



Promulgation Details for 1 RCNY 104-20

This rule became effective on March, 11, 2015.

Since such date, one or more amendments have been made to this rule. Each rule amendment has its own effective date and Statement of Basis and Purpose.

Below you will find one or more rule amendments (the most recent appearing at the top), followed by the original rule.

The effective date of each amendment and the original rule can be found at the top of each "NOTICE OF ADOPTION OF RULE."

This rule has an effective date of 9-20-25

NEW YORK CITY DEPARTMENT OF BUILDINGS

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 104-09, 104-20 and 104-23 of Subchapter D of Chapter 100 and Section 3319-01 of Chapter 3300 of Title 1 of the Official Compilation of the Rules of the City of New York regarding permitting requirements for rotating telehandlers and articulating boom cranes.. This rule was first published on April 24, 2025, and a public hearing thereon was held on May 28, 2025.

Dated: 8/14/25

New York, New York


James S. Oddo
Commissioner

Statement of Basis and Purpose of Rule

The 2022 New York City Construction Codes, enacted by Local Law 126 for the year 2021, revised the definition of a crane in Chapter 2 of the New York City Building Code (“Building Code”) to include rotating telehandlers, and revised the exceptions in Section 3319.3 of the Building Code to remove the permitting and licensing exemption for articulating boom cranes. Together, these changes made the licensing and permitting requirements for cranes applicable to telehandlers and articulating boom cranes. The New York City Department of Buildings (the “department”) adopted a rule in July 2024 to expand its licensing requirements to the operators of rotating telehandlers and articulating boom cranes. The rule adds permitting requirements for rotating telehandlers and articulating boom cranes.

It further addresses certain current operational practices concerning crane or derrick permit applications and associated inspections and proposes additions and clarifications to these practices.

This rule also amends definitions and cross references to reflect corresponding changes made in the 2022 New York City Construction Codes.

Lastly, this rule rectifies omissions and clarifies certain language in the July 2024 licensing rule, as well as amends the rule to recognize an additional certification program for the operators of mini cranes.

Specifically:

- Sections 1, 2, 5, 15, and 17 amend sections 104-09 and 104-23 of Subchapter D of Chapter 100 and section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York (“RCNY”) to rectify omissions and clarify vague language in the July 2024 licensing rule for rotating telehandlers and articulating boom cranes, as well as amend the rule to recognize an additional certification program for the operators of mini cranes.
 - Section 1 clarifies that for the purposes of crediting experience obtained in New York City on or before November 6, 2024, the experience must have been acquired on the type of equipment for which the license is sought – that is, on an articulating boom crane if applying for an articulating boom crane limited hoisting machine operator license, and on a rotating telehandler if applying for a rotating telehandler limited hoisting machine operator license.
 - Section 2 recognizes the telescopic boom certification offered by the National Center for Construction Education and Research (“NCCER”) as being an acceptable certification for the operators of mini cranes.
 - Section 5 clarifies that an individual learning to become a hoisting machine operator does not need to be employed by the licensed operator supervising the learner, nor do the learner and supervisor need to be employed by the same entity.
 - Section 15 adds a reference to tree trimming equipment, which was inadvertently omitted from the rule text.

- Section 17 clarifies that the language related to attachments is inclusive to all the proceeding terms. It also clarifies that exemptions applicable to cranes are also applicable to fixed (non-rotating) telehandlers.
- Sections 3, 11, 12, and 13 amend section 104-20 of Subchapter D of Chapter 100 and section 3319-01 of Chapter 3300 of Title 1 of the RCNY to reflect current practices and propose additions and clarifications to these practices.
 - Sections 3 and 13 add the current operational practice of requiring a letter from a licensed rigger to be kept on site and submitted with certain permit applications.
 - Section 11 adds the current operational practice of collecting the name of the licensed operator for jobs that require a certificate of on-site inspection.
 - Section 12 sets out the type of information currently collected as part of an application to issue or amend a certificate of operation and proposes a new requirement for the owner of a crane or derrick to certify compliance with manufacturer bulletins and recall notices. This section also spells out the inspections currently required to be performed related to a certificate of operation and proposes to authorize such inspections for a rotating telehandler or articulating boom crane, as well as certain small mobile cranes, to be conducted by a crane inspection agency approved by the department. This section of the rule further proposes to tie the expiration of the certificate of operation of a tower crane, other than a self-erecting tower crane, and for a derrick, to certain thresholds indicating that the work of the tower crane or derrick at the jobsite is completed.
- Sections 4, 6 and 7 amend section 104-23 of Subchapter D of Chapter 100 and section 3319-01 of Chapter 3300 of Title 1 of the RCNY to ensure updated definitions and cross references to reflect corresponding changes made in the 2022 New York City Construction Codes.
- Sections 8, 9, 10, 14 amend section 3319-01 of Chapter 3300 of Title 1 of the RCNY by adding permitting requirements for rotating telehandlers and articulating boom cranes.
 - Section 8 exempts rotating telehandlers and articulating boom cranes from the requirement to obtain a certificate of operation until January 1, 2028. The certificate of operation represents an annual registration and inspection of the machinery, akin to an annual car registration and inspection. The exemption until January 1, 2028 will allow time for the department to develop qualification criteria for crane inspection agencies authorized by Section 12 of this rule, and for qualified entities in the industry to obtain necessary credentials and apply to the department to become a crane inspection agency.
 - Section 8 exempts rotating telehandlers and articulating boom cranes from the requirement to obtain a certificate of approval until January 1, 2028, and exempts rotating telehandlers and articulating boom cranes that obtained a certificate of operation prior to January 1, 2028 from the requirement to obtain a certificate of approval. The certificate of approval represents the department's acceptance of the manufacturing of the make and model of equipment. It is not practical to retroactively apply the requirements of a certificate of approval to equipment already built and in use.
 - Section 9 deletes references to permit types which have been operationally phased out and adds cross references to relevant permit requirements added by this rule.

- Section 10 clarifies that the noncompliance provisions of the rule apply to on-site waiver applications.
- Section 14 of the rule specifies the types of operations for which a certificate of on-site inspection is required for a rotating telehandler or articulating boom crane. In general, the requirement for a certificate of on-site inspection will take effect on January 1, 2028. The delayed implementation of this provision will allow adequate time for these projects to prepare. In the interim, the rule states that most work will require a more generalized equipment use permit. On and after January 1, 2028, this section of the rule will allow certain smaller scale and limited operations to continue to avail themselves of the equipment use permit.

In response to comments received at the May 28, 2025 public hearing, the department made the following changes to the rule:

Section 8, which amends the exceptions to paragraph (1) of subdivision (c) of section 3319-01, was revised to require a certificate of approval for articulating boom cranes attached to a commercial truck chassis and for rotating telehandlers only when the equipment requires a certificate of on-site inspection.

Section 14, which adds a new paragraph (14) to subdivision (g) of section 3319-01, was revised as follows:

- The requirements for a certificate of on-site inspection for articulating boom cranes attached to a commercial truck chassis and rotating telehandlers were revised to apply only to large articulating boom cranes and rotating telehandlers.
 - A proposed trigger to require a certificate of on-site inspection if an articulating boom crane or rotating telehandler is not equipped with an automatic overload prevention device was removed. The department will, in subsequent rulemaking, specify the types of operational aids and safety devices acceptable for articulating boom cranes and rotating telehandlers, irrespective of the permit status of the equipment.
 - A proposed trigger to require a certificate of on-site inspection if an articulating boom crane or rotating telehandler imposes a pressure on the street in excess of 3,500 psf was removed. New language to reiterate the need to comply with the requirements of other agencies, including those of the New York City Department of Transportation, was added.
 - A proposed trigger to require a certificate of on-site inspection if an articulating boom crane or rotating telehandler is used at a site subject to supervision by a construction superintendent was removed. Provided the equipment does not meet any remaining trigger for a certificate of on-site inspection, the mere presence of the equipment at either a major or non-major building site supervised by a construction superintendent will not trigger the need for a certificate of on-site inspection. Proposed exemptions that would have delayed implementation of this trigger till January 1, 2028, for major building sites, and carved out non-major

building sites, have been rendered redundant by this change and have been removed.

- For clarity, the triggers related to a certificate of on-site inspection for articulating boom cranes attached to a commercial truck chassis and rotating telehandlers have been separated from the triggers for an equipment use permit. Specifically, the triggers for a certificate of on-site inspection are in subparagraph (i) of paragraph (14) of subdivision (g), and the triggers for an equipment use permit are in subparagraph (ii) of paragraph (14) of subdivision (g). Previously, the triggers for both had been compressed into subparagraph (i).
 - Proposed exemptions to subparagraph (i) were reworked to reflect the separation, and obsolete exemptions were removed.
- Language was added to the now renumbered subparagraph (iii) of paragraph (14) of subdivision (g) to note that an equipment owner, vendor, or contractor may obtain an equipment use permit for articulating boom cranes and rotating telehandlers. The scope of the permit was specified for each type of permit holder.
- For clarity, provisions related to the construction documents submitted as part of the equipment use permit application were separated into a new subparagraph (iv) of paragraph (14) of subdivision (g).
- Language was added to new subparagraphs (iii) and (iv) of paragraph (14) of subdivision (g) to clarify that an equipment use permit may cover multiple pieces of equipment.
- A new subparagraph (vi) of paragraph (14) of subdivision (g) was added to make clear that a certificate of on-site inspection or equipment use permit is required for an articulating boom crane attached to a commercial truck chassis or rotating telehandler only when required by subparagraphs (i) or (ii).

In addition, the department received comments related to prototyping requirements and third-party inspection requirements for articulating boom cranes and rotating telehandlers. To fully address the comments will require amendments to sections of the rule not included in this round of rulemaking. Therefore, these comments will be addressed in future rulemaking.

The department also received comments related to the rigging supervision requirements for deliveries. This topic is governed by Section 3316.9.2 of the Building Code and is beyond the scope of rulemaking.

