

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to repeal rules relating to the erection and dismantling of climber/tower cranes; the commencement of demolition and heavy and light duty sidewalk sheds; signs at demolition or construction sites; advisory signs required on construction sites; impact resistant stair and elevator shaft enclosures; and fire alarm wiring and power sources. DOB is also proposing to repeal reference standards relating to power-actuated fastening systems-safety requirements and safety nets.

When and where is the hearing? DOB will not hold a public hearing on the proposed rule amendment on the grounds that a hearing would serve no public purpose.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.

Is there a deadline to submit comments? Yes, you must submit comments by 11/13/15.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and section 28-103.19 of the City Administrative Code authorize DOB to make this proposed rule. This proposed rule was included in DOB's regulatory agenda for this Fiscal Year.

Where can I find DOB's rules? DOB's rules are in Title 1 of the Rules of the City of New York.

What rules govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The purpose of the proposed rule is to repeal rules and Reference Standards that are now addressed in the New York City Building or Electrical Codes. The rules and Reference Standards to be repealed relate to:

- the erection and dismantling of climber/tower cranes (1 RCNY § 6-01);
- the commencement of demolition and heavy and light duty sidewalk sheds (1 RCNY § 8-01);
- signs at demolition or construction sites (1 RCNY § 27-03);
- advisory signs required on construction sites (1 RCNY § 27-04);
- impact resistant stair and elevator shaft enclosures (1 RCNY § 403-01); and
- fire alarm wiring and power sources (1 RCNY § 4000-06)
- power-actuated fastening systems-safety requirements during construction operations (RS 19-1) and
- the use of safety nets during construction operations (RS19-4).

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 28-103.19 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 6-01 of Title 1 of the Rules of the City of New York, relating to the erection and dismantling of climber/tower cranes, is REPEALED.

§ 2. Section 8-01 of Title 1 of the Rules of the City of New York, relating to the commencement of demolition and heavy and light duty sidewalk sheds, is REPEALED.

§ 3. Section 27-03 of Title 1 of the Rules of the City of New York, relating to signs at demolition or construction sites, is REPEALED.

§ 4. Section 27-04 of Title 1 of the Rules of the City of New York, relating to advisory signs required on construction sites, is REPEALED.

§ 5. Section 403-01 of Title 1 of the Rules of the City of New York, relating to impact resistant stair and elevator shaft enclosures, is REPEALED.

§ 6. Section 4000-06 of Title 1 of the Rules of the City of New York, relating to fire alarm wiring and power sources, is REPEALED.

§ 7. Reference Standard 19-1, relating to power-actuated fastening systems-safety requirements, is REPEALED.

§ 8. Reference Standard 19-4, relating to safety nets, is REPEALED.

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PROPOSED

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Repeal of Rules and Reference Standards Now Incorporated in Building Code and Electric Code

REFERENCE NUMBER: 2015 RG 089

RULEMAKING AGENCY: Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 17, 2015

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Repeal of Rules and Reference Standards Now Incorporated in Building Code and Electric Code

REFERENCE NUMBER: DOB-2

RULEMAKING AGENCY: DOB

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 17, 2015
Date