



City of New York Parks & Recreation



Hearing before the City Council Committee on Parks & Recreation

Oversight: Keeping Pedestrians and Park Users Safe from Damaged Trees and Introduction 311 of 2010 (requiring notification prior to tree planting)

October 6, 2010

Testimony by
Liam Kavanagh
First Deputy Commissioner

INTRODUCTION

First, I would like to thank Speaker Quinn and Chair Mark-Viverito for rescheduling this hearing and I would like to acknowledge and thank all the elected officials, including the Comptroller, for their critical support during the recent storm. As you are well-aware, New York City was hit by an uncommon storm on September 16th that ripped through three boroughs with two tornadoes and a microburst, felling over 2,000 trees in the matter of minutes. This storm, with its 125 miles per hour winds, caused considerable damage to buildings, power lines, mass transit rails, and trees under the jurisdiction of Parks, with the areas of greatest impact being in Northern Queens and Brooklyn.

The storm triggered an unprecedented response from the local, state and federal levels of government that included all of our forestry staff, citywide resources from ten agencies, private contractors, support from surrounding counties, hundreds of volunteers, and thousands of citizens rolling up their sleeves and digging into the massive clean-up effort that was largely completed in less than three weeks. Before we discuss the massive clean-up efforts resulting from this specific storm, I'd like to give you some background on how we monitor and manage city trees, and our comments on Introduction 311 of 2010.

The Department of Parks & Recreation is the steward of over 29,000 acres of greenspace across New York City, and our first priority is to ensure that parks, playgrounds, and all of our facilities are safe places for the public to enjoy. That includes the two million park trees and 600,000 street trees that fall under Parks jurisdiction. Trees are large complex living organisms whose structure and internal biological systems make them adaptable and resilient, even in the face of harsh urban growing conditions. But like other living organisms, age, disease and injury can lead to a loss of vitality and disrupt the processes that support healthy growth and development. Our management strategy for this essential resource has the primary goal of building a safe urban forest through an effective and focused tree maintenance program and by creating the conditions that support healthy tree growth.

TREE MAINTENANCE AND MANAGEMENT

Trees are part of the “green infrastructure” that improve the quality of life in urban areas. Mayor Bloomberg acknowledged the important roles trees play by launching the MillionTreesNYC Campaign as part his visionary sustainability agenda, PlaNYC. Under his leadership, Parks has developed one of the leading urban forestry programs in the country. With a strong cadre of talented professional foresters and an extensive network of partners, Parks has been at the forefront of research and innovation in the field. Projects and programs like Trees for Public Health, the Young Tree Mortality study, the Trees and Sidewalks initiative, research into storm water management, climate change and the urban heat island effect, as well as the MillionTreesNYC campaign have been created, led or supported by our Forestry division. And as important as these subjects are to our understanding of the extraordinary resource the tree population represents, we never lose sight of the fact that public safety is the critical component in our management of the urban forest. In fact, the focus of our daily operations and many of the major initiatives we have undertaken in recent years directly address tree health and safety both in the immediate and long term. Among them are our daily tree maintenance program, substantial investments in skilled staff and modern equipment, the 2005/2006 tree census, our new forestry management information system (ForMS), reengineering tree planting and procurement standards, professional development and continuing education programs for staff and a renewed commitment to education and tree stewardship.

Tree Maintenance

Tree maintenance services are conducted by the Forestry Division in each borough. We have three major goals for tree maintenance: (1) remove dead trees within 30 days of request; (2) maintain the health and safety of our street tree population through pruning; and, (3) responding effectively to tree related emergencies. All three programs are supported by inspections conducted primarily by trained foresters, but also by other members of the Maintenance and Operations Division of Parks. Since Fiscal Year 2002, the number of trained foresters and skilled tree workers has more than doubled, going from 70 in Fiscal Year 2002 to 147 in Fiscal Year 2010. Similarly, Parks has invested almost \$12 million in the last nine years to increase and modernize the vehicles and equipment the Forestry Division depends on to carry out its mission.

Remove Dead Trees within 30 Days of Request

Trees that are dead or in serious decline have the most potential for structural failure, injury to the public or damage to property. Parks actively removes dead, dying, and diseased trees within 30 days of request, after verification by a qualified inspector. Anyone can request for a public tree to be removed via 311. Each tree is inspected to see if the request is valid and, if confirmed, the tree is removed. Since Fiscal Year 2002, we have averaged 9,540 tree removals per year and removed them within 30 days 98percent of the time, exceeding our management goal of 95 percent.

