



### Promulgation Details for 1 RCNY 104-23

This rule became effective on January, 5, 2018.

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 class<sup>1</sup>**

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 <sup>2</sup>	Required	Required	
NCCCO Tower Crane	Additional	Required	
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader <sup>3</sup>	Additional	Additional	Additional
NCCCO Dedicated Pile Driver	Additional	Additional	Additional
NCCCO Rotating Telehandler <sup>4</sup>	Additional	Additional	Additional

**Table 2 (cont.): Certifications by licensing class<sup>1</sup>**

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 <sup>5</sup>	Required <sup>6</sup>	Required <sup>5</sup>	
NCCCO Telescopic Boom Crane - Swing Cab					
NCCCO Lattice Boom Crane <sup>2</sup>					
NCCCO Tower Crane					
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader <sup>3</sup>	Required	Additional	Additional	Additional	
NCCCO Dedicated Pile Driver					
NCCCO Rotating Telehandler <sup>4</sup>		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:**

- <sup>1</sup> Individuals may only operate equipment within the scope of their license, even if a certification authorizes operation of a broader class of equipment.
- <sup>2</sup> For a Hoisting Machine Operator Class B applicant, the practical certification exam for the lattice boom crane must be on a friction crane.
- <sup>3</sup> Individuals are not permitted to operate machinery exceeding the scope of their certification, even if such machinery is within the scope of their license.
- <sup>4</sup> 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.
- <sup>5</sup> 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.
- <sup>6</sup> 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 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).

- (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 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).
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:

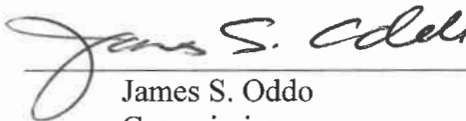
10. Operators of wheel mounted non-rotating (“fixed”) telehandlers with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer’s rated capacity of 50 tons (45.36 t) or less, and not equipped with a hoisting mechanism. 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**  
**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 hoisting machine operator licenses. This rule was first published on January 26, 2024, and a public hearing thereon was held on February 28, 2024.

Dated: 6/17/24  
New York, New York

  
James S. Oddo  
Commissioner



## **Statement of Basis and Purpose of Rule**

Article 405 of Title 28 of the New York City Administrative Code sets out the requirement for a license to operate hoisting machines, including cranes and derricks. Section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York (“RCNY”) establishes the qualification requirements to obtain a hoisting machine operator license. Section 104-23 of Subchapter D of Chapter 100 of Title 1 of the RCNY further establishes rules for hoisting machine operator learners and their supervision. Finally, section 3319-01 of Subchapter D of Chapter 100 of Title 1 of the RCNY sets forth certain rules for the design, construction, inspection, and operation of cranes and derricks, including additional licensing standards.

The 2022 New York City Construction Codes (“2022 Code updates”), enacted by Local Law 126 for the year 2021, created, among other things, new classes of limited hoisting machine operator licenses for articulating boom cranes and mini cranes. The 2022 Code updates also authorize the department to create additional limited licenses for other types of hoisting machines. For individuals applying for such new limited hoisting machine operator licenses, the department has a 2-year window, running from November 7, 2022, to November 6, 2024, to establish alternative pathways for licensure. Existing Class C-2 and C-3 hoisting machine operator licenses were also renamed boom truck limited license and a sign hanging crane limited license, respectively.

