

## **REQUIREMENTS: Articulating Boom Crane and Roto Telehandler Permit**

**Recent amendments to 1 RCNY 3319-01, the cranes and derricks rule, have revised the DOB permitting requirements for articulating boom cranes and rotating telehandlers.**

### **NOTES:**

- *For the purposes of this notice, the term articulating boom crane means an articulating boom crane attached to a commercial truck chassis. The provisions of this notice do not apply when an articulating boom is attached to fixed structure, such as a pedestal or building, nor does this notice apply when an articulating boom is attached to a mobile base other than a commercial truck chassis, such as attached to a crawler base.*
- *This notice does not address licensing requirements for articulating boom cranes and rotating telehandlers. The requirements for licensing are separate from the permit requirements. The operation of an articulating boom crane or rotating telehandler requires a licensed hoisting machine operator in most instances, even if the equipment is exempt from permit. The use of an articulating boom crane or rotating telehandler to lift or lower a suspended load requires supervision by a licensed rigger or competent rigging supervisor in most instances, even if the equipment is exempt from permit. See Article 405 of Title 28 of the New York City Administrative Code for further information about licensed hoisting machine operators. See Article 404 of Title 28 of the New York City Administrative Code and Section 3316.9 of the New York City Building Code for further information about rigging supervision.*

### **Certificate of On-site Inspection Required**

When an articulating boom crane or rotating telehandler meets any one of the following, a certificate of on-site inspection (aka CN) from DOB must be obtained for the articulating boom crane or rotating telehandler prior to the use of the articulating boom crane or rotating telehandler at the jobsite:

- the boom, including jibs and any other extensions to the boom, will be extended beyond 135ft. in length at the jobsite.
- the articulating boom crane or rotating telehandler will raise a load at the jobsite to a height of more than 100ft.
- the articulating boom crane or rotating telehandler will be set up on a steel platform at the jobsite, excluding mats or dunnage at the street or ground level
- the articulating boom crane or rotating telehandler has a manufacturer's rated capacity in excess of 50 tons.

The application for a certificate of on-site inspection must be filed with the department's crane and derricks division by a New York state licensed professional engineer.

### **Construction Equipment Permit Required**

When an articulating boom crane or rotating telehandler is to be used at a jobsite requiring a construction superintendent, a construction equipment permit from DOB must be obtained for the articulating boom crane or rotating telehandler prior to the use of the articulating boom crane or rotating telehandler at the jobsite.

*NOTE: A separate construction equipment permit is not required if the articulating boom crane or rotating telehandler requires a certificate of on-site inspection. In other words, the need for a certificate of on-site inspection trumps the need for a construction equipment permit.*

The application for a construction equipment permit must be filed in the appropriate department borough office by a New York state licensed professional engineer.

### Considerations

**How the Article is Lifted:** The requirement for a certificate of on-site inspection or a construction equipment permit is not dependent upon how the article is lifted. It does not matter if the article is being lifted on forks or is suspended. It does not matter if a winch, cable, or hook is or is not being utilized. If a criterion for a certificate of on-site inspection or construction equipment permit is met, a certificate of on-site inspection or construction equipment permit must be obtained.

**Site-specific Criteria:** The requirement for a **certificate of on-site inspection** is not tied to any site-specific criteria. For example, it does not matter if the site is a major building site, a non-major building site, a construction superintendent site, etc. If a criterion for a certificate of on-site inspection is met, a certificate of on-site inspection must be obtained.

The requirement for a **construction equipment permit** is, however, dependent upon the site requiring a construction superintendent. See Section 3301.13.3 of the New York City Building Code for the list of work that requires a construction superintendent.

Taken together, this means that if none of the criterion for a certificate of on-site inspection are met, and if the site does not require a construction superintendent, for example, the site involves the construction of a new 1-, 2-, or 3-family home, or consists of alteration work not requiring a construction superintendent, neither a certificate of on-site inspection nor a construction equipment permit is needed to use the articulating boom crane or rotating telehandler at the site.

**Type of Work:** The requirement for a **certificate of on-site inspection** is not dependent upon the type of work performed. For example, it does not matter if the equipment is only delivering material to the jobsite. Whenever a criterion for a certificate of on-site inspection is met, a certificate of on-site inspection must be obtained.

The requirement for a **construction equipment permit** is not dependent upon the type of work performed. If the site requires a construction superintendent, a construction equipment permit must be obtained to use the articulating boom crane or rotating telehandler at the jobsite. However, until January 1, 2028, a grandfathering period is being provided for the following types of work, meaning until January 1, 2028, a construction equipment permit does not have to be obtained to use an articulating boom crane or rotating telehandler to perform the following types of work at a construction superintendent site:

1. Install/remove HVAC, electrical, plumbing, telecom, or similar equipment, and supporting dunnage, to/from a roof, setback, or other location exterior to a building.
2. Install/remove foundation or support of excavation elements, provided the articulating boom crane or rotating telehandler is set up and operated exclusively within the confines of the excavation or foundation.
3. Pick and carry material or equipment, provided the material or equipment is not raised more than 12 feet (3658 mm) during the picking and carrying operation and the area of the picking and carrying operation is temporarily or permanently closed to the public during the operation.
4. Perform a one-off delivery/removal of material or equipment to/from one truck/trailer, provided that the material or equipment is not arranged by the articulating boom crane or rotating telehandler in a particular sequence for hoisting, with all loads promptly deposited and not held, supported, nor stabilized by the articulating boom crane or rotating telehandler while the load is being installed, uninstalled, or braced, including but not limited to holding the load in place while it is bolted or affixed to a structure, and further provided that when the articulating boom crane or rotating telehandler is located outside of the property line of the site, that the articulating boom crane or rotating telehandler does not remain outside of the site beyond the time necessary to perform the delivery/removal operation.