Maintain the Health and Safety of Our Street Tree Population through Pruning

Pruning promotes safety and tree health by removing dead diseased, unsound limbs, or branches that interfere with surrounding infrastructure and eliminating growth that can compromise healthy development. We have three approaches to pruning: block pruning, individual pruning

and traffic law pruning. Block pruning, sometimes called cyclic pruning, is a systematic process by which every tree on a block, larger than 5" in diameter, that requires pruning is done at the same time. It is the most efficient and cost effective way to deliver pruning services, while providing a systematic approach to street tree care. Many U.S. cities use this established urban forestry management strategy, namely Los Angeles and Chicago.

Parks uses private tree contractors to complete block pruning work. To ensure for the safety of the crew and the health of the tree, pruning work must be done in accordance to the ANSI A300 Pruning Standards and at least one member of the crew must be a Certified Arborist or equivalent as certified by the International Society of Arboriculture. The pruning specification in the contract requires crown cleaning to remove dead, broken, crossing, rubbing, damaged, fungus- and insect-infected branches, dead or decaying stubs, suckers, and all other undesirable growth. The specification also requires the low branches to be pruned to a 15-foot clearance over roads and an 8-foot clearance over sidewalks, and pruned back to give 6-foot clearance from buildings. Our process includes an inspection by Parks once the work is complete, to ensure standards are met. If defects are discovered that will not be mitigated by the pruning, the contractor will inform the forestry office so remedial or additional action can be taken as needed. Since Fiscal Year 2002 Parks has pruned 405,794 street trees greater than 5 inch in diameter through the block pruning program, representing 84 percent of the eligible street tree population.

In addition to block pruning, Parks also performs pruning on individual trees to mitigate potential hazards. Due to the size of our urban forest, we rely on the vigilant eye of the public to notify our agency of those conditions as they appear. Citizens are asked to make a report if they notice any emergency conditions that pose a safety hazard, including illegal street tree damage, dead or dangerous branches, and hanging limbs. Once received by Parks, conditions are inspected and assessed to determine the proper course of action to safeguard tree health and public safety. This work is usually completed using in-house forestry crews. On average, we prune approximately 3,500 street trees outside of the block pruning program each year. Additionally, on average 5,700 park trees are pruned annually based on inspections conducted by park supervisors. That number does not include routine pruning or broken limb removal performed by local maintenance staff as part of their normal maintenance responsibilities.

The final program that prunes street trees is a result of the guidelines of Local Law 28 of 2008, sponsored by Council Member Lappin and passed in April 2008 by the Council, known as the Traffic Pruning Law. Parks must inspect any complaints of trees or branches blocking a traffic signal, traffic sign, or road sign within four days of receiving notice. If action is needed, trees obstructing traffic signals or signs are pruned within 10 days and trees blocking road signs are pruned within 20 days. Sixteen hundred and sixty trees that obstructed signals or signs have been pruned since the law went into effect.

Responding Effectively to Tree-Related Emergencies

Responding effectively to tree emergencies is a core responsibility of Parks which occur are much more frequently during inclement weather and when the trees are in leaf.

Tree emergencies are classified into three categories: trees down (including fallen or split trees), limbs down, and hanging limbs. In Fiscal Year 2010, the Borough Forestry Offices completed 20,271 emergency work orders, our highest in 10 years, the majority of which were either

hanging limbs (8,918) or limbs down (7,871). The annual average number of emergencies for the last nine years is 11,518, with the second highest number of emergencies, 14,677, recorded in Fiscal Year 2007.

During storms, Parks may receive thousands of calls within a short window of time. Inspections and remedial work are prioritized according to the severity of the damage. The clearing of roads to allow emergency vehicle access and the mitigation of any risks to human health are our main focus during and immediately after the storm event. Emergency work is primarily performed by our Borough Forestry crews though Parks also has the ability to call-in private companies under contract in periods of very high demand. Parks also works closely with other agencies such as the Office of Emergency Management, the Police Department, Fire Department, the Department of Sanitation, the Department of Transportation, and utility companies during major storms. And of course 311, the City's information hotline, connects the public to Parks at all times but especially during storm emergencies.

