



2018

Electrical Code Revision Cycle HANDBOOK

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1. BACKGROUND

- A. Purpose.** The New York City Department of Buildings is mandated to keep the New York City Electrical Code up to date with the latest version of the National Electrical Code (NEC). To this end, the Department is organizing technical committees to help review the 2014 version of the NEC and draft amendments that adapt the national standards to the unique requirements of building and construction in the city of New York
- B. New York City Electrical Code.** The current 2011 New York City Electrical Code (NYCEC) consists of administrative and technical provisions. The technical provisions are based on the 2008 NEC with NYC amendments. The administrative provisions contain construction and maintenance, licensing, fees, and other provisions that apply universally to the Electrical Code. The Electrical Code protects public health, safety, and general welfare by establishing minimum requirements for safe installation of electrical systems.
- C. History of New York City Electrical Code.** New York City has one of the longest histories of building safety regulation in the United States.

The late 19th century and early 20th century witnessed tremendous advancement with electricity as well as other construction related aspects of building residential and commercial property in New York City, pushing buildings to heights never before dreamed possible. Building laws accommodated the new technology. Plumbers were licensed in 1881. Rules for elevators were promulgated in 1885. In 1889, regulations governing outdoor wiring were issued. In 1913, New York City published the first set of rules and regulations for all electrical installations, and by 1915 these evolved into the city's first Electrical Code.

Adopted in 1915, the New York City Electrical Code reflected the first set of codified electrical standards in the United States. This modern code provided a foundation that helped spur the growth our City experienced over the next century. As the last century drew to a close, however, the existing Electrical Code had become increasingly unwieldy and outdated. Despite substantial changes and improvements in electrical technology, the code had not undergone a major revision since its 1987 edition.

Local Law 64 of 2001 addressed these shortcomings of the Electrical Code by replacing it with the 1999 National Fire Protection Association's National Electrical Code ("NEC"), NFPA 70. The legislation required periodic revision of the Code's technical provisions, ensuring that the Code will always be up-to-date and reflect the latest standards. It was followed by Local Law 41 of 2002, a prerequisite to completing the new Code, as it adopted amendments tailoring the

NEC to the specific needs of the City's high-density urban environment. The first revision in this new scheme was Local Law 81 of 2003, which adopted NEC 2002 with amendments. Local Law 49 of 2006, adopting NEC 2005 with amendments, followed three years later. Finally the current code, enacted by Local Law 39 of 2011, adopted the 2008 edition of the NEC with amendments, and became effective July 1, 2011.

After 2011 the New York City Council enacted many local laws to improve the code including those resulting from our collective experiences in 2013 from Super Storm Sandy. These local laws improved the resiliency of the city with the introduction of mitigation against flood hazards, and improved backup power readiness of buildings.

- D. Periodic Revisions.** To ensure the City's electrical provisions remain current, Local Law 64 of 2001 required a mandatory periodic revision of the Code's technical provisions, thereby ensuring that the Code would always be up-to-date. As a result, beginning in 2003, and continuing every third year thereafter, the Department of Buildings has been required to submit proposed amendments of the Code based upon the latest edition of the NEC to the City Council.

2. GOALS

- A. Submit Revisions to the City Council.** All revisions to the New York City Electrical Code must be incorporated into a local law, approved by the New York City Council and signed into law by the mayor.
- B. Revisions.** This New York City Electrical Code revision cycle is intended to incorporate the 2014 NEC with NYC appropriate amendments. Additionally, amendments will address the following:
- i. Mirror the NYC Construction Codes revision process.** Efforts will be made to harmonize the NYC Electrical Code with the Construction Codes, in both revision process and requirements. This effort will mirror the process the Department successfully used to revise the construction codes that includes the use of technical committees that reach consensus regarding the NYC-specific amendments. (See below for more details.)
 - ii. Carry over previous amendments as necessary.** Amendments resulting from previous code revision efforts will be assessed in the context of the 2014 NEC provisions, and incorporated into amendments as necessary.
 - iii. New technology.** Efforts will be made to accommodate new, safer equipment and energy saving technologies by incorporating the latest national standards.

- iv. **Cost savings.** Efforts will be made to reduce, streamline, or eliminate costly, out of date, or inefficient code provisions while maintaining public safety.
- C. **Consensus.** Achieving consensus on all proposed amendments to the 2014 NEC is vital to ensuring a code that is balanced and will meet the needs of the diverse built environment of New York City.