The rule makes amendments implementing the new limited hoisting machine operator licenses for articulating boom cranes and mini cranes. It further creates a new limited hoisting machine operator license for telehandlers. Ancillary changes for Class A, B, and C hoisting machine operator licenses are also made. More specifically:

- Sections 1, 2, 3, 6, 7, and 8 amend section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, which establishes training, certification, medical fitness, and other qualifications needed to obtain a hoisting machine operator license, as follows:
  - Section 2 of this rule edits subparagraph (i) of paragraph (4) of subdivision (a) to clarify that applicants for a Class A hoisting machine operator license can credit experience obtained as a learner on smaller equipment in New York City towards a portion of their experience requirement. However, two-thirds of the experience required to obtain a Class A license must still have been obtained as a learner on larger equipment in New York City.
  - Section 2 also rewrites subparagraph (ii) of paragraph (4) of subdivision (a), which currently defines the experience required to obtain a Class C hoisting machine operator license. The existing requirements allow for experience obtained in the United States, but outside of New York City, to be credited towards obtaining a Class C hoisting machine operator license. The amendments account for the renamed boom truck limited license and a sign hanging crane limited license (formerly named Class C-2 and C-3, respectively) and the new limited hoisting machine operator licenses for articulating boom cranes, mini cranes, and telehandlers. The amendments specify that only one year of experience in the

United States outside of New York City can be credited to obtain a Class C or any limited hoisting machine operator license. An additional year of experience within New York City as a learner under the supervision of an existing New York City licensed hoisting machine operator is still mandated.

- Section 2 adds a new subparagraph (iii) to paragraph (4) of subdivision (a) to establish a temporary, alternative pathway to licensure for individuals currently operating articulating boom cranes, mini cranes, and telehandlers in New York City. This temporary, alternative pathway will sunset on November 7, 2024. Hoisting machine operator licensing applicants are typically required to serve as a learner under the supervision of an existing hoisting machine operator, as described above. However, because articulating boom cranes, mini cranes, and telehandlers presently do not require a licensed operator in New York City, subparagraph (iii) allows individuals to credit their non-licensed experience in New York City towards obtaining a limited hoisting machine operator license without the need for supervision by an existing licensee, provided the individual has obtained at least 1,500 hours of experience operating in New York City by November 6, 2024, and further provided that the individual has not been held liable for the unsafe operation of a crane or telehandler in New York City.
- Section 2 relatedly amends clause B of subparagraph (ii) to account for individuals who have operated articulating boom cranes, mini cranes, and telehandlers in New York City without a license prior to November 7, 2024, but who will not have obtained the full 1,500 hours of experience to qualify under the temporary, alternative pathway in subparagraph (iii), described above, before it sunsets. For example, if an individual has obtained nine months of experience operating in New York City by November 6, 2024, the individual would only need three months of further experience in New York City as a learner under the supervision of an existing hoisting machine operator, rather than the full year of additional experience under the supervision of an existing hoisting machine operator generally required by subparagraph (ii).
- Section 3 of this amendment modifies paragraph (5) of subdivision (a), which requires applicants for a Class A or C hoisting machine license to complete a prerequisite number of crane outrigger setups, to impose similar requirements for the new limited licenses.
- Section 5 of this amendment establishes the parameters of the new limited license for telehandlers within subdivision (c).
- Section 6 of this amendment edits subdivision (d) to account for the new limited licenses. This subdivision specifies the national certifications each classification of license is required to possess in order to obtain and maintain a license. Currently, the National Commission for the Certification of Crane Operators (NCCCO) is the only accredited hoisting machine operator certification entity approved by the department. And for ease of understanding, the certifications offered by the

NCCCO are specified by name. By contrast, only general categories are listed in the current rule. However, should another entity be approved by the department, the rule can be amended in the future to identify that entity and their certifications by name. Edits also reflect NCCCO's elimination of a stand-alone "boom truck" certification and NCCCO's combination of two "lattice boom" certifications into one.