Further, the department received comments requesting that the terminology “direct and continuing supervision” with respect to rigging supervision be revised to read “direct employ.” The terminology “direct and continuing supervision” utilized in these rules mirrors the language in the code, specifically in Section 3316.9.2 of the Building Code and Article 404 of Title 28 of the New York City Administrative Code and cannot be amended by rule. The comments expressed a desire to make clear that merely being present at the site is not an adequate bar for supervision; that the individuals must also be employed by the rigger. “Direct and continuing supervision” is defined to require individuals being supervised to be in the “direct employ” of the licensee.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter, Article 405 of Chapter 4 of Title 28 of the New York City Administrative Code, and Section 3319 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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. Exception 2 of subparagraph (ii) of paragraph (4) of subdivision (a) of section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

2. Applicants for a Limited Hoisting Machine Operator license for an articulating boom crane, mini crane, or telehandler may credit experience earned in New York City operating [an articulating boom crane, mini crane, or rotating telehandler] the equipment for which such license is sought and obtained neither in the presence nor under the direct supervision of a New York City licensed Hoisting Machine Operator, provided, however, that such experience was earned prior to November 7, 2024 and no more than three (3) years prior to the date of application for licensure, and provided further that such operation was performed in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building, but excluding work in industrial or commercial plants or yards. Such experience will be credited as satisfying the provisions of clause (A) of this subparagraph at a rate of 125 hours of operator experience equaling one month of experience. Where the operator has in excess of 1,500 hours of qualifying experience, the remainder of the experience will be credited towards satisfying the second year of experience required by section 28-405.3 of the New York city administrative code, also at a rate of 125 hours of operator experience equaling one month of experience. Proof of such experience shall be documented in the form of an affidavit provided by the department and signed by the applicant and the applicant’s employer or union. However, the department may decline to credit such experience to any individual who defaulted on or has been found liable for unsafe operation of a crane or telehandler after proceedings before the environmental control board or in an adjudication in criminal court, if such default or judgment occurred within the five (5) years preceding such application. The department may also delay a determination under this exception for any applicant against whom there is an open violation for the unsafe operation of a crane or telehandler issued within the five (5) years preceding such application. Applicants subject to this exception may be asked by the department to submit proof, in addition to the affidavit described above, in support of their operating record.

§ 2. Table 2 of subdivision (d) of section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new footnote 6 to read as follows:

Table 2: Certifications by licensing class¹

Certification	Hoisting machine operator licensing class		
	A	B	C
NCCCO Telescopic Boom Crane - Fixed Cab	Required	Required	Required
NCCCO Telescopic Boom Crane - Swing Cab	Required	Required	Required
NCCCO Lattice Boom Crane ²	Required	Required	
NCCCO Tower Crane	Additional	Required	
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader ³	Additional	Additional	Additional
NCCCO Dedicated Pile Driver	Additional	Additional	Additional
NCCCO Rotating Telehandler ⁴	Additional	Additional	Additional

Table 2 (cont.): Certifications by licensing class¹

Certification	Hoisting machine operator licensing class				Limited telehandler
	Limited articulating boom crane	Limited boom truck	Limited mini crane	Limited sign hanger	
NCCCO Telescopic Boom Crane - Fixed Cab		Required ⁵	Required ⁶	Required ⁵	
NCCCO Telescopic Boom Crane - Swing Cab					
NCCCO Lattice Boom Crane ²					
NCCCO Tower Crane					
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader ³	Required	Additional	Additional	Additional	
NCCCO Dedicated Pile Driver					
NCCCO Rotating Telehandler ⁴		Additional			Required

Legend to Table 2:

- “NCCCO” means “National Commission for the Certification of Crane Operators.”

- “Required” means must possess.
- “Additional” means not mandated, but required if licensee intends to operate listed type of hoisting machinery.
- Blank indicates not authorized for the class of license.

Footnotes to Table 2:

- ¹ Individuals may only operate equipment within the scope of their license, even if a certification authorizes operation of a broader class of equipment.
- ² For a Hoisting Machine Operator Class B applicant, the practical certification exam for the lattice boom crane must be on a friction crane.
- ³ Individuals are not permitted to operate machinery exceeding the scope of their certification, even if such machinery is within the scope of their license.
- ⁴ Individuals who hold a “Rotating Telehandler” certification are authorized to operate a non-rotating (“fixed”) telehandler and need not separately hold a “Fixed Telehandler” certification.
- ⁵ Licensees who prior to the effective date of this subdivision hold a certification for a “Boom truck” must provide a certification for “NCCCO Telescopic Boom Crane - Fixed Cab upon renewal of their license.
- ⁶ For a Limited Hoisting Machine Operator License for a mini crane, a certification from the National Center for Construction Education and Research (“NCCER”) that authorizes the operation of a telescopic boom is acceptable in lieu of a NCCCO certification for a “Telescopic Boom Crane - Fixed Cab.”

§ 3. Subdivision (f) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding new paragraphs (1) and (2) to read as follows:

- (1) For work conducted by a master rigger, other than the erection, jumping, or dismantling of a tower crane, the master rigger must provide a letter, signed and dated by the licensee, attesting that all members of the rigging crew are under the direct and continuing supervision of the licensee. The letter must be maintained at the site by the master rigger and made available to the commissioner upon request. In addition, where the work requires a certificate of on-site inspection or a permit, including but not limited to an on-site waiver, the letter must be submitted with the application for the certificate of on-site inspection or permit, and the plans for the certificate of on-site inspection or permit must be stamped or otherwise clearly marked, in a format acceptable to the commissioner, indicating the work will be performed under the direct and continuing supervision of the master rigger.
- (2) For the erection, jumping, or dismantling of a tower crane, the master or tower crane rigger must provide a letter, signed and dated by the licensee, attesting that all members of the “jumping” crew are under the direct and continuing supervision of the licensee. The letter must be submitted as part of the plan required by Section 3319.8.1 of the New York City Building Code.

§ 4. Subdivision (b) of section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new definition of “direct supervision” in alphabetical order to read as follows:

Direct supervision. See §28-401.3 of the New York City Administrative Code.

§ 5. Section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (m) to read as follows:

(m) Employment. A learner for a hoisting machine operator does not need to be employed by the hoisting machine operator supervising the learner. The learner and supervisor do not need to be employed by the same entity.

§ 6. The exception to subdivision (a) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

Exception: Cranes and derricks listed in the exceptions set forth in [Section 3319.3] Sections 3316.1 or 3319.1 of the New York City Building Code.

§7. The following definitions set forth in subdivision (b) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York are amended and new definitions of “CRITICAL PICK,” “MAJOR BUILDING,” “ROTATING TELEHANDLER,” and “TELEHANDLER” are added to such subdivision, in alphabetical order, to read as follows:

...

AXIS OF ROTATION. [The vertical axis around which the crane superstructure rotates.] See Chapter 2 of the New York City Building Code.

AXLE. [The shaft or spindle with which or about which a wheel rotates. On truck and wheel mounted cranes it refers to an automotive type of axle assembly including housing, gearing, differential, bearings and mounting appurtenances.] See Chapter 2 of the New York City Building Code.

...

BASE (mounting). [The base or carrier on which the rotating superstructure is mounted such as a truck, crawler or platform.] See Chapter 2 of the New York City Building Code.

BOOM. [A section or strut, of which the heel (lower end) is affixed to a base, carriage or support, and whose upper end supports a cable and sheaves where the load is lifted by means of wire rope and a hook.] See Chapter 2 of the New York City Building Code.

...

BOOM POINT. [The outward end of the top section of the boom, containing the hoist sheave assembly.] See Chapter 2 of the New York City Building Code.

...

BRAKE. [A device used for retarding or stopping motion by friction or power means.] See Chapter 2 of the New York City Building Code.

...

CABLEWAY. [A power operated system for moving loads in a generally horizontal direction in which the loads are conveyed on an overhead cable, track or carriage.] See Chapter 2 of the New York City Building Code.

CERTIFICATE OF APPROVAL. [A certificate issued by the department upon review and approval of the engineering and testing of a specific make and model of hoisting equipment to ensure compliance with the applicable provisions of this code and its referenced standards.] See Chapter 2 of the New York City Building Code.

CERTIFICATE OF OPERATION. [A certificate issued by the department annually upon satisfactory inspection of the hoisting equipment holding a certificate of approval to ensure that the equipment continues to be in compliance with this code and its referenced standards.] See Chapter 2 of the New York City Building Code.

CERTIFICATE OF ON-SITE INSPECTION. [A certificate issued by the department based on a site-specific approval of the placement, founding and operation of hoisting equipment.] See Chapter 2 of the New York City Building Code.

CLAMSHELL. [A shovel bucket with two jaws that clamp together by their own weight when it is lifted by a closing line.] See Chapter 2 of the New York City Building Code.

[CLIMBING/JUMPING. The raising or lowering of a tower or climber crane to different floors or levels of a building or structure.]

...

COMPETENT PERSON. [One who is capable of identifying existing predictable hazards in the surroundings or conditions that are unsanitary, hazardous or dangerous, and who has authorization to take prompt corrective measures to eliminate such hazards.] See Chapter 2 of the New York City Building Code.

...

COUNTERWEIGHT. [Weight used to supplement the weight of the machine in providing stability for lifting working loads.] See Chapter 2 of the New York City Building Code.

CRANE. [A power-operated machine for lifting or lowering a load and moving it horizontally which utilizes wire rope and in which the hoisting mechanism is an integral part of the machine. The definition of a crane shall also include articulating boom crane, regardless of whether it has a hoisting mechanism integral to the machine.] See Chapter 2 of the New York City Building Code.

ARTICULATING BOOM CRANE. [A power-operated machine for lifting or lowering a load and moving it horizontally that utilizes a boom consisting of a series of folding pin connected structural members, typically manipulated to extend or retract by power from hydraulic cylinders, with or without a hoisting mechanism integral to the machine.] See Chapter 2 of the New York City Building Code.

MOBILE CRANE. [A commercial truck mounted crane, crawler crane, wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).] See Chapter 2 of the New York City Building Code.

COMMERCIAL TRUCK MOUNTED CRANE (BOOM TRUCK). [A crane consisting of a rotating superstructure (center post or turntable), boom, operating machinery, and one or more operator's stations mounted on a frame attached to a commercial truck chassis, usually retaining a payload hauling capability whose power source usually powers the crane. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

CRAWLER CRANE. [A crane consisting of a rotating superstructure with a power plant, operating machinery, and boom, mounted on a base and equipped with crawler treads for travel. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

WHEEL MOUNTED CRANE (MULTIPLE CONTROL STATIONS). [A crane consisting of a rotating superstructure, operating machinery, and operator's station and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel, a power source(s), and having separate stations for driving and operating. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

WHEEL MOUNTED CRANE (SINGLE CONTROL STATION). [A crane consisting of a rotating superstructure, operating machinery, and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel, a power source, and having a single control station for driving and operating. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

...