A consensus-based approach is a process in which committee members work together to find a mutually acceptable solution. This definition does not mean unanimity of thought or abandonment of values. Indeed, one of the characteristics of a well-constructed agreement is that it represents diverse values and interests. ‘Agreement’ is an acknowledgment that things can move forward, that participants support a decision even if it may not be exactly as initially envisioned. Given the variety of issues under consideration, the resulting agreement often garners varying levels of enthusiasm and support, but on balance, is one that each stakeholder can accept.

The consensus processes used to develop revisions for the New York City Electrical Code revision process will be bound by the following principles:

- i. **Consensus Decision Making.** All technical committees will make decisions by unanimous agreement rather than by majority vote.
- ii. **Inclusiveness.** All necessary interests will be represented on the committees.
- iii. **Accountability.** Participants will represent stakeholder groups or interests. They will be accountable both to their constituents and to the process.

Technical committees must come to consensus on technical provisions and will review administrative provisions in an advisory capacity. The Managing Committee must come to consensus on all provisions.

3. CODE REVISION COMMITTEE STRUCTURE

The Assistant Commissioner of Technical Affairs and Code Development (the Assistant Commissioner) or his or her designee is responsible for overseeing this Electrical Code revision cycle. As necessary, the Assistant Commissioner will assign staff and resources to complete the code revision.

The Deputy Commissioner for Legal Affairs (The Deputy Commissioner) or his or her designee is responsible for overseeing the administrative provisions of the Electrical Code. As, necessary the Deputy Commissioner will assign staff and resources to complete this aspect of the code revision.

To facilitate the code revision process the Department is dedicating staff to the effort and organizing the following industry stakeholder committees:

A. Managing Committee. The Managing Committee, formally known as the Electrical Code Advisory Committee (ECAC), is responsible for reviewing and accepting the 2014 NEC and the NYC-specific amendments that are proposed by the technical and advisory committees. Except for text mediated as part of this revision cycle, the Managing Committee must achieve consensus on all proposed revisions in order for the revision to be incorporated into the submission to the City Council.

- i. **Managing Committee Time Commitment.** Members of the Managing Committee must attend all Managing Committee meetings. Committee members may be removed or replaced at the discretion of the Assistant Commissioner for repeatedly missing meetings.
- ii. **Managing Committee Members.** The Managing Committee will be comprised of technical committee chairs and vice-chairs, along with construction, labor, real estate, government, professional, and other stakeholders.

Members of the Managing Committee will be volunteers, nominated by their stakeholder organization to represent the viewpoint of such organization on the Managing Committee. Individuals on the Managing Committee may not represent more than one organization, and no organization may have more than one representative on the Managing Committee.

All members of the Managing Committee are subject to a background check performed by the city, and approval of the Department.

- iii. **Managing Committee Alternates.** Managing Committee members are expected to attend all meetings. However, per the approval of the chair, a committee member may send a substitute to attend a meeting in their place due to illness, urgent personal business, unavoidable scheduling conflict, or other similar reason.

- iv. **Managing Committee Chair and Vice-Chair.** The Assistant Commissioner will serve as the chair of the Managing Committee or will designate executive staff in his or her place. A vice-chair of the Managing Committee may be appointed by the Assistant Commissioner.

With the assistance of the coordinator, the chair will be responsible for the following:

- Maintaining focus, control and progress of committee meetings,

- Determining committee structure for review of assigned text,
- Setting meeting agendas, schedules and assignments,
- Identifying committee scribe,
- Reviewing the local law of proposed text amendments,
- Identifying issues that require the formation of working committees or other sub-groups to work on committee-related issues,
- Determining the need for technical guest experts,
- Encouraging consensus-based resolution, and
- Requesting mediation for non-consensus items.

The vice-chair will serve as chair when called upon.

- v. **DOB Managing Committee Coordinator.** The Assistant Commissioner will assign a Department staff member who will serve as the coordinator for the Managing Committee.

The Managing Committee coordinator will be responsible for the following:

- Assisting the committee chair in his/her responsibilities,
- Distributing documents to committee members,
- Preparing committee meeting summaries, including attendance records,
- Documenting committee determinations,
- Compiling code revisions developed by the committee,
- Maintaining the official work products of the committee, and
- Liaising between the committee(s) and the Department, including legal staff.