- Section 8 of this amendment adds a new subdivision (i) to specify that individuals may hold multiple limited hoisting machine operator licenses.
- Sections 4, 7, 9, and 10 include amendments throughout sections 104-09 and 104-23 of Subchapter D of Chapter 100 of Title 1 of the RCNY to ensure updated cross references to the New York City Building Code, reflect renumbering and updated effective dates 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 11 amends section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, which establishes requirements for individuals who are learning to become a hoisting machine operator, as follows:
  - Language in subdivision (l) is added to memorialize the current interpretation that section 28-405.2 of the New York city administrative code prohibits a Class A hoisting machine operator from operating equipment with a boom length exceeding 300 ft in length, even if the individual is learning to become a Class B operator.
  - Language in subdivision (l) is added to account for new limited hoisting machine operator licenses; the language reflects the same pattern established for Class A and Class C hoisting machine operator licenses and allows individuals who began as a learner for one class of license to switch and become a learner for a different class of license.
- Section 12 amends paragraph (1) of subdivision (i) of section 3319-01 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, which exempts certain machinery from requiring a licensed hoisting machine operator, as follows:
  - New exceptions 8 and 9 delay implementation of the limited licenses for articulating boom cranes and telehandlers until November 7, 2024. This provides time for qualified individuals to apply for the new licenses. Similarly, amendments to exception number 7 delay implementation of the limited license for mini cranes until November 7, 2024. Exception number 5, which describes a subset of work typically performed by articulating boom cranes, is amended to also sunset on November 7, 2024.
  - A new exception number 10 exempts fixed telehandlers from licensing after November 6, 2024. In the interim, however, fixed telehandlers are covered by

exception number 9. In lieu of licensing, beginning November 7, 2024, operators of fixed telehandlers, when the telehandler is configured to hoist or lift materials, are required to possess an NCCCO certification for the operation of a telehandler.

However, following the public hearing, several edits were made based upon comments received:

- Section 2 was revised so that terminology used in subparagraph (i) of paragraph (4) of subdivision (a) of section 104-09 matches similar language used in clauses (B) and (C) of subparagraph (ii) of paragraph (4) of subdivision (a) concerning experience obtained on “mobile or tower cranes or rotating telehandlers,” with the additional reference to “derrick” retained to reflect the larger scope of the Class A hoisting machine operator license.
- Section 2 was also revised to clarify how applicants who apply for a license for an articulating boom crane, mini crane, or rotating telehandler can credit experience obtained operating in New York City prior to November 7, 2024 not under the supervision of a licensed operator. Specifically, the language previously proposed for clause (B) of subparagraph (ii) of paragraph (4) of subdivision (a) regarding such experience was relocated and expanded to become a new exception number 2. As amended, the new exception provides that articulating boom cranes, mini cranes, and rotating telehandlers will not require a licensed operator until November 7, 2024. The previous language recognized that applicants who apply for a license for an articulating boom crane, mini crane, or rotating telehandler after November 6, 2024, and wish to credit experience obtained operating in New York City prior to November 7, 2024, would not have needed to operate under the supervision of a licensed operator. The exception retains this concept and provides additional detail on how an applicant and the department would credit the experience. The additional detail mirrors language previously proposed in the rule for applications submitted before November 7, 2024.
- Section 2 was also revised to clarify that any applicant who “submit[s] an application” pursuant to subparagraph (iii) of paragraph (4) of subdivision (a) will vest their application under the alternate pathway described therein.
- Section 3 was amended to clarify that under paragraph (5) of subdivision (a), a crane with a boom over 200 feet in length can be used to satisfy the outrigger setup requirement if the boom is fully retracted or stowed. Applicants for a Class A, C, or limited hoisting machine operator license must perform at least 100 outrigger setups on a crane. However, such individuals are not authorized to operate a crane with over 200 feet of boom. Ensuring the boom is fully retracted or stowed will prevent such individuals from operating the crane while still making the crane available for outrigger placement training, enabling more opportunities for applicants to conduct the 100 outrigger setups.
- Section 6 was amended to delete the previously proposed footnote number 6 in Table 2. The NCCCO does not restrict testing for their Telescopic Boom Crane - Fixed Cab certification to mini cranes in the manner contemplated by the footnote. By deleting the previously proposed footnote, it will bring the New York City certification requirement for mini cranes into alignment with the national practice.