Despite these accomplishments, our scope is large. We consider the Council a critical partner in all sustaining and growing these programs.

September 16, 2010 Storm Response

The storm that hit New York City on September 16, 2010 was the most intense we've experienced in the past 15 years, with 311 receiving over 11,500 related service requests over the past two weeks. The cleanup effort included not only Parks' forestry crews, but crucial help from many city agencies, including the Departments of Sanitation, Transportation Environmental Protection, Design and Construction, Information Technology, the Office of Emergency Management, the Office of Operations, 311, NYC Scout, NYC Service and the NYPD, and FDNY. Critical assistance was also provided by Westchester Nassau and Suffolk counties, the Port Authority, State Parks and Transportation, the US Forest Service, and scores of emergency tree care companies, all of whom worked to complete roughly 9,500 work orders. In fact the total number of emergency conditions generated by the September 16th storm, exceeded the number emergencies recorded in four of the last nine fiscal years. Thanks to their help, tree damage from the single largest storm we've experienced in 25 years was effectively completed in less than three weeks. I am particularly proud of the work hundreds of Parkies contributed to that effort, especially our Climbers & Pruners whose skill and dedication are extraordinary.

TREE INSPECTION

Trees by design are self optimizing mechanical structures that are able to respond and adapt to environmental stress extremely well. They have the ability to sense areas that are weak or damaged and produce additional wood to strengthen them. They also actively respond to wounding through compartmentalizing the damaged tissue using a series of biological barriers or walls. This helps prevent the spread of decay into existing tissue and also protects any new growth from attack. These walls also preserve the vascular function of the tree so it can continue to transport resources and maintain vitality. Overall, trees have evolved to be excellent at maintaining their mechanical structure and also their biological functions, such as a large photosynthetic canopy that can produce food and will shade out competing vegetation. They are able to withstand all but the most severe weather and can respond to wounding and damage by

restricting the spread of decay, actively preserve their vascular functions and build new tissue to strengthen any weaknesses.

Tree inspection is a vital component of urban forestry risk management. An inspection investigates both the biological and mechanical attributes of a tree. The initial inspection of a tree is usually visual and from the ground level only. Parks inspectors carry tools to aid their work, such as sounding hammers, binoculars, and measuring tape. During the evaluation, the inspector looks for any mechanical defects and signs of pathogen attack, and assesses the general vitality of the tree. The environment adjacent to the tree is also observed to identify any additional stress factors that could be contributing to its condition, such as recent construction work, as well as any usage factors that can influence management decisions. Other factors will also be noted, such as the presence of power lines. The combination of all findings allows the inspector to formulate an inspection report for the tree that includes any tree work recommendations, such as pruning or removal. Occasionally the discovery of a defect or potential defect will require further investigation. Further investigation could mean that the tree is re-inspected from above ground level (aerially) or using more specialist equipment, such as the IML Resistograph, which can help map internal wood decay. Sometimes a combination of both is used.

Parks has a core group of 44 qualified and experienced inspectors whose primary function is to perform tree assessments on a regular basis. Parks has an IML Resistograph available to inspectors in each of the five boroughs. Parks has also recently required two PICUS Tomographs that map internal decay in trees using sound waves. These tools are widely used in Europe and provide a much more complete assessment of decay than the IML Resistograph. Parks is thought to be the first municipal agency in the country deploying such advanced equipment in its efforts to preserve trees while preserving public safety. Since 2008, 86 Forestry inspectors, supervisors and managers have attended a three day course on the Principles of Urban Tree Care developed for Parks by the New York Botanical Garden, which featured Dr. Chris Luley, a nationally recognized expert on identifying and evaluating tree decay.

Trees in and around parks are also inspected through the Parks Inspection Program (PIP), our nationally recognized system for identifying structural and cleanliness issues that can impact the public's use and enjoyment of parks and open spaces. PIP inspects for dead trees, dead wood in tree greater than 2 inch in diameter, broken limbs lodged in the crown of a tree and low branches that interfere with pedestrian traffic. Conditions that require immediate attention are reported electronically to the managers responsible for the site on a daily basis. Over 5,000 PIP inspections are conducted annually. Similarly, park supervisors perform more than 50,000 property inspections, based on the PIP model, over the course of a year, which include an assessment of all trees on the site using the same criteria as the PIP inspections, Supervisors report any tree issues they discover through an on-line data base which is used by borough managers to plan and track work requests.. And all Parkies are encouraged to call in any tree issues they notice during their travels around the City through our "Eyes on Parks" program.

