



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Letter to MTA on Penn South Damage

SENATOR BRAD HOYLMAN-SIGAL & MANHATTAN ELECTED OFFICIALS May 15, 2025

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Dear Chair Lieber:

As elected officials representing Mutual Redevelopment Houses (Penn South), we are writing in connection to the MTA electrical substation construction project underway for the 8th Avenue A, C, and E subway lines and damage that apparently occurred to Penn South infrastructure resulting from the project.

According to Penn South, on January 30, 2024, water began entering the basement of Building 9 (305 W 28th St), reaching a rate of intrusion of 193 gallons per hour by February 9, 2024. The resultant damage caused water service to be shut down for 186 Penn South apartments, among other damages. Many of the affected residents are senior citizens.

In the ensuing weeks, Penn South fronted substantial costs for the necessary and time-sensitive repairs with the reasonable belief that they would be compensated in full by the MTA. Prior to the commencement of the project, the MTA had indicated all responsibility for protecting Penn South infrastructure for the duration of the project and all financial liability in the event of damages. This commitment was shared at various points, including in meetings attended by representatives of our offices. The MTA, however, has yet to offer the

requisite compensation for these damages, causing a significant financial burden on an affordable housing community already facing other significant stressors.

While we understand that this incident has not yet been the subject of an exhaustive investigation, it is reasonable to believe that work on the substation caused the relevant damages. It is therefore our position that the onus for fronting the related expenses should fall on the MTA or its subcontractor, not Penn South. Should a later investigation prove that there is no connection between the damage and the substation project, the MTA should then pursue a recoupment of these expenses.

In writing, we urge the MTA to immediately compensate Penn South for all costs incurred during this episode, including costs pertaining to excavation, pipe replacement, leak detection, consulting, analysis, and attorneys. We insist that the MTA uphold this commitment without further delay and without any additional needless legal costs.

We stand ready to help facilitate a timely resolution.