

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES

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HELD AT: 250 Broadway - Hearing Rm, 16th Fl.

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ELIZABETH S. CROWLEY
Chairperson

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Rosie Mendez
Ydanis A. Rodriguez
Peter F. Vallone, Jr.

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

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Life Safety Manager
Trinity Real Estate

Josefina Sanfeliu
Latinas Against FDNY Cuts

2 [gavel]

3 [background comments]

4 CHAIRPERSON CROWLEY: Good morning; my
5 name's Elizabeth Crowley; I am the Chair of the Fire
6 and Criminal Justice Services Committee here at the
7 City Council. Today we are conducting a hearing on
8 Intro No. 1174, which I've co-sponsored at the
9 request of the Mayor. This bill would amend the New
10 York City Fire Code in relation to the enhancement of
11 emergency preparedness in New York City and the
12 adoption of current fire safety standards as
13 incorporated in the 2009 edition of the International
14 Fire Code and amend certain provisions of the New
15 York City Charter, New York City Mechanical Code and
16 the New York City Plumbing Code consistent with
17 amendments to the New York City Fire Code.

18 In 2008 the Council passed Local Law 26
19 of that year, which enacted a new Fire Code for New
20 York City effective July 1st, 2008. The current Fire
21 Code was based on the 2008 edition of the
22 International Fire Code. The model Fire Code
23 published by the International Code Council amended
24 to reflect New York City's unique character and
25 existing fire safety standards and requirements.

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2 The current Fire Code requires that no
3 later than the third year after the effective date of
4 the code and every third year thereafter the Fire
5 Commissioner review the latest edition of the
6 International Fire Code and submit proposed
7 amendments to the City Council that the Commissioner
8 determined should be made to the fire code based upon
9 the model code.

10 In accordance with this requirement the
11 Fire Department undertook a three-year code review
12 process in consultation with representatives of the
13 New York City Department of Buildings and industry
14 professional trade and union organizations, as well
15 as the City Council. Intro No. 1174 reflects
16 proposed amendments to the Fire Code based on the
17 2006 and the 2009 editions of the IFC and certain
18 portions of the 2012 IFC, as well as local
19 initiatives.

20 I wanna thank the Fire Department and
21 other city agencies, as well as stakeholders for all
22 the work they've done in putting together this
23 proposal. I look forward to hearing testimony
24 regarding the proposal, particularly as it relates to
25 emergency preparedness and planning that have

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2 undergone comprehensive changes. I wanna thank
3 representatives of the Fire Department that are here
4 today to testify and I'm the only Council Member here
5 so far, so when you're ready, please begin your
6 testimony, Fire Department and identify yourself for
7 the record.

8 The Department's rezoning proposal seeks
9 to curb out-of-character development on East Elmhurst
10 residential blocks while supporting new business
11 location opportunities and expanding areas for mixed-
12 used development along Astoria Boulevard, the
13 neighborhood's main shopping street.

14 JULIAN BAZEL: Yes. Good morning
15 Chairperson Crowley and Committee members, I am
16 Julian Bazel, Counsel to the New York City Fire
17 Department; with me today is James Hansen, who's the
18 Fire Department's Director of Code Revision.

19 Thank you for the opportunity to testify
20 today in support of Intro 1174, the culmination of a
21 two-year Fire Code revision process. The bill would
22 amend the New York City Fire Code in relation to the
23 enhancement of emergency preparedness in New York
24 City and other fire safety issues. The bill also
25 amends provisions of the New York City Charter, the

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2 New York City Mechanical Code and the New York City
3 Plumbing Code to conform to the proposed Fire Code
4 amendments.

5 The goal of the Fire Code and the mission
6 of the Fire Department is to promote and enhance
7 public safety in New York City. We believe Intro
8 1174 represents the next step in fire safety and
9 demonstrates the benefits of an ongoing code revision
10 process. Let me begin with some background.

11 The New York City Fire Code, which is
12 codified in Chapter 2 of Title 29 of the New York
13 City Administrative Code, the Fire Code regulates the
14 manufacturing, storage, handling use and
15 transportation of hazardous materials and combustible
16 materials and the businesses that use such materials.
17 It also addresses the design, installation, operation
18 and maintenance of fire extinguishing systems, fire
19 alarm systems and other devices, equipment and
20 systems to prevent, mitigate, control and extinguish
21 fire and other life safety hazards. The Fire Code
22 seeks to prevent, mitigate, control hazards to
23 firefighters and other emergency responders. The
24 Fire Code mandates emergency preparedness and
25

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2 planning in all types of buildings and occupancies,
3 both for fire and non-fire emergencies.

4 In 2008 New York City enacted a new Fire
5 Code, the first comprehensive revision of the City's
6 Fire Code in almost a century. The new Fire Code was
7 based on the 2003 edition of the International Fire
8 Code, a model code published by the International
9 Code Council with amendments to address New York
10 City's unique urban environment and concerns.

11 Local Law 26 of 2008, which enacted the
12 fire code, included the requirement that the Fire
13 Commissioner review the latest edition of the
14 International Fire Code and propose amendments to the
15 City Council every three years. The International
16 Fire Code itself is amended every three years. Each
17 new edition incorporates the latest fire safety
18 standards and technologies after they have been
19 vetted through a lengthy model code process in which
20 manufacturers, design professionals, code officials
21 and other interested parties from around the country
22 participate. The model code process brings these new
23 code standards and requirements before local
24 jurisdictions for their consideration and adoption.

25

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2 Pursuant to Local Law 26, in 2011 the
3 Fire Department commenced a code revision process to
4 review the 2006 and 2009 editions of the Fire Code
5 and proposed amendments to the City's Fire Code. The
6 Fire Department employed virtually the same process
7 used for the 2008 Fire Code when we successfully
8 integrated agency and outside interest and achieved
9 the goal of a new Fire Code without major objections.
10 Three Fire Department technical committees -- general
11 fire safety, fire operations and emergency
12 preparedness -- were tasked with reviewing the
13 International Fire Code and proposing amendments to
14 the City's Fire Code. An advisory committee of
15 outside stakeholders, including representatives from
16 real estate, professional industry and trade
17 organizations, were invited to submit their own
18 proposals. Advisory committee members attended
19 lengthy presentations on the proposed amendments,
20 reviewed draft amendments, provided written comments;
21 received from the Fire Department written responses
22 to their comments and met with Fire Department to
23 resolve any remaining concerns. A managing committee
24 that included Department of Buildings and City

2 Council representatives provided coordination and
3 guidance.

4 In addition, in August 2013 the Fire
5 Department hosted at our MetroTech headquarters a
6 public forum on the latest Fire Code revisions and
7 took those public comments into consideration in
8 finalizing the bill before you.

9 Intro 1174 also incorporates various
10 official Fire Code interpretations and guidelines
11 that the Fire Department has issued since 2008 and
12 posted as frequently asked questions on our website.

13 Throughout its code revision process, the
14 Fire Department carefully considered practical
15 considerations and financial impact of the proposed
16 Fire Code amendments. Intro 1174 contains new fire
17 safety enhancements, but it also amends the Fire Code
18 to clarify, simplify and in some cases even eliminate
19 Fire Code requirements and to better coordinate with
20 Building Code and zoning provisions. In short, we
21 have endeavored to take a thoughtful, nuanced
22 approach to Fire Code revision. Let me now talk
23 about some of the major enhancements.

24 The Fire Code amendments before you
25 affect a wide range of fire safety enhancements.

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2 They range from provisions that better regulate
3 construction fire safety to measures designed to
4 accommodate green roofs, solar panel installations
5 and hydrogen-powered vehicles to every day fire
6 prevention measures relating to portable electric
7 spaces heaters, halogen lamps and residential
8 building hallways.

9 The Fire Code amendments that relate to
10 rooftop access, fire apparatus access and fire
11 emergency markings will facilitate firefighting
12 operations and promote firefighter safety. However,
13 the centerpiece of Intro 1174 is its comprehensive
14 revision of the emergency planning and preparedness
15 requirements of Fire Code Chapter 4; accordingly, I
16 will first address those Fire Code amendments.

17 Comprehensive revision of Fire Code
18 Chapter 4: Chapter 4 of the New York City Fire Code
19 sets forth the requirements for emergency planning
20 and preparedness in all buildings and occupancies.
21 Intro 1174 advances an innovative approach on
22 emergency planning and preparedness that is tailored
23 to the size, staffing and needs of each type of
24 building or occupancy.

25

2 Historically, the focus of Fire Code
3 emergency planning and preparedness has been high-
4 rise office buildings and hotels which experienced
5 fatal fires in the 1970s; a fire safety plan and fire
6 safety director were required for those buildings.
7 After 9/11 Fire Code emergency planning and
8 preparedness was expanded in high-rise office
9 buildings to non-fire emergencies, including weather
10 emergencies, blackouts and law enforcement and
11 terrorism incidents, such as explosions and chemical
12 and biological releases.

13 Originally these emergency plans were
14 designed to enable building and business owners to
15 take the appropriate measures to protect lives and
16 property in the first few critical minutes of a fire,
17 before firefighting personnel arrive on scene. With
18 non-fire emergencies the scenarios are more varied
19 and complex. The threat to building occupants may
20 not be in the building at all, but down the street or
21 citywide and accordingly, emergency responders may
22 not be present to provide incident management. It is
23 therefore increasingly important that building and
24 business owners incorporate non-fire emergency
25 preparedness into their every day operations.

2 The 2008 Fire Code required, for the
3 first time, emergency planning and preparedness in
4 the form of a fire safety and evacuation plan for
5 public assembly occupancies, institutional
6 occupancies, such as assisted living facilities,
7 nursing homes and hospitals, mercantile
8 establishments, such as department stores, big-box
9 stores and covered malls and educational occupancies,
10 including college and university classroom buildings
11 and dormitories.

12 The 2008 Fire Code adopted the
13 International Fire Code requirement of a detailed
14 office building type fire safety plan. In seeking to
15 implement that approach, the Fire Department came to
16 the conclusion that that approach was both too much
17 and too little. Too much, because it required
18 emergency planning for small, low-rise buildings and
19 occupancies, such as street-level storefront stores
20 and restaurants. These types of businesses typically
21 have a proprietor or manager who can personally
22 monitor the premises and limited staffing and limited
23 emergency response options. These businesses are
24 usually located in buildings with easy access and
25 egress and thus would least benefit from the complex

2 and potentially costly fire code fire safety plan
3 currently required by the Fire Code. Too little,
4 because these fire safety plans did not address non-
5 fire emergencies or set forth requirements for
6 staffing and voice communication.

7 Instead of requiring elaborate office
8 building type plans for all occupancies, regardless
9 of their use, size, staffing and risk vulnerability,
10 the proposed Fire Code amendments offer a bold new
11 vision that abandons the one-size-fits-all plan in
12 favor of a plan and staffing tailored to the needs of
13 different types of buildings and occupancies. Intro
14 1174 would establish for all but the largest
15 buildings and occupancies: first, a simplified,
16 online plan specific to each type of occupancy that
17 can be prepared without professional assistance;
18 second, certification of a manager or other
19 responsible person and training of business employees
20 instead of dedicated fire safety personnel; third,
21 coordination of the plans and staffing with building
22 voice communication capabilities; and fourth, in
23 mixed occupancies buildings a single plan or enhanced
24 coordination of emergency preparedness among the
25 various occupancies.

2 In most cases these plans would not have
3 to be filed with the Fire Department, eliminating
4 filing fees. The form and content of the plans would
5 be set forth in Fire Department rules, which the Fire
6 Department intends to develop in conjunction with
7 industry representatives. Our goal is a basic,
8 commonsense emergency preparedness plan that is
9 doable and that benefits the building or business as
10 well as the public at large.

11 Significantly, these simplified plans
12 would address both fire and non-fire emergencies,
13 including the coordination of emergency response to
14 medical emergencies. To expedite emergency responses
15 to the patient, potentially saving precious minutes,
16 the proposed Fire Code amendments utilize the
17 available resource of emergency preparedness staff in
18 the building. We also plan to include CPR-trained
19 volunteers in the building in the emergency
20 preparedness plan.

21 Now we received a significant amount of
22 comment on proposed Chapter 4 and in particular the
23 cost of compliance with existing Fire Code emergency
24 preparedness requirements. The proposed amendments
25 would eliminate those costs for the large majority of

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2 occupancies. Additionally, various code changes and
3 changes in Fire Department, Bureau of Fire Prevention
4 operations should eliminate or ameliorate those
5 concerns.

6 We also received a significant amount of
7 comment with respect to the process by which building
8 owners are required to submit floor plans in
9 connection with their emergency preparedness plans.
10 The propose Fire Code amendments address those
11 concerns by refocusing the requirement for floor
12 plans upon the operational needs of emergency
13 responders. The requirement for floor plans and the
14 manner of their submission will be tailored to each
15 occupancy through the rule-making process where it
16 can be addressed in conjunction with the form and
17 content of the particular emergency preparedness
18 plan.

19 Let me now turn to other important Fire
20 Code amendments. Intro 1174 is a lengthy document
21 and includes a wide range of significant provisions,
22 many of which are technical and likely to be of
23 limited interest to the general public. However, a
24 number of significant code changes will affect and
25 benefit the general public in their homes, workplaces

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2 and businesses; these include -- and I'm not going to
3 go through a list of some of the highlights:
4 authorizing the installation of hydrogen motor fuel
5 dispensing systems for hydrogen-powered automobiles,
6 which is currently prohibited by the Fire Code;
7 clarifying and enhancing rooftop access and clear
8 path requirements to ensure safe and effective
9 rooftop firefighting operations, and I would add, to
10 benefit the building owner, to ensure that people who
11 go up on the roof can do so safely; allowing certain
12 building features and building service equipment to
13 encroach on the rooftop clear path on brownstone type
14 buildings to facilitate rooftop solar panel
15 installations; reducing the required roadway width of
16 fire apparatus access roads in private residential
17 developments and office parks from 38 to 34 feet,
18 consistent with standards for public streets;
19 clarifying that a driveway can serve as a fire
20 apparatus access road for one- and two-family
21 dwellings set back up to a 100 feet from the street;
22 clarifying when a building alteration triggers
23 sprinkler requirements on substandard width public or
24 private streets; requiring that apartment doors and
25 guestrooms in hotels have room numbers to facilitate

2 EMS and other emergency responses; requiring fire
3 emergency markings on the door jams of dwelling units
4 and stairwell doors in hotels and apartment buildings
5 not protected with a sprinkler system to facilitate
6 firefighting operations in the event of a fire;
7 clarifying when notification to the Fire Department
8 is required for a fire protection system that
9 malfunctions or is placed out of service for repairs
10 and when and how many fire guards are required in
11 those instances, which is a significant ongoing issue
12 for many, many building owners; authorizing the use
13 of home healthcare oxygen tanks in apartments and
14 other residential occupancies; clarifying the
15 prohibition on storage of combustible materials in
16 apartment building hallways and elevator lobbies to
17 minimize or eliminate impediments to egress and
18 reduce the fire load in the event of a fire;
19 clarifying that fire escapes must be maintained in
20 good condition and good working order; requiring a
21 separate fire safety manager when a building under
22 construction exceeds 20 stories or 250 feet in
23 height; clarifying and streamlining fire guard
24 requirements at construction sites during torch
25 operations, something we worked on with the

2 construction industry to help facilitate their
3 operations while maintaining safe torch work;
4 establishing who can lawfully possess a citywide
5 standard key that is used for firefighter service
6 recall in elevators; allowing electronic monitoring
7 of fire extinguishers in lieu of the required monthly
8 inspection; regulating new types of battery systems
9 used in buildings to provide standby power; and
10 adopting national standards to guide the Fire
11 Department in its review of the design, installation,
12 operation and maintenance of fire protection systems
13 and other fire safety measures in fixed guideway
14 transit and passenger rail systems, road tunnels and
15 bridges, wastewater treatment facilities, and
16 electric generating plants.

17 In conclusion, the Fire Department
18 congratulates the Council for enacting legislation
19 that has modernized the code revision process. We
20 thank the Council for its past and present support of
21 the Fire Code revision process. We believe that
22 Intro 1174 demonstrates the merit of the new code
23 revision process. We believe that the proposed Fire
24 Code amendments will enhance public safety and
25 firefighting operations while minimizing or reducing

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2 the burden of regulation on property owners and
3 business in New York City.

4 Thank you for the opportunity to speak
5 with you today regarding this important legislation;
6 I'll be glad to answer any questions you may have.

7 CHAIRPERSON CROWLEY: Thank you,
8 Mr. Bazel for your work and Mr. Hansen's work and the
9 entire Fire Department; I know this was a lengthy
10 process, but I too believe that once we enact the
11 laws that will be safer... New Yorkers will be safer
12 because of this work.

13 So I'm gonna ask a number of questions;
14 I'm gonna go into Chapter 4 regarding your emergency
15 preparedness planning and how you reorganized your
16 one-size-fits-all emergency planning. So if you
17 could tell us what is new and different and why
18 you're putting the new proposals in?