MANAGEMENT INITIATIVES

While our daily operations focus on creating a safe and healthy urban forest through maintenance and inspection, many of the management initiatives we've launched in the last nine years

contribute to a safer and healthier environment by improving growing conditions and expanding our understanding of the tree population.

The Trees & Sidewalk program introduced by Mayor Bloomberg in 2005, repairs sidewalks damaged by City trees in front of one, two and three family homes, while completely eliminating the long-standing practice of cutting or shaving tree roots. No matter how careful or clean the cut, it injures the tree and can be an entry point for disease or decay.

Contract tree growing has completely revolutionized the way in which we acquire new trees. Rather than accept or reject trees provided by landscape companies, we contracted directly with three of the largest nurseries in the country to grow the species want to the highest standards in the industry. We now have a reliable stream of high quality trees that allows us to diversify our tree stock, an important component of a healthy urban forest. Tree planting specifications have been overhauled to allow more rooting space for trees and to place trees, where possible, away from the curbs and overhead wires thus avoiding the stress and injuries associated with those sites.

The Young Tree Mortality Study, the most comprehensive study of its kind, identified the factors that contribute to the survival and long-term success of newly planted trees. This will help maximize the investment made in the Million Trees Campaign and also contribute to a healthier urban forest.

“Trees Count!”, the 2005/2006 street tree census collected over nine million pieces of information about 592,130 street trees. This information provides the raw material for many research projects including Stratum, the ground-breaking analysis of the economic value of street trees conducted by the U.S. Forest Service, the role of street trees can play in storm water management, and establishing neighborhood stocking levels and species distribution which will inform our planting decisions for years to come.

ForMS, our computerized information management system, has connected Parks with the public like never before. Its robust suite of features allows it to manage the entire workflow from service request to work order through final disposition of the request. ForMS centralizes six disparate databases to one common server and is accessible through the Parks website and on hand-held field computers. In addition, ForMS has two way integration with the City’s 311 system which allows residents to initiate service requests and receive status updates through 311. This increases accessibility, accountability and transparency with the public and other entities. The GIS and mapping functions available through ForMS were especially useful in the wake of the tornadoes. Service requests were quickly mapped and distributed to inspectors and work crews allowing managers to direct resources to areas with the most damage.

The Million TreesNYC Stewardship Corps engages New Yorkers in urban tree stewardship through free tree care workshops and tool kits, coordination and expansion of existing stewardship across the City through our network of partners and an online site where stewards can network and share ideas and resources. In tandem with the Million TreeNYC education programs, the Stewardship Corps has enlisted thousands of New Yorkers in the campaign to build a cleaner, greener and healthier environment.

Computerized Forestry Management System (FoRMS)

Keeping track of our publically owned urban forest is primarily done using our Forestry Management System (FoRMS), a customized software application designed to unify and expand forestry operations within the Parks Department. Its robust suite of features allows it to manage the entire workflow from service request to work order and reporting requirements. FoRMS went into service in October of 2008 in a multi-phase deployment that gradually added additional functionality until completely replacing its predecessor, Tree Manager.

FoRMS is substantially more advanced and comprehensive than the DOS-based Tree Manager. It centralizes all forestry offices on a common server and is accessible using the Firefox web browser from any computer on the Parks intranet including handheld computers in the field.

A map component is included in FoRMS, which provides an extensive set of useful information to the user, making it easier to manage non-street trees, such as those in parks. The map interface offers interactive real-time visualization of all assets and activities.

In addition, FoRMS has a two-way integration with New York City's 311 system, which allows residents to initiate service requests and for Parks to provide real-time status updates. The 311 integration offers an improvement to city services by increasing accountability, accessibility, and transparency with the public and other entities.

Each stage of the workflow is tracked with a high level of detail. Service requests come into the system and inspections are generated from those requests. If work is necessary, a work order is issued and any specific tasks performed are recorded. At any stage of the workflow, one can easily search the system to find information about work being done, or why work was not done.