TOWER CRANE. [A power-operated hoisting machine that utilizes a vertical tower with a rotating superstructure and includes a load boom (jib) in order to lift or lower a load and move it horizontally.] See Chapter 2 of the New York City Building Code.

CLIMBER CRANE. [A tower crane that can be raised to a new working height, either by adding tower sections to the top of the crane (top climbing), or by a system in which the entire crane is raised inside the structure (inside climbing).] See Chapter 2 of the New York City Building Code.

SELF-ERECTING TOWER CRANE. [A tower crane that adjusts its operating radius by means of a trolley traversing a jib and that; (i) possesses a vertical or nearly vertical tower or mast that is bottom slewing and mounted on fixed, traveling, or mobile bases; and (ii) is capable of folding and unfolding to facilitate transit from site to site with minimal assembly. A self-erecting tower crane is not considered to be a mobile crane, even if the self-erecting tower crane otherwise meets the definition of a mobile crane.] See Chapter 2 of the New York City Building Code.

...

CRITICAL PICK. See Chapter 2 of the New York City Building Code.

DEDICATED PILE DRIVER. [A power-operated machine that is designed primarily to drive, hammer, press, or vibrate piles into the earth (“pile drive”) and which typically possess the ability to both hoist the material that will be pile driven and to pile drive that material.] See Chapter 2 of the New York City Building Code.

...

DERRICK. [An apparatus consisting of a mast or equivalent member held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes, for lifting or lowering a load and moving it horizontally. The definition of a derrick includes but is not limited to: A-frame derrick, basket derrick, breast derrick, Chicago boom derrick, gin pole derrick, guy derrick, shearleg derrick, and stiffleg derrick.] See Chapter 2 of the New York City Building Code.

...

DISMANTLING. [The final process of taking apart, piece by piece, in a specific sequence, the components of a crane. Dismantling shall include climbing and jumping.] See Chapter 2 of the New York City Building Code.

DRUM. [The cylindrical member around which a rope is wound for raising and lowering the load or boom.] See Chapter 2 of the New York City Building Code.

...

ERECTION. [The assembly and placement of crane sections and components into place, including all operations incidental thereto. Erection shall include climbing and jumping.] See Chapter 2 of the New York City Building Code.

...

HOISTING EQUIPMENT. [Equipment used to raise and lower personnel and/or material with intermittent motion. Hoisting equipment does not include scaffolds, mast climbers, and elevators.] See Chapter 2 of the New York City Building Code.

HOISTING MACHINE. [A power operated machine used for lifting or lowering a load, utilizing a drum and wire rope, excluding elevators. This shall include but not be limited to a crane, derrick, and cableway and hydraulic lifting system, and articulating booms.] See Chapter 2 of the New York City Building Code.

HOISTING MECHANISM. [A hoist drum and rope reeving system used for lifting and lowering loads.] See Chapter 2 of the New York City Building Code.

...

JIB. [An extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.] See Chapter 2 of the New York City Building Code.

JUMP (jumping or climbing). [The process of adding or removing mast or tower sections to equipment that has already been erected.] See Chapter 2 of the New York City Building Code.

...

LOAD (working). [The external load, in pounds (kilograms), applied to the crane or derrick, including the weight of auxiliary load attaching equipment such as load blocks, shackles, and slings.] See Chapter 2 of the New York City Building Code.

LOAD BLOCK (upper). [The assembly of hook or shackle, swivel, sheaves, pins, and frame suspended from the boom point.] See Chapter 2 of the New York City Building Code.

LOAD BLOCK (lower). [The assembly of hook or shackle, swivel, sheaves, pins and frame suspended by the hoisting ropes.] See Chapter 2 of the New York City Building Code.

...

LOAD RATINGS. [Crane and derrick ratings in pounds (kilograms) established by the manufacturer in accordance with standards set forth in rules promulgated by the commissioner.] See Chapter 2 of the New York City Building Code.

LOAD RATING CHART. [A full and complete range of manufacturer's crane load ratings at all stated operating radii, boom angles, work areas, boom lengths and configurations, jib lengths and angles (or offset), as well as alternative ratings for use and nonuse of optional equipment on the crane, such as outriggers and extra counterweights, that affect ratings.] See Chapter 2 of the New York City Building Code.

MAJOR BUILDING. See Chapter 2 of the New York City Building Code.

...

OUTRIGGERS (crane). [Extendable or fixed members attached to the mounting base that rest on supports at the outer ends used to support the crane.] See Chapter 2 of the New York City Building Code.

PILE DRIVER. [A dedicated pile driver; or a crane or derrick equipped with an attachment or otherwise outfitted to drive, hammer, press, or vibrate piles into the earth ("pile drive"). However, the definition of a pile driver does not include excavating or earth-moving equipment fitted with a pile driving attachment.] See Chapter 2 of the New York City Building Code.

...

QUALIFIED PERSON. [A person who by possession of a recognized degree, certificate or professional standing, or who by knowledge, training and experience, has successfully demonstrated his or her ability to solve or resolve problems related to the subject matter, the work, or the project.] See Chapter 2 of the New York City Building Code.

...

ROPE. [A continuous line of material comprised of a number of twisted or braided strands of fiber (natural or synthetic) or metal wire.] See Chapter 2 of the New York City Building Code.

ROTATING TELEHANDLER. See Chapter 2 of the New York City Building Code.

...

SUPERSTRUCTURE. [The rotating upper frame structure of the machine and the operating machinery mounted thereon.] See Chapter 2 of the New York City Building Code.

SWING. [Rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.] See Chapter 2 of the New York City Building Code.

...

TELEHANDLER. See Chapter 2 of the New York City Building Code.

...

[TOWER. A vertical structural frame consisting of columns and bracing that are capable of supporting working and dynamic loads and transmitting them to the support(s).]

TRANSIT. [The moving or transporting of a crane from one job site to another.] See Chapter 2 of the New York City Building Code.

TRAVEL. [The function of the machine moving from one location to another on a job site.] See Chapter 2 of the New York City Building Code.

§ 8. The exceptions to paragraph (1) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York are amended by adding new exceptions 4, 5, 6, and 7 to read as follows:

(1) Certificates of approval, operation, and on-site inspection.

...

Exceptions:

...

4. A certificate of on-site inspection is only required for a rotating telehandler, or an articulating boom crane attached to a commercial truck chassis, when specified by paragraph (14) of subdivision (g) of this section.
5. Prior to January 1, 2028, a certificate of operation is not required for a rotating telehandler, nor for an articulating boom crane attached to a commercial truck chassis.
6. Prior to January 1, 2028, a certificate of approval is not required for a rotating telehandler, nor for an articulating boom crane attached to a commercial truck chassis.

7. On and after January 1, 2028, a certificate of approval is not required for a rotating telehandler, nor for an articulating boom crane attached to a commercial truck chassis, that does not require a certificate of on-site inspection.

§ 9. Paragraph (2) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (2) **Temporary construction equipment permit.** A temporary construction equipment permit[, such as an Alt II permit or a CD-5 permit,] is required for:
- (i) A mobile crane that meets exception numbers 3 or 4 of Section 3319.3 of the New York City Building code, but does not meet any other exception of Section 3319.3 of the New York City Building code, and is used in conjunction with the construction, alteration, or demolition of a building.
 - (ii) Cranes and derricks with a manufacturer's rated capacity of 1 ton (907 kg) or less and used in conjunction with the installation, alteration, maintenance, repair, or removal of a building, building systems, or equipment located on a building.
 - (iii) Rotating telehandlers, or articulating boom cranes attached to a commercial truck chassis, when specified by paragraph (14) of subdivision (g) of this section.

§ 10. Paragraph (3) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) **Noncompliance.** Where a crane or derrick requiring one or more of the certificates, on-site waivers, or permits is found not to be in compliance with one or more of the required certificates, on-site waivers, or permits, the use of such crane or derrick must cease. The crane or derrick must not be used until it has been brought into conformance with the certificates, on-site waivers, or permits, or amended certificates, on-site waivers, or permits have been issued by the department to reflect the state of the crane or derrick.

§ 11. Paragraph (5) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new subparagraph (iv) to read as follows:

- (iv) **Notification of operator.** The department must be notified of the licensed hosting machine operator or operators authorized to operate the crane or derrick, or to supervise a learner on the crane or derrick, prior to the commencement of their operation or supervision.
Exception: Notification is not required for a crane or derrick that does not require a certificate of on-site inspection.

§ 12. Subdivision (f) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

(f) **[Annual renewal of the certificate] Certificate of operation.** Certificates of operation must comply with the requirements of Section 3319.5 of the New York City Building Code and the following.

(1) **Application.** [Application for renewal of] An application for the issuance or renewal of a certificate of operation, [as stipulated] in accordance with Section 3319.5 of the New York City Building Code, must be accompanied by [inspection and maintenance records in accordance with paragraph (1) of subdivision (k) of this section and paragraph (1) of subdivision (m) of this section.]:

- (i) Owner name and contact information;
- (ii) Certificate of origin and bill of sale, except for a renewal where no change to the owner has occurred;
- (iii) Device information, including but not limited to make and model, capacity, dimensions, serial number, and date of manufacture;
- (iv) Component and attachment information, including but not limited to description of the component or attachment, the serial number or other identification number acceptable to the commissioner for the component or attachment, date of manufacture of the component or attachment, and as applicable, capacity and dimensions of the component or attachment;
- (v) For each lattice component, a report indicating passage of a magnetic particle inspection or other crack detection inspection acceptable to the commissioner, with the date of inspection no more than 60 days prior to the submittal of the application;
- (vi) Attestation from the owner of the crane or derrick disclosing the repair and accident history of the crane or derrick, including its components;
- (vii) Attestation from the owner of the crane or derrick certifying compliance with all applicable manufacturer service notices and recall bulletins;
- (viii) For a tower crane, other than a self-erecting tower crane, a third-party report from a New York State professional engineer, other than the engineer who filed the crane or derrick notice application for the associated job, attesting to the repair and maintenance history of the tower crane and its components, and the adequacy of such repairs and maintenance. This must include documentation of compliance with all applicable manufacturer service notices and recall bulletins; and
- (ix) Copies of maintenance records and inspection reports for the crane or derrick, and its components, upon request.