19 JULIAN BAZEL: Certainly. In 2008 we
20 adopted the International Fire Code model, which
21 focused on fire safety and required that basically
22 every building of any size in New York City, other
23 than apartment buildings, adopt a fire safety plan
24 that in terms of its content was the same as the kind
25 of plan we require from an office building. The

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2 office building plan that had evolved over the years,
3 since the 1970s, is a very lengthy plan; it describes
4 the building in terms of its physical design, layout,
5 the various fire protection systems that an office
6 building has, the sprinkler systems, the means of
7 egress; a whole host of issues, and typically,
8 because it incorporates floor plans and other matters
9 it requires professional assistance. When we went to
10 implement that kind of approach with regard to other
11 occupancies, as I indicated in my testimony, it
12 became clear that this plan was probably much more
13 than was needed and that was really useful for a wide
14 range of occupancies. Obviously we realized and our
15 proposal and Intro 1174 does require a plan that will
16 probably be similar in nature for the very largest
17 assembly, mercantile, high-rise educational, and
18 other buildings of that... only at the very large end
19 of the type of a high-rise office building. But when
20 we went to look at the whole host of other buildings
21 we realized that, as I said, too much plan, not
22 enough thinking through what this would really mean
23 and how it would really benefit a regular business.
24 We also realized that the smallest businesses, the
25 storefront businesses, this plan is just not really

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2 gonna do much for them, because they have limited
3 options, limited staff and they're not rally... this
4 approach isn't really suitable. So we... [interpose]

5 CHAIRPERSON CROWLEY: Mr. Bazel, in 2008
6 the plan was solely if there was a fire-related
7 emergency... [crosstalk]

8 JULIAN BAZEL: Right. Right.

9 CHAIRPERSON CROWLEY: it wasn't to
10 include a medical emergency or... [crosstalk]

11 JULIAN BAZEL: Right.

12 CHAIRPERSON CROWLEY: an act of terror
13 or, you know... [crosstalk]

14 JULIAN BAZEL: Yes. Yes, thank you.

15 Uhm...

16 CHAIRPERSON CROWLEY: some other type of
17 emergency situation.

18 JULIAN BAZEL: So in addition to focusing
19 this plan on tailoring it to the appropriate size of
20 buildings and occupancies, we also realized and... and
21 you know, events since 2008 have clearly borne out
22 that fire... you know, fires are obviously very
23 critical situations, but there's a whole host of
24 other emergencies that they really need to prepare
25 for in their everyday operations; the most every day

2 one is medical emergencies, you know the Fire
3 Department you know does its very best to get to the
4 building as quickly as possible, you know, and
5 improving its response time, but once it gets to the
6 building there can be delays in locating the patient.
7 If it's in a large building and you know, whatever
8 kind of building, it could be an assembly building,
9 it could be a merc... a large store; if there isn't
10 someone whose ready to meet them and say here is
11 where the patient is and I'm gonna assist you to get
12 right there as quickly as possible, then there's...
13 precious minutes can be lost. [background comment]
14 So the idea was... [interpose]

15 CHAIRPERSON CROWLEY: This new... you know,
16 this new Fire Code 2013 you'll have somebody working
17 in these buildings that'll solely be responsible for
18 fire and medical; other type of emergencies?

19 JULIAN BAZEL: No, no; I think the... with
20 medium-size buildings, which is what we're focusing
21 on... well we could say large buildings, like you know,
22 you could say like a Home Depot or a... you know, a
23 big-box store or a very large assembly store, we're
24 working with the existing business employees; a
25 manager or other responsible person will go through

2 several days of training, get sensitized to the
3 issues, understand what their responsibilities are,
4 take a certificate of fitness examination, which is
5 a, you know a half-day thing at the Fire Department;
6 if they pass they get the certificate and they would
7 implement training of their existing building
8 employees. Now this would not be where everyone of
9 them has to be named; we understand businesses have
10 constant turnover of their employees; it would be
11 oriented to what they do in the business; I mean if
12 you think about an usher in a theater, and we've
13 received a lot of support for this proposal from the
14 theater industry, you know, in event of an emergency
15 the usher on one side of the theater directs the
16 people to exit from one side; the usher on the other
17 side of the theater directs them to exit from the
18 other side. The other question is: who's making
19 announcements? [interpose]

20 CHAIRPERSON CROWLEY: But I mean you
21 could have an emergency where you want everybody to
22 exit the right side of the building... [crosstalk]

23 JULIAN BAZEL: Right. Right. So
24 everyone has a part of the job.
25

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2 CHAIRPERSON CROWLEY: so who's gonna tell
3 the ushers in that... [interpose]

4 JULIAN BAZEL: Right.

5 CHAIRPERSON CROWLEY: type of situation
6 what to do?

7 JULIAN BAZEL: So that's the other part;
8 so who's gonna make the announcements; that's part
9 of... this is part of this basic commonsense plan,
10 really commonsense stuff, which frankly, any business
11 that's doing... in business now, a large business that
12 has a lot of employees and is likely to have
13 emergencies on an ongo... you know, in their building,
14 should be thinking about this. When the employee
15 calls 9-1-1... [crosstalk]

16 CHAIRPERSON CROWLEY: But you... you've
17 divided it into levels. I think... [interpose]

18 JULIAN BAZEL: Right.

19 CHAIRPERSON CROWLEY: what I'm trying to
20 get at is; which type of businesses... [interpose]

21 JULIAN BAZEL: Right.

22 CHAIRPERSON CROWLEY: are gonna have
23 somebody there full-time or which are gonna have none
24 there... [interpose]

25 JULIAN BAZEL: Right.

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2 CHAIRPERSON CROWLEY: part-time and how
3 does it break down into the levels... [interpose]

4 JULIAN BAZEL: Right.

5 CHAIRPERSON CROWLEY: that you have?

6 JULIAN BAZEL: So what we have now, right
7 now we have the one-size-fits-all; we will have a
8 level 1 plan for the very largest assemblies of
9 basically 5,000 or more persons, high-rise
10 educational, college/university educational buildings
11 with voice communication capability, high-rise
12 mercantiles and large covered malls, and in addition,
13 hotels will be brought up to non-fire emergency
14 plans; office buildings will pretty much stay the
15 same.

16 CHAIRPERSON CROWLEY: So for all of that...
17 [interpose]

18 JULIAN BAZEL: Those... they will have the
19 office building type plan with a dedicated fire
20 safety director type person and staff whose primary
21 responsibility, they don't have to do this solely,
22 but their primary responsibility is fire safety.

23 [interpose]

24 CHAIRPERSON CROWLEY: Okay.

25

2 JULIAN BAZEL: We are then targeting
3 large businesses below that who would then have what
4 we would call level 2 or a fire and emergency plan;
5 this would be the simplified plan; this would be
6 working with the existing employees, and that would
7 include high-rise educational buildings without voice
8 communication, high-rise K-12 educational buildings,
9 large mercantile stores above 30,000 I think... 30,000
10 square feet, which I... I... some of these numbers, they
11 seem arbitrary, but we're tying a lot of things into
12 Building Code requirements for fire alarm systems
13 with voice communication capability. It would also
14 apply to institutional occupancies -- we haven't
15 talked about them -- right now this would address
16 high-rise assisted living facilities, nursing homes
17 and hospitals. Hospitals, we are seeking a fire
18 safety director because in recent years the Fire
19 Department has responded to fires or other
20 emergencies in the middle of the night and given the
21 complexity of that kind of institution, it was felt
22 important that there needed to be a knowledgeable
23 person on the premises at all times to meet us and
24 work with us to address the problem. Institutional
25 occupancies are particularly... it's particularly

2 critical that they have emergency preparedness
3 because of the fact that many of the building
4 occupants are obviously incapable of taking care of
5 themselves. Now the reason why -- and this is very
6 important and this is trying to show that we're not
7 trying to reinvent the wheel here -- a lot of these
8 institutional occupancies, primarily hospitals and
9 nursing homes, have fairly elaborate plans that were
10 developed as part of their accreditation by the joint
11 counsel, so they're all well aware of the importance
12 of planning; however, their plans, and we've looked
13 at them, are not exactly what we feel we need and it
14 doesn't address all the things that we're concerned
15 about. As I started to elaborate, there should be
16 someone... after a person calls 9-1-1, in any building
17 that has some kind of fire safety emergency
18 preparedness staff, they should notify that person,
19 the person who's qualified to make an announcement
20 can make an appropriate announcement; someone else
21 should be designated to meet the emergency response
22 personnel, bring them into the building, bring them
23 to the patient or direct them to the incident and be
24 able to provide appropriate information about the
25 building systems or the building layout; they're

2 also, as I said, we would like to, with mixed
3 occupancy buildings -- right now this is a
4 significant issue, just to... if you think about it,
5 there many be an apartment or a hotel above an office
6 building, in the same physical building, they may
7 even share stairwells; you know the people up on the
8 50th floor look down and they see eight fire trucks,
9 you know in front of their building and people
10 running out of the building have no clue because
11 that's a different occupancy; the office building
12 below may have a fire safety director; he may be
13 giving appropriate guidance to the people or you know
14 what; it just could be a drill, it could be a drill;
15 people upstairs... 'cause right now there's very
16 limited coordination; this Fire Code would one:
17 encourage but not require single plans for single
18 buildings, even with mixed occupancies, or at least
19 it would require coordination of communications and
20 drills so that, you know, even though they're two
21 separate occupancies, it's important that at a
22 minimum the fire safety director in the building
23 below would make a notification to whatever staff is
24 in the upper part of the building; say, by the way,
25 we have a fire on the third floor, but it's small;

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2 it's being contained; the Fire Department's on scene
3 or you know, we're just doing a drill, nothing to be
4 concerned about when you see people leaving the
5 building. So I mean these are the kinds of... we're
6 thinking through a lot of the issues that are arising
7 from emergency planning and preparedness.

8 CHAIRPERSON CROWLEY: So your level 1
9 requires a full-time fire safety director?
10 [interpose]

11 JULIAN BAZEL: Ri... uh...

12 CHAIRPERSON CROWLEY: You currently have
13 that presently in big office buildings?

14 JULIAN BAZEL: And hotels, yes.

15 CHAIRPERSON CROWLEY: But you don't have
16 that in hospitals?

17 JULIAN BAZEL: We don't have that in
18 hospitals or... [interpose]

19 CHAIRPERSON CROWLEY: And you're
20 proposing to have that?

21 JULIAN BAZEL: We are proposing to have
22 that, yes.

23 CHAIRPERSON CROWLEY: So somebody
24 dedicated full-time?
25

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2 JULIAN BAZEL: Yes. Well I understand
3 that hospitals have essentially the equivalent of a
4 fire safety director, but the fire safety director is
5 typically there during regular business hours, 9 to 5
6 and in the evening would not be there, and as recent
7 events have suggested, we feel we need a 24/7 person.

8 CHAIRPERSON CROWLEY: Like Sandy, for
9 example?

10 JULIAN BAZEL: Yes or there was a fire I
11 think at Mount Sinai maybe two or three years ago.

12 CHAIRPERSON CROWLEY: But when Hurricane
13 Sandy hit, a lot of nursing homes and hospitals were
14 evacuated...

15 JULIAN BAZEL: Oh yes... yes, absolutely.
16 [interpose]

17 CHAIRPERSON CROWLEY: and Fire Department
18 went there to evacuate.

19 JULIAN BAZEL: Yes, absolutely. Yeah.
20 And I don't know; I mean I would... I'm not sure the
21 extent of the planning or the... you know or the... in
22 terms of that; I mean that was something that the
23 hospitals knew was coming, so I assume that...

24 [crosstalk]

25

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2 CHAIRPERSON CROWLEY: Yeah, but the Mayor
3 didn't tell the hospitals to evacuate until they had
4 to, which, you know, is a whole different story and
5 can of worms I'm not gonna get into. So I'm gonna
6 stick on this topic here and talk about the
7 requirements in malls. So you say greater than
8 30,000 square feet would be level 2. Is there a
9 point where you get to level 1 with a mall?

10 [interpose]

11 JULIAN BAZEL: Yes, more than 100,000
12 square feet and this does not include the anchor
13 stores, which are considered separately under the
14 builder code.

15 CHAIRPERSON CROWLEY: And it's only
16 covered malls?

17 JULIAN BAZEL: Well no, in addition,
18 high-rise mercantiles, which the classic example is
19 Macy's in Harold Square and those are a mercantile, a
20 group M building such as that and in addition, if
21 there's a large mercantile occupancy on a high-rise
22 floor in a building that's not an M building, which I
23 don't know how common that is, but we put it in.

24 CHAIRPERSON CROWLEY: So earlier, when we
25 met to go over some of the plans, I mentioned a mall

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2 that I had in my district that was a one address, but
3 yet all the buildings were outside and that there was
4 a situation about a year-and-a-half ago where
5 somebody needed emergency help and the EMS workers
6 could not find the particular store because
7 everything fell under one address... [interpose]

8 JULIAN BAZEL: Uhm-hm.

9 CHAIRPERSON CROWLEY: and that time may
10 have cost somebody their life. So will this plan
11 work to prevent something like that?

12 JULIAN BAZEL: Well I guess the question
13 in that context was whether or not we have a specific
14 address for each store or whether it's part of the
15 largest store. Most of the outside malls, each
16 store... you know it's in a... they're in a parking lot
17 and the vehicle pulls up right in front of it and the
18 store is relatively... has separate access to each of
19 it. I think what you are mentioning, which is an
20 interesting issue, that I was really not aware, was
21 common in New York City, was I think you called it a
22 lifestyle mall, where actually, you know the parking
23 lot is around this sort of pedestrian mall and that
24 people enter into the pedestrian mall and although
25 the stores are outside, there is... I don't know how...

2 that would not be the typical situation for an
3 outside mall and that raised an interesting question
4 I think we wanna think about, as to whether that is..
5 you know, depending on how those buildings are
6 accessed and the addresses of it, whether it would be
7 appropriate to require a level 1 plan and a fire..
8 what we are calling a FLS director, fire and life
9 safety director, in that kind of mall as well. I
10 would suspect that assuming it is considered.. I
11 wonder whether the Building Code considers it a
12 covered mall in this lifestyle type mall, I'm not
13 sure; probably not 'cause it's outdoors, but that
14 might require some tweaking.

15 CHAIRPERSON CROWLEY: And your fire
16 inspectors are going to make sure that these are all
17 adhered to?

18 JULIAN BAZEL: Well, you know obviously
19 we haven't developed enforcement procedures yet; it
20 hasn't even been enacted, but I think most likely the
21 way that this would be implemented as part of the
22 fire companies doing their building inspections and
23 they go out and familiarize themselves with basically
24 every kind of occupancy in New York City; I would
25 think most likely that would be the appropriate

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2 people who would make sure that there is a plan and
3 make sure that it seems to be correctly filled out; I
4 think what we indicated in the code is that as an
5 enforcement mechanism, if they go to the premises and
6 they find that the plan is missing or inadequate,
7 they'll write a violation and say submit your plan
8 and that way we'll have a mechanism to make sure that
9 that gets done.

10 CHAIRPERSON CROWLEY: I'd like to mention
11 that we've been joined by my colleague from Brooklyn,
12 Council Member Mathieu Eugene, who sits on the
13 Committee. I'm gonna go into questions now outside
14 of Chapter 4.

15 So Chapter 5, you have mentioned that
16 you're making changes to access through public and
17 private streets.

18 JULIAN BAZEL: Uhm-hm.

19 CHAIRPERSON CROWLEY: and can you tell us
20 what the current requirements are and why did you
21 have... why do you feel that there needs to be a
22 change?

23 JULIAN BAZEL: Absolutely. The 2008 Fire
24 Code made some very significant changes and
25 enhancements with regard to firefighting operations;

2 this was actually an area that was not addressed in
3 the earlier Fire Code. Throughout the country and in
4 New York City especially, there have been significant
5 impediments to firefighters being able to get to the
6 emergency, fire or other emergency, because roads and
7 especially in private developments are very narrow;
8 parking occurs even where there's supposed to be no
9 parking and so the Fire Code in 2008 required that
10 there be appropriate fire apparatus access into
11 private developments on roads that were 38 feet wide;
12 now that number reflects a number of factors,
13 including zoning provisions and it also reflects the
14 fact that since there is parking, regardless of
15 whether it's prohibited or not in these developments,
16 there always is cars; this would allow parking on
17 both sides of street so everyone would have their
18 parking and we would still be able to get in.