Trees & Sidewalks

To assist city homeowners in the repair of sidewalks cracked and raised by tree roots, and to further encourage the healthy and vigorous growth of our street trees, Parks established the Trees & Sidewalks Pilot Program in March of 2005. Repairs to these sidewalks are done at no cost for one-, two-, and three family homes.

Trees & Sidewalks complements the Department of Transportation's (DOT) much larger sidewalk repair program by focusing exclusively on sites with damage caused by tree roots. We work closely with DOT to coordinate both Agencies' efforts and appreciate the ongoing technical support and guidance that DOT provides.

The goal of Trees & Sidewalks is to help sidewalks and trees coexist peacefully. Our program increases the durability and functionality of sidewalks around trees in the right-of-way while at the same time enhancing the health of the tree. Residents of eligible properties need to call 311 to participate. Since the inception of this program, we have received nearly 32,000 requests and have inspected 29,366. Over 8,433 sites have been repaired since 2005.

TREE STEWARDSHIP AND EDUCATION

The MillionTreesNYC Stewardship Corps was launched in May 2009 as a collaboration with Brooklyn Botanic Garden, Greenbelt Conservancy, GreenThumb, Partnerships for Parks, Queens Botanical Garden, New York Botanical Garden and Trees New York to build a community-based network of tree stewards across the city's five boroughs. The Stewardship Corps engages everyday New Yorkers in urban tree stewardship through:

- accessible, no-cost tree care workshops and toolkits;
- coordination and expansion of existing environmental and tree stewardship programs across New York City;
- "Train-the-Trainer" workshops to empower organizations and Corps members by training them to educate new tree stewards through their local networks; and
- online space for tree stewards to network and share tree care resources.

The volunteer efforts raised by the Stewardship Corps help to complement the Department's existing maintenance efforts. In these financial times, the power of volunteers becomes increasingly important to help support City resources. To date we have offered 291 free workshops, trained 4,486 New Yorkers, and have on record that 1,379 trees have been formally adopted by our stewards.

Additionally, Trees New York offers Citizen Pruner courses, which train everyday New Yorkers in the art of safe and proper pruning. The course consists of eight hours of classroom training and four hours of training in the field. Once the course is completed, participants receive a license certifying them to legally prune any limbs reached with two feet on the ground on publicly owned trees in New York City, excluding parks maintained by conservancies, such as Central Park and Prospect Park.

These partnerships make a significant impact on the tree population and we are grateful for their contributions.

Other Entities Pruning and Removing City Trees

Unauthorized pruning or removal of public trees is both unsafe and illegal. However, anyone can apply to perform work on a public tree through completing a Forestry Application (P-A) that can be downloaded from our website. The applicant must provide full contact information as well as clearly define what tree work they want to do and why. If the work is justified a forestry permit will be issued to the applicant. Pruning work must be completed in accordance with accepted arboricultural practices and be approved by the Department. In addition one member of the work crew or the crew supervisor must be certified as an 'Arborist' by the International Society of Arboriculture (ISA) and the company must provide proof of insurance. There is no charge for a Forestry permit. Tree pruning contractors working on behalf of other agencies also need to secure forestry permits before commencing any work.

Three organizations are permitted to perform work on Park trees without applying for a permit in advance: The Central Park Conservancy (CPC), the Wildlife Conservation Society (WCS) and the Prospect Park Alliance (PPA). In each case, tree care is overseen by qualified professionals and conforms with industry standards, including ANSI 300, which was discussed earlier. With

the exception of trees on the grounds of the Zoo, CPC manages and maintains all trees within and on the perimeter on Central Park. WCS maintains trees on the grounds of three City-owned zoos—in Central Park, Prospect Park and Flushing Meadows Corona Park. The PPA shares responsibility for tree care in Prospect Park with the Borough Forestry Office.

Concessionaires responsible for parkland are managed through our Revenue & Marketing division. These properties include golf courses and restaurants and around 100 of them include trees. The agreement with the concessionaire states that they are required to prune all trees as needed. Planned tree work is subject to Parks' approval.

INTRODUCTION 311 OF 2010

Introduction 311 of 2010, sponsored by Council Member James Oddo, amends the city's Administrative Code to require notification of tree planting. Specifically, the bill would require 30 day notification to schools, hospitals, or other entities providing services to children, the elderly or persons with disabilities, when the tree is to be planted within 200 feet of the entrance or exit of such an institution. The notification should be written and provided by facsimile or by personal service. The draft bill would take effect ninety days after enactment, and allows the department to implement rules.

