures in Floodplain
Reso. 1389 – Harbor and Tributaries Focus Area Feasibility Study

Testimony Submitted to the City Council
Committee on Resiliency and Waterfronts
January 25, 2021

The American Council of Engineering Companies of New York (ACEC New York) represents close to 300 consulting engineering and affiliate firms throughout New York, with a concentrated presence in New York City. Our member firms plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection and technology systems for New York City’s infrastructure and buildings.

We thank the Committee for this opportunity to submit comments regarding Intro. 2092, in relation to resiliency design guidelines for capital projects; Intro. __, in relation to the elevation of structures in the floodplain; and Reso. 1289 calling on the United States Congress to restore funding to the United States Army Corps of Engineers' (USACE) New York-New Jersey Harbor and Tributaries Focus Area Feasibility Study (HATS Study), and the States of New York and New Jersey to advance their shares of the next phase of funding to revive the study until it is fully restored by Congress.

ACEC New York’s Public Policy, Structural Code, Army Corps. and Energy Code Committees reviewed this legislation. The Committees, which are comprised of licensed professional engineers and design professionals, offer the following comments and recommendations regarding the two bills and resolution.

Intro 2092 (Resiliency design guidelines for capital projects)

- *ACEC New York supports this bill in principle, with recommended amendments.*
- First, it is critically important that a licensed professional engineer be included among the listed members of the public and climate resiliency experts to be consulted by the Director of the Office of Long-Term Planning in Sustainability during the development of the guidelines and the resiliency score metric. This is to bring necessary expertise to the process, and to identify areas where the City’s current energy or construction codes are in conflict with what is being proposed. The process of engaging this body of experts and the public, including at least one licensed P.E., should be robust.
- There is a lot of knowledge, good-thinking, and information which has already been developed with respect to the evaluation of climate-resiliency of infrastructure. We note, for example, that the American Society of Civil Engineers (ASCE) published a *Manual of Practice (MOP) 140, Climate-Resilient Infrastructure*.
- The bill references “useful life”. It will be important to consider the useful life of project components separately rather than combined to identify opportunities for future climate adaptation and to prioritize project budgets (i.e. a building’s structure will have a longer useful life than its HVAC equipment).

- The bill includes a list of resilient solutions that would contribute to the project’s “resiliency score” (i.e. floodproofing, heat mitigation, green infrastructure, etc.), however there is no mention of an Emergency Action Plan or Operations and Maintenance considerations -- items critical to managing, monitoring and improving resilience over time.
- It would be helpful to first have a risk assessment and a risk score before going into the evaluation of project resilience. Risk score could depend on project location and lifespan, project type and operation, as well as cost for construction and maintenance. The risk assessment and score can be used to prioritize budgets.
- Resilience scoring should place emphasis on providing nature-based solutions and those that optimize co-benefits.

Intro __ (Elevation of Structures in Floodplain)

- *ACEC New York opposes this bill in its current form.*
- It is not clear whether the bill is intended to replace current construction code requirements and industry best practices.
- Without full analysis of the projected sea level rise and storm projections, which vary at any given point along the waterfront and in floodplains, it is likely that such specific additional elevation will either be insufficient or in some cases unnecessary.
- Finally, we recommend any such effort be closely coordinated with the waterfront regulations of the NYC Zoning Resolution, which itself has certain resiliency requirements and take into account raising development sites in areas with height limits.

Resolution 1389 (Harbor and Tributaries Focus Area Feasibility Study)

- *ACEC New York supports Reso. 1389* calling on Congress to restore funding for the HATS feasibility study. The beneficiary states, NY and NJ, should also be called upon to commit their share to the federal study as determined in the applicable legislation that initiated HATS and to which the states committed to in writing with the USACE NY District.
- Preservation of the economic value of the vulnerable NYC Metro Region makes a flood resilience solution a high national priority.
- The only entity that can properly study and eventually fund a NYC Metro Area regional flood resilience project is the federal government.
- The Army Corps has the right national expertise to study a number of alternatives - not favoring a single option - to determine which one has the highest benefit to cost ratio to move forward as the National Economic Development (NED) solution. By law, these alternatives will represent a variety of solutions and will be guided by sound water resources policies that have long served our country well.
- The HATS study was postponed by the executive branch due to a perceived partiality towards a surge barrier option. However, no such bias existed. The study had not reached any formal recommendations as to a NED solution.

If you have any questions or if our committees can be of assistance to you, we are happy to coordinate.

For further information please contact:

Hannah O’Grady
 Senior Vice President, ACEC New York
 8 West 38 Street, Ste 1101, New York, NY 10018
 P: 212-682-6336
 hannah@acecny.org www.acecny.org

Bill Murray
 NYC Director of Government Relations, ACEC New York
 bill@acecny.org
 P: 212-682-6336