(2) **Yard inspection.** Upon approval of the application for the issuance or renewal of a certificate of operation, [a] the new or renewed certificate of operation will only be issued after a satisfactory inspection of the crane or derrick by a department inspector at a crane yard or other site acceptable to the commissioner.

Exceptions:

1. For a rotating telehandler, or an articulating boom crane attached to a commercial truck chassis, the inspection may be performed by a crane inspection agency approved by the department and meeting the requirements of section 101-07 of these rules.
2. For a mobile crane, other than a boom truck, with a telescoping, hydraulic, articulating, or folding boom, including jibs and any other extensions to the boom, not exceeding 50 feet (15 240 mm) in length with a manufacturer's rated capacity of 3 tons (2.72 t) or less, the inspection may be performed by a crane inspection agency approved by the department and meeting the requirements of section 101-07 of these rules.

- (3) Inspection for more than 250 feet of boom length.** For a job site configuration where the boom, including jibs and any other extensions to the boom, will exceed 250 feet (76.2 m) in length, the certificate of operation will be contingent upon the crane or derrick passing a subsequent satisfactory inspection, performed on site by a department inspector, prior to the use of crane or derrick for each configuration exceeding 250 feet (76.2 m) in length at the site.

Exceptions:

1. Such inspection is not required for a crane with a telescopic, hydraulic, articulating, or folding boom exceeding 250 feet (76.2 m) in length, provided no jib is attached to the boom.
2. Such inspection is not required for a crane that does not require a certificate of on-site inspection.

- (4) Expiration for a tower crane and derrick.** Provided no other expiration threshold for the certificate of operation has already been met, the certificate of operation for a tower crane, other than a self-erecting tower crane, and for a derrick, is deemed to be expired when either:

- (i) The certificate of on-site inspection with which the tower crane or derrick was associated with expires; or
- (ii) Notification of departure of the equipment in accordance with subparagraph (iii) of paragraph 5 of subdivision (c) of this section has been provided, or for a derrick permanently mounted to a structure, the work associated with the certificate of on-site inspection has been completed.

- (5) Amendments.** A certificate of operation must be amended when any information contained in the certificate of operation is no longer accurate, as well as when otherwise provided in Section 3319.5 of the New York City Building Code. When an amendment proposes to add, repair, replace, or modify a component, or when the amendment indicates a condition that may, in the judgement of the department, warrant inspection, the amended certificate of operation will only be issued after a satisfactory inspection of the crane or derrick in accordance with the provisions of paragraph (2) of this subdivision.

§ 13. Paragraph (2) of subdivision (g) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding new subparagraphs (ix) and (x) to read as follows:

- (ix) Direct and continuing supervision. Where the work will be conducted under the direct and continuing supervision of a master rigger, the application must comply with the provisions of subdivision (f) of section 104-20 of these rules.
- (x) Critical pick. Where a critical pick will be performed in accordance with a plan developed by a master rigger or professional engineer in accordance with Section 3316.9.1 of the New York City Building Code, the application must be accompanied by a letter, acceptable to the commissioner, from the master rigger or engineer affirming there will be compliance with the critical pick plan and on-site verification requirements of Section 3316.9.1 of the New York City Building Code.

§ 14. Subdivision (g) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (14) to read as follows:

(14) Special requirements for rotating telehandlers and articulating boom cranes.

This paragraph sets forth additional requirements for rotating telehandlers and for articulating boom cranes attached to a commercial truck chassis.

- (i) **Certificate of on-site inspection required.** A certificate of on-site inspection is required for the use of a rotating telehandler, or for the use of an articulating boom crane attached to a commercial truck chassis, at any site where at least one of the following occurs:
 - 1. The boom, including jibs and any other extensions to the boom, exceeds 135 feet (41.15 m) in length;
 - 2. The rotating telehandler or articulating boom crane raises a load to a height of more than 100 feet (30.48 m);
 - 3. The rotating telehandler or articulating boom crane is set up on a steel platform, excluding mats or dunnage at the street or ground level; or
 - 4. The rotating telehandler or articulating boom crane has a manufacturer's rated capacity in excess of 50 tons (45.36 t).

Exception: Uses exempted from a certificate of on-site inspection by Sections 3316.1, 3319.1, or 3319.3 of the New York City Building Code or subdivision (c) of this section. This includes but is not limited to rotating telehandlers when configured as excavating or earth-moving equipment, drilling equipment, tree trimming equipment, demolition grapples, or aerial work platforms, provided all the conditions and restrictions in the applicable

exemption are met. A rotating telehandler equipped with forks is not considered to be a powered industrial truck (forklift).

- (ii) Permit required.** Provided the rotating telehandler or articulating boom crane does not otherwise require a certificate of on-site inspection pursuant to subparagraph (i) of this paragraph, a temporary construction equipment permit is required for the use of a rotating telehandler at a site for which a construction superintendent is required, and for the use of an articulating boom crane attached to a commercial truck chassis at a site for which a construction superintendent is required.

Exceptions:

1. Uses exempted from a certificate of on-site inspection by Sections 3316.1, 3319.1, or 3319.3 of the New York City Building Code or subdivision (c) of this section. This includes but is not limited to rotating telehandlers when configured as excavating or earth-moving equipment, drilling equipment, tree trimming equipment, demolition grapples, or aerial work platforms, provided all the conditions and restrictions in the applicable exemption are met. A rotating telehandler equipped with forks is not considered to be a powered industrial truck (forklift).
2. At a major building site requiring a construction superintendent where the site safety plan for the project is filed before January 1, 2028, or at a non-major building site requiring a construction superintendent where the application for construction document or demolition submittal document approval for the underlying project is submitted before January 1, 2028, a temporary construction equipment permit is not required to perform any of the following activities:
 - 2.1. Install/remove HVAC, electrical, plumbing, telecom, or similar equipment, and supporting dunnage, to/from a roof, setback, or other location exterior to a building.
 - 2.2. Install/remove foundation or support of excavation elements, provided the rotating telehandler or articulating boom crane is set up and operated exclusively within the confines of the excavation or foundation.
 - 2.3. 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.

2.4. 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 rotating telehandler or articulating boom crane in a particular sequence for hoisting, with all loads promptly deposited and not held, supported, nor stabilized by the rotating telehandler or articulating boom crane 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 rotating telehandler or articulating boom crane is located outside of the property line of the site, that the rotating telehandler or articulating boom crane does not remain outside of the site beyond the time necessary to perform the delivery/removal operation.

- (iii) Scope of temporary construction equipment permit.** A temporary construction equipment permit for a rotating telehandler or an articulating boom crane attached to a commercial truck chassis crane 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 such owner or vendor. 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 any sub-contractor 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.
- (iv) Content of construction documents.** Construction documents filed for a temporary construction equipment permit for a rotating telehandler or an articulating boom crane attached to a commercial truck chassis 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.
- (v) Permit made available to operator.** The permit holder for the temporary construction equipment permit must provide a copy of the permit and construction documents to the operator of the rotating telehandler or articulating boom crane prior to the operator setting up or using the telehandler or crane at the site.
- (vi) Other uses.** Neither a certificate of on-site inspection, nor a temporary construction equipment permit, is required for the use of a rotating

telehandler, or for the use of an articulating boom crane attached to a commercial truck chassis, unless specifically required by subparagraphs (i) or (ii) of this paragraph.

(vii) Requirements of other agencies. The requirements for, and exemptions from, a certificate of on-site inspection or temporary construction equipment permit do not alleviate the need to comply with the permit requirements of other agencies, including but not limited to those of the New York City Department of Transportation as referenced in paragraph (7) of subdivision (s) of this section.

§ 15. Exception 2 of paragraph (1) of subdivision (i) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

2. Operators of equipment exempted by Sections 3316.1 or 3319.1 of the New York City Building Code. This includes but is not limited to rotating telehandlers when configured as excavating or earth-moving equipment, drilling equipment, tree trimming equipment, demolition grapplers, or aerial work platforms, provided all the conditions and restrictions in the applicable exemption are met. A rotating telehandler equipped with forks is not considered to be a powered industrial truck (forklift).

§ 16. Exception 7.1 of paragraph (1) of subdivision (i) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- 7.1. The work does not meet the definition of a critical pick as set forth in Section [3302.1] 202 of the Building Code;

§ 17. Exception 10 of paragraph (1) of subdivision (i) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

10. Operators of wheel mounted non-rotating (“fixed”) telehandlers with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer’s rated capacity of 50 tons (45.36 t) or less, and not equipped with a hoisting mechanism. However, where such telehandler is configured with a hook attachment, jib attachment, concrete bucket attachment, or a vacuum or magnetic lifting attachment, or otherwise moves a suspended load, the operator must possess on and after November 7, 2024 a certification from the National Commission for the Certification of Crane Operators (“NCCCO”) for the operation of such telehandler. However, even if otherwise required by this provision, a license or certification is not required for the operator of a wheel mounted non-rotating (“fixed”) telehandler when the operation or

configuration of the telehandler meets another exemption in this paragraph for a crane or telehandler.

NEW YORK CITY DEPARTMENT OF BUILDINGS

(K.V.)

NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter that the Department of Buildings hereby adopts the amendments to its rules regarding riggers and rigging. This rule was first published on October 19, 2023, and a public hearing thereon was held on November 21, 2023. No comments were received.

Dated:

11/29/23
New York, New York

James S. Oddo
James S. Oddo
Commissioner

Statement of Basis and Purpose of Rule

Article 404 of Title 28 of the New York City Administrative Code sets out the requirement for a license to perform rigging work and establishes three classes of rigger license – master, special and tower. Section 104-10 of Title 1 of the Rules of the City of New York (“RCNY”) establishes qualification requirements to obtain a rigger license. Chapter 33 of the New York City Building Code, particularly sections 3314, 3316 and 3319, specifies the types of work that require supervision by a licensed rigger. 1 RCNY 104-20 sets out the supervisory responsibilities of a licensed rigger. 1 RCNY 3316-01 provides technical specification for rigging equipment.

Local Law 126 for the year 2021 made a wide range of substantive and administrative updates across the New York City Construction Codes (“2022 Code updates”), including the Chapter 4 provisions pertaining to riggers. In particular, the 2022 Code updates require a master rigger applicant to possess a national rigging certification, revised the course requirements for rigger license applicants, updated scaffold fees, and revised definitions and section numbering.