First, we appreciate Council's support and leadership for the department's tree planting efforts. Whether it is the promotion of our It's My Park Day events, attending MillionTreesNYC planting events, or identifying and providing thousands of locations to plant new trees, we consider the Council a partner in our efforts to green all five boroughs and we need your continued support on these initiatives, as well as in regard to our tree care activities and goals.

Second, we appreciate Council Member Oddo's bill and support any effort to increase the public's awareness, and investment in our tree planting efforts. We believe that by providing notice prior to planting trees, we build stakeholders in the care and maintenance of that tree, as well as a deeper appreciation for all that tree will have to offer a community during the course of its life.

However, we believe this bill, as drafted, is overbroad and we have a few concerns:

- (1) 30 day notification: we believe that 30 day (or one month) written notification requirement, for the most part, falls short of the 180 days (or six month) notification we provide to most institutions already. Our forestry teams usually survey a location once or twice a year, often entering a surveyed location or the building adjacent to the planting location, to discuss our planting plans. In more residential settings, approximately one month in advance of the actual planting, we notify the building of the planting plans by providing flyers or posters.
- (2) 200 feet requirement: we believe that providing notice to the building or entity directly impacted by the tree planting is appropriate notification; notice beyond the immediate area beyond the sidewalk where the planting occurs will detract from the forestry team and their limited resources.

- (3) Services for children, the elderly and disabled: this captures a very broad and rather undefined group of institutions that provide a real-world challenge to our forestry staff in the identification of such groups. The type of services provided are often not clearly marked on the front of an institution and were we to be required under law to do so, would jeopardize our ability to plant trees and focus more on the content of adjacent businesses and institutions rather than the efficient and appropriate siting of trees on the city's mapped right-of-way.

We believe that we adequately provide notice to homeowners, large institutions and other city agencies with site visits, flyers and posters.

Currently, we take the following steps and plan to enhance the notification we provide to those institutions received street trees, by leaving a name and phone number of a Forestry staffer should the institution have any questions or concerns:

- (1) Upon surveying for tree planting along the sidewalk adjacent to a school, hospital, or other prominently identified educational facility, we would enter the facility and leave a flyer as notification. The survey usually takes place between 120 to 180 days (or 4-6 months) in advance of the tree planting, although there are sometimes late additions to the tree planting contracts.
- (2) After marking the site with the contractor (this means placing white markings on the sidewalk) staff will return to place flyers at all of our block planting sites –these are the sites that typically have no requests associated with them. This takes place anytime from one month in advance to several days in advance of excavation.

With the steps detailed above, and leaving a contact name and number for someone to receive issues and concerns, are effective and help Parks to remain efficient while providing street tree recipients with proper notice of a tree installation. Any law that requires cumbersome written notification would hamper our staff and their ability to site and plant trees in an efficient and timely manner. We look forward to continuing our partnership with the Council on our tree planting work.

CONCLUSION

We would like to thank the committee again for inviting us to discuss Parks efforts to maintenance trees and keep members of the public safe in our parks and on our streets. We also thank Council Member Oddo for sponsoring legislation that seeks to make the public more aware of tree planting.



For the Record



File #T2010-1711:
 NYC Council Committee on Parks and Recreation
 Oversight - Keeping Pedestrians and Park Users Safe from Damaged Trees
 Wednesday, October 6, 2010

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My name is Naomi Zurcher, I am an International Society of Arboriculture Certified Arborist, working in New York City as a Consulting Arborist. I also Chair an educational not-for-profit, NYC Root Zone, a collaboration of urban forest professionals dedicated to improving the health, breadth and importance of New York City's urban forest for the environmental, social and economic well-being of the public. I am here today to testify in my professional capacity as a Consulting Arborist.

Protecting the Public from damaged trees is an extremely important goal and an essential component of any viable Urban Forest Management Plan. It is, however, usually preceded by protocols and procedures that reduce damage to the Public's trees.

It is my professional opinion that aspect of Management has not been addressed and, therefore, serves to exacerbate the potential for risk to the public.

A healthy forest, be it traditional or urban, has certain constituent components which exemplify its well-being. One of those components is the distribution of age classes. While NYC's urban forest contains a good distribution of age class, our "monarchs" - those mature trees that define the urban forest canopy and provide the essential benefits that we depend on for our well-being - are in decline.