*NOTE: Keep in mind that if any criterion for a certificate of on-site inspection is met, a certificate of on-site inspection must instead be obtained to perform the work, even if the work is of a nature described in items 1 through 4 above.*

A **construction equipment permit** will now authorize the use of an articulating boom crane or rotating telehandler to perform construction work (i.e., erect steel) at a construction superintendent site provided a criterion for a certificate of on-site inspection (CN) is not otherwise triggered.

## Exemptions

Even if a criterion for a certificate of on-site inspection or construction equipment permit is met, neither a certificate of on-site inspection, nor a construction equipment permit, is required if the work or site is exempted by Section 3316.1, 3319.1, or 3319.3 of the New York City Building Code, or exempted by subdivision (c) of 1 RCNY 3319-01, provided all the criteria set forth in the exemption are met. For example, exemptions apply to work in a commercial or industrial plant or yard, to the installation or removal of a sidewalk shed or hoist car and initial hoist mast, or when the articulating boom crane or rotating telehandler is configured as an excavator or earthmover, drilling equipment, tree trimming equipment, demolition grapppler, or aerial work platform.

## Content of Construction Equipment Permit Application

Construction documents filed for a construction equipment permit for an articulating boom crane or rotating telehandler must clearly indicate acceptable makes and models of equipment, and must also clearly detail equipment setup locations, swing and lifting radius, and pertinent obstacles, restrictions, and site features. This includes accounting for ground and subsurface conditions at the jobsite. Estimated bearing values of the ground and subsurface elements must be indicated on the construction documents. Matting, cribbing, or dunnage for the articulating boom crane or rotating telehandler, adequate to ensure the articulating boom crane or rotating telehandler does not exceed the bearing capacity of the ground or any subsurface element, must be detailed on the construction documents.

A construction equipment permit for an articulating boom crane or rotating telehandler can be applicable to multiple pieces of equipment, multiple makes and models of equipment, and multiple setups and setup locations, provided the use of the equipment is under the control of the permit holder. For a permit issued to an equipment owner or vendor, control means the equipment is owned or leased by the entity. For a permit issued to a contractor, control means the equipment is used to advance the work of the contractor at the site, including that of sub-contractors engaged by the contractor. A permit may only be for articulating boom cranes, or only for rotating telehandlers, and not both. Separate permits are required when articulating boom cranes and rotating telehandlers are both used at the site.

## Content of the Application for a Certificate of On-site Inspection

The application requirements for a certificate of on-site inspection for an articulating boom crane or rotating telehandler is the same as that for any other type crane. The application must be specific to the piece of equipment. All pertinent inspections must be performed by the New York State licensed professional engineer prior to the use of the articulating boom crane or rotating telehandler at the jobsite. Only the entity listed as the equipment user on the certificate of on-site inspection may utilize the articulating boom crane or rotating telehandler at the jobsite.

## Copies to be Provided to Equipment Operator

The permit holder of the certificate of on-site inspection or construction equipment permit must provide a copy of the permit and construction documents to the operator of the articulating boom crane or rotating telehandler prior to the operator setting up or using the articulating boom crane or rotating telehandler at the site.

## **Operators' Responsibility**

When provided with copies of the permit and construction documents, the operator of the articulating boom crane or rotating telehandler is responsible for ensuring the equipment is set up, located, and operated as indicated in the construction documents.

If the operator is unable to comply with the construction documents – for example the make and model of equipment at the jobsite is not specified in the construction documents; matting, cribbing, or dunnage as indicated on the construction documents is not provided; or street work or other equipment is blocking the area where the construction documents indicate the articulating boom crane or rotating telehandler is to be set up – the operator shall alert the permit holder and the operator shall not operate the equipment until either the condition has been corrected or amended construction documents reflecting the conditions at the site have been filed with and accepted by the Department.

Operators are expected to familiarize themselves with the requirements for when a certificate of on-site inspection or construction equipment permit is required for an articulating boom crane or rotating telehandler. Operators should not operate when a jobsite requiring a certificate of on-site inspection or construction equipment permit for the equipment does not have one, or when a copy of the certificate of on-site inspection or construction equipment permit and the construction documents have not been provided to the operator.

## **Construction Superintendent's Responsibility**

Where a site requires a construction superintendent, the construction superintendent shall not allow the set up or operation of an articulating boom crane or rotating telehandler that requires a certificate of on-site inspection or construction equipment permit but does not have one.

## **New York City Department of Transportation (DOT) and Metropolitan Transportation Authority (MTA) Requirements**

Temporarily closing or blocking a city street, sidewalk, plaza, or other public way to set up or store construction equipment, such as an articulating boom crane or rotating telehandler, or to facilitate construction and hoisting operations, requires a permit from NYC DOT. See the [DOT website: Street Works Permits](#) for more information.

Construction activities within 200 feet of MTA property must obtain the approval of the MTA. See the [MTA website: Building near transit](#) for more information.

An exemption from a DOB certificate of on-site inspection or DOB permit does not exempt one from DOT or MTA requirements. Contractors utilizing an articulating boom crane or rotating telehandler must comply with DOT and MTA requirements regardless of if the articulating boom crane or rotating telehandler requires a certificate of on-site inspection or permit from DOB.

## **Certificate of Approval**

Beginning in 2028, a certificate of approval (aka a prototype) will be required for an articulating boom crane or rotating telehandler when a certificate of on-site inspection is required. More information on this process will be provided at a later date.

## **Annual Inspection & Registration**

Beginning in 2028, articulating boom cranes and rotating telehandlers will have pass an annual inspection and register with the department. This will result in each articulating boom crane and rotating telehandler being issued a certificate of operation (aka a C). More information on this process will be provided at a later date.