- vi. **Managing Committee Guest Experts.** As needed, the chair may invite a guest expert(s) to participate in a limited number of committee meetings to provide guidance to the committee on a specific subject(s). Such guest expert(s) will not be considered a member of the committee, and their opinion will not be binding on the consensus process.

- vii. **Managing Committee Working Panels.** Working Panels are groups within the committee, formed at the direction of the chair, to review and provide guidance to the committee on specific issues. Working panels may consist of members of the Managing Committee, and/or guest experts, as needed. A panel leader will be designated by the chair to oversee the progress of the working panel, to prepare findings and to present them to the Managing Committee. Working panels are not required to achieve consensus, and their findings or recommendations will not be binding upon the Managing Committee.

B. Technical Committees. The technical committees, formally known as Electrical Code Revision and Interpretation Committee (ECRIC) are responsible for reviewing and accepting portions of the 2014 NEC and drafting NYC-specific amendments as necessary.

For the review of technical provisions the committees will utilize a consensus based process. The technical review will be conducted by six individual technical committees which are responsible for reviewing specific chapters of the 2014 National Electrical Code and developing appropriate amendments. Members are assigned to committees based on their subject matter expertise.

The technical committees will also be responsible for reviewing the proposed administrative provisions applicable to the New York City Electrical Code in an advisory capacity. The Department will consider the recommendations and finalize the text of the code revision(s) for review by the Managing Committee.

i. Continuation of the Electrical Code Revision and Interpretation Committee (ECRIC) Duties. The ECRIC Interpretation Committee will be referred to as ECRIC-IC. The ECRIC code revision technical committees will hereafter be referred to as ECRIC-CRC. These technical committees are not responsible for the ongoing interpretation of the electrical code standards, which will remain with the ECRIC Interpretation Committee. Serving as an electrical code revision member does not exclude one from participating on the interpretation committee and vice versa. Members of the code revision process may also sit on the Interpretation Committee and vice versa.

D. Technical Committee Members Time Commitment: Members of technical committees must attend all technical committee meetings. Committee members may be removed or replaced at the discretion of the Assistant Commissioner for repeatedly missing meetings.

E. Technical Committee Members. Technical committees will be comprised of construction, labor, real estate, government, and professional stakeholders.

All technical committee members will be volunteers who are technical experts in the subject matter and may represent either a specific organization, or be appointed to act on their own behalf due to their personal expertise in the subject matter. At the approval of the Assistant Commissioner, an organization may have more than one individual from such organization serving on a technical committee.

To be considered for a technical committee, applicants must complete an application to the Department and are subject to a background investigation performed by the city, and approval of the Assistant Commissioner.

Organizations whose interest is primarily in the areas of real estate, labor, policy, or economics, and who wish to have representation on a technical committee, must provide a technical expert to represent their organization. Individuals who do not possess technical proficiency in regards to the content will not be appointed to a technical committee.

- F. Technical Committee Alternates.** Technical committee members are expected to attend all meetings. However, at the approval of the chair, a committee member may send a substitute to attend a meeting in their place due to illness, urgent personal business, or unavoidable scheduling conflict.

- G. Technical Committee Size.** Technical committees will generally be limited to 10 - 15 members, depending upon the nature and complexity of the material to be considered. The Assistant Commissioner will work to ensure that the membership of each committee reflects a broad range of stakeholders who are knowledgeable in the code provisions to be considered by the committees.

- H. Technical Committee Chair and Vice-Chair.** Each technical committee will have a committee chair and vice-chair approved by the Assistant Commissioner. All committee chairs and vice-chairs will also be a member of the Managing Committee.

With the assistance of the technical committee coordinator, the committee chair will be responsible for:

- Maintaining focus, control and progress of technical committee meetings,
- Determining technical committee structure for review of assigned text,
- Setting meeting agendas, schedules and assignments,
- Identifying technical committee scribe,
- Reviewing proposed text amendments,
- Identifying issues that require the formation of working committees or other sub-groups to work on technical committee related issues,
- Determining the need for technical guest experts,
- Encouraging consensus-based resolution, and
- Requesting mediation for non-consensus items.