This rulemaking amends rules related to rigging safety, rigging licensing, and rigging oversight at construction and building sites in New York City in accordance with the 2022 Codes and also makes other technical updates to reflect the latest national standards and best practices for rigging safety. Specifically:

- Section 1 of this amendment deletes the fee for outrigger beam application review from section 101-03 of Subchapter A of Chapter 100 of Title 1 of the RCNY because that fee is covered by the general scaffold filing fees in section 28-112.2 of the N.Y.C. Administrative Code.
- Section 2 of this amendment repeals several provisions in subdivision (a) of Section 104-10 of subchapter D of chapter 100 of Title 1 of the RCNY because they were codified in 28-404.3 of the N.Y.C. Administrative Code.
- Sections 3, 4, 6, 8, 9, and 11 of this amendment make changes throughout sections 104-10 and 104-20 of Subchapter D of Chapter 100, and in section 3316-01 of Chapter 3300, of Title 1 of the RCNY to ensure updated cross references to the New York City Building Code reflect renumbering made by the 2022 Codes updates, reflect changes in terminology made by the 2022 Code updates, or remove references to the licensing “reinstatement” option, which was eliminated by the 2022 Code updates.
- Section 5 of this amendment adds a new subdivision (d) to section 104-10 of Subchapter D of Chapter 100 of Title 1 of the RCNY to specify certifications for rigging supervision and lift direction that are acceptable to the commissioner in accordance with section 28-404.3.1 of the Administrative Code.
- Section 7 of this amendment revises subdivision (d) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York to accord with the inspection

requirements contained in section 3314.4.3.1 and 3314.4.3.2 of the New York City Building Code.

- Section 10 of this amendment revises the experience requirements to serve as a designated master rigging foreman in subdivision (h) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York. Specifically, certain national certifications for rigging supervision and lift direction are recognized and credited as fulfilling experience qualifications. Other terminology related to designated master rigging foremen and designated special rigging foremen is made consistent between the foreman types.
- Section 12 of this amendment adds language to subdivision (d) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York to make clear that all rigging must be connected to a secure attachment point and that simply wrapping a sling or cable around a boom or fork is unsafe and illegal.
- Section 13 of this amendment updates references to the rigging equipment standards laid out in the American Society of Mechanical Engineers (ASME) B-30 Safety Standard. Section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York will now refer to the latest editions of the ASME B-30 standards, where a new edition exists.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, Section 28-112.2 and Article 404 of Chapter 4 of Title 28 of the City Administrative Code, and Section 3316 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by deleting the entry for outrigger beam application review as follows:

[Outrigger beam application review.]	[Initial: \$100]	[Amendment: \$100]	[Renewal: \$90]
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§ 2. Paragraphs (1), (2), (3), and (4) of subdivision (a) of Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, which set forth training course requirements for Master, Special, and Climber or Tower Crane Riggers, are REPEALED.

§ 3. Paragraphs (5) and (6) of subdivision (a) of Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

([5]1) Fitness. An applicant for a Master, Special or [Climber or] Tower Crane Rigger license shall provide evidence of fitness to perform the work authorized by the license. Such evidence shall be on a form prescribed by the Commissioner and shall establish that the applicant has passed a physical exam that complies with subdivision (c) of this section, and that the applicant has complied with the substance abuse testing provisions and standards of subdivision (c) of this section. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department.

([6]2) Additional requirements.

- (i) Where a licensed master rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section 3314.4.5.3 of the New York City Building Code.
- (ii) Where a licensed master rigger chooses to personally supervise the assembly, jump, or disassembly of a [climber/]tower crane, the licensee shall have completed all additional training required by section 3319.10 of the building code.
- (iii) Where a licensed special rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section 3314.4.5.3 of the New York City Building Code.

§ 4. Subdivisions (b) and (c) of section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (b) Fitness requirements for renewal [and reinstatement]. As a condition of license renewal [or reinstatement], a licensed or previously licensed Master, Special or [Climber or] Tower crane rigger shall provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the applicant. Evidence shall be on a form prescribed by the Commissioner and shall establish that the applicant has passed a physical exam that complies with subdivision (c) of this section, and that the applicant has received a negative result for a substance abuse test as required in subdivision (c) of this section. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department. A renewal applicant shall satisfy the requirements of this rule at every subsequent renewal.

- (c) Physical exam. Applicants for a Master, Special or [Climber or] Tower Crane Rigger license shall meet the following physical qualifications, unless it can be shown that failure to meet the qualifications will not affect the ability to perform the work authorized to be performed by a holder of the license sought. In such cases, specialized clinical or medical judgments and tests may be required. The following physical qualifications shall be met at all times throughout the term of the license.

* * *

§ 5. Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

- (d) Certifications for master riggers. Individuals who, on or after November 7, 2022, apply for a new master rigger license, or apply to renew a master rigger license whose initial application for licensure was filed on or after November 7, 2022, must provide copies of certifications required by Table 1.
- (1) Required certifications must be maintained throughout the duration of the term of the license;
- (2) The licensee must immediately notify the department if a certification identified in Table 1 of this subdivision and held by the licensee is suspended, revoked, not renewed, or otherwise lapses; and
- (3) The licensee must provide a copy of re-certifications and new certifications identified in Table 1 of this subdivision to the department within 30 days.

Table 1: Certifications for Master Riggers

<u>Certification</u>	<u>Requirement</u>
NCCCO Rigger Level II	<u>Required</u>
NCCCO Lift Director - Mobile Cranes	<u>Required</u>
NCCCO Lift Director - Tower Cranes	<u>Additional</u>

Legend to Table 1:

- “NCCCO” means “National Commission for the Certification of Crane Operators.”
- “Required” means must possess.
- “Additional” means not mandated but required if licensee intends to serve as a lift director for the type of crane specified.

§ 6. Paragraphs (1) and (4) of subdivision (b) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in [section 3302.1] Chapter 2 of the Building Code.

* * *

- (4) For the purposes of this section, the term “rigging foreman” shall mean an individual designated by a licensed rigger in accordance with subdivision (i) of this section. Such person shall have the qualifications set forth in subdivision (h) of this section. The term shall also refer to “suspended scaffold foreman” where such term is used in Chapter [33] 2 of the Building Code.

§ 7. Subdivision (d) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

- (d) Supervision of rigging operations other than critical picks and tower [or climber] crane erection, jumping, climbing or dismantling. Except as otherwise provided in subdivision (e) of this section, the licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision (i) of this section is continuously on site and that such rigging foreman performs and/or manages the work under the off-site supervision of the licensee as follows:
 - (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation;
 - (2) for work involving the use of cranes, derricks, work platforms, suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. [over] placed atop sidewalks, roadways or yards where vaults or other subsurface structures exist; or where [hooks or clamps are used on parapet walls to support hanging scaffolds] the person performing a suspended scaffold inspection in accordance with Section 3314.4.3.1 or 3314.4.3.2 of the Building Code has identified a concern, etc.), the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes;
 - (3) the licensee is readily available to provide on-site supervision should the need arise; and
 - (4) the rigging foreman has in his or her possession at the work site the “Designated Foreman Card” issued by the department pursuant to subdivision (j) of this section, which shall be presented upon the demand of any authorized enforcement officer.

§ 8. Subdivision (e) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (e) Supervision of critical picks and tower [or climber] crane erection, jumping, climbing, or dismantling. The licensee must be continuously on site during critical picks and tower [or climber] crane erection, jumping, climbing, or dismantling, and must personally

perform or personally supervise all such work. Off-site supervision of such work is not permitted.

§ 9. Subdivision (g) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(g) Specialty Crew. Notwithstanding the provisions of section 28-401.17 of the Administrative Code, where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or tower [or climber] crane erection, jumping, climbing, or dismantling) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade by making an application on a form provided by the department subject to the following conditions:

- (1) the department must approve the licensee's application for such proposed rigging operation;
- (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team
- (3) for loads of two thousand pounds or more, for all critical picks, and for tower [or climber] crane erection, jumping, climbing, or dismantling, the licensee must provide continuous on-site personal supervision to the rigging crew;
- (4) for loads below two thousand pounds and which are not critical picks, or which are not related to tower [or climber] crane erection, jumping, climbing, or dismantling, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site. The rigging foreman shall manage the work under the off-site supervision of the licensee in accordance with the conditions set forth in subdivision (d) of this section;
- (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job;
- (6) the licensee is responsible for all aspects of rigging safety on the job; and
- (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 28-401.9 of the Administrative Code and are covered by worker's compensation under the specialty crew's employer.

§ 10. Paragraphs (2) and (3) of subdivision (h) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
 - (i) at least one year's practical experience in the hoisting and rigging business; and
 - (ii) the knowledge of and ability to explain the risks related to such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith.
- (3) An individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
 - (i) at least five years of practical experience in the hoisting and rigging business, or at least two years of practical experience in the hoisting and rigging business and possession of a Level II Rigging certification issued by the National Commission for the Certification of Crane Operators, or possession of both a Level II Rigging certification and a Lift Director certification issued by the National Commission for the Certification of Crane Operators; and
 - (ii) the knowledge of and ability to explain the risks related to [the following, where applicable to the] such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith, including but not limited to:
 - (A) rigging operations and precautions to be taken in connection therewith;
 - (B) safe loads and computation thereof;
 - (C) types and methods of rigging; and
 - (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations

§ 11. Subdivision (b) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (b) Definitions. For the purposes of this section, terms defined in Chapter [33] 2 of the New York City Building Code and section 3319-01 of these rules have the same meaning here.

§ 12. Subdivision (d) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (8) to read as follows:

- (8) Attachment points. Only an attachment point, consisting of a hook or other secure connection not allowing any undesirable movement, and provided or authorized by

the manufacturer of the hoisting machine or hoisting equipment, may be used to support a suspended load. No load shall be slung over, wrapped around, tied to, or otherwise draped from a boom, fork, cradle, lifting arm, bucket, platform, basket, or similar accouterment.

§ 13. Subdivision (j) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (j) Referenced standards. The standards referenced in this section are considered part of the requirements of this section to the prescribed extent of each such reference. Where differences occur between provisions of this section and referenced standards, the provisions of this section apply.

Standard	Name	Year
American Society of Mechanical Engineers (ASME)		
ASME B30.9	Slings	[2014] <u>2021</u>
ASME B30.10	Hooks	[2014] <u>2019</u>
ASME B30.20	Below-the-hook lifting devices	[2013] <u>2021</u>
ASME B30.26	Rigging hardware	2015

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to its rules relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and to repeal its rules regarding private elevator inspection agencies and climber or tower crane rigger licenses.

This rule was first published on March 14, 2017 and a public hearing thereon was held on April 14, 2017.

Dated: _____

4.18.17

New York, New York

A handwritten signature in black ink, appearing to read "Rick D. Chandler", written over a horizontal line.

Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

The Department of Buildings (DOB) is amending sections 104-05, 104-06, 104-20 and 104-21 of Title 1 of the Rules of the City of New York relating to reinstatement of license, continuing education requirements, and supervisory responsibilities of riggers and sign hangers and repealing sections 11-01 and 25-01 relating to elevator inspection agencies and climber and tower crane riggers.

The amendments to sections 104-05, 104-06, 104-20 and 104-21 more accurately reflect the current process for reinstatement of licenses as well as continuing education requirements. Applicants need to be able to demonstrate employment when not on the payroll of a licensee in order to be reinstated. The rule spells out what is necessary to provide as proof of employment and complies with a recent New York Supreme Court decision on the subject.

In addition, the rule requires Construction Superintendents to take an eight (8)-hour course for renewal. This brings the course requirements in line with section 3301-02 of Title 1 of the Rules of the City of New York. To keep requirements consistent across disciplines, the rule also requires Site Safety Managers and Site Safety Coordinators to take an eight (8)-hour refresher course.

Sections 11-01 and 25-01 are repealed because their provisions have been moved to Chapter 4 of the City Administrative Code.

The rule also includes minor plain language revisions.

DOB's authority for this rule is found in Sections 643 and 1043(a) of the New York City Charter, Sections 28-401.13 and 28-401.14, and Articles 404 and 415 of the 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 11-01 of Title 1 of the Rules of the City of New York, relating to the certification and qualification of private elevator inspection agencies and for the performance of inspections and filing of inspection reports for elevators and escalators by such agencies, and section 25-01 of Title 1 of the Rules of the City of New York, relating to licensing persons as climber or tower crane rigger, are REPEALED.

§2. Paragraph (1) of subdivision (b) and subdivision (d) of section 104-05 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (1) Continued competence shall be demonstrated by the applicant's full-time active and legal engagement in the trade for which the applicant's license was issued in accordance with the relevant provisions of Chapter 4 of Title 28 of the Administrative Code. The applicant [shall]must supply the Department with the following:
- (i) A [~~resume detailing~~]detailed employment history and the duties the applicant performed in each position during the time the license was expired;
 - (ii) A signed and notarized statement from the applicant's employer stating the nature of the applicant's duties and the dates of such employment;
 - (iii) For work in the trade requiring the direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, a signed and notarized (or sealed) statement from the supervising licensee stating that he or she supervised the applicant, the dates of such supervision and the nature of the applicant's duties; and
 - (iv) Proof of payment or compensation from employer during applicable time period.
 - (v) For work in the trade that did not require direct and continuing supervision of a licensed person in accordance with Chapter 4 of Title 28 of the Administrative Code, applicants must provide a letter from their employer or supervisor and documentary proof of their business arrangement with the employer or supervisor. This may include contracts and proof of payment for services.
 - (vi) Any other documentation the Department deems appropriate.

(d) Exceptions to reinstatement provisions. If an application for renewal of a registration for Construction Superintendent, Concrete Safety Manager, General Contractor, Welder or Safety Registration is not filed within one (1) year of a registration's expiration, the applicant must reapply for a new registration and meet all applicable qualifications.

§3. Paragraphs (2), (3), (6), (7), (8), (9), (10) and (11) of subdivision (b) of section 104-06 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) Construction Superintendent. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7) hour Site Safety Manager refresher] an eight- (8) hour Site Safety Coordinator course approved by the Department or any equivalent course(s) approved by the Department, including those in electronic format.
- (3) Electrician (Master/Special). [Beginning July 1, 2015, during]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a course approved by the Department of at least eight (8) hours, [at least four (4) hours of] which must focus on the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter. [The Department will accept for each license year up to four (4) credit hours earned from an electrical continuing education course offered in another jurisdiction as part of a licensed electrician renewal process in that jurisdiction, provided that the course is at least eight (8) credit hours per license year in that jurisdiction, the credits were earned during the three (3) years immediately prior to renewal and:
- (i) the jurisdiction follows the National Electrical Code/NFPA 70;
 - (ii) the course provider is a certified provider within that jurisdiction; and
 - (iii) the course is taught by an instructor with experience in the electrical field who is certified as an electrical course provider in jurisdictions following the National Electrical Code/NFPA 70.

Credit hours earned in another jurisdiction will not count toward the at least four (4) hours that must focus on the New York City Electrical Code and other requirements pursuant to section 105-03.]

- (6) Master Fire Suppression Piping Contractor and Master Plumber. During the [two (2) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a one- (1) day (seven- (7) hour) continuing education course approved by the Department.
- (7) Master Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry

practice with regards to:

- (i) Rigging methods, hardware, and equipment;
 - (ii) Hoisting machines, including cranes and derricks;
 - (iii) Climber/tower crane assembly, jumping, and disassembly;
 - (iv) Suspended scaffolds;
 - (v) Critical picks; and
 - (vi) Fall hazards and fall protection.
- (8) Special Rigger. [Beginning July 1, 2015, during the three (3) years]During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
- (i) Rigging methods, hardware, and equipment;
 - (ii) Hoisting machines with a manufacturer's rated capacity of one ton or less;
 - (iii) Suspended scaffolds;
 - (iv) Critical picks; and
 - (v) Fall hazards and fall protection.
- (9) Climber or Tower Crane Rigger. During the [three (3) years]one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:
- (i) Climber/tower crane assembly, jumping, and disassembly; and
 - (ii) Fall hazards and fall protection.
- (10) Site Safety Coordinator. During the [two (2) years]one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a]an eight- (8) hour Site Safety Manager refresher course approved by the Department.
- (11) Site Safety Manager. During the one (1) year immediately prior to renewal, the licensee [shall]must have successfully completed [a seven- (7)]an eight- (8) hour Site Safety Manager refresher course approved by the Department.

§4. Paragraph (3) of subdivision (i) of section 104-20 of Title 1 of the Rules of the City of

New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all rigging foremen designated by the licensee[shall be filed]. The new notification [shall]must be filed in a manner required by the department and [shall]must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

§5. Paragraph (3) of subdivision (h) of section 104-21 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) The list must be updated [within two weeks of any change in the reported information relating to current designated foremen or] within one week of the termination of a designation. When a list is updated, the licensee must file a new notification listing all sign hanging foremen designated by such licensee[shall be filed]. The new notification [shall]must be filed in the manner required by the department and [shall]must contain the information set forth in subparagraphs (i), (ii), (iii) and (iv)[, above] of paragraph (1) of this subdivision. The new list will supersede any earlier filed notification.

NOTICE OF ADOPTION OF RULE

NOTICE IS HEREBY GIVEN, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the amendments to Sections 9-01, 9-02 (renumbered 104-20 and 104-21), 102-01 and 104-10 and the repeal of sections 9-03 and 9-04 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding licensed riggers and licensed sign hangers.

This rule was first published on December 9, 2014 and a public hearing thereon was held on January 9, 2015.

Dated: 1.30.15
New York, New York


Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

The Department of Buildings (“Department”) is making the following changes to Title 1 of the Rules of the City of New York (“Rules”):

- amend and renumber sections 9-01 and 9-02; and
- repeal sections 9-03 and 9-04.

The Department is amending section 9-01, regarding supervisory responsibilities of licensed riggers, and section 9-02, regarding supervisory responsibilities of licensed sign hangers, by

- updating the sections to reflect changes made to the New York City Administrative Code (“Administrative Code”) by Local Law 141 of 2013 and renumbering them as sections 104-20 and 104-21, respectively;
- clarifying how foremen are designated; and,
- moving the process under which licensed riggers and sign hangers issue certificates of fitness for qualified scaffold users from section 9-03 of the Rules to new sections 104-20 and 104-21 in order to include this process within the context of licensee supervision of such work.

The Department is also repealing sections 9-03 and 9-04, as these provisions are, or will be, addressed elsewhere in the Administrative Code or the Rules.

- Section 9-03 concerns minimum qualifications for scaffold users. The substance of this rule is being moved to sections 104-20 and 104-21. Additionally, the training course requirements under this rule have been codified under Section 3314 of the New York City Building Code (“Building Code”) by Local Law 141 of 2013.
- Section 9-04 concerns the process and conditions under which the Department may revoke, suspend or not renew rigger and sign hanger licenses. The substance of this rule has already been codified under Article 401 of Chapter 4 of Title 28 of the Administrative Code and section 104-07 of Title 1 of the Rules.

The Department is also amending subdivision (j) of Section 102-01 to reflect the renumbering of Section 9-01 and paragraph (6) of subdivision (a) of Section 104-10 to reflect the repeal of Section 9-03.

The Department’s authority for these rules is found in sections 643 and 1043(a) of the New York City Charter, sections 28-404.1 and 28-415.1 of the Administrative Code, and section 3314 of the Building 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 9-01 of Title 1 of the Rules of the City of New York is renumbered 104-20 and is amended as follows:

§ [9-01] 104-20 Supervisory Responsibilities of a Licensed [Master or Special]Rigger.

(a) Applicability. [In accordance with section 26-172 of the Administrative Code, all rigging work, other than work exempted under section 26-173 of such code, must be performed by or under the supervision of a licensed special or master rigger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master rigger.]This section shall apply to all rigging work performed by or under the direct and continuing supervision of a licensed rigger pursuant to section 28-404.1 of the Administrative Code.

(b) Definitions.

[Rigging Foreman. “Rigging Foreman” shall mean an individual, male or female, designated by a licensed master or special rigger in accordance with subdivision i of this section. Such person shall have the qualifications set forth in subdivision h of this section.

Critical Picks. The term "critical picks" shall mean rigging operations involving loads that:

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
- (ii) are asymmetrical or have a wind sail area exceeding 500 square feet,
- (iii) may present a problem because of clearance, drift, or other interference,
- (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
- (v) require multiple cranes or derricks (tandem picks), or
- (vi) require out of the ordinary rigging equipment, methods or setup.]

(1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in section 3302.1 of the Building Code.

(2) For the purposes of this section, the term “direct and continuing supervision” shall have the same meaning as set forth in section 28-401.3 of the Administrative Code.