And, while trees, like all living things, have an expected life span, that life span is all too often cut short by the very Department that should be setting the protection procedural benchmark. The fact that tree protection was removed from PlaNYC speaks to the following examples of abuse:

- We accept trees for curbside planting that do not meet even minimal American Nurserymen's Association standards for structure. How can a tree that should never have left the nursery become a vital, long-lived member of our forest;
- We reconstruct parks all over the City and allow construction to proceed without adequate protection of trees' Critical Root Zone - trenching through roots, driving construction equipment storing of construction equipment and debris inside the Critical Root Zone, planting of understory material just inches from the trunk of trees;
- We have Parks' Gardeners planting understory trees inside the dripline - the visible Critical Root Zone - of existing mature trees, acknowledging that they've destroyed "lots of roots" with no understanding of the consequences;
- We plant trees, out of season, in grossly inadequate spaces, knowing it is the ability of the tree to establish structural roots that will determine the structural integrity of the tree. If the tree never has the space - the accessible soil volume - to develop an adequate network of structural roots, the chances for a healthy, thriving tree has been compromised.
- Parks' tree selection and planting contracts as well as construction project specifications are design and written by its Capital Division - Engineers and Landscape Architects., not tree experts. Would you go to a brick layer if you needed to weld metal? Would you go to a dentist to have heart surgery? No! but we ask unrelated professionals to specify procedures that brutally impact on the very underpinnings of our trees, turning a highly beneficial life force into a risk potential. All at taxpayers' expense - both financially as well as quality of life.

Whether or not the primary concern of this oversight hearing is to limit the City's financial exposure, it is clearly impossible to sufficiently protect pedestrians and park users from a resource that the City



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refuses to adequately manage or maintain. Until the City can develop a strategy tying Capital investment to the operations expense of "basic needs" maintenance, we will continue to treat our public trees and their minimal but essential needs with the impunity that reaps unnecessary and costly risk.

So, in your consideration of whether or not sufficient protection is being afforded pedestrians and park-users against damaged trees, I also ask you to consider if adequate protection is being afforded this crucial resource - our publically owned trees.



**NEW YORKERS
FOR PARKS**

Fighting for greener, cleaner &
safer parks for all New Yorkers

**PUBLIC TESTIMONY OF JULIANA R. DUBOVSKY, NEW YORKERS FOR
PARKS, IN FRONT OF THE NEW YORK CITY COUNCIL COMMITTEE
ON PARKS AND RECREATION'S OVERSIGHT HEARING ON KEEPING
PEDESTRIANS AND PARK USERS SAFE FROM DAMAGED TREES
OCTOBER 6, 2010, CITY HALL**

New Yorkers for Parks is the independent organization fighting for greener, cleaner and safer parks in all five boroughs. We provide the tools that help communities build better parks for better neighborhoods. Thank you for the opportunity to testify today.

General Statement

There is no doubt that the urban forest provides both aesthetic and environmental services to New York City. Trees contribute enormously to the pleasure New Yorkers take in their parks and opens spaces in both aesthetic and practical ways, with the shade that they produce and the connection to nature that they provide to urban dwellers. Environmentally, they provide multiple ecosystem services: they remove pollutants from the air, their leaves absorb and store carbon dioxide, they cool the air, and the permeable ground in which they grow helps to absorb and manage stormwater runoff.

This testimony addresses maintenance standards for trees in public spaces, the recent drop in city funding for such maintenance, Intro. 311, and finally, the public-private partnerships that have sprung up in the city over the past 30 years to maintain our public spaces.

Increased and Improved Maintenance Standards

Trees are essential components of our urban infrastructure, and like any road or bridge, they must be routinely inspected for signs of deterioration. Trees are living things and will fight for survival in our harsh, urban environment in amazing ways, by leaning for sunlight and scouring deep into the streets for water when it is scarce. They are complex and require extra attention. When damaged or in decline, extra measures must be taken to ensure the tree's safety and the safety of those sharing its space.

This is especially important since the city has undertaken the MillionTreesNYC initiative. Thanks to the work of MillionTrees NYC, the program to plant one million trees in public and private open spaces throughout the five boroughs, the city has seen enormous progress in achieving its goal of a 30% tree canopy by 2030. More than 375,000 trees have been planted since MillionTreesNYC was launched in October 2007. However, aside from the amazing work of volunteers and contractors for the first few years, these saplings face a harsh battle for survival. The tremendous amounts of newly

planted trees require increased and improved maintenance standards in order to ensure their long-term survival.