19 CHAIRPERSON CROWLEY: Sorry; that's 34
20 feet?

21 JULIAN BAZEL: The thir... well, currently
22 it's 38 feet; after enacting that we received a lot
23 of comment, a lot of concern that that roadway seemed
24 very large and it was really beyond the standard city
25 easement for roadways for public... a newly constructed

2 public street in New York City; not, you know a
3 street from the 17th or 18th century, but you know,
4 one that we constructed atypically... the City gets
5 what's called a 50- or 60-foot easement, which after
6 you construct the sidewalks results in either a 30-
7 or a 34-foot-wide roadway; again, typically a roadway
8 in which parking is allowed on both sides. So
9 therefore, after consideration of the issue and some
10 prompting from a variety of people, including Council
11 Members, we determined fairly early on several years
12 ago that it would be appropriate for us to reduce the
13 required roadway width... of a fire apparatus road; is
14 not a public street; a public street is regulated by
15 the Department of Transportation, but to bring that
16 down from 38 feet to 34 feet, which we still think
17 will provide appropriate adequate access and part of
18 what we've done in this code cycle is sort of more
19 fully explain these requirements and spell them out
20 so design professionals and developers, you know,
21 don't have to come to us for guidance and everything;
22 a lot of the guidance that we've already put out
23 we've now incorporated in the code and it's
24 effectively as-of-right and it's spelled out right
25 there for people to know what to do. So that is on

2 fire apparatus road; there's also issues about
3 sprinklering buildings on substandard width streets.
4 Since we couldn't... in 2008 we couldn't really
5 regulate public streets and of course there are
6 thousand... an entire street grid already in existence,
7 we felt that on streets that were below these
8 required widths we could require sprinklering and
9 that would ensure that if there is a delay in
10 response time that there's the maximum protection of
11 the occupants of the building. Now really, as a
12 practical matter, this largely applies to one- and
13 two-family homes and maybe a few small commercial
14 buildings, because essentially the Building Code now
15 requires that any new occupancy of, you know, any
16 type, including an apartment building, has to be
17 fully sprinklered, so this really was primarily
18 focusing on one and two families. So... [interpose]

19 CHAIRPERSON CROWLEY: But the Buildings
20 Department doesn't require one or two families.

21 JULIAN BAZEL: That's correct, except
22 unless it's more than 35 feet.

23 CHAIRPERSON CROWLEY: How many streets in
24 the City do you believe... do you know how many streets

2 are not wide enough for the apparatus and that...

3 [interpose]

4 JULIAN BAZEL: Well...

5 CHAIRPERSON CROWLEY: could potentially
6 be affected by this law?

7 JULIAN BAZEL: Well the... the... if the...
8 there are many streets in New York City that are... you
9 know, what we would consider substandard; I mean all
10 of Lower Manhattan probably is substandard, but you
11 know we recognize the fact that that wasn't... that's
12 not being built in 2000... in the 21st century; that
13 was dated for another era. The question is; what are
14 we building now? I think the... my understanding that
15 with... bringing it down to 34-foot-wide roads will
16 eliminate a huge percentage of roads in terms of this
17 sprinklering requirement because many, many roads are
18 built to that standard. The 38 feet wide was
19 somewhat larger, as I said, than the standard street
20 width and... although it did come from a zoning
21 requirement, so that's why it was sort of puzzling,
22 but apparently, maybe in developing large-scaled
23 residential developments or office developments
24 special arrangements are made for the roadways widths
25 in those developments. So the bottom line is that

2 we... this... we are... again, as I indicated in my
3 testimony, we're looking to be practical, we're
4 looking to be sensitive to, you know the financial
5 burdens of things; at the same time we are focusing
6 on fire safety and we do believe, you know
7 sprinklering of buildings is one of the primary ways
8 to save lives in New York City; one- and two-family
9 homes are the source of many fire deaths. We also
10 wanna emphasize that although people talk about the
11 cost of installing sprinklers, part of the problem is
12 an education issue. Most people are think about the
13 installation of commercial sprinklers in commercial
14 buildings; those sprinklers are a totally different
15 design than what's required in a one- or two-family
16 house; they typically require a separate water supply
17 and they're intended to operate for extended periods
18 of time, which means you have to maintain pressure
19 and have an adequate water source. In one- or two-
20 family homes there is only a requirement essentially
21 that they run for a limited period, under 10 minutes,
22 that they are designed to put out household type
23 fires; unless the home gets to be very large they can
24 be installed off of the domestic water; in other
25 words, they can be part of the normal household water

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2 supply, which means you don't need a whole dedicated
3 separate water supply; in fact, if you lack the
4 adequate pressure in your neighborhood, you could
5 actually put in a tank of water in your house and be
6 in compliance. So I think part of the thing is
7 people are thinking about commercial sprinkler
8 systems and that's not what we're talking about. So
9 that's what we're doing with regard to fire apparatus
10 roads; I can talk about rooftop access if you'd like.
11 [interpose]

12 CHAIRPERSON CROWLEY: But for... just... well
13 I'll get into that... [interpose]

14 JULIAN BAZEL: Yeah.

15 CHAIRPERSON CROWLEY: just a brief
16 question on access for the apparatus in these new
17 developments that are happening, such as like let's
18 say at Breezy Point we know that there are gonna be a
19 lot of new buildings and that's probably one area
20 where they'll need to get these types of sprinklers.
21 What are the sprinkler requirements; is it a specific
22 type; is it... [interpose]

23 JULIAN BAZEL: Right.

24 CHAIRPERSON CROWLEY: you know,
25 throughout the home?

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2 JULIAN BAZEL: Yes. The sprinkler
3 designs are established by a national standards-
4 making organization called the National Fire
5 Protection Association; there is different... I think
6 there's three different types of sprinkler standards;
7 there's one specifically, which is either NFPA 17R or
8 D, they keep on changing the letter, but there's a
9 specific one... [background comment] thirt... I'm sorry,
10 13R or D, so that would tell the designer how to do
11 it. Now it would be for a new building that is
12 installed on a substandard width street or a
13 substantially altered building, which we have
14 interpreted through our previous FAQs and which are
15 now incorporated into the code by this bill, which
16 would make it clear that we're not talking about
17 redoing your kitchen or putting a deck on or anything
18 minor; we're talking about major alterations, a 125
19 percent increase in floor area, raising the height of
20 the building, changing the use or occupancy of the
21 building, things of that sort.

22 CHAIRPERSON CROWLEY: Now let's go into
23 the roof access.

24 JULIAN BAZEL: Okay. So the roof access
25 is actually a very important and... it was

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2 groundbreaking effort by the Fire Department to
3 address issues that arose on rooftops in the last, I
4 would say approximately 10 or 15 years... [interpose]

5 CHAIRPERSON CROWLEY: You currently have
6 rooftop access laws? [crosstalk]

7 JULIAN BAZEL: Yes. So in 2008 we
8 adopted a requirement that on buildings that are a
9 100 feet or less, not taller than that; that's
10 essentially a 10-story building, these are buildings
11 that the Fire Department can access with its ladders,
12 its aerial ladders and the Fire Department standard
13 operating procedure is to go... in the event of a fire,
14 is to put a firefighter on the roof of the building
15 for purposes: one, of surveillance, to identify
16 locations of fires; two, rescue, if necessary,
17 rescuing people, especially in New York City,
18 obviously it's very hard to get to the rear of the
19 building; many rears of buildings are inaccessible
20 from the street; and third, what's called ventilating
21 the building, in order to control and direct the
22 spread of the fire, cutting holes in the roof of a
23 combustible construction building which allows the
24 smoke and heat to escape and it also actually directs
25 the fire so that it doesn't spread horizontally and

2 make the building... make it even harder to put out the
3 fire and endanger more people. So this requirement...
4 the problem we were experiencing was that there has
5 been a boom, as I'm sure everyone knows, in the last
6 10 or 15 years with cellular communications, with
7 green... interest in being out on the roof on decks and
8 now with solar installations, that roofs are becoming
9 increasing cluttered and you know, sort of a gold
10 rush going on there and frankly, no one... people have
11 to start thinking about the roof as a street; there's
12 all kinds of businesses operating up on your roof and
13 most people don't realize, because most people don't
14 go up on roofs, especially on these lower-rise
15 buildings that have good directional access for
16 cellular communications and are small enough to get
17 economic value from solar installations; this gold,
18 this is just a great location to be. The problem is
19 that in order to support these installations there's
20 all kinds of construction to have... you know, steel
21 beams running across it, they have all kinds of
22 decks, they have fences put up for security purposes
23 and it essentially becomes extremely unsafe for
24 anyone, and not just firefighters, anyone going up on
25 some of these roofs because there are unprotected

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2 shaftways and in some cases they have to walk close
3 to the edge; some solar installations were allowing
4 18 inches of clearance from an unprotected edge. Now
5 that's fine... it's bad enough doing that during
6 daylight when you're an installer or a building
7 employee who has to go up on the roof; it's another
8 thing when you're a firefighter who's going on in a
9 dark, smoky condition, unfamiliar with the layout of
10 the roof; you know, carrying gear; you know, there's
11 electrical systems, there's conduits with wiring,
12 there's all kinds of stuff up there, so we required
13 in 2008 a very simple thing -- basically allow us to
14 get over the parapet wall on the front from the
15 aerial ladder, hook the points of access... [interpose]

16 CHAIRPERSON CROWLEY: And sorry; how
17 much... how much... how many feet do you need in your
18 parapet? [interpose]

19 JULIAN BAZEL: Right. So the idea would
20 be when you come over the parapet you want basically
21 a 6 by 6-foot clear area that hooks up into a clear
22 path... [interpose]

23 CHAIRPERSON CROWLEY: A square?

24 JULIAN BAZEL: square-foot; sorry, 6-foot
25 by 6-foot clear path so we can safely get off the

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2 ladder, step down, get... that should hook into a clear
3 path from the front of the building to the back of
4 the building and at some point on the building from
5 side to side so essentially the firefighter can get
6 to all the places they need to get; they need to get
7 to the back of the building just to see where the
8 fire is and see if there's any people coming out of
9 the back of the windows, the bulkhead of the building
10 has a bulkhead, you know where the stairs come out,
11 fire escapes they may need to access... [interpose]

12 CHAIRPERSON CROWLEY: And so this is a
13 building of... greater than... [interpose]

14 JULIAN BAZEL: So...

15 CHAIRPERSON CROWLEY: a 100 feet?

16 JULIAN BAZEL: Right. So this exists in
17 the current Fire Code and what we have done in the
18 new Fire Code is we have one, further explicated and
19 made clear what we want and what the requirements are
20 and added some additional safety features and
21 addressed a number of issues that have come up and so
22 this isn't radically different... this code revision is
23 not radically different from what exists in the code,
24 it's just more fully elaborated and it does address a
25 variety of situations, including addressing how to

2 accommodate green initiatives, solar, green roofs, so
3 if you wanna put up a green roof or you wanna put
4 dirt on your roof and put grass up, that's fine,
5 we're not saying you can't do it; obviously if you
6 wanna contain that and keep that away from the clear
7 path, that's fine, but if you wanna put it on the
8 clear path, as long as you keep it low, flat and no
9 tripping hazards we can live with that. Similarly,
10 if you wanna put solar panels in, you know, we are
11 offering the option, if you wanna develop some kind
12 of device that'll allow us to easily move them out of
13 the way, that's fine, but we do wanna have our clear
14 path.

15 Now on the specific issue of roads with
16 regard to brownstone buildings, which are now
17 increasingly putting up solar installations and
18 because of... in order to make it economic they really
19 wanna cover most of the roof, our requirements made
20 it difficult for them to place it, so what we've done
21 is we've done sort of a commonsense thing, is that we
22 typically wanna get to certain building features,
23 which includes skylights, scuttles, hatches,
24 chimneys, a bulkhead if there is one, so we've
25 allowed those building features to encroach into our

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2 clear path and essentially we're giving ourselves
3 less room, but because we're gonna wanna go to those
4 things anyway. That we've been told will help solar
5 installers do what they need to do while at the same
6 time giving us the rooftop access that we need and
7 again, I reiterate, to ensure that the building owner
8 is maintaining a safe roof and doesn't expose
9 themselves to liability from having people going on
10 the roof under unsafe conditions.

11 CHAIRPERSON CROWLEY: I don't have any
12 other questions about the roof. But I understand
13 that in that same Chapter 5, that you are requiring
14 that apartments and hotel rooms have numbers on the
15 doors... [interpose]

16 JULIAN BAZEL: Right.

17 CHAIRPERSON CROWLEY: I thought most of
18 them had them, but I guess you know ha... [crosstalk]

19 JULIAN BAZEL: Exactly. I'll be glad to
20 talk to that. I mean this is sort of another one of
21 these commonsense things that we were actually
22 surprised to learn that there is... there does not
23 appear to be any requirement that apartment numbers...
24 apartments or guest rooms in hotels have room numbers
25 on it and we have discovered that... especially EMS

2 personnel who are responding, but even firefighters,
3 sometimes can't find apartments 'cause there's no
4 number on them. So we put in a requirement that they
5 should have a number, which will facilitate all
6 emergency response operations, including our own.

7 We additionally wanna address two other
8 situations; there are some interesting new buildings
9 being built, which I have not personally seen, but
10 I'm told is that they're eliminating the corridors on
11 some floors; basically the entire building consists
12 of duplex or triplex buildings. The problem that
13 presents for firefighting is, as everyone can
14 imagine, is that when you have a fire there's a steep
15 heat gradient within the fire... you know the room in
16 which the fire is located, so if you're coming in at
17 the top of an apartment as opposed to the ground
18 floor of an apartment, you're in a totally different
19 situation and maybe even a life threatening
20 situation. So as part of this code cycle in both the
21 Building Code and the Fire Code, there is a
22 recognition that in these kinds of occupancies there
23 needs to be some kind of small signage on... presume...
24 most likely at the bottom of your door jam, which is
25 the side of the door entrance that will probably be

2 an arrow; this will all be developed in rules, that
3 will enable the Fire Department to know in these
4 situations which part of the apartment, the lower
5 part or the upper part they're entering.

6 Additionally; this is something that's been under
7 discussion for some years ago, in general, in
8 buildings that are not sprinklered; firefighters
9 engaging in firefighting operations, including the
10 special rescue operations, are typically crawling
11 along the floor and once again, even the regular
12 signage on the door, you know, four, five feet up, is
13 not visible because of smoke conditions, so we are
14 then requiring that the apartment number be marked in
15 the bottom of the door. Now there have been
16 objections to this for aesthetic reasons and we
17 understand that, but the Real Estate Board I think
18 suggested and I think were very comfortable with,
19 that a way to ameliorate that concern is we'll put
20 this in the door jam, which is the side part so that,
21 you know, it'll be at the bottom, it'll be much less
22 visible and it'll be something that will serve to
23 protect the public, but at the same time not be
24 unsightly.

2 CHAIRPERSON CROWLEY: And that would be
3 for new developments?

4 JULIAN BAZEL: No that... well that would
5 be for all buildings, the... well the... the duplex,
6 triplex markings would be all buildings, new and old;
7 the apartment numbers would be all apartments, new
8 and old and the fire emergency markings at the bottom
9 of the door would be for unsprinklered buildings, new
10 and old, just unsprinklered. Most new buildings
11 these days, as you know since 1999 are sprinklered,
12 so basically these would be the older buildings that
13 don't have sprinklers.

14 CHAIRPERSON CROWLEY: And would they be
15 reflective or glow in the dark?

16 JULIAN BAZEL: Well we would develop that
17 by rule; I mean, it would... I don't think we would
18 expect to require that it be the... what do you call
19 the... [background comment] the photoluminescent, the
20 type that... I don't think we're looking for glow in
21 the dark; reflective probably would be adequate,
22 unless the building owner wants to make it glow in
23 the dark.

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2 CHAIRPERSON CROWLEY: Okay. I wanna ask
3 about some changes you're making to safeguard fire
4 keys... [interpose]

5 JULIAN BAZEL: Yes.

6 CHAIRPERSON CROWLEY: those are... can you
7 describe the nature of... [crosstalk]

8 JULIAN BAZEL: Yes. The citywide
9 standard key, and this is a larger problem; I think
10 this received some media attention six months ago or
11 thereabouts, and it's not something that the Fire
12 Department can solve, but we're doing our part of it.
13 Essentially... the Fire Code has two kinds of keys; one
14 is a Fire Department key, which is for Fire
15 Department use only, which opens certain Fire
16 Department equipment or lockers or used to open the
17 fire houses; doesn't anymore. In addition there's
18 something called a citywide standard key; this is a
19 key that's become fairly widely used; initially it
20 was designed for what's called firefighter operation
21 in elevators, so if you... I'm sure most of you
22 recognize that when you go into an elevator there's a
23 key and that key, when activated allows the person to
24 operate the elevator as... you know, like a freight
25 elevator, just wherever you wanna stop; won't respond

1 to calls and that's important obviously for
2 firefighting operations; we can use the elevators and
3 take us directly to the floor we wanna go and not go
4 to any other floors. That key is in... legally may be
5 possessed by the building owner, elevator installers
6 and repair personnel and others. Additionally that
7 key has become sort of a standard key for a variety
8 of access points, possibly in subways, possibly in
9 other areas, so there are lawful uses of it; the
10 problem is, is that apparently it's being sold on the
11 internet and other people who should not have access
12 to it. What the Fire Department has done in this
13 Fire Code revision is spell out in the Fire Code,
14 which does not exist at present, who is lawfully
15 entitled to own it or to possess it and you know, it
16 talks about building owners and elevator people and
17 you know, other people of that nature. But that
18 doesn't mean that all of a sudden the keys are gonna
19 go away, but at least now, if and when someone is
20 found to be in possession of the key for... especially
21 in connection with some kind of unlawful activity,
22 this will facilitate prosecution or other types of
23 enforcement actions.
24

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2 CHAIRPERSON CROWLEY: And what are the
3 enforcement actions?