(3) For the purposes of this section, the term “registered design professional” shall have the same meaning as set forth in section 28-101.5 of the Administrative Code.

(4) For the purposes of this section, the term “rigging foreman” shall mean an individual designated by a licensed rigger in accordance with subdivision (i) of this section. Such person shall have the qualifications set forth in subdivision (h) of this section. The term shall also refer to “suspended scaffold foreman” where such term is used in Chapter 33 of the Building Code.

(c) Planning. Except where the design prepared by a registered design professional is authorized by chapter 33 of the Building Code or as otherwise specifically provided in paragraph (2) of subdivision (g)[(2)] of this section, the licensee must personally plan the equipment set-up and operation of all rigging operations. This responsibility may not be delegated.

(d) Supervision of rigging operations other than critical picks and tower or climber crane erection, jumping, climbing or dismantling. Except as otherwise provided in subdivision [e] (~~e~~) of this section, [a] the licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision [i] (~~i~~) of this section is continuously on site and [he or she] that such rigging foreman performs and/or manages the work under the [off site] off-site supervision of the licensee as follows:

- (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation[.];
- (2) for work involving the use of cranes, derricks, work platforms, [suspension] suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.), the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes[.];
- (3) the licensee is readily available to provide [on site]on-site supervision should the need arise[.]; and,
- (4) the rigging foreman has in his or her possession at the work site the [“Certificate of License Record” of the licensee (tear-off)] “Designated Foreman Card” issued by the [D]department pursuant to subdivision (j) of this section, which shall be presented upon the demand of any authorized enforcement officer.

(e) Supervision of critical picks and tower or climber crane erection, jumping, climbing, or dismantling. The licensee must be continuously on site during critical picks and tower or climber crane erection, jumping, climbing, or dismantling, and must personally perform or personally supervise all [critical picks] such work. [Off site] Off-site supervision of [critical picks] such work is not permitted.

(f) Rigging Crew. Except as otherwise provided in subdivision (g) of this section, all members of the rigging crew must be [employees on the payroll of such licensee or where the license is used by the holder thereof for or on a behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the administrative code such members must be employees on the payroll of such partnership, corporation or business association.] under the direct and continuing supervision of the licensee.

(g) Specialty Crew. [Except as otherwise provided in this subdivision and except as provided for in section 26-138(b) of the administrative code, the licensee and/or a rigging foreman designated by a licensee may not perform or supervise rigging work for another person, corporation, partnership or business association. Where] Notwithstanding the provisions of section 28-401.17 of the Administrative Code, where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or [climbing, erecting or dismantling tower cranes] tower or climber crane erection, jumping, climbing, or dismantling) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade[,]
by making an application on a form provided by the department subject to the following conditions:

- (1) the [Cranes and Derricks Division of the] department must approve the licensee's [written request] application for such proposed rigging operation[,];
- (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team[,];
- (3) for loads of [one thousand two hundred] two thousand pounds or more, [and] for all critical picks, and for tower or climber crane erection, jumping, climbing, or dismantling, the licensee must provide continuous [on site]on-site personal supervision to the rigging crew[,];
- (4) for loads below [one thousand two hundred] two thousand pounds and which are not critical picks, or which are not related to tower or climber crane erection, jumping, climbing, or dismantling, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site[and he or she manages]. The rigging foreman shall manage the work under the [off site] off-site supervision of the licensee in accordance with

the conditions set forth in [items (1), (2), (3), and (4) of] subdivision (d) of this section[.];

- (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job[.];
- (6) the licensee is responsible for all aspects of rigging safety on the job[.]; and
- (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section [26-178] 28-401.9 of the [code] Administrative Code and are covered by worker's compensation [by] under the specialty crew's employer.

(h) Qualifications for designation as a rigging foreman.

- (1) An individual designated as a rigging foreman by a licensed special or master rigger shall:
 - (i) be an employee on the payroll and covered by the worker's compensation insurance of the licensee or the business association of the licensee[.];
 - (ii) be at least 18 years of age[.];
 - (iii) be able to read and write English[.];
 - (iv) be able to identify critical picks[.];
 - (v) be familiar with the relevant sections of Chapter 33 of the Building Code, OSHA safety standards as contained in 29 C.F.R. part 1926, and industry safety practices[.];
 - (vi) have been trained to react properly to mechanical malfunctions or adverse weather[.]; and
 - (vii) be able to evaluate the fitness of the rigging crew, including, where applicable, the issuance of a certificate of fitness pursuant to [section 9-03 of this chapter] subdivision (k) of this section.
- (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in the first paragraph [one] of this subdivision, have the following additional qualifications:
 - (i) [have] at least [1]one year's practical experience in the hoisting and rigging business[.]; and
 - (ii) [be able] the ability to explain the risks [incident] related to such business and precautions to be taken in connection therewith.
- (3) [a]An individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in the first paragraph [one] of this subdivision, have the following additional qualifications:
 - (i) [have] at least [5]five years of practical experience in the hoisting and rigging business; and

- (ii) ~~[be]the~~ knowledge ~~[about]~~ of and ~~[be able]~~ ability to explain the risks ~~[incident]~~ related to the following, where applicable to the particular job:
 - (A) rigging operations and precautions to be taken in connection therewith~~[,];~~;
 - (B) safe loads and computation thereof~~[,];~~;
 - (C) types and methods of rigging~~[,];~~ and
 - (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations.

(i) Designation of a Rigging Foreman. [Designation shall consist of the filing of written notification with the Department's Licensing Division of]

(1) The licensed rigger must submit a notification of designation, on a form provided by the department, which includes the following information:

[(1)] (i) A list of all rigging [foreman] foremen employed by the licensee or by the business association of the licensee. Each rigging foreman's full name, home address, and home phone number shall be included [on] as part of the list.

(ii) A photograph of any newly designated rigging foreman.

[(2)] (iii) The notification shall be signed and notarized by the licensee[,], and shall contain his or her license number[and shall be on the business letterhead of the licensee or of the business association of the licensee].

(iv) The notification shall contain a representation by the licensee that all of the rigging [foreman] foremen designated by him or her have the qualifications specified in subdivision [h] (h) of this section.

(2) A newly designated rigging foreman cannot perform foreman duties until such notification is received by the department and the department has issued a "Designated Foreman Card" pursuant to subdivision (j), below.

(3) The list must be updated within two weeks of any change in the reported information relating to current designated [individuals] foremen or within [two weeks] one week of the termination of a designation. When a list is updated, a new notification listing all rigging foreman designated by the licensee shall be filed. The new notification shall be filed in a manner required by the department and shall contain the information set forth in [items (1) and (2)] subparagraphs (i), (ii), (iii) and (iv), above. The new list will supersede any earlier filed notification.

(4) The designation of one or more rigging foremen shall not detract from the licensee's responsibility or liability, individually and/or through his business, for all aspects of rigging safety. This includes, but is not limited to, the actions of rigging foremen, rigging crews and specialty crews, if any.

(j) [Photo Identification Card] Designated Foreman Card.

- (1) The [licensee] department shall issue a [photo identification card (see Exhibit 1) to] “Designated Foreman Card” for each designated rigging foreman [designated by him or her with the licensee’s signature affixed thereto]. Such card and a photo identification card acceptable to the department shall be carried by the rigging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer.
- (2) It shall be the responsibility of the licensee to [retrieve the identification card] take possession of the “Designated Foreman Card” when such designation is terminated and return the card to the department. A designation shall be [terminated] terminable by the licensee at any time, including if:

 - [(1)] (i) the person leaves the employ of the licensee or the business [association of the licensee] associated with the license holder under section 28-401.17 of the Administrative Code;
 - [(2)] (ii) the licensee finds that the designee is not competently performing his or her duties; or
 - [(3)] (iii) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

[(k) Responsibility. The designation of one or more rigging foreman shall not affect the licensee’s and/or business association’s responsibility or liability for all aspects of rigging safety including but not limited to the actions of rigging foreman, rigging crews and specialty crews, if any.]

(k) Certificate of Fitness for Scaffold Users. In addition to the training requirements of section 3314.4 of the Building Code, individuals who use a suspended scaffold under the direct and continuing supervision of the licensed rigger shall possess a certificate of fitness.

- (1) An individual issued a certificate of fitness must:

 - (i) be found capable of performing the scaffold work in a safe and responsible manner by the issuer at the time of issuance;
 - (ii) be able to communicate without difficulty with the supervising licensed rigger or rigging foreman; and
 - (iii) have been trained in accordance with section 3314.4 of the Building Code and possess a valid certificate card from the training provider evidencing successful completion of the training.
- (2) Certificates of fitness may be issued by the licensed master or special rigger and the rigging foreman designated pursuant to this section.
- (3) It shall be the sole responsibility of the licensee who issues the certificate of fitness, either personally or through a designated foreman, to ensure that the individual who receives the certificate meets the requirements of paragraph one of this subdivision for the particular job. It shall be the

licensee's responsibility to maintain written records and copies relating to whom and when certificates were issued, as well as each certificate holder's certificate card. If a person issued a certificate of fitness is later found to be unqualified or to have failed to use a suspended scaffold in a safe and workmanlike manner, it shall be the licensee's responsibility to rescind the certificate of fitness and to remove the individual from the job.

- (4) The certificate of fitness must be issued in a form acceptable to the department and include the name of the holder, the date of the issuance, the name and license number of the licensee, the name, address, and telephone number of the licensee's company, and the signature of the issuer.
- (5) Such certificate of fitness, as well as the certificate card issued pursuant to 3314.4.5.8 of the Building Code, and photo identification of the certificate holder acceptable to the department, must be available on site for inspection.

(l) Failure to comply with [rules] rule. If [these] this rule [rules are] is not complied with, the Department may order that rigging operations stop, initiate disciplinary action against the licensee and/or contractor, and/or initiate proceedings for the impositions of fines or civil penalties.

§ 2. Section 9-02 of Title 1 of the Rules of the City of New York is renumbered 104-21 and is amended as follows:

§ [9-02]104-21 Supervisory Responsibilities of a Licensed [Master or Special] Sign Hanger.

(a) Applicability. [In accordance with section 26-182 of the Administrative Code, all sign hanging work, other than work exempted under section 26-184 of such code, must be performed by or under the supervision of a licensed sign hanger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master sign hanger.] This section shall apply to all sign hanging work performed by or under the direct and continuing supervision of a licensed sign hanger pursuant to section 28-415.1 of the Administrative Code.