- Section 12 was amended to clarify that operators of equipment exempted from paragraph (1) of subdivision (i) of section 3319-01 pursuant to exception number 2 include operators of rotating telehandlers configured as excavating, earth-moving, or drill equipment, demolition grapplers, or aerial work platforms.
- Section 12 was also amended to clarify that under the new exception number 10 to paragraph (1) of subdivision (i) of section 3319-01, the proposed operator certification requirement for the operation of a fixed telehandler is only applicable when the fixed telehandler is configured with a hook, jib, or similar means to lift a suspended load. This reflects Occupational Safety and Health Administration (OSHA) requirements which treat a fixed telehandler equipped with a fork or cradle as similar to a forklift and not subject to crane operator certification requirements.
- Section 12 was further amended to add two new exceptions to paragraph (1) of subdivision (i) of section 3319-01:
  - A new exception number 11 was added to clarify that the scope of the new mini crane hoisting machine operator license does not apply to public water or sewer work.
  - A new exception number 12 was added to address industry concerns that the department will not be able to process an adequate number of applications in the few months remaining before the November 7, 2024 deadline, established by Local Law 126 for the year 2021, for applications for certain limited hoisting machine operator licenses under the alternate pathway set forth in section two of this rule. Accordingly, this exception ensures adequate processing time by allowing individuals currently operating articulating boom cranes, mini cranes, and rotating telehandlers to submit an application for a license by November 6, 2024 to continue operating such equipment on and after November 7, 2024, until a decision on their application is reached.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, and Article 405 of Chapter 4 of Title 28 of the City Administrative 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. Paragraph (2) 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) **Physical fitness.** An applicant for a Hoisting Machine Operator license shall provide evidence on a form prescribed by the Commissioner that he or she meets the physical qualifications of section 5-3.1.2(a) of ASME B [30.5-2014] 30.5-2021, and has passed a physical exam and a substance abuse test to verify such physical qualification. 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.

§ 2. 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:

- (4) **Experience qualifications.** In order to satisfy the experience qualifications as set forth in Section 28-405.3 of the New York city administrative code, the experience must have been obtained in accordance with the following:

- (i) **Class A license applicants.** An applicant for a Class A Hoisting Machine Operator license must provide proof demonstrating that the three (3) years of experience required by Section 28-405.3 of the New York city administrative code was acquired operating hoisting machines in New York City in the presence of and under the direct supervision of a licensed Class A or Class B Hoisting Machine Operator in accordance with section 104-23 of these rules. The experience must have been obtained on hoisting machines of a type, size, and capacity authorized to be operated by a Class A licensed hoisting machine operator. [For applications submitted on or after July 1, 2019, at] At least two (2) years of the required three (3) years of experience must have been in the operation of mobile cranes with a manufacturer's rated capacity in excess of 50 tons (45.36 t) or in the operation of tower cranes, other than self-erecting tower cranes. The remaining year of experience can be on any type of mobile or tower crane, derrick, or rotating telehandler authorized to be operated by a Class A HMO licensee; this includes but is not limited to cranes with a capacity under 50 tons (45.36 t).
- (ii) **Class C and limited hoisting machine operator license applicants.** An applicant for a Class C or a Limited Hoisting Machine Operator license must provide proof demonstrating: [that the two (2) years of experience required by Section 28-405.3 of the New York city administrative code was acquired operating hoisting machines under the supervision of a Hoisting Machine Operator licensed by the Department or by another jurisdiction within the United States that regulates crane operators. The experience must have been obtained on hoisting machines of a type, size, and capacity authorized to be operated by the Class C Hoisting Machine Operator license sought; however, nothing in this section prohibits an individual from crediting experience obtained on Class A machinery in accordance with the provisions of section 104-23 of these rules towards obtaining the Class C license. At least one (1) year of the experience must have been undertaken in the City of New York or in an urban area of comparable density within the United States, as determined by the Commissioner, and, for applications for a Class C1 Hoisting Machine Operator license submitted on or after

July 1, 2019, have been in the operation of wheel mounted cranes with a manufacturer's rated capacity in excess of 3 tons (2.72 t).]