4 JULIAN BAZEL: I'm sorry?

5 CHAIRPERSON CROWLEY: Do you know what
6 the enforcement actions are for misuse of the key?

7 JULIAN BAZEL: Well I mean it depends on
8 whether it's used for unlawful... if it's used for
9 unlawful activity, obviously there would be an
10 additional charge in connection with whatever
11 unlawful activity; from simply under the Fire Code, I
12 mean, not that we would necessarily be going around,
13 you know, checking to see if people have keys, but if
14 we did come across someone, they would receive a
15 violation under the Fire Code which potentially could
16 be a misdemeanor.

17 CHAIRPERSON CROWLEY: Okay, we've been
18 joined by my colleague, Council Member Peter Vallone,
19 Jr. of Queens. So now I wanna get into the question
20 about the radio communication systems and what the
21 current Building Code has and what your proposed
22 changes would do.

23 JULIAN BAZEL: Yes. Well since 9/11
24 obviously the issue of in-building radio
25 communications has been the subject of quite a bit of

1 attention and over the years systems have been
2 developed to facilitate essentially walkie-talkie, we
3 call them handy talkie; point to point communications
4 within the building, which is often difficult in, you
5 know modern construction with concrete walls; there
6 have been some buildings, modern buildings have
7 installed these systems and you know, working with
8 the Fire Department to make sure they work on our
9 frequencies and serve our purposes. As part of the
10 Building Code revision, not the Fire Code revision,
11 the decision was made in the current Building Code to
12 require these systems in high-rise buildings and the
13 exact details of how they'll be designed and how
14 they'll work, as I understand it, is still under
15 development. From the Fire Code part, our role will
16 be what we call installation acceptance, so after...
17 we're basically gonna... we spell out in our code that
18 a qualified person with an FCC license who's capable
19 of properly designing these systems will install it,
20 certify that it's operating... you know, the coverage
21 area is covered, all the appropriate areas; we'll go
22 in and do essentially a spot check to make sure it's
23 working, we'll accept it, we'll give it a permit and
24 then our code requires that there be periodic
25

2 inspections and tests. Now, actually all the details
3 are not in the code; originally we were gonna put
4 them in, but I think everyone agrees that it's...
5 they're not fully developed and it may depend on the
6 exact design of the system that's going in, so we
7 simply say that the installation and operating and
8 inspection, maintenance requirements will be in a
9 rule, but we are, you know, sort of getting ready for
10 this to come online in a large number of buildings,
11 as opposed to what I understand to be now relatively
12 a handful of buildings.

13 [pause]

14 CHAIRPERSON CROWLEY: ...are you makin'
15 regarding portable electric space heaters, halogen
16 lamps; stationary storage battery systems.

17 JULIAN BAZEL: Yes. You know, the Fire
18 Code is, in addition to being a... you know, a
19 regulatory code is also sort of an educational
20 document; we include things in addition to enabling
21 our people to enforce and write violations where they
22 see clearly unsafe conditions; we put things that
23 also hopefully will alert the public to fire safety
24 concerns. I hope everyone is aware of the dangers
25 of, for example, the improper use of extension cords,

2 overloading of receptacles and things of that sort.

3 Well, portable electric heaters are fairly common

4 used around the city and have been the source of

5 significant fires. There are safer models now, as

6 opposed to some of the old ones with the exposed

7 heating elements, but nonetheless, one of the

8 significant concerns with these things is first, that

9 you're overloading the electrical socket, since you

10 know, these are heating devices, they need a lot of

11 power to generate the heat and when you're

12 overloading electrical outlets, that's a classic

13 source of a building fire and we know from our

14 advisory committee members, the Real Estate Board and

15 building managers and others, that this is a very

16 significant issue for them. So we have put in some

17 language that said, you know, these are not allowed

18 to be used if they're gonna overload the socket. We

19 also... the other important aspect of this is that,

20 you know the proximity to combustible materials and

21 this could be in any kind of occupancy. You know,

22 people put these things next to their desk, you know,

23 next to their favorite chair, near the curtains, you

24 name it, you know and the problem is, is that if, you

25 know, the arrangement is such that the heat can build

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2 up; you may actually... and certainly if there's an
3 exposed heating element, you actually... it's quite
4 possible to start a fire and fires, you know, can
5 turn out to be very serious, even though they start
6 small, so that's... that's... [interpose]

7 CHAIRPERSON CROWLEY: Right, especially
8 if we go into like, then your Chapter 7 and Chapter
9 8, you talk about fire resistance rated construction...
10 [interpose]

11 JULIAN BAZEL: Yeah.

12 CHAIRPERSON CROWLEY: you know, so if a
13 fire starts and a building is not resistant, but...
14 [crosstalk]

15 JULIAN BAZEL: But every person...

16 CHAIRPERSON CROWLEY: like these new
17 buildings that are getting proposed in Brooklyn that
18 are modular buildings...

19 JULIAN BAZEL: Uhm-hm.

20 CHAIRPERSON CROWLEY: like there doesn't
21 even appear to be concrete in-between floors...

22 JULIAN BAZEL: Yeah, I'm not familiar
23 with that; I can't comment on that; that's... that
24 would anyway be a Building Code issue.

25

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2 CHAIRPERSON CROWLEY: If it's a building
3 issue.

4 JULIAN BAZEL: Yeah, Building Code.
5 [laughter]

6 CHAIRPERSON CROWLEY: But... but then, so
7 then what changes are you making regarding fire
8 resistance-related construction?

9 JULIAN BAZEL: Well on that we're, I
10 think pretty... we haven't made any major changes;
11 there was initially a proposal to require that all
12 fire resistance rated inspected be inspected every
13 year and I think we were persuaded that essentially
14 that's probably not necessary and probably would be
15 sort of... I mean it might have some benefit, but you'd
16 probably have to hire someone to spend all year
17 looking... in big buildings looking around and looking
18 for this. I think the better way is to ensure... for a
19 building owner, to ensure that whenever they have
20 work done in their building, especially plumbing or
21 electrical work where they're punching holes in the
22 walls, the building owner really should make sure
23 that those holes are closed up, and the reason being
24 and you know, the famous Macaulay Culkin fire, which
25 was in a modern apartment building, was that when you

2 have these holes in the walls and you have a fire and
3 if the fire manages to get out of the room into the
4 hallway or other place, when you have holes in walls,
5 that smoke can travel incredibly fast and in that
6 fire, as I recall, within four minutes floors that
7 were 20 floors above the fire floor were already, you
8 know, completely obscured by smoke. So these are the
9 kinds of concerns that we think... but we have not
10 undertaken to make any major changes at this time.

11 CHAIRPERSON CROWLEY: What changes are
12 you making regarding upholstered furniture and
13 mattresses?

14 JULIAN BAZEL: So right now the... this is
15 something that we're picking up... a lot of this is
16 we're picking up from national standards and so it's
17 not New York City saying let's do this; this is going
18 on around the country; manufacturers are involved in
19 the process, so the projects should already be out
20 there, especially since we're a little bit behind
21 the... you know, several years now behind the
22 International Fire Code and when the International
23 Fire Code adopts things, the products start becoming
24 available thereafter, so... [interpose]

25 CHAIRPERSON CROWLEY: But the... but...

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2 JULIAN BAZEL: in this area we have... in
3 institutional occupancies currently they're required
4 to have fire-rated mattresses, as well as newly-
5 introduced furnishings, like you know, upholstered
6 furnishings have to meet certain fire-resistant
7 standards; I think we're now extending them to
8 dormitories, which is considered to be another...
9 [interpose]

10 CHAIRPERSON CROWLEY: But not residential
11 homes... [crosstalk]

12 JULIAN BAZEL: Not the private homes,
13 although, you know, I... anyone who shops for a
14 mattress, if you go look at a mattress these days,
15 typically there is a product or several products
16 there that have like a little tag on it that say that
17 they're meeting the fire resistant standards.
18 Certainly anyone who smokes should have one of those.

19 CHAIRPERSON CROWLEY: And couches?

20 JULIAN BAZEL: Well couches, I'm less
21 certain about that; I... [crosstalk]

22 CHAIRPERSON CROWLEY: Right.

23 JULIAN BAZEL: I haven't bought a couch
24 recently.

25

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2 CHAIRPERSON CROWLEY: Okay. So you just
3 referred to the International Fire Code and earlier,
4 when you spoke about the sprinkler system you
5 referenced the National Fire Protection Association...
6 [interpose]

7 JULIAN BAZEL: Yes.

8 CHAIRPERSON CROWLEY: is that... and what
9 is it, the NFPA?

10 JULIAN BAZEL: NFPA, yeah.

11 CHAIRPERSON CROWLEY: Now, who
12 compromises their boards; where did they come up with
13 these new codes?

14 JULIAN BAZEL: Well, you know, I am...
15 what's interesting to know is that the world has
16 evolved in such a way that a lot of the issues: the
17 fire safety, construction, just about any kind of,
18 you know, issue... these bodies have evolved to
19 establish standards, because it's just difficult for,
20 I guess anyone who wants to, you know engage in large
21 manufacturing operations to know how to design things
22 unless there's a standard so people know what at
23 least the minimum requirements are. So the NFPA is a
24 very long-established entity that we have, I think
25 about 60 or 70 of their standards referenced in our

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2 code, and as do all others, and these bodies... and you
3 know, I'm not gonna into detail the way they operate;
4 I'm not familiar with that level, but essentially
5 they're widely recognized as... you know, their focus
6 is on safety... [interpose]

7 CHAIRPERSON CROWLEY: Uhm-hm.

8 JULIAN BAZEL: and that the... their
9 standards are generally recognized as meeting
10 appropriate standards and the ICC has adopted them;
11 there's also other bodies that... [interpose]

12 CHAIRPERSON CROWLEY: What's the ICC?

13 JULIAN BAZEL: The International Code
14 Council, which... [interpose]

15 CHAIRPERSON CROWLEY: So...

16 JULIAN BAZEL: adopted the International
17 Fire Code.

18 CHAIRPERSON CROWLEY: 'Kay.

19 JULIAN BAZEL: There's also a lot of
20 what's called listing... national laboratories that do
21 listing; this is the modern trend, so a manufacturer
22 hires UL, pays them a significant amount of money to
23 run tests on their products and you know, you get
24 that UL label; what the model codes, the direction
25 they've gone and the way that the national standards

2 are going is that, you know, rather than each
3 jurisdiction saying no, this is our standard and meet
4 this standard, increasingly they're going to
5 acceptance of NFPA standards, UL standards and
6 there's actually a whole host of other organizations
7 that most people have never heard of; you know, ASDM,
8 ACMA, all these other... gas associations, there's a
9 whole host of these organizations. [crosstalk]

10 CHAIRPERSON CROWLEY: But... but there's
11 only some of their recommendations that you use; you
12 don't use all of them? [interpose]

13 JULIAN BAZEL: Well... well what we do is;
14 the way that it works is the code is sort of the
15 controlling document; if we adopt rules, that's the
16 second level and then we reference these standards.
17 Now, as I said, initially our concern was, and we
18 adopted these standards and they're fairly lengthy,
19 was that, you know there might be sort of an outcry,
20 like you know, what are you making me do here? I
21 guess what I've come to learn or what I've come to
22 understand is as a practical matter, the
23 professionals and other people that you hire to
24 install these things and maintain these things are
25 fully familiar with these standards and that's what

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2 they do. So it seems not to be as burdensome as you
3 might imagine, as I originally thought.

4 CHAIRPERSON CROWLEY: Right. Well
5 there's one particular recommendation by the National
6 Fire Protection Agency and I introduced a bill that
7 we had a hearing on last month... [interpose]

8 JULIAN BAZEL: Uhm-hm.

9 CHAIRPERSON CROWLEY: your Chief Jensen
10 from the Fire Department came and spoke on it...
11 [interpose]

12 JULIAN BAZEL: Uhm-hm.

13 CHAIRPERSON CROWLEY: and that had to do
14 with photoelectric smoke detectors...

15 JULIAN BAZEL: Uhm-hm.

16 CHAIRPERSON CROWLEY: and it's the NFPA
17 recommendation that they are put in homes near
18 kitchen, in residential spaces... [interpose]

19 JULIAN BAZEL: Uhm-hm.

20 CHAIRPERSON CROWLEY: or dormitories,
21 near kitchens or near bathrooms, because there is
22 less of a nuisance type of alarm... [interpose]

23 JULIAN BAZEL: Uhm-hm.

24

25

2 CHAIRPERSON CROWLEY: and that they're
3 more reliable; even Chief Jensen himself said that he
4 had them in his own home...

5 JULIAN BAZEL: Uhm-hm.

6 CHAIRPERSON CROWLEY: but... and the Fire
7 Department recommended, but the Fire Department came
8 and spoke about the bill and said they didn't support
9 the bill, because they can't say which smoke detector
10 is a better type of detector to use. But you know,
11 so that... from the testimony that day, it was quite
12 moving; people came and spoke about how often the
13 traditional smoke detector is in homes and it doesn't
14 work or the battery's taken out because of a nuisance
15 alarm or if it doesn't work and the battery is taken..
16 it just takes longer for them to pick up the smoke
17 and could take up to a half-an-hour longer than the
18 photoelectric and more people are dying today because
19 of smoke inhalation as compared to burning in a fire
20 and so what I wanted to do in introducing that bill
21 is prevent fire deaths, fire fatalities... [interpose]

22 JULIAN BAZEL: Uhm-hm.

23 CHAIRPERSON CROWLEY: due to smoke
24 inhalation. So I'm curious to know why, if the NFPA
25

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2 thinks it's a good idea, why hasn't it been
3 considered by the New York City Fire Code?

4 JULIAN BAZEL: Well the main reason is
5 that the design requirements and installation
6 requirements for smoke detectors are in the Building
7 Code, so it's really... you know, Building Code
8 basically sets forth the design requirements for all
9 of the main building safety systems and so that's
10 really a Building Code issue for them; you know, I'm
11 not... I know Chief Jensen has testified on that; I am
12 not in a position to go into that; I don't really...
13 I'm not fully familiar with that issue.

14 CHAIRPERSON CROWLEY: Just that if it
15 picks up a fire... [interpose]

16 JULIAN BAZEL: Uhm-hm.

17 CHAIRPERSON CROWLEY: that is smoldering
18 quicker than a traditional smoke detector, it would
19 be safer for anyone in the building, fire safety
20 standards, and for people who are coming to fight the
21 fire, for the firefighters...

22 JULIAN BAZEL: Uhm-hm.

23 CHAIRPERSON CROWLEY: so I think it's
24 clearly a concern that the Fire Department should
25 have, especially... [interpose]

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2 JULIAN BAZEL: Uhm-hm.

3 CHAIRPERSON CROWLEY: since we've just
4 passed a piece of legislation in the City Council
5 that would make the traditional smoke detectors have
6 a 10-year battery and... [interpose]

7 JULIAN BAZEL: Uhm-hm.

8 CHAIRPERSON CROWLEY: and require that
9 those smoke detectors are dual detectors with carbon
10 monoxide detectors and that they don't sell those
11 types of 10-year batteries with the photoelectric
12 ones. So you know, if one is safer, I just believe
13 that New Yorkers should start getting the education
14 and we as a Council and you as a representative of
15 the Fire Department should work together to make sure
16 that we get to the bottom of that bill. I'm gonna
17 recognize Council Member Peter Vallone for questions
18 and also identify that we have Council Member Ydanis
19 Rodriguez from the City.

20 COUNCIL MEMBER VALLONE: And Council
21 Member Mendez. I asked for a copy of the bill... good
22 morning, first of all... so I could take a look at some
23 of the questions I had and they handed me this,
24 [holds up books, laughter] so unfortunately this may
25 be a case of; we're gonna learn what's in it after we

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2 pass it, which we've learned is a huge problem on the
3 federal level at least; I have much more faith in the
4 Fire Department than I do on the federal government
5 to take over our health care, but back on topic. I
6 can't read this now, but I did try to get a summary
7 of what's going on when it comes to rooftop access;...
8 [interpose]

9 JULIAN BAZEL: Uhm-hm.

10 COUNCIL MEMBER VALLONE: one of the
11 issues I've been involved in for 12 years is trying
12 to keep people safe, including firefighters from our
13 cell towers...

14 JULIAN BAZEL: Uhm-hm.

15 COUNCIL MEMBER VALLONE: and from what I
16 can read, the rooftop access mentions things like...
17 where did it go... piping and bulkhead doors and... and...
18 [interpose]

19 JULIAN BAZEL: Uhm-hm.

20 COUNCIL MEMBER VALLONE: skylights and
21 vegetation, but it doesn't mention cell towers
22 anywhere; these things are up on many of our roofs
23 and they say no one should be within 6 feet of them,
24 which is a very... well, that's the minimum someone
25 should stay away from one of these cell towers. How

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2 does your... if you can explain a little bit about what
3 your bill does... or your amendments do for rooftop
4 access and also explain specifically what happens
5 with cell towers.