It is imperative that New York City provides sufficient maintenance for the trees that currently line our streets and parks. Trees are a top park priority for the people of New York. As highlighted in the recently released 2010 Mayor's Management Report, inquiries regarding removal of damaged trees, entire trees or tree branches were the most frequently received Parks-related calls to 311 last year. The MMR states that more severe weather conditions and storm emergencies in Fiscal Year 2010 increased public service requests for forestry-related services up by 26.5%, to 95,547. With over 120,000 trees planted in Fiscal Year 2010 and another 100,000 targeted for Fiscal Year 2011, it would be foolish not to re-examine our strained system.

We encourage the Parks Department to increase maintenance and review of trees. This is especially important for the most vulnerable species and trees in the most heavily-traveled areas, particularly after big storms.

Increased Funding

The 2010 Mayor's Management Report states that "as part of its routine block pruning program, the Department pruned approximately 35 percent fewer trees, reflecting a lower Fiscal 2010 plan." To exacerbate the issue, the Adopted Budget for Fiscal Year 2011 cut \$20 million from the Parks Department, which will result in significant losses in staffing, programming, and maintenance of our park system. Fiscal Year 2010's Adopted Budget reduced tree pruning by \$3.5 million, significantly reducing the Parks Department's ability to maintain trees in the city, and this has not been restored. **Additionally, total spending on the Division of Forestry and Horticulture has decreased from \$19 million in 2009 to \$12.5 million for Fiscal Year 2011. As a result, staffing for Fiscal Year 2011 has decreased from 172 to 139 employees.** With a diminished tree pruning budget, and challenging staffing and ecological times for Fiscal Year 2012, the survival of our trees is in jeopardy.

New Yorkers for Parks recommends that the cuts to the pruning budget be restored and the budget of the Division of Forestry and Horticulture be increased to the 2009 funding levels. Bolstering this area of the Department of Parks creates green jobs, addresses public safety concerns, and supports the lifespan of the urban tree canopy.

Intro. No. 311

Intro. No. 311 is a natural supplement to the MillionTreesNYC initiative. This legislation requires city agencies planting trees in front of establishments providing services to children, the elderly and the disabled to notify the building occupants. Tree planting should be done in partnership with communities since they often have local insight regarding planting locations. Also, improved communication and collaboration can positively affect stewardship and maintenance of trees, and increase community awareness.

Clarity on Oversight

New York City's fiscal crisis of the 1970s resulted in a significant decline in the conditions of public parks, spawning a new movement of private support for parks. The creation of the Central Park Conservancy and Bryant Park Restoration Corporation led to an era of private funding and management that dramatically improved conditions in select parks. Over the past 30 years, these public-private partnerships and others like them have offered innovations in park maintenance and improved park performance.

In 2007, the Citizens Budget Commission (CBC) released a study commissioned by New Yorkers for Parks assessing the fiscal and management strategies of the NYC Parks Department. This study, *Making the Most of Our Parks*, found that the public-private partnerships formed to manage and operate city parks had been created ad hoc, without a set of common principles. Due to this finding, the CBC recommended that "common principles should guide the relationships between the DPR and its nonprofit partner organizations, and the terms of arrangements should be transparent."

As private support for parks continues to grow, we must ensure that the terms of public-private partnerships are created with common principles in mind. New Yorkers for Parks encourages greater transparency and oversight governing these public-private partnerships, so that future New Yorkers can continue to enjoy the beauty and benefits of our beautiful parks and public spaces for generations to come.

Thank you for taking the time to hold this important oversight hearing.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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

in favor in opposition

Date: _____

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Name: LIAM KAVANAGH

Address: FIRST DEPUTY COMMISSIONER

I represent: NYC PARKS & RECREATION

Address: _____

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Date: 8/6/2010

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Name: Juliana P Dubovsky

Address: 355 Lexington Ave, 14th Fl, NY NY 10017

I represent: New Yorkers for Parks

Address: _____

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Date: _____

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Name: Geoffrey Croft

Address: _____

I represent: NYC PARK ADVOCATES

Address: _____

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