The vice-chair will serve as the committee chair when called upon.

I. Technical Committee Coordinator. The Assistant Commissioner will assign to each committee a Department staff member who will serve as the technical committee coordinator.

The technical committee coordinator will be responsible for the following:

- Assisting the committee chair in all their responsibilities,
- Distributing documents to committee members, reviewing attorneys, etc.
- Preparing meeting summaries, including attendance records,
- Documenting committee member determinations,
- Compiling code revisions developed by the technical committee,
- Maintaining the official work products of the technical committee, and
- Liaising between the technical committee (s) and the Department, including legal staff.

J. DOB Technical Committee Advisors. The Assistant Commissioner will assign to each committee one or more Department staff member(s) to serve as technical advisors to the committee. Technical advisor(s) will be responsible for providing technical guidance to the committee. The technical advisor will also identify code proposals that effect Department operations. In addition, the technical advisor will serve as the liaison between the technical committees and the Assistant Commissioner regarding technical matters.

K. Technical Committee Guest Experts. As needed, and per the approval of the Assistant Commissioner, the chair may invite a guest expert(s) to participate in a limited number of committee meetings to provide guidance to the committee on a specific subject(s). Such guest expert(s) will not be considered a member of the committee, and their opinion will not be binding on the consensus process.

L. Technical Committee Working Panels. Working panels are sub-groups within the individual committees, formed at the direction of the chair, to review and provide guidance to the committee on specific issues. Working panels may consist of members of the technical committee, and/or guest experts, as needed. A Sub-committee Leader will be designated by the chair to oversee the progress of the working committee, prepare findings, and present them to the technical committee. Working sub-committees are not required to achieve consensus, and their findings or recommendations will be non-binding upon the technical committee.

M. Ad-hoc Working Meetings. Where, in the determination of the Assistant Commissioner the Department may organize an ad-hoc working meeting. The meeting will consist of stakeholders and experts invited by the Department. Ad-hoc working meetings are not required to achieve consensus, and their findings or recommendations will not be binding.

4. CODE REVISION CYCLE PROCESS

To facilitate an efficient review and development of revisions, the following process will be utilized.

- A. Department Review.** The Department of Buildings will review the existing New York City Electrical Code and the 2011, 2014 NEC and propose amendments for the committees to consider, assuming the adoption of the 2014 NEC as the base code.
- B. Presentation of Proposed NYC-specific Amendments.** The Department will present to the technical committees the proposed **NYC-specific amendments**, along with questions or issues for committee consideration.
- C. Committee Review of 2014 NEC and Proposed NYC-specific Amendments.** The technical committees will review and discuss both the specific language contained in the proposed revision(s) and any broader issues relevant to the proposed revision(s). Additionally, committee members may suggest code revisions for consideration by the committee. Recommendations must be in the form of specific language revising the section(s) of code in question. If the chair and coordinator determine the revision falls outside the scope of the committee, the suggested revision(s) will be forwarded to the appropriate committee for consideration.

For text assigned to a technical committee, the chair will work to achieve consensus on the wording of the proposed code revision(s). After consensus has been achieved on the wording of a specific revision, the language will be recorded by the coordinator, or other person designated by the committee chair. The coordinator will then forward finalized revisions to the reviewing attorneys.

For administrative provisions, the Department will consider the recommendations of the committee, and finalize the text of the code revision(s). The coordinator will forward the finalized text to the reviewing attorneys.

- i. Review of Technical Provisions.** After the technical provisions have been proposed, the technical committees will review and discuss both the specific language contained in the revision and any broader issues the revision addresses.

Recommendations by the technical committees, when reviewing the technical provisions, are required to achieve consensus.

- ii. **Review of Administrative Provisions.** The Deputy Commissioner for Legal Affairs (The Deputy Commissioner) or his or her designee is responsible for overseeing the review of the administrative provisions of the Electrical Code. The Deputy Commissioner will assign staff and resources to complete this aspect of the code revision, as necessary.

The technical committees will also be responsible for reviewing the proposed administrative provisions applicable to the New York City Electrical Code in an advisory capacity, which is not required to achieve consensus. The Department will consider the recommendations and finalize the text of the code revision(s) for review by the Managing Committee.

The findings or recommendations related to the technical and administrative provisions will be considered by the Managing Committee, but are not binding upon such committee.

- D. **Legal Review.** The committee work will be reviewed the reviewing attorneys at the Department and/or the Law Department.

- E. **Managing Committee Review.** Proposed local law text that includes the technical committees' acceptance of the 2014 NEC and proposed NYC-specific amendments to the 2014 NEC will be forwarded to the Managing Committee for their review and approval.

After receiving the proposed local law text, members of the Managing Committee will comment, accept, or reject all proposals referred for their review. The committee chair or vice-chair of the committee from which the code revision emerged will present the proposed changes to the code to the Managing Committee members.

Proposals accepted by the Managing Committee will be forwarded to the Assistant Commissioner for inclusion in a bill to be submitted to the City Council. Proposals rejected by the Managing Committee will, at the discretion of the Assistant Commissioner, be sent back to the technical committee for additional work, or will be sent for mediation.

- F. **Mediation.** When a Technical or Managing Committee cannot achieve consensus on a proposed NYC-specific amendment to the 2014 NEC, such issue will be subject to mediation. Additionally, if the managing committee cannot come to consensus on a proposed administrative provision, such provision will be subject to mediation.

- i. **Notification from Chair.** When a technical committee or the Managing Committee cannot reach consensus on a specific code provision, the chair will request, via email, mediation by the Assistant Commissioner. The email will contain a summary of the unresolved issue(s), note those who object, their reason(s) for objection, and potential areas of compromise.
- ii. **Mediation Participation.** Meetings on a particular mediation subject that emerged from a technical committee will be open only to members of the technical committee which discussed the matter in question, and any member of the Managing Committee.

Individuals who wish to attend a mediation meeting must indicate such via email to the Assistant Commissioner, or a designated member of the Department staff.

At least one week prior to the first mediation meeting on the subject, all parties taking part in the meeting must submit a position paper on the subject to be mediated. The paper must clearly outline the matter in dispute, the party's position, and provide as many supporting facts, data, analysis, etc., as possible. The Department will provide all involved parties with copies of all position papers received prior to the start of mediation.

- iii. **Mediation Meeting(s).** Mediation meetings will be run by the Assistant Commissioner. All meetings will be scheduled in coordination with the various participants.

At the first meeting for an issue, the parties will present their opinions to the Assistant Commissioner. The Assistant Commissioner will work to facilitate consensus and discuss potential alternatives to be considered.

Subsequent meetings may be scheduled if determined necessary by the Assistant Commissioner.

- iv. **Reaching Consensus.** If mediation produces consensus, the Department will draft code language based on the consensus achieved and provide a copy for approval by the participants of the mediation session. If agreed to by the participants of the mediation session, such language will be final, and will not be subject to further review by the technical committee or the Managing Committee.
- v. **No Consensus.** If mediation fails to bring about consensus, the matter in question will be forwarded to the First Deputy Commissioner of the Department of Buildings for a determination. The First Deputy Commissioner

will draft code language for the section in question. Such code language will be final, not subject to further review by the technical committee or the Managing Committee.

- G. Ad-hoc Working Meetings.** Ad-hoc Working Meetings will be tasked and run in accordance with specifications determined by the Assistant Commissioner.

Where, in the determination of the Assistant Commissioner, outside interests need to be advised of particular issues, the Department may organize an ad-hoc working meeting. The meeting will consist of stakeholders and experts invited by the Department. Ad-hoc Working Meetings are not required to achieve consensus, and their findings or recommendations will be non-binding.

- H. Code of Conduct.** As an Electrical Code Revision Committee member, individuals must conduct themselves in a professional, ethical and respectful manner. Committee members must actively participate in all aspects of committee work, including attending all meetings and complying with deadlines for assigned tasks. Additionally, members must comply with all provisions of this handbook. Individuals who fail to comply with the aforementioned standards may, at the discretion of the Assistant Commissioner, be dismissed from code revision participation.

Members of the Electrical Code Revision Committees are volunteers, and may not accept bribes, gratuities, gifts, or any form of compensation for serving as a Electrical Code Revision Committee member, with the exception of the funding disclosed in Part A of the Electrical Code Revision Committee Application. Committee members must immediately notify the Department of any changes to the information provided on their Code Revision Committee Application. Failure to make such notification to the Department may impact a member's continued participation in the code revision process.