6 JULIAN BAZEL: Certainly. First of all,
7 a lot of Chapter 5 is underlined, so it looks like
8 it's all new and actually it's not; the reason why
9 it's mostly underlined is because we sort of
10 reorganized that section to make it a little bit more
11 clear and spell things out in a more logical fashion.
12 So a lot of what's in there is actually existing
13 code, but what we've done is elaborate on it and
14 clarified it and addressed a number of issues.

15 As I indicated earlier, we are regulated...
16 we are attempting to ensure that firefighters can get
17 onto the rooftops of buildings a 100 feet or less
18 from our aerial ladders, essentially a 10-story
19 building, and that it is... in a fire it's standard
20 operating procedure to put a firefighter on the roof
21 to do surveillance, rescue and to ventilate the
22 rooftop in or to control the fire and ventilate it.
23 What we required in 2008 is essentially that there be
24 at least one and typically two and depending on the
25 size of the building... [interpose]

2 COUNCIL MEMBER VALLONE: Uhm-hm.

3 JULIAN BAZEL: more landing areas in
4 which firefighters can safely get off the aerial
5 ladder, which requires in some instances that they
6 remove cellular installations or cellular antennas
7 that, you know that march along the entire parapet
8 wall... allow us to get safely over the parapet wall
9 into a landing area, typically a 6-foot by 6-foot
10 clear area that hooks into a clear path that runs
11 from the front of the building to the rear of the
12 building and side to side and that was a very basic
13 requirement and in large part we're sticking with
14 that. What we've done this time around is clarify
15 how this should all work. We do address the issue of
16 conduits and the cellular cabinets and other
17 installations; I mean what we're finding is, which I
18 think you're well aware of, is that, you know these
19 telecommunication installations are increasingly
20 large, they are not simply just a little transmitter,
21 but they're, you know large cabinets that are on
22 platforms in order to support them; they're running
23 steel dunnage from side to side and this... we found
24 that there are buildings that are literally
25 impassable from the front to the back and part of the

1 problem is that, you know they... everyone does their
2 own thing and there's no coordination. Now we can't
3 regulate telecommunications; that's not our job, our
4 concern here is making sure that firefighters can
5 safely traverse the roof and do what they have to do
6 and as I've emphasized in my testimony and statements
7 earlier, this is really not just for firefighters;
8 this is for the building owner and the people in the
9 building, because you know, there are, you know
10 building employees and installers who have to get on
11 the roof and they need to be safely traversed. So
12 what we are requiring here; some of the
13 clarifications and improvements is with regard to the
14 clear path; there are multi-leveled roofs and on some
15 of these where you have these telecommunications
16 installations on top of elevated areas, we're
17 requiring ladders to enable us to get over them,
18 protective railings along the clear path; there are,
19 you know, all these unprotected shafts that are
20 difficult to see even in daylight, hidden behind
21 dunnage or an installation, there are... we are
22 requiring reasonable access to skylights and scuttles
23 and to bulkhead doors, fire escapes and things of
24 that sort. I think with regard to cell

2 communications we are requiring additional signage
3 that in the event of a fire where we would need to
4 shut down these systems, we... there's so many things
5 going on that it's sort of important for us to have
6 signage that enables us to identify who owns what so
7 we could call up, you know Verizon or Sprint or
8 whoever it is and say you know, with a unique
9 identifying and say we're at a certain location and
10 we have this installation; how do we shut it down or
11 you know, and so forth. So we're just tryin' to make
12 it safer in this go-round, primarily.

13 COUNCIL MEMBER VALLONE: Other than the
14 signage, I didn't hear you say anything about cell
15 towers... the distance from cell towers specifically,
16 and by the way you're right, it is difficult to
17 regulate, I've run into that problem... we can't do
18 regulations on a municipal level that anything to do
19 with health because the federal government has banned
20 that; I can't do anything in the City Council 'cause
21 the speaker has pretty much banned that, from me
22 moving any of these bills when it comes to safety of
23 the public from cell towers, but one way we can
24 regulate is safety, especially fi... [interpose]

25 JULIAN BAZEL: Yeah.

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2 COUNCIL MEMBER VALLONE: especially fire
3 safety. So when you have these clear paths; are
4 these clear paths within 6 feet of these massive cell
5 phone towers up on the roofs?

6 JULIAN BAZEL: Well I would have to say
7 yes, in some circumstances they are; I mean we have...
8 you know again, we're not regulating the roof; there
9 may be, you know an opportunity... we have discussed
10 with City Planning potentially developing sort of
11 like... essentially zoning regulations for the street...
12 on the roof... for a street on the roof that
13 appropriately manages these things; I don't think
14 that that has come to fruition yet. I think we... one
15 thing I will emphasize; you know we are asking for a
16 6-foot-wide clear path and that... you know, we have
17 firefighters who, number one are very large; number
18 two, have very bulky gear; and number three, carry
19 heavy tools. We need the 6 feet clear path to... in
20 part precisely for the... the kinds of things that
21 you're talking about; is that where there's
22 mechanical equipment, there's transmitters and things
23 of that sort and we need enough clearance so that our
24 firefighters don't actually come into physical
25 contact.

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2 Now the other thing is the Fire Code does
3 require that transmitters be clearly marked, so that
4 is something that enables both, again, the
5 firefighters as well as ordinary people going up on
6 the roof to be aware that there is a transmitter
7 there and they should avoid at least physical contact
8 and perhaps stay away from it.

9 COUNCIL MEMBER VALLONE: Alright, two
10 questions then. If the transmitter or the actual
11 cell tower itself is... needs to be moved to create
12 this clear path;...

13 JULIAN BAZEL: Uhm-hm.

14 COUNCIL MEMBER VALLONE: that's going to
15 happen?

16 JULIAN BAZEL: Well you've touched on a
17 complicated issue. The way... [interpose]

18 COUNCIL MEMBER VALLONE: With a lot uhm...
19 with a lot'a money behind it.

20 JULIAN BAZEL: Yeah... well, the way that
21 we originally envisioned this would work... now we are
22 not empow... we were not empowered to retroactively
23 require that everyone clean up their roofs; the way
24 that this... these issues come to us is: one, actually
25 if they build a brand new building and they comply

2 with our requirements, then they would have to come
3 to us, it's all approved, but if... typically, the most
4 common situation is; there are existing buildings
5 with a large amount of existing installations and
6 they start altering the roof; now we have interpreted
7 pretty broadly in this situation, precisely to get
8 them to come in and start addressing some of the
9 issues that we have. They come in typically as a
10 variant, so they can't meet our clear path
11 requirements because there's so much junk there. So
12 we say okay, in this context we understand that, you
13 know, they can't give us everything; we try to work
14 with them. Now the way we envisioned it would be the
15 building owner would come in and say okay, these guys
16 wanna put something on my roof; let's make a... you
17 know, here's a plan; we'll put dotted lines on the
18 plan showing exactly where the clear path is and
19 we'll... you know, we'll say that's great, we'll
20 approve it and we'll put it on BIDs, you know the
21 Building Department computer; every one will know
22 where the clear path is, you're done; we never have
23 to see you again and as long as you stay outside the
24 dotted lines; doesn't work like that. The problem is
25 is that the building owner really isn't involved in

2 these things, you have all these installers who are
3 working for the telecommunications companies or other
4 kinds of installations in which the installers are
5 basically doing everything. Now what happens is,
6 even a solar installer or maybe Verizon or Sprint or
7 any of the companies come in and they're doing their
8 little thing; their little thing may not be a
9 problem, their little thing... they may be putting a
10 little antenna up on some area of the roof that's not
11 a problem for us; it's the other guy's installation
12 that's all over the roof and blocking everything. So
13 we have worked with telecommunications industry and
14 encouraged them that they work together because today
15 one of them needs something and tomorrow needs the
16 other one, but it's become a piecemeal process. The
17 alternative of a... you know, of a comprehensive
18 process; that would be sort of like a BSA process;
19 that would be lengthy and expensive and potentially
20 delay all these installations. So that is a struggle
21 that we're having. But as a practical matter, what
22 happens now is, people wanna put something on the
23 roof who don't have the clear path and can't provide
24 the clear path in accordance with basic code
25 requirements have to come to us, they submit a plan

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2 and we try to ameliorate the situation on a case by
3 case basis; move this out of the way, move an antenna
4 out of the way or give us a ladder so we can get over
5 the cabinet construction and try to ameliorate
6 rooftop access in general.

7 COUNCIL MEMBER VALLONE: So if a cell
8 company wants to put up a tower... [interpose]

9 JULIAN BAZEL: Uhm-hm.

10 COUNCIL MEMBER VALLONE: after this
11 passes...

12 JULIAN BAZEL: Yeah.

13 COUNCIL MEMBER VALLONE: do they have to
14 prove to you that they will not be blocking a clear
15 path before they put that tower up?

16 JULIAN BAZEL: Not necessarily; it
17 depends on if they have a clear path already and
18 they're staying outside the clear path, obviously
19 they don't need to come to us. If someone is putting
20 a... altering the roof by putting a new installation;
21 not talking about maintenance of the equipment, but
22 just a new installation and they don't have the
23 adequate clear path, they do have to come to us and
24 we try to work with them and whoever... you know, have
25 them reach out to other people up on the roof and say

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2 look, you know, we need to do this, can you put a
3 ladder here, do this; move this so I can get my
4 approval, and that's sort of the way it works, that's
5 sort of a negotiation.

6 COUNCIL MEMBER VALLONE: Sort of a
7 negotiation isn't really the way we pass legislation,
8 uhm [laughter]... [interpose]

9 JULIAN BAZEL: Well the code... the code
10 requires the clear path... [interpose]

11 COUNCIL MEMBER VALLONE: Right.

12 JULIAN BAZEL: the problem is, for... as I
13 said, for us to get a comprehensive solution of this,
14 we would have... have... like you know, bring ev... you
15 know, bring the building owner into some kind of
16 proceeding or the building owner would have to
17 initiate a proceeding, we'd have to bring in all the
18 people who put installations on the roof and sort of
19 have a... you know, a whole process saying okay guys,
20 where are we putting this clear path; you know, we've
21 gotta move all these things out of the way, move this
22 out of the way; you know, do this, do that and fix it
23 once and then we're done. That has proved to be not
24 viewed as a desirable way of doing things, we've
25 offered it, we've certainly encouraged building

2 owners and their representatives to say look, come
3 in, give us a full plan, you know get your... I mean
4 you know, the building owner presumably has the
5 authority to tell these people to move things on the
6 building owner's roof, move it out of the way and we
7 will be glad... you know, we've encouraged that kind of
8 thing, but that's not the way rooftops seem to be
9 working in the modern era.

10 COUNCIL MEMBER VALLONE: But if... if you
11 can't mandate a clear path with this, then what are
12 we doin' here? If you're just hoping people
13 negotiate and maybe come to; maybe don't, I'm missing
14 the point here; we... we... [interpose]

15 JULIAN BAZEL: Well... well... well...

16 COUNCIL MEMBER VALLONE: what seems clear
17 to me is that if a cell phone company or anyone else
18 wants to put something on a roof they need to come to
19 you first and make sure they're not violating the
20 clear path that the building owner has established
21 for you and show you that or you say no.

22 JULIAN BAZEL: Well yes; let me... I left
23 out one important fact, which is that in our original
24 2008 Fire Code we proposed to give ourselves the
25 authority to direct people to move their

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2 installations and that part of our authority was
3 removed from the bill and does not exist today..

4 [crosstalk]

5 COUNCIL MEMBER VALLONE: What is... What is
6 the price?

7 JULIAN BAZEL: so we don't have... we don't
8 have retroactive authority, we can't go in and just
9 say, you've got stuff on the roof, move it all
10 around. I mean you know, we don't have that specific
11 authority, so we are... it's the alterations that bring
12 people to us.

13 COUNCIL MEMBER VALLONE: But even with
14 the alteration you're just sort of making
15 recommendations, you... [interpose]

16 JULIAN BAZEL: Well no, no, no; I
17 wouldn't say we're making recommendations; I mean if
18 they wanna put their... legally if they're... if they're
19 gonna install their installation legally, they have
20 to come to us and give us a sufficient plan to
21 address it, but you know, the problem is, is that...
22 you know what I'm tryin' to suggest is if you're
23 going to essentially block all these
24 telecommunications installations until the entire
25 roof is made fully compliant, you will be stopping

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2 them from putting it in, because there's a lot of
3 people up on the roof and you know, it's a... it's a...

4 COUNCIL MEMBER VALLONE: Well what's more
5 important, stopping them from putting them up or the
6 safety of our firefighters and the people who live in
7 the building... [interpose]

8 JULIAN BAZEL: Well, we... we are...

9 COUNCIL MEMBER VALLONE: I mean, I'm
10 missing the problem here; if you can't put them...
11 [interpose]

12 JULIAN BAZEL: Yeah.

13 COUNCIL MEMBER VALLONE: on a roof
14 safely, they shouldn't go on the roof; this is the
15 one way we can regulate these things... [interpose]

16 JULIAN BAZEL: Right.

17 COUNCIL MEMBER VALLONE: so that they're
18 safely done; this is our opportunity. [crosstalk]

19 JULIAN BAZEL: Well we... I think we get...
20 you know, we get what we believe is reasonable access
21 and not full access. Full access in some places is
22 simply not... it's just simply not possible, so we do
23 the best we can. [interpose]

24 COUNCIL MEMBER VALLONE: I understand
25 what you're up against... [crosstalk]

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2 JULIAN BAZEL: Yeah. Yeah.

3 COUNCIL MEMBER VALLONE: when it comes to
4 retroactively changing entire rooftops, I understand
5 that. [crosstalk]

6 JULIAN BAZEL: Yeah. No, new buildings
7 should be fully compliant. A brand new building that
8 starts out with a roof should, you know with a blank
9 roof, that's not the issue that I'm aware of, except
10 perhaps now with some of the solar installations, but
11 in general, with the existing buildings, any.. I mean
12 a building that's empty and is just coming in for the
13 first time shouldn't have a problem; we're talking
14 about, you know, there's a significant number of
15 roofs that are.. you know, that have been built up
16 over the years; have a lot of different
17 installations.. [interpose]

18 COUNCIL MEMBER VALLONE: Right, and if
19 someone wants to add to those roofs..

20 JULIAN BAZEL: Yes.

21 COUNCIL MEMBER VALLONE: and their cell
22 tower, or whatever it is, solar power; whatever, is
23 going to block your clear path, you should not just
24 have a right to say no; you should be mandated to say

25

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2 no and I would like this bill to say that or I'm not
3 gonna... [interpose]

4 JULIAN BAZEL: Well we...

5 COUNCIL MEMBER VALLONE: I'm not gonna...
6 I'm not gonna be voting for it... [interpose]

7 JULIAN BAZEL: No...

8 COUNCIL MEMBER VALLONE: So we're goin'
9 on forever and just... [interpose]

10 JULIAN BAZEL: Yeah.

11 COUNCIL MEMBER VALLONE: because I don't
12 think there's anything else you can tell me and I
13 know it's not your fault... [interpose]

14 JULIAN BAZEL: Yeah.

15 COUNCIL MEMBER VALLONE: I know what
16 you're up against, I know the multibillion dollar...
17 [interpose]

18 JULIAN BAZEL: Yeah.

19 COUNCIL MEMBER VALLONE: cell phone
20 industry; they probably got to the people behind
21 this; they've been thwarting me at every... at every...
22 for the last 12 years, but safety of the firefighters
23 is my number one concern. Thank you.

24 JULIAN BAZEL: Thank you.

25

2 CHAIRPERSON CROWLEY: Thank you Council
3 Member Vallone; we've been joined by Council Member
4 Rosie Mendez. Now my next question has to do with;
5 what changes are you making regarding electrical
6 generating plans?

7 JULIAN BAZEL: This... I believe we're
8 adopting a national standard; the... there are a number
9 of large installations that the Fire Department is
10 not the primary review of; we're talking about
11 bridges, you know, rail bridges and tunnels,
12 electrical generating plans and... [background comment]
13 waste water facilities. So the design and
14 installation of these things are either essentially
15 reviewed and signed off by the state authority that's
16 constructing them or state regulatory agencies,
17 federal regulatory agencies; so forth. However, Fire
18 Department is periodically asked to review these
19 things primarily from the perspective of firefighting
20 operations and you know, ensuring the adequacy of
21 egress of the occupants and so we, you know the Fire
22 Department had no specific standards to apply and
23 typically what it does in those situations is it
24 looks to the national standards, the NFPA standards
25 and things of that sort. So we just felt that it was

2 appropriate rather than us just reaching out to
3 what's the appropriate national standard, is to have
4 something in the Fire Code that could guide our... I
5 would say more of an advisory role in these things
6 and that's why we're putting it in, but I don't think
7 anyone should think that we are now the regulatory
8 agency or that, you know we're reviewing all
9 electrical plants or, you know wastewater facilities
10 or anything of that sort.

11 CHAIRPERSON CROWLEY: Uhm-hm. In Chapter
12 9, so you have the adoption of national standard,
13 National Fire Protection Association standard 720 for
14 the installation of carbon monoxide detection and
15 warning equipment. Now why is that within the Fire
16 Code if smoke detectors are not?