(b) Definitions.

[Sign Hanging Foreman. The term "sign hanging foreman" shall mean an individual, male or female, designated by a licensed master or special sign hanger in accordance with subdivision h of this section. Such person shall have the qualifications set forth in subdivision g of this section.

Critical Picks. The term "critical picks" means sign hanging operations involving loads that:

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
- (ii) are asymmetrical or have a wind sail area exceeding 1500 square feet,
- (iii) may present a problem because of clearance, drift, or other interference,
- (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
- (v) require multiple cranes or derricks (tandem picks), or
- (vi) require out of the ordinary rigging equipment, methods or setup.]

(1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in section 3302.1 of the Building Code.

(2) For the purposes of this section, the term “direct and continuing supervision” shall have the same meaning as set forth in section 28-401.3 of the Administrative Code.

(3) For the purposes of this section, the term “registered design professional” shall have the same meaning as set forth in section 28-101.5 of the Administrative Code.

(4) For the purposes of this section, the term “sign hanging foreman” shall mean an individual designated by a licensed sign hanger in accordance with subdivision (h) of this section. Such person shall have the qualifications set forth in subdivision (g) of this section.

(c) Planning. [The]Except where the design prepared by a registered design professional is authorized by chapter 33 of the Building Code, the licensee must personally plan the equipment set-up and operation of all sign hanging operations. This responsibility may not be delegated.

(d) Supervision of sign hanging operations other than critical picks. Except as otherwise provided in subdivision [e] (e) of this section, [a] the licensee need not be personally on site during sign hanging operations provided that a sign hanging foreman designated by the licensee pursuant to subdivision [h] (h) of this section is continuously on site and [he or she] that such sign hanging foreman performs and/or manages the work under the off-site supervision of the licensee as follows:

- (1) the licensee and the sign hanging foreman at the work site are in frequent and direct contact with each other during the course of the sign hanging operation[.];
- (2) for work involving the use of cranes, derricks, work platforms, [suspension] suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging

scaffolds, etc.), the licensee personally visits the work site to inspect and approve the [rigging] sign hanging equipment founding and setup prior to commencement of [rigging] sign hanging operations and each time the founding or support changes[,]; [and]

- (3) the licensee is readily available to provide [on site] on-site supervision should the need arise[,]; and
- (4) [T]the sign hanging foreman has in his or her possession at the work site the ["Certificate of License Record" of the licensee (tear off)] "Designated Foreman Card" issued by the [D]department pursuant to subdivision (i) of this section, which shall be presented upon the demand of any authorized enforcement officer.

(e) Supervision of critical picks. The licensee must be continuously on site during critical picks and must personally perform or personally supervise all critical picks. [Off site] Off-site supervision of critical picks is not permitted.

(f) Sign Hanging Crew. All members of the sign hanging crew must be [employees on the payroll of such licensee or, where the license is used by the holder thereof for or on behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the administrative code, such members must be employees on the payroll of such partnership, corporation or business association. Except as provided for in section 26-138(b) of the administrative code, the licensee and/or a sign hanging foreman designated by a licensee may not perform or supervise sign hanging work for another person, corporation, partnership or business association.] under the direct and continuing supervision of the licensee.

(g) Qualifications for designation as a sign hanging foreman.

- (1) An individual designated as a sign hanging foreman by a licensed special or master sign hanger shall:
 - (i) be an employee on the payroll and covered by the worker's compensation insurance of the licensee or the business association of the licensee[,];
 - (ii) be at least 18 years of age[,];
 - (iii) be able to read and write English[,];
 - (iv) be able to identify critical picks[,];
 - (v) be familiar with the relevant sections of Chapter 33 of the Building Code, OSHA safety standards as contained in 29 C.F.R. part 1926, and industry safety practices[,];
 - (vi) have been trained to react properly to mechanical malfunctions or adverse weather[,];
 - (vii) be able to evaluate the fitness of the sign hanging crew, including, where applicable, the issuance of a certificate of fitness pursuant to [section 9-03 of this chapter,] subdivision (j) of this section;

- (viii) be able to read plans and specifications relating to sign construction and erection, including supporting framework and other supports[.];
 - (ix) have a knowledge of the problems and practices of sign construction and hanging[.]; and
 - (x) be familiar with the equipment and tools used in sign installations.
- (2) An individual designated as a sign hanging foreman by a licensed special sign hanger shall, in addition to the qualifications set forth in the first paragraph [one] of this subdivision, have at least three years of practical experience in sign hanging work[.].
- (3) An individual designated as a sign hanging foreman by a licensed master sign hanger shall, in addition to the qualifications set forth in the first paragraph [one] of this subdivision, have at least five years of practical experience in sign hanging work[.].

(h) Designation of a Sign Hanging Foreman. [Designation shall consist of the filing of written notification with the Department's Licensing Division of the following information:]

- (1) The licensed sign hanger must submit a notification of designation, on a form provided by the department, which includes the following information:
- [(1)] (i) A list of all sign hanging [foreman] foremen employed by the licensee or by the business association of the licensee. Each sign hanging foreman's full name, home address, and home phone number shall be included [on] as part of the list.
 - (ii) A photograph of any newly designated sign hanging foreman.
 - [(2)] (iii) The notification shall be signed and notarized by the licensee[.], and shall contain his or her license number[and shall be on the business letterhead of the licensee or of the business association of the licensee].
 - (iv) The notification shall contain a representation by the licensee that all of the sign hanging [foreman] foremen designated by him or her have the qualifications specified in subdivision [g] (g) of this section.
- (2) A newly designated sign hanging foreman cannot perform foreman duties until such notification is received by the department and the department has issued a "Designated Foreman Card" pursuant to subdivision (i), below.
- (3) The list must be updated within two weeks of any change in the reported information relating to current designated [individuals] foremen or within [two weeks] one week of the termination of a designation. When a list is updated, a new notification listing all sign hanging foreman designated by such licensee shall be filed. The new notification shall be filed in the manner required by the department and shall contain the information set

forth in [items (1) and (2)] subparagraphs (i), (ii), (iii) and (iv), above. The new list will supersede any earlier filed notification.

- (4) The designation of one or more sign hanging foremen shall not detract from the licensee's responsibility or liability, individually or through his licensed business, for all aspects of sign hanging safety. This includes, but is not limited to, the actions of sign hanging foremen and sign hanging crews.

(i) [Photo Identification Card] Designated Foreman Card.

- (1) The [licensee] department shall issue a [photo identification card (see Exhibit 1) to] "Designated Foreman Card" for each designated sign hanging foreman [individual designated by him or her as a sign hanging foreman with the licensee's signature affixed thereto]. Such card and a photo identification card acceptable to the department shall be carried by the sign hanging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer.
- (2) It shall be the responsibility of the licensee to [retrieve the identification card] take possession of the "Designated Foreman Card" when such designation is terminated and return the card to the department. A designation shall be [terminated] terminable by the licensee at any time, including if:
- [(1)] (i) the person leaves the employ of the licensee or the business [association of the licensee,] associated with the license holder under section 28-401.17 of the Administrative Code;
- [(2)] (ii) the licensee finds that the designee is not competently performing his or her duties[,]; or,
- [(3)] (iii) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

[(j) Responsibility. The designation of one or more sign hanging foreman shall not affect the licensee's and/or business association's responsibility or liability for all aspects of sign hanging safety including but not limited to the actions of sign hanging foremen and sign hanging crews.]

(j) Certificate of Fitness for Scaffold Users. In addition to the training requirements of section 3314.4 of the Building Code, individuals who use a suspended scaffold under the direct and continuing supervision of the licensed sign hanger shall possess a certificate of fitness.

- (1) An individual issued a certificate of fitness must:
- (i) be found capable of performing the scaffold work in a safe and responsible manner by the issuer at the time of issuance;
- (ii) be able to communicate without difficulty with the supervising licensed sign hanger or sign hanging foreman; and,

- (iii) have been trained in accordance with section 3314.4 of the Building Code and possess a valid certificate card from the training provider evidencing successful completion of the training.
- (2) Certificates of fitness may be issued by the licensed master or special rigger and the sign hanger foreman designated pursuant to this section.
- (3) It shall be the sole responsibility of the licensee who issues the certificate of fitness, either personally or through a designated foreman, to ensure that the individual who receives the certificate meets the requirements of paragraph one of this subdivision for the particular job. It shall be the licensee's responsibility to maintain written records and copies relating to whom and when certificates were issued, as well as each certificate holder's certificate card. If a person issued a certificate of fitness is later found to be unqualified or to have failed to use a suspended scaffold in a safe and workmanlike manner, it shall be the licensee's responsibility to rescind the certificate of fitness and to remove the individual from the job.
- (4) The certificate of fitness must be issued in a form acceptable to the department and include the name of the holder, the date of the issuance, the name and license number of the licensee, the name, address, and telephone number of the licensee's company, and the signature of the issuer.
- (5) Such certificate of fitness, as well as the certificate card issued pursuant to 3314.4.5.8 of the Building Code and photo identification of the certificate holder acceptable to the department, must be available on site for inspection.

(k) Failure to comply with rule[s]. If [these] this rule[s are] is not complied with, the [D]department may order that sign hanging operations stop, initiate disciplinary action against the licensee and/or contractor, and/or initiate proceedings for the impositions of fines or civil penalties.

§3. Sections 9-03 and 9-04 of Title 1 of the Rules of the City of New York, along with Appendix A, are REPEALED.

§4. Subdivision (j) of Section 102-01 of Title 1 of the Rules of the City of New York is amended to read as follows:

Section of Law	Classification	Violation Description

1 RCNY [9-01]104-20	Class 1	Licensed Rigger designated an unqualified foreman.
1 RCNY [9-01]104-20	Class 2	Licensed Rigger designated an unqualified foreman.

§5. Paragraph (6) of subdivision (a) of Section 104-10 of Title 1 of the Rules of the City of New York is amended to read as follows:

(6) Additional requirements.

(i) Where a licensed master rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section [9-03 of title 1 of the rules of the city of] 3314.4.5.3 of the New York City Building Code.

(ii) Where a licensed master rigger chooses to personally supervise the assembly, jump, or disassembly of a climber/tower crane, the licensee shall have completed all additional training required by section 3319.10 of the building code.

(iii) Where a licensed special rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section [9-03 of title 1 of the rules of the city of] 3314.4.5.3 of the New York City Building Code.