- (A) That at least one (1) year of the two (2) years of experience required by Section 28-405.3 of the New York city administrative code was acquired in New York City in the operation of hoisting machines as specified for each license in Table 1, and that such operation was 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;
- (B) That all experience obtained in New York City was acquired operating mobile or tower cranes or rotating telehandlers in the presence of and under the direct supervision of a New York City licensed Hoisting Machine Operator in accordance with section 104-23 of these rules; and
- (C) That experience obtained outside of New York City was acquired in the United States operating mobile or tower cranes or rotating telehandlers in the presence of and under the direct supervision of a hoisting machine operator licensed, registered, or certified in good standing to operate such equipment within the relevant jurisdiction. Applicants who are duly licensed, registered, or certified in good standing to operate the equipment in the relevant jurisdiction for which the experience is being credited may credit self-supervision toward this requirement.

**Exceptions:**

1. Where the applicant already possesses a New York City Limited Hoisting Machine Operator license, such possession is deemed to satisfy one (1) year of the required two (2) years of experience. Such applicants need only comply with clauses (A) and (B) of this subparagraph.
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 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 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.

**Table 1: Specific experience requirements for HMO C and limited license applicants**

<b><u>License Type</u></b>	<b><u>Required one (1) year of experience in NYC</u></b>
<u>Class C license</u>	<u>Wheel mounted cranes, other than 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 in excess of 3 tons (2.72 t).</u>
<u>Limited license for articulating boom cranes</u>	<u>An articulating boom crane, 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 in excess of 1 ton (0.91 t) attached to a commercial truck chassis.</u>
<u>Limited license for boom trucks</u>	<u>Boom trucks 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 in excess of 3 tons (2.72 t).</u>
<u>Limited license for mini cranes</u>	<u>Mobile cranes, other than boom trucks or telehandlers, with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 50 feet (15.240 m) in length and with a manufacturer's rated capacity of 3 tons (2.72 t) or less.</u>



<u>Limited license for sign hanging cranes</u>	<u>Boom trucks with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 135 feet (41.148 m) in length and with a manufacturer's rated capacity of 3 tons (2.72 t) or less, used exclusively for the erection, maintenance, or removal of signs.</u>
<u>Limited license for telehandlers</u>	<u>Wheel mounted rotating 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 in excess of 3 tons (2.72 t).</u>

**(iii) Limited license alternate pathway.** Individuals who submit an application for a Limited Hoisting Machine Operator license for articulating boom cranes, mini cranes, or telehandlers on or before November 6, 2024, may, in lieu of the requirements set forth in subparagraph (ii) of this paragraph, provide proof in the form of an affidavit provided by the department and signed by the applicant and the applicant's employer or union, attesting that the applicant:

(A) for a limited license for articulating boom cranes has obtained 1,500 hours of experience on or after January 1, 2019, operating, in New York City, articulating boom cranes attached to a commercial truck chassis, with the operation 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;

(B) for a limited license for mini cranes, has obtained 1,500 hours of experience on or after January 1, 2019, operating, in New York City, mobile cranes, other than boom trucks or telehandlers, with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 50 feet (15.24 m) in length with a manufacturer's rated capacity of 3 tons (2.72 t) or less, with the operation 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; or

(C) for a limited license for a telehandler, has obtained 1,500 hours of experience on or after January 1, 2019, operating, in New York City, rotating telehandlers, with the operation 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.

**Exception:** The department may decline to issue a Limited Hoisting Machine Operator pursuant to this subparagraph 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 subparagraph 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.