17 [background comments]

18 JULIAN BAZEL: Okay. Typically these
19 national standards in the Fire Code are for the
20 maintenance and operation of these systems. Off the
21 top of my head I'm not quite sure that particular
22 standard; I don't... this is not about an individual
23 standard; I don't believe we're... [background comment]
24 yeah, it's the system and I would have to look more
25

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2 carefully at what that particular installation.

3 [crosstalk]

4 CHAIRPERSON CROWLEY: I would like you to
5 look more carefully at that and also... [interpose]

6 JULIAN BAZEL: Yeah.

7 CHAIRPERSON CROWLEY: more carefully at
8 the photoelectric smoke detectors.

9 JULIAN BAZEL: Uhm-hm.

10 CHAIRPERSON CROWLEY: Uh...

11 JULIAN BAZEL: But that... I just wanna
12 point that that's a Building Code issue; that would
13 not be in the Fire Code.

14 CHAIRPERSON CROWLEY: And why isn't that
15 carbon monoxide detectors?

16 JULIAN BAZEL: Well I believe... again I...
17 I'm not a 100 percent sure; I believe that these are
18 probably detection systems associated with hazardous
19 materials and other operations; is that... does that
20 sound right? [background comment] We'll have to
21 take a look. Yeah... [crosstalk]

22 CHAIRPERSON CROWLEY: I know, but smoke
23 is hazardous... [interpose]

24 JULIAN BAZEL: Yeah. Yeah.

25

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2 CHAIRPERSON CROWLEY: it kills. And just
3 to reiterate that the NFPA recommends the
4 photoelectric and I understand and will hear later
5 from the IFC, but they're putting together their 2015
6 code and do you have consultation with them as to
7 what they're considering for 2015 to show... to not to
8 have to wait until that one comes out and...
9 [interpose]

10 JULIAN BAZEL: Well...

11 CHAIRPERSON CROWLEY: would you be a
12 little bit more proactive?

13 JULIAN BAZEL: we are involved in the
14 International Code Council; we do attend some of
15 their conferences, but I should just say, proposal...
16 this is... they have a whole elaborate process, so the
17 things that are proposed early on may or may not make
18 it through the entire process, but we do moni...
19 obviously we monitor it and I think we would
20 certainly wait to see whether or not it makes it into
21 the International Fire Code before we would consider
22 adopting it, unless we... you know, unless we decided
23 that we needed to... it was urgent to proceed with it
24 right away, but that would... right now we're trying to

25

2 get the last two years' work done enacted and then
3 we'll start with the next cycle.

4 CHAIRPERSON CROWLEY: Right; I'm just... I
5 just... [interpose]

6 JULIAN BAZEL: Yeah.

7 CHAIRPERSON CROWLEY: believe in these
8 smoke detectors... [interpose]

9 JULIAN BAZEL: Yeah.

10 CHAIRPERSON CROWLEY: I've seen cases
11 where the traditional ones have not worked...

12 [interpose]

13 JULIAN BAZEL: Uhm-hm.

14 CHAIRPERSON CROWLEY: and so that's why I
15 bring it up again and again, so I would like for you
16 to go back to the Fire Department... [interpose]

17 JULIAN BAZEL: Uhm-hm.

18 CHAIRPERSON CROWLEY: and before we vote
19 on the new Fire Code, consider putting that in the
20 code, even though traditionally you wouldn't put
21 smoke detectors in the code. What is the anticipated
22 revenue and expense of the impact of this proposed
23 Fire Code? [crosstalk]

24 JULIAN BAZEL: I think that the... the cost
25 of additional fire enhancements is at most moderate.

2 In the emergency preparedness area a number of
3 occupancies... well, let me just step back one second,
4 the... many occupancies... the smallest occupancies are
5 storefront occupancies, which right now are required
6 to have an elaborate plan and a somewhat costly plan
7 and we suspect many of them have not done that, will
8 no longer have to do that once we put out new rules
9 that spell out new requirements. I'm sorry; they
10 will not have to do it at all; once we adopt new
11 rules and new requirements for the ones that are
12 required to have emergency preparedness plans, we
13 think the cost of developing the plan will be
14 extremely simple for the level 2 plans; there will be
15 the cost of sending a manager or the responsible to
16 a... you know, for a couple of days to get some
17 training and to take a... you know an exam at the Fire
18 Department and perhaps a few other people in the
19 building to get lesser certificates of fitness using
20 study materials. So we think the cost... now you know
21 the... those largest occupancies that are required to
22 have a level 1 plan will clearly have some additional
23 costs in developing the plan and having staffing. I
24 will say however that most of the very largest
25 occupancies that are affected by this; if you think

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2 about the stadiums, the Javits Center, hospitals...

3 [interpose]

4 CHAIRPERSON CROWLEY: Or city buildings,

5 hospitals... [interpose]

6 JULIAN BAZEL: Well yeah, those... the...

7 CHAIRPERSON CROWLEY: CUNY, DOE.

8 JULIAN BAZEL: Many of them have plans

9 and things in place and we'll simply have to maybe

10 bring them up to some additional level, so there's a

11 cost, but not prohibitive cost. Yes, certainly I

12 think some city buildings will have to comply with

13 this as well; we will note however that those costs

14 did not... our experience with the emergency action

15 plan was that the costs were manageable, you know for

16 city office buildings back... after the city office

17 buildings were required to go with an emergency

18 action plan, that those costs were not unduly

19 onerous, and the number of buildings involved is not

20 extraordinary.

21 CHAIRPERSON CROWLEY: Do you think that

22 the new code will bring in revenue for the Fire

23 Department?

24 JULIAN BAZEL: Yes... well, I think there

25 are some additional permits; I think the largest

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2 cost-generator... or I'm sorry, the revenue-generator
3 will be certificates; there are a significant number
4 of occupancies who'll have to comply, but our
5 certificates are very... relatively inexpensive,
6 they're really, you know, you know \$25, \$50, \$100;
7 you know, these are not huge fees and so I don't
8 think that the Fire Code is really imposing major
9 costs on anything and in many respects, I just wanna
10 reiterate, that by scaling back some of our
11 requirements, many people will actually be saving
12 money.

13 CHAIRPERSON CROWLEY: And how long do you
14 think it would take to bring all these occupancies
15 into compliance?

16 JULIAN BAZEL: Well that's a very
17 important question. We... what we've said publicly and
18 what we're committed to doing is working with the
19 industry in developing all these emergency
20 preparedness plans. So you know, assuming the Fire
21 Code gets enacted, we will promptly begin work on
22 rules on probably the most high priority of the
23 occupancies and you know, start reaching out, start
24 having discussions, trying to formulate what a level
25 2 plan should look like and a level 1, which may not

2 be just the way the office building one plan works,
3 we may... so certainly I would think the initial round
4 of rules might take a while, maybe six months and
5 then there's a compliance period of [background
6 comment] 18 months for compliance with that, so I
7 think we're still talking about a couple years for
8 occupancies that have no emergency preparedness, and
9 then, you know, the other rules will probably flow
10 more quickly. So I guess what I would say is, over
11 the next three to four years we would hope to have
12 people coming online... all these different occupancies
13 coming online with the plans.

14 CHAIRPERSON CROWLEY: Okay, I have no
15 further questions. Thank you for your lengthy
16 testimony and for answering our questions and I'm
17 just gonna call up the next panel. Thank you.
18 [crosstalk]

19 JULIAN BAZEL: Thank you very much and we
20 thank you for your support of the Fire Department and
21 the Fire Code.

22 CHAIRPERSON CROWLEY: Okay, we have Ryan
23 Baxter from REBNY, Sylvester Giustino from BOMA,
24 [background comment] and from the Linleys [phonetic]
25 Construction we have Chris Berzek [phonetic].

2 [pause]

3 CHAIRPERSON CROWLEY: Where?

4 [background comments]

5 CHAIRPERSON CROWLEY: Jul... If you could
6 keep those copies there [background comments] we're
7 gonna... there's copies of the Fire Code available for
8 anybody testifying or any of the witness... witnesses
9 here today; we also have it on the Council website.

10 [pause]

11 CHAIRPERSON CROWLEY: Before we begin
12 with the panel to testify, I'd like to mention that
13 the Cement League has submitted testimony for the
14 record; so has the Hotel Association of New York and
15 New York [background comment] Fire Sprinkler
16 Contractors Association; will all be added to the
17 record. Now if we can hear from REBNY, followed by
18 BOMA and then Lindley's.

19 RYAN BAXTER: Good morning. My name is
20 Ryan Baxter and I will be reading the testimony of
21 Angela Pinsky, Senior Vice President of the Real
22 Estate Board of New York.

23 "Good morning Chairperson Crowley and the
24 members of the Committee on Fire and Criminal Justice
25 Services. The Real Estate Board of New York,

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2 representing over 14,000 owners, developers, managers
3 and brokers of real property in New York City thanks
4 you for the opportunity to testify on the tri-annual
5 review of the New York City Fire Code. This review
6 has been a tremendous effort and represents thousands
7 of hours of volun..." excuse me... "thousands of hours
8 volunteered by industry professionals and we are
9 supportive of the Administration and the Council's
10 efforts to renew and improve the Fire Code regularly.

11 As owners and operators of the largest
12 and most complex buildings in the city, we appreciate
13 the importance of promoting safety while balancing
14 the need for reasonable and practical regulations.
15 We have previously submitted comments to the Fire
16 Department aimed at ensuring that our members are
17 able to comply with the proposed regulations without
18 the imposition of undo costs or burdens on building
19 operators. We have worked diligently with the FDNY,
20 who dedicated many hours to hearing, discussing and
21 addressing our specific concerns; these discussions
22 were very productive and resolved a large majority of
23 our objections; however, REBNY has a few important
24 outstanding issues remaining.

2 Our specific concerns include: Section
3 Fire Code 14... 4.4..." excuse me... [laugh] "414.2.1,
4 Comprehensive Fire Safety Emergency Action Plans
5 Level 1 for mercantile occupancies -- the fire code
6 requires a level plan for mercantile occupancies and
7 covered malls. Tenants, shoppers and employees
8 within retail are highly transient populations and
9 would likely not benefit from regular training, which
10 would be severely disruptive to the businesses and
11 would likely impede sales or require retailers to
12 incur substantial additional costs. A level 2 plan
13 would be more appropriate to avoid unnecessary costs
14 and business interruptions to these small businesses
15 while informing the FDNY of all critical building
16 information and limiting the disruptive training to
17 building staff and full-time personnel.

18 Section Fire Code 416.1 and 416.2,
19 General and single plan -- the code requires single
20 structures where multiple plans are required to
21 submit multiple plans or a single coordinated plan.
22 Coordination of plans can be costly and confusing,
23 particularly within condominium commercial spaces.
24 The FDNY should allow the dominant occupancy within a
25 structure to file on behalf of the entire building.

2 Section Fire Code 504.4, Rooftop access
3 and obstructions -- the fire and Building Codes only
4 require a four-foot egress path for emergency
5 response personnel within a building; the Fire Code
6 should remain consistent and only require a four-foot
7 clear path on rooftops as opposed to the new 6-foot
8 requirement.

9 Sections Fire Code 1027.3.5 and 1027.4,
10 Furnishings and decorations -- we believe that
11 Section Fire Code 1027.3.5 inadvertently prohibits
12 any decorations or furnishings in commercial hallways
13 and elevator lobbies, regardless of their size. We
14 believe this provision should be clarified to allow
15 for any decorations and furnishings so long as they
16 do not impeded necessary, minimum egress widths, as
17 outlined by the code.

18 Finally, Section Fire Code 1027.4.6,
19 Rubbish -- the FDNY often issues violations for
20 storing recycling bins on the floors of residential
21 buildings. The industry has requested guidance on
22 how buildings can comply with both DSNY and FDNY
23 safety requirements. The FDNY should provide
24 clarification on recycling storage for smaller
25 buildings, both residential and commercial.

2 With clarification modification of the
3 aforementioned provisions, REBNY supports the
4 proposal and the agency's renewal and regular review
5 of all codes governing buildings. Thank you again
6 for the opportunity to comment; we look forward to
7 continuing our conversation with the FDNY to create
8 requirements and plans that improve the safety of
9 both the City and New Yorkers. Thank you."

10 SYLVESTER GIUSTINO: ...turn it on. Good
11 morning Chair Crowley and members of the New York
12 City Council Committee on Fire and Criminal Justice;
13 my name is Sylvester Giustino, Director of
14 Legislative Affairs for the Building Owners and
15 Managers Association of Greater New York.

16 BOMA New York represents more than 750
17 owners, property managers and building professionals
18 who either own or manage 400 million square feet of
19 commercial space; we are responsible for the safety
20 of over 3 million tenants, generate more than \$1.5
21 billion in tax revenue and oversee annual budgets of
22 more than \$4 billion. BOMA New York is the largest
23 association of BOMA International Federation, the
24 world's largest trade organization. The commercial
25 real estate industry is a significant contributor to

2 the nation's and in particular, the City's economic
3 engine; our industry employs over 228,000 New Yorkers
4 and contributes over \$14 billion to our gross state
5 product. We appreciate the opportunity to comment on
6 Intro 1174; we are generally supportive of most of
7 the sections of this bill, but we have a few comments
8 on a few proposed sections that we would like to see
9 changed.

10 Fire safety is a critical building
11 performance issue for our members and their tenants
12 and we value the importance of promoting building
13 fire safety, but believe that regulations need to be
14 sensible and easy to follow. The proposed code has a
15 potential to negatively impact the growth of our
16 local economy and create burdens for existing
17 buildings. We believe that a number of the
18 proposals, while well-intentioned, will not improve
19 fire safety.

20 Over the last 12 years the City of New
21 York has reduced the amount of agency discretionary
22 policymaking and has streamlined the process to get
23 building alteration projects moving; however, some
24 parts of this proposed code, if enacted will reverse
25 the progress we have made and will lead to confusion,

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2 delays for needed improvements or existing building
3 stock and a loss of revenue for our industry and our
4 city's economy. Below are comments on specific
5 proposed sections.

6 Section 105.4, Design and installation
7 documents. This section sets design and installation
8 requirements for in-building communication systems
9 and battery systems, for backup to life safety
10 systems; this section also includes emergency voice
11 communication systems and standpipe systems and other
12 water based fire protection systems. This
13 requirement relates to the design and construction of
14 buildings, not building operations and should be
15 placed in the building and construction code for
16 consideration.

17 Section 318.3, this section requires
18 rooftop gardens to be landscaped; maintained and
19 vegetation capable of being ignited be regularly
20 cleared and removed from the rooftops and building.

21 We applaud the Fire Department's decision
22 for removing the requirements or a maintenance plan
23 which was in an earlier version of this proposal, but
24 the language may lead to an over-enforcement by the
25 Fire Department and it may impede the development of

2 green roofs. Again, this section sets design and
3 construction requirements, not operational ones and
4 should be placed for consideration in the Building
5 Code.

6 Section 401; this requirement for an on-
7 site 24/7 fire and life safety director could be a
8 costly mandate for our members. Our association
9 believes that having an around the clock FLS director
10 for Class B buildings will not improve fire safety.
11 The section also increases the responsibilities and
12 liabilities of fire and safety staff by requiring
13 them to assist fire and EMS personnel responding to a
14 medical emergency.

15 The current emergency action plan/fire
16 safety plan is to outline procedures and action
17 items, not perform the functions of a first responder
18 personnel within building staff.

19 Section 404.3.1; this section directs
20 Class B office buildings that have an enhanced fire
21 and emergency preparedness plan for buildings that
22 are designed to be occupied by more than 25 persons
23 above or below street level. We find this section to
24 be discretionary and expensive; we ask the threshold
25 be increased to 100 persons above or below street

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2 level; our managers who manage these buildings would
3 be subject to open interpretations by FDNY inspectors
4 and can result in costly and arbitrary violations.

5 Section 416, Mixed occupancy buildings;
6 this section requires the owners of a mixed occupancy
7 building and each occupancy within such a building
8 prepare multiple emergency action plans pursuant to
9 the Fire Code. This requirement for separate plans
10 to govern in the same building will create
11 unnecessary levels of confusion and not enhance fire
12 compliance and will make the required plans
13 ineffective.

14 Section 511, In-building auxiliary radio
15 communication systems; this section sets design and
16 installation operation and maintenance of in-building
17 auxiliary radio communications dedicated for Fire
18 Department use. This requirement is extensive and
19 vague, but more importantly does not fall into line
20 with current FCC policies and regulations. As of
21 December 31, 2012, commercial building management
22 personnel are allowed to operate mobile radio devices
23 at a frequency of 12.5 kilohertz or less. The radios
24 used by the Fire Department are at 800 megahertz.
25 Building owners and managers are unable to receive an

2 FCC license to operate a radio of that frequency and
3 would be subsequently fined up to \$38,000 if they
4 fail to comply with this rule. We believe that the
5 best way to facilitate this proposal is a change in
6 language to encourage building commercial personnel
7 to install a repeater system.

8 BOMA New York thanks the Fire Department,
9 City Council and the Bloomberg Administration for
10 including us in this tri-annual review of the Fire
11 Code; we look forward to working with all industry
12 stakeholders for a Fire Code that promotes the
13 effective and reasonable regulation of fire safety in
14 New York City. Thanks.

15 CHRIS BERZEK: Thank you. Good morning
16 Council; my name is Chris Berzek; I'm here today on
17 behalf of Linleys Construction to testify on the
18 proposed FDNY Code.

19 We as an organization have reviewed the
20 proposed code and have listed below the items that we
21 have found to be of concern. Our concerns are listed
22 under the specified regulation. The specified
23 regulation has been copied and pasted from the
24 proposed code so the brackets and underlined sections
25 are maintained to show the proposed changes.

2 First concern deals with Fire Code 105.6,
3 Required permits. Currently that says Fire
4 Department in-building auxiliary radio communication
5 systems, a permit is required to maintain or operate
6 a Fire Department in-building auxiliary radio
7 communication system.

8 Our concern, since this system is not
9 required during construction, an exception for
10 construction should be added to avoid any confusion.

11 The next concern deals with Fire Code
12 901.7.2.1.3, Fire watch responsibilities. Under that
13 section it says that one of the responsibilities is
14 immediately report any fire to the Department and
15 notify emergency preparedness staff on the premises.

16 Our concern is that we're looking for
17 clarification; that clarification should be included
18 as to how to notify the Department, examples, calling
19 9-1-1, FDNY Borough dispatch or the local fire house
20 in order to avoid a full FDNY response for a small
21 fire that was immediately extinguished.

22 Another concern deals with Fire Code
23 906.2.1.2, which is fire extinguishers and the yearly
24 inspection of the fire extinguishers.

2 That code states that annual servicing
3 and recharging shall be performed by a person or
4 company meeting the requirements of Fire Code
5 901.6.3.1. Records of servicing and recharging a
6 portable fire extinguisher shall be provided and
7 maintained in accordance with NFPA 10. The required
8 tag or label for servicing shall also include the
9 following information: (1) the name of certificate
10 of fitness, number of the person servicing the fire
11 extinguisher; (2) the month and year the portable
12 fire extinguisher was serviced; (3) the name,
13 address; telephone number of the portable fire
14 extinguisher company, if any servicing the portable
15 fire extinguisher.

16 Our concern with the yearly inspection
17 requirement is an exception should be added for the
18 new fire extinguishers. New fire extinguishers
19 should not be required to have a yearly inspection
20 tag or label. Documentation from the vendor or
21 manufacturer of the fire extinguisher should be an
22 acceptable form of verification for the first year a
23 fire extinguisher is in service.

24 Our next concern deals with Fire Code
25 1404.2, Waste disposal. That section states that

2 combustible waste, including rubbish and construction
3 and demolition material shall not be allowed to
4 accumulate within buildings and shall be removed from
5 a building at least once a day. Accumulation of
6 combustible waste not stored in containers in
7 accordance with Fire Code 304.3 and in a manner that
8 obstructs movement on a floor or containing flammable
9 or combustible liquid residues shall be removed from
10 a building at the end of each work shift.

11 Combustible waste, including rubbish and construction
12 and demolition material shall be removed from the
13 premises or stored in noncombustible containers.

14 Our concern is; it is not practicable to
15 remove all the waste containers from the building
16 every day. A certain amount of noncombustible waste
17 containers, example being 10 cubic yards, should be
18 allowed to be stored on a floor overnight in a
19 building.

20 Our next concern deals with Fire Code
21 1404.5, Fire watch. Under that section it states the
22 commissioner may require at a demolition site and
23 other construction sites that are usually hazardous
24 in nature, that a fire watch be maintained by fire
25 guards. The fire guards conducting such fire watch

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2 shall have the duties and responsibilities set forth
3 in Fire Code 901.7.2.1.

4 Our concern with that section is; the
5 Board of Standards and Appeals in a construction fire
6 safety management certificate of fitness currently
7 require that a fire guard be on-site and make hourly
8 inspections from after work until midnight.

9 The concern is; if this is a requirement,
10 then the regulation should be included.

11 The next concern we have is Fire Code
12 1404.8, Fire resistance-rated construction. That
13 code currently states firewalls, fire barriers and
14 spray-on fire protection of structural members
15 required by the Building Code for the completed
16 building shall be given construction priority.
17 Required fire doors with automatic closure devices
18 shall be installed on openings as soon as
19 practicable. Required firewalls, fire barriers and
20 fire doors shall be left in place in buildings
21 undergoing alteration or demolition until
22 construction operations necessitate the removal.

23 Our concern with this section is that the
24 terms "construction priority and practicable" are
25

2 subject to interpretation and criteria should be
3 included to assist the public in compliance.

4 The next section of concern is 1408.2,
5 Pre-fire plans. Under that it currently states: The
6 fire safety manager shall develop and maintain at the
7 construction site an approved pre-fire plan and make
8 it available for examination by any representative of
9 the department. The department shall be notified of
10 any changes in the site conditions materially
11 affecting the procedures set forth in such plan.

12 The fire safety manager shall develop and
13 maintain at the construction site an approved pre-
14 fire plan.

15 The concern with that one is that
16 currently there is no criteria listed in the code for
17 the pre-fire plan. The pre-fire plan required items
18 should be included to assist in compliance.

19 The next item of concern is Fire Code
20 3406.2.3, Containers for storage and use of flammable
21 and combustible liquid. Under that section it states
22 that flammable and combustible liquid shall only be
23 stored in metal containers of a type meeting the
24 requirements of the regulations of the United States
25

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 108
2 Department of Transportation, as set forth in 49 CFR
3 Part 178, or in containers of an approved design.

4 Our concern is that the section has
5 requirements for outdoor storage, but not indoor
6 storage. Our reference for this section for indoor
7 storage requirement for the Chapter 34, Flammable or
8 combustible liquids, should be included to assist in
9 compliance.

10 The last section of concern is Fire Code
11 3406.2.4.3 dealing with temporary tank location for
12 flammable or combustible liquids on construction
13 sites. That code currently states: Tanks containing
14 flammable or combustible liquids shall be kept
15 outdoors and at least 50 feet from buildings,
16 combustible material and combustible waste.
17 Additional distance shall be provided when necessary
18 to ensure that vehicles, equipment and containers
19 being filled directly from such tanks will not be
20 less than 50 feet from structures or combustible
21 storage.

22 Our concern is; this requirement is
23 unrealistic for New York City. Also it is not
24 logical with the current Fire Code 3404.4.2
25 requirement for storage of containers outdoors that

1 COMMITTEE ON FIRE AND CRIMINAL JUSTICE SERVICES 109
2 references Fire Code Table 3404.4.2, which says that
3 8,800 gallons of a Class II liquid, the example being
4 diesel fuel, can be stored five feet to a public
5 road. Also, Fire Code 3404.4.6 says a combustible
6 waste shall not be within 15 feet of an outdoor
7 portable container storage area.

8 The distance requirements listed should
9 be reduced. Distance to building should be reduced
10 to align with the OSHA requirement of 20 feet to
11 buildings. Also, the distance to combustibles should
12 be reduced to 15 feet to align with the other FDNY
13 Code, 3404.4.6.

14 That is all my concerns today and I thank
15 the Council for hearing our concerns.

16 CHAIRPERSON CROWLEY: I appreciate all
17 groups coming today to testify; I've heard your
18 concerns and I will bring them back to the Fire
19 Department and see if we can work to get a
20 resolution. Thank you. [background comments]

21 For the record we've received testimony
22 from the Mechanical Contractors Association, the Fire
23 Sprinkler Industry, NFSA and a statement from The
24 Broadway League.

25

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2 And then... [background comments] and we'll
3 hear from Bruce Johnson from the International Code
4 Council.

5 [pause]

6 BRUCE JOHNSON: Good morning Chairwoman
7 Crowley, members and staff to the Fire and Criminal
8 Justice Services Committee; my name is Bruce Johnson;
9 I am the Director of Fire Service Activities in the
10 Government Relations Department for the International
11 Code Council. I'm here today to offer supporting
12 testimony for Intro 1174, which would amend the New
13 York City Fire Code in relation to enhancement of
14 emergency preparedness and the adoption of current
15 fire safety standards as incorporated in the 2009
16 International Fire Code or IFC. The bill also amends
17 certain provisions of the New York City Charter, the
18 New York City Mechanical Code and New York City
19 Plumbing Code, consistent with amendments to the New
20 York City Fire Code.

21 I'd first like to commend the FDNY for
22 the outstanding work to ensure the safety, health and
23 well-being of the citizens. The proposed update of
24 the 2008 New York City Fire Code to bring this code
25 up to date with the 2009 edition of the International

2 Fire Code, while incorporating amendments that
3 reflect the unique character of the City, will ensure
4 the safety of the City's residents, visitors and
5 emergency responders while embracing new technology
6 in building practices.

7 The FDNY created several technical
8 advisory committees and sought input from various
9 stakeholders throughout this update process.

10 Since 2008 the New York City Construction
11 and Fire Safety Codes have been based on the
12 International Codes, or I Codes produced by the
13 International Code Council. The ICC is a membership
14 association dedicated to building safety, fire
15 prevention, energy conservation and sustainability.
16 The ICC develops model building codes used to
17 construct residential and commercial buildings and a
18 model Fire Code to ensure buildings remain safe
19 throughout their useful life. Most U.S. cities,
20 counties and states that adopt codes choose the
21 International Codes developed by the ICC. The I
22 Codes are currently adopted at the state or local
23 level in all 50 states; the District of Columbia,
24 Guam, Puerto Rico, the U.S. Virgin Islands and the
25 Northern Mariana Islands.

2 It is a mission of the ICC to provide the
3 highest quality codes, standards, products and
4 services for all concerned with the safety and
5 performance of the built environment.

6 As the proposed New York City Fire Code
7 is based in part upon the 2009 International Fire
8 Code, I will briefly explain the ICC code development
9 process.

10 The I Codes are developed through a
11 consensus process, utilizing fire safety and
12 prevention, building construction, energy and
13 sustainability experts from across the United States.
14 The ICC code development process is an open,
15 inclusive process that encourages input from all
16 individuals and groups and allows those governmental
17 members, including representatives from New York
18 City, to determine the final code provisions of our
19 model codes.

20 The I Codes are revised and updated every
21 three years through a consensus process that strikes
22 a balance between the latest technology, installation
23 techniques and new building products, economics and
24 costs, which incorporating the most recent advances
25 in public and first responder safety.

2 Since 2008 there have been significant
3 participation in the ICC code development process by
4 both the FDNY and the DOB and as a result, some of
5 the New York City language is now incorporated in the
6 various I Codes now in effect nationwide. This
7 involvement is critical to the development of future
8 versions of the I Codes, additionally, the technical
9 and practical expertise of the New York Fire
10 Department Fire Prevention personnel, along with DOB
11 staff, design professionals, builders, contractors,
12 labor representatives and all organizations
13 interested in building safety are vital to your
14 adoption efforts as well.

15 New York City is one of many
16 jurisdictions that values public and first responder
17 safety and the protection of our built environment by
18 updating building, fire, plumbing and energy codes
19 every three years. By regularly updating your
20 construction and fire safety codes every three years,
21 the City provides the safest and economically prudent
22 climate for its citizens, since updated codes allow
23 for the use of new construction standards or methods.
24 Accordingly, the proposed New York City Fire Code
25 will update the City's fire prevention and safety

2 codes to reflect recent fire and life safety
3 requirements developed by the nation's leading fire
4 department officials, building scientists, building
5 officials, construction contractors, building owners
6 and managers, architects, engineers, product
7 manufacturers and all those discipline-specific
8 associations with the modifications unique to New
9 York City.

10 The bill will also update the many
11 important reference standards incorporated in the New
12 York City Fire Code to the latest editions of
13 standards that prescribe the design, installation,
14 testing and maintenance of critical building
15 construction features and fire and life safety
16 systems that are required by the code.

17 The New York City Fire Department has
18 worked for the past several years to diligently
19 consider the requirements contained in the new fire
20 prevention code before you today. Many volunteers
21 have participated on advisory committees in the
22 complicated, technical review of each chapter to
23 ensure the code will meet the diverse needs of New
24 York City stakeholders. The ICC applauds the hard
25 work of the FDNY and the investment of many hours by

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2 dedicated professionals from many disciplines serving
3 the technical advisory committees that worked to
4 bring the updated New York City Fire Code forward for
5 consideration by this Committee and by the City
6 Council as Intro 1174.

7 Also, Intro 1056, the corresponding
8 updates to the Administrative Code of the City of New
9 York, the Plumbing Code and the Building, Mechanical
10 and Fuel Gas Codes are currently before the Committee
11 on Housing and Buildings. This proposed update,
12 Intro 1174, will complete the comprehensive update of
13 the New York City Construction and Fire Safety Codes
14 last revised and made effective in 2008.

15 International Code Council is honored to
16 partner with the City of New York and we look forward
17 to continuing to serve your needs in supporting the
18 review, adoption and administration of the updated
19 New York City Building Construction and Fire Safety
20 Codes. I thank you for the opportunity to present
21 public comments today in support of the proposed
22 updates of the New York City Fire Code. I'm happy to
23 answer any technical questions that you have about
24 the 2009 International Fire Code requirements
25 contained in the New York City Fire Code or provide

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2 any additional information. So thank you for the
3 opportunity to be here.

4 CHAIRPERSON CROWLEY: Thank you for being
5 here today too. So the 2009 Fire Code and then
6 you've had one since 2009?

7 BRUCE JOHNSON: That is correct,
8 Chairwoman; 2012 I Codes have been released and
9 they've been available for about two years.

10 CHAIRPERSON CROWLEY: And then, now
11 you're working on the 15?

12 BRUCE JOHNSON: That is correct and the
13 2015 codes are slated to be released in June of next
14 year.

15 CHAIRPERSON CROWLEY: Now how do you
16 compile revisions?

17 BRUCE JOHNSON: We actually revise each
18 of our codes on a three-year cycle and during the
19 three-year period we will review several of the codes
20 during that calendar year, so as an example, just
21 finishing up this years, 2013, we did the review of
22 the 2015 Fire Code and that started with code change
23 proposals being due from any interested stakeholder
24 back in January; we hold initial, what we call
25 Technical Committee Hearings... [interpose]

2 CHAIRPERSON CROWLEY: Who... who are the
3 stakeholders?

4 BRUCE JOHNSON: The stakeholders is
5 anybody that's interested; ICC has about 50,000
6 members that include governmental, building, fire,
7 plumbing, mechanical officials, architects,
8 engineers, industry, trade associations, and we
9 provide the forum where all of those individuals and
10 associations come together to vet these code change
11 proposals. And it's a two-part process, so initially
12 in front of a committee, about... on the fire code
13 alone, there were over 350 code change proposals that
14 were heard, initial hearings were in April in Dallas;
15 there was a public comment phase following that
16 hearing where any... again, any interested party could
17 comment on the initial hearing results; we had what
18 we call public comment hearings; they were held in
19 the beginning of October in Atlantic City; those code
20 change proposals that did not receive public comment
21 were voted on on a consent agenda, the other items
22 were individually debated with a vote of governmental
23 members occurring, and that final vote of
24 governmental members is what code change proposals
25

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2 will be incorporated in the 2015 IFC, or
3 International Fire Code.

4 CHAIRPERSON CROWLEY: How closely do you
5 work with the NFPA?

6 BRUCE JOHNSON: We work very closely with
7 the NFPA; you know particularly because they develop
8 so many fire-specific standards that are referenced
9 in the Fire Code and I don't remember the exact
10 count, but there's probably about 60 NFPA standards
11 that are referenced in the Fire Code. And the
12 important part... you know, very simplistically, the
13 code is typically going to tell you when or where to
14 do something, when and where you need a fire alarm
15 system or a fire sprinkler system and then we
16 reference standards, particularly NFPA standards for
17 fire protections systems that address the specific
18 requirements for the design, the installation, the
19 testing and the maintenance of those systems and rely
20 on their expertise for that component. So code's
21 gonna tell you when to do something and we rely on
22 the standards to give you all the specifications.

23 CHAIRPERSON CROWLEY: So the NFPA has
24 standards and then they have recommendations?

25 BRUCE JOHNSON: That is correct.

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2 CHAIRPERSON CROWLEY: And so why aren't
3 their recommendations standards?

4 BRUCE JOHNSON: It's probably.. and I
5 don't wanna speak for the NFPA, but I would say in
6 the ICC process; you know we give interpretations and
7 we give recommendations from time to time, but those
8 would be outside of the consensus process that
9 actually allows something to be a code or a standard.
10 You know we follow the NFC process, as does NFPA to
11 ensure that we meet all the requirements of a
12 consensus body for the documents that we produce.

13 CHAIRPERSON CROWLEY: So for example,
14 what I mentioned earlier to Mr. Bazel about smoke
15 detectors, now the NFPA recommends this type of
16 photoelectric smoke detector in certain areas of a
17 residential or a dormitory space; so are you
18 familiar... is the International Code Council familiar
19 with the NFPA's recommendation on photoelectric smoke
20 detectors?

21 BRUCE JOHNSON: Yes.

22 CHAIRPERSON CROWLEY: And why haven't you
23 put it one of your code standards?

24 BRUCE JOHNSON: Well a two-part answer to
25 that. Number one, we reference, obviously NFPA 72,

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2 so you know, what... if it's not in NFPA 72, sometimes
3 it's not gonna get picked up in the reference
4 standard process of the I Codes; whether that's the
5 International Residential Code or the International
6 Building Code. But I can tell you... and I don't wanna
7 quote the specifics, but there was some code change
8 proposals that were debated for the International
9 Resident Code... again, similar to what Mr. Bazel said,
10 some of this is not really fire code related; it
11 belongs in the Building Code, but there are some
12 options that are going to be in the 2015 IRC that
13 will recognize photoelectric installations in
14 sensitive areas, particularly in your kitchens and
15 bathrooms.

16 CHAIRPERSON CROWLEY: It will recognize
17 it, but it will not make it part of a new code?

18 BRUCE JOHNSON: Yeah and I don't wanna
19 quote the exact language until we see how that change
20 vets out. [interpose]

21 CHAIRPERSON CROWLEY: And then, why would
22 it fall in buildings rather than fire if... if the
23 smoke is a hazardous and like carbon monoxide, be in
24 the Fire Code?

25

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2 BRUCE JOHNSON: The simple answer is that
3 in the model I Codes, the way we produce them, the
4 Building and Fire Codes are considered companion
5 documents and we have some overlap, so certain
6 requirements are in both codes; the way
7 administratively New York City has been chartered,
8 the construction clearly lies with the Building Code,
9 so there's a very definitive line that construction
10 really belongs to the Department of Buildings and is
11 in the Construction Codes... [interpose]

12 CHAIRPERSON CROWLEY: This is residential
13 smoke detectors you buy in, you know, a Home Depot
14 type store. [interpose]

15 BRUCE JOHNSON: Correct. And the second
16 part of that is; is the Fire Code is often very
17 cautious about retroactive requirements because of
18 the cost associated with those and the difficulty to
19 implement... [interpose]

20 CHAIRPERSON CROWLEY: Right, right; the
21 bill that we have introduced in the City is not
22 retroactive; I mean it's like whenever a new smoke...
23 [interpose]

24 BRUCE JOHNSON: Right.

25

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2 CHAIRPERSON CROWLEY: detector needs to
3 be installed.

4 BRUCE JOHNSON: And that's why in the I
5 Code model process we would see those in both the
6 Fire and the Construction Codes, but I don't wanna
7 speak for New York, but my understanding is that
8 there's a... [interpose]

9 CHAIRPERSON CROWLEY: But... but your...
10 your...

11 BRUCE JOHNSON: a division with
12 construction.

13 BRUCE JOHNSON: code council that you're
14 putting together for your new codes in 2015 is
15 recommending that the photoelectric be used in
16 certain sensitive areas of residential homes?

17 BRUCE JOHNSON: Correct, they're looking
18 at a number of different technologies, also the 10-
19 years battery as an issue... [interpose]

20 CHAIRPERSON CROWLEY: The 10-year battery
21 does not have... from what I see in the stores, you
22 have a 10-year battery that has a dual system, carbon
23 monoxide and ionization smoke detectors, but you
24 don't have the 10-year with the photoelectric.

25

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2 BRUCE JOHNSON: Yeah and that's an
3 industry-driven thing and I'm not... you know, I can't
4 speak for industry as to why they... you know, they're
5 not able to produce that type of a unit.

6 CHAIRPERSON CROWLEY: Right. But if you
7 were to put 10-year in the code you would prohibit
8 the photoelectric and you know, accompany both.

9 BRUCE JOHNSON: Understand the dilemma.

10 CHAIRPERSON CROWLEY: 'Kay. I have no
11 other questions. Thank you Mr. Johnson.

12 BRUCE JOHNSON: Thank you Chairwoman.

13 [pause]

14 CHAIRPERSON CROWLEY: Next I'm gonna call
15 up Heidi Suemmermann who is with Croker Fire Drill
16 Corporation.

17 [pause]

18 [background comments]

19 HEIDI SUEMMERMANN: Good morning. 'Kay.
20 Good morning Councilwoman; how are you? I'm here in
21 reference to certain sections with regards to fire
22 drills.

23 CHAIRPERSON CROWLEY: If you would just
24 first identify yourself for the record.

25

2 HEIDI SUEMMERMANN: Sorry. I'm Heidi
3 Suemmermann from Croker Fire Drill. I'm coming in
4 reference to certain things regarding the fire drills
5 within the code and what happened between what was in
6 the 2008 to the new proposed code. In the 2008,
7 Section 405, Table 405.2 requires fire drills to be
8 done quarterly for the first two years and
9 semiannually thereafter. In the 2008 code, Section
10 405.31 requires two EAP drills within one year of
11 approval and then annually thereafter. The proposed
12 code Section 401.7.2, Table 401.7.6 requires two
13 combined drills per year. It also states that it
14 should be quarterly drills for the first two years
15 after acceptance of a combined plan. What about the
16 already approved EAP and fire safety plans that have
17 already gone through? And also, the new code does
18 not require for initial training of any deputy fire
19 safety directors, when the old code required for one
20 hour annually for all fire safety and three for EAP.

21 [pause]

22 CHAIRPERSON CROWLEY: Just checkin' to
23 see if you had a written testimony that you submitted
24 today?

25 HEIDI SUEMMERMANN: No.

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2 CHAIRPERSON CROWLEY: Oh, okay.

3 Continue, won't you.

4 HEIDI SUEMMERMANN: Also the old code
5 requires for hotels to have quarterly on each shift
6 for fire drills; the new proposed code says
7 semiannual and with the new code there is also no
8 stairway familiarization drills, which was required
9 every three years in the old code.

10 CHAIRPERSON CROWLEY: All of your
11 concerns we'll take back to the Fire Department...

12 [interpose]

13 HEIDI SUEMMERMANN: 'Kay.

14 CHAIRPERSON CROWLEY: so you know,
15 continue to outline them all.

16 HEIDI SUEMMERMANN: The only other thing
17 is, between the Level 1s and the Level 2s in the Fire
18 Code now, the proposed Fire Code, it states that a
19 Level 1 has the 500 people or more above or below
20 with a 100 people; the Level 2 code states the same
21 thing; how are you gonna determine what plan they
22 need?

23 CHAIRPERSON CROWLEY: I'll have to ask
24 the Fire Department. Okay. [interpose]

25 HEIDI SUEMMERMANN: Thank you, ma'am.

2 CHAIRPERSON CROWLEY: Thank you for your
3 testimony. [pause] Victoria Pitcavage with John Jay
4 College of Criminal Justice.

5 [pause]

6 VICTORIA PITCAVAGE: Good morning
7 Chairperson Crowley and Council Members. My name is
8 Victoria Pitcavage and I am the Director of the Fire
9 Science Institute at John Jay College of Criminal
10 Justice. This past August I spoke at the public
11 forum at 9 MetroTech to stress the importance of
12 continuing education for what we now will be calling
13 the FLS Directors and I wanna emphasize this point
14 once again today.

15 By September 30th, 2014 we will have
16 completed a lengthy recertification cycle for our
17 fire safety directors that began back in October 1st,
18 2010. The individuals who participated in this class
19 noted the experience was especially valuable, as it
20 brought them up to date on all the new codes mandated
21 from 9/11 that were otherwise completely unaware of.
22 Since certificate of fitness renewals and code
23 changes both occur every three years, I believe that
24 this informative training should be mandated at the

2 same time to keep the FLSDs up to date with any
3 changes.

4 To continue on the same point, I believe
5 that the exception of the cases involving imminent
6 danger to the public, no code should be changed until
7 the new codes are due to come out. When we keep
8 changing the codes at random intervals the directors
9 are not made aware of these changes until three years
10 later or if their company receives... [clearing throat]
11 excuse me... receives a violation, whichever happens
12 first. Well-run industries require that licensings
13 be maintained through educational courses and our
14 respected professionals should also maintain such
15 standards. This issue is important beyond a case to
16 case basis; it is the image of an FLSD as a whole; we
17 want to represent an organization well and if they
18 are not continuously being educated and informed of
19 the very codes they are supposed to be enforcing, it
20 makes this a much more difficult job.

21 Our FDNY accredited schools can continue
22 to educate and test each FLSD every three years
23 during a one-day training session in which they will
24 learn all new codes passed since their last training;
25 this is likely to help reduce the number of

2 violations issued by the FDNY during inspection,
3 especially in regard to infractions related to new
4 codes that have been passed; this will also keep the
5 building owners and the people working and visiting
6 in this great city as safe as possible, which is one
7 thing we can all agree is important to each and every
8 one of us. Thank you for your time and I'm happy to
9 answer any questions you may have.

10 CHAIRPERSON CROWLEY: I thank you for
11 testifying. I believe there was some frustration in
12 that the changes that happened outside of the every
13 three years?

14 VICTORIA PITCAVAGE: Yes, they seem to...
15 some that are imminent, you know you have to change
16 to keep people safe, but there seems to be constant
17 changes and then the fire safety directors aren't
18 aware of it and then... [interpose]

19 CHAIRPERSON CROWLEY: Uhm-hm.

20 VICTORIA PITCAVAGE: they come in and
21 they get violations from the Fire Department and...
22 [interpose]

23 CHAIRPERSON CROWLEY: Uhm-hm.

24 VICTORIA PITCAVAGE: they don't even know
25 that it's been changed... [interpose]

2 CHAIRPERSON CROWLEY: Hm.

3 VICTORIA PITCAVAGE: So unless they're
4 going to mail out every single time that they have a
5 change to each license fire safety director of the
6 changes to be made aware of, which is very costly, as
7 we know; we should try to keep it within where we're
8 supposed to change the code to every three years;
9 that's what everybody agreed on; that we should keep
10 it every three years and not keep adding it in. Like
11 we had a whole mess of changes the last time and it's
12 very frustrating as an educational system to... we've
13 had classes that finish and then three weeks later
14 the rules have changed and now these people don't
15 know anything and they're done with education now and
16 they won't be made aware of it until they get a
17 violation when they go for inspections.

18 CHAIRPERSON CROWLEY: 'Kay. That's a
19 very good point. I have no other questions. Thank
20 you. [crosstalk]

21 VICTORIA PITCAVAGE: Thank you very much.

22 [pause]

23 CHAIRPERSON CROWLEY: Our last person to
24 testify today is Bruce DeBon... [background comment]
25 DeBon. [background comments]

2 BRUCE DEBON: My name is Bruce DeBon and
3 I am with a company called Diversified Security
4 Solutions, but more importantly, I'm a tenant in a
5 high-rise building here in New York. I did not come
6 with a prepared statement, however there are some
7 things I've heard today that I'd like to comment on.

8 We all agree that the number one concern,
9 or the number one ideal for the new Fire Code is for
10 the protection of building occupants as well as first
11 responders. Chairperson Crowley, you asked Mr. Bazel
12 the question -- how much revenue would be generated
13 by the Fire Department with some of these new
14 proposed changes and he proceeded to discuss some of
15 the revenue generators and then when he got to the
16 high-rise buildings he mentioned that the costs would
17 be somewhat reduced, so my question to the Council,
18 or my statement to the Council is; at what price and
19 at what... are we jeopardizing safety in some of the
20 reductions in the costs?

21 There was discussions earlier about the
22 number one... Mr. Bazel brought up the number one
23 concern or the number one emergency in most high-rise
24 buildings in New York today are medical emergencies
25 and how you need to have someone on staff to observe...

2 or to get the first responder to the victim or the
3 alleged victim. Today in place there are drawings
4 that are required for high-rise buildings; I believe
5 it's covered in the new law under 401.3... 401.4.3,
6 Content. Today there are architectural drawings in
7 place for high-rise buildings that completely lay out
8 and show how to get around a high-rise building,
9 routes of egress are in there, corridors; forming
10 partitions are in there. The current proposed code
11 requires a written description of the floor, which to
12 me a simple description of these components would
13 severely inhibit either a first responder or a
14 building employee from gathering the information that
15 he needs to respond to a medical emergency or a whole
16 host of other emergencies. I think a picture is
17 worth a thousand words as opposed to a novel that has
18 to be... you have to sit there and read. That's my
19 comment.

20 CHAIRPERSON CROWLEY: 'Kay; that's a
21 valid point. Thank you for your testimony. I have
22 two more to testify, Gina Bertelli... [background
23 comment] Bertucelli, Trinity Real Estate and then
24 Josefina Sanafelipe [phonetic]... [background comment]
25 feliu, Latinas Against Fire Cuts.

2 [pause]

3 GINA BERTUCELLI: Good morning. Thank
4 you for hearing me; I did not prepare written
5 testimony, but again, after hearing some of the Fire
6 Department testimony I feel to bring it to the
7 Council's attention that we have... I'm sorry; my name
8 is Gina Bertucelli; I represent Trinity Real Estate
9 as their Life Safety Manager. We as a landlord of
10 commercial occupancies have certain... I'm sorry; I get
11 nervous... we have some sort of limitations with trying
12 to control what comes in and out of our buildings; as
13 far as the space heater question, we have brought it
14 to the Fire Department's attention that it was
15 previously omitted from the 2008 Code, which gave
16 landlords some leeway in prohibiting these space
17 heaters from their buildings and saying that they
18 were a life safety issue, they were an electrical
19 hazard and so forth. Putting them into proposed code
20 with guidelines of saying we're not gonna overrun the
21 electrical system is not really realistic, for most
22 general people in the building are not gonna know;
23 I'm gonna put in something to a plug, I'm gonna get
24 enough electricity out of it to sustain whatever it
25 is I'm plugging in. As a landowner, as a property

2 owner we would ask that it either be removed from the
3 code entirely to give the property owner some leeway
4 again to forbid them from the building or putting in
5 specifically that they are not permitted in office
6 environment. It is a huge life safety hazard when
7 occupants leave them under their desks with the
8 papers and the boxes and so forth and leave them on
9 and running overnight because they forget that
10 they're on and this... it has proven to be a huge fire
11 hazard in previous fires. That's all I wanted to
12 say.

13 CHAIRPERSON CROWLEY: Good point.

14 JOSEFINA SANFELIU: Good morning Fire
15 Committee, Council Members and thank you for this
16 opportunity. I have not gotten to review any of the...
17 of the books... [crosstalk]

18 CHAIRPERSON CROWLEY: Excuse me; if you
19 could identify yourself for the record... [crosstalk]

20 JOSEFINA SANFELIU: I'm sorry. My name
21 is Josefina Sanfeliu; I am with Latinas Against FDNY
22 Cuts, Budget Cuts, but I'm responding to what I've
23 heard this morning, partly on structures on top of a
24 roof -- one of the groups responding to those
25 suggested guidelines compared the interior 4-foot-

2 wide access to the 6-foot-wide suggested access on
3 top of a roof and I would suggest that a hallway
4 interior is to get from A to B and you have walls
5 already constructed, whereas in approaching a
6 building hypothetically on fire ladder companies,
7 more than one, are accessing the roof and they are,
8 as they said, surveilling and they're also working;
9 they're not going from point A to point B, they are
10 cutting holes in the roof and having large and heavy,
11 bulky equipment, so I believe the 6-foot access is
12 reasonable, including the fact that my house is 12-
13 foot-wide and I won't have the choice of solar
14 panels, economically desirable though they may be.

15 The other issue that was raised is, in a
16 4-foot-wide interior hallway, whether there'd be
17 furniture or decorations. I would suggest that those
18 items in the dark, in a fire could actually become
19 flammable and toxic; they're not static to the wall.

20 I also would ask if insurance premiums
21 can offset some of the mercantile requirements if you
22 have fire life inspectors in a building, in a mall,
23 in a hospital; in a high-rise; I did not hear mention
24 of insurance tradeoffs, discounts.

2 Any guidelines that were suggested to be
3 put under Buildings Department I feel that building
4 inspectors go home and are not the people involved at
5 risk of life in an emergency of fire or otherwise;
6 their evaluation would not carry the same weight, for
7 my opinion.

8 And another comment was that many people
9 die in one- and two-family homes and if I remember
10 correctly, the Fire Department, Bureau of Fire
11 Investigations for 2012, the majority of fires
12 occurred in multiple dwellings, multiple residence
13 dwellings, which is high-rises or apartment buildings
14 and also requests that NYPD become more familiar,
15 especially dispatchers become more familiar with
16 immediate access or knowledge of FDNY responding
17 standards; for instance, a back yard where somebody
18 has an open barbecue next a flammable object; I
19 believe there's a 10-foot distance around any open
20 fire and NYPD may not be knowledgeable about
21 something of that effect. I'm done; thank you very
22 much.

23 CHAIRPERSON CROWLEY: Thank you Josefina
24 and I agree with some of your testimony; I know it's
25 quite different for a person to walk through a

2 hallway as opposed to on top of a roof and when
3 you're fighting a fire or responding to emergency,
4 you would need more space than walking through a
5 hallway. But we're gonna continue to work together
6 with all stakeholders to finalize these codes and
7 keeping the safety and emergency preparedness in
8 mind.

9 So thank you and this concludes
10 [background comment] the hearing of November 21st,
11 2013, the Fire and Criminal Justice Committee.

12 [gavel]

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C E R T I F I C A T E

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



Date December 4, 2013