§ 3. Paragraph (5) 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:

(5) **Outrigger setup.** For a Class A, [or] Class C, or Limited Hoisting Machine Operator license, the qualifying experience as specified in subparagraphs (i) and (ii) of paragraph (4) of this subdivision shall include outrigger placement incorporating at least one hundred (100) crane set-ups. In no case shall qualifying set-ups be obtained on a crane that has a boom, including jibs and any other extensions to the boom, exceeding 200 feet (60.96 m) in length, unless the boom and all its attachments are fully retracted or stowed according to the manufacturer's specifications. Such set-ups must occur at a jobsite, crane yard, training center, or other location acceptable to the commissioner, and must be witnessed by a New York City licensed Hoisting Machine Operator. However, the witnessing licensee may only witness outrigger placement on equipment which their New York City license authorizes them to operate.

(i) **Class A license applicants.** For a Class A Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on [machinery for which a Class A license is required] mobile cranes with a manufacturer's rated capacity in excess of 50 tons (45.36 t). Where an applicant for a Class A Hoisting Machine Operator license already possesses a Class C Hoisting Machine Operator license, the requirement for the remaining 75 set-ups [on non Class A machinery] is waived.

(ii) **Class C license applicants.** For a Class C Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on the type of machinery specified Table 1 for the Class C license. Where an applicant for a Class C Hoisting Machine Operator license already possesses a Limited Hoisting Machine Operator license, the requirement for the remaining 75 set-ups is waived.

(iii) **Limited license applicants.** For a Limited Hoisting Machine Operator license, at least 25 of the set-ups must have occurred on the type of machinery specified Table 1 for the type of limited license sought. Where an applicant for a Limited Hoisting Machine

Operator license already possesses a different Limited Hoisting Machine Operator license, the requirement for the remaining 75 set-ups is waived.

§ 4. Subdivision (b) 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:

**(b) Fitness requirements for renewal [and reinstatement].** As a condition of license renewal [or reinstatement], a licensed or previously licensed Hoisting Machine Operator 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. Such evidence shall consist of:

**(1) Physical Fitness.** Evidence on a form prescribed by the Commissioner that the licensee meets the physical qualifications of section 5-3.1.2(a) of ASME B [30.5-2014] 30.5-2021, and has passed a physical exam and a substance abuse test to verify such physical qualification. 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.

\* \* \*

§ 5. Subdivision (c) 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:

**(c) [Reserved.] Additional limited hosting machine operator licenses.** The following additional Limited Hoisting Machine Operator licenses are hereby established.

**(1) Limited license for telehandlers.** Limited license to operate wheel mounted telehandlers (non-rotating (“fixed”) or rotating) with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length with a manufacturer’s rated capacity of 50 tons (45.36 t) or less.

§ 6. 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 to read as follows:

**(d) Certifications for a hoisting machine operator license.** Where a certification for the operation of a type of hoisting machine has been established by Table [1] 2 of this subdivision, no licensed hoisting machine operator may operate such type of machinery until the licensee possesses a certification for that type of hoisting machine and such certification has been listed on the hoisting machine operator’s license by the department.

**Exception:** The licensee is operating the hoisting machine as a learner in accordance with section 104-23 of these rules.

**(1) Certifications to be acceptable and accredited.** The certification must be acceptable to the commissioner and be issued by a hoisting machine operator certification program that is accredited by the National Commission for Certifying Agencies (NCCA) or the

American National Standards Institute (ANSI) for the specific type of hoisting machine to be operated.

- (2) **Licensee to inform department of changes to certification.** The licensed hoisting machine operator must immediately notify the department if a certification identified in Table [1] 2 of this subdivision and held by the licensee is suspended, revoked, not renewed, or otherwise lapses. The licensed hoisting machine operator must provide a copy of re-certifications and new certifications identified in Table [1] 2 of this subdivision to the department within 30 days.
- (3) **Friction cranes or derricks.** No person who holds a Class A or Class C hoisting machine operator license may operate a friction crane or a friction derrick, or supervise the operation of a learner on a friction crane or a friction derrick, until the licensee has passed at least one of the practical certification exams listed in Table [1] 2 on a friction crane, and such authorization to operate a friction crane or a friction derrick has been listed on the hoisting machine operator's license by the department. For a Hoisting Machine Operator Class B applicant, one of the practical certification exams must, in accordance with the requirements of Table [1] 2 of this subdivision, be on a friction crane. In addition, no person who holds a Limited Hoisting Machine Operator License may operate a friction crane or friction derrick, or supervise the operation of a learner on a friction crane or a friction derrick.
- (4) **Derricks.** No licensed hoisting machine operator may operate a derrick, or supervise the operation of a learner on a derrick, unless the licensee possesses a tower crane certification, and such certification has been listed on the hoisting machine operator's license by the department.

[Table 1: Certifications by licensing class]

[Certification name]	[Hoisting machine operator licensing class]				
	[A]	B	C1	C2	C3]
[Fix cab telescopic boom mobile crane <sup>1</sup>	Required	Required	Required		
Swing cab telescopic boom mobile crane	Required	Required	Required		
Lattice boom truck crane <sup>2</sup>	Required	Required			
Lattice boom crawler crane <sup>2</sup>	Required	Required			
Articulating boom mobile crane <sup>3</sup>	Additional	Additional	Additional		

Dedicated pile driver	Additional	Additional	Additional		
Boom truck <sup>1</sup>				Required <sup>4</sup>	Required <sup>4</sup>
Tower crane	Additional	Required			]

**Table 2: Certifications by licensing class<sup>1</sup>**

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

**Table 2 (cont.): Certifications by licensing class<sup>1</sup>**

<b><u>Certification</u></b>	<b><u>Hoisting machine operator licensing class</u></b>				
	<b><u>Limited articulating boom crane</u></b>	<b><u>Limited boom truck</u></b>	<b><u>Limited mini crane</u></b>	<b><u>Limited sign hanger</u></b>	<b><u>Limited telehandler</u></b>
<u>NCCCO Telescopic Boom Crane - Fixed Cab</u>		<u>Required<sup>5</sup></u>	<u>Required</u>	<u>Required<sup>5</sup></u>	
<u>NCCCO Telescopic Boom Crane - Swing Cab</u>					
<u>NCCCO Lattice Boom Crane<sup>2</sup></u>					

<u>NCCCO Tower Crane</u>					
<u>NCCCO Articulating Boom Crane</u> - or - <u>NCCCO Boom Crane w/Winch</u> - or - <u>NCCCO Articulating Boom Loader<sup>3</sup></u>	<u>Required</u>	<u>Additional</u>	<u>Additional</u>	<u>Additional</u>	
<u>NCCCO Dedicated Pile Driver</u>					
<u>NCCCO Rotating Telehandler<sup>4</sup></u>		<u>Additional</u>			<u>Required</u>

**Legend to Table [1] 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[, except where otherwise indicated by footnote 1].

**Footnotes to Table [1] 2:**

- <sup>1</sup> [Individuals who hold a “Fix cab telescopic boom mobile crane” certification can also operate “boom trucks” and do not need a separate certification.] Individuals may only operate equipment within the scope of their license, even if a certification authorizes operation of a broader class of equipment.
- <sup>2</sup> For a Hoisting Machine Operator Class B applicant, the practical certification exam for [either] the lattice boom [truck] crane [or the lattice boom crawler crane] must be on a friction crane.
- <sup>3</sup> [The certification exam must include a component on the operation of an articulating boom crane with a winch.] Individuals are not permitted to operate machinery exceeding the scope of their certification, even if such machinery is within the scope of their license.
- <sup>4</sup> 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.
- <sup>5</sup> Licensees who prior to the effective date of this [section] subdivision hold a certification for a [“Fix cab telescopic boom mobile crane”] “Boom truck” must provide a certification for [“Boom truck”] “NCCCO Telescopic Boom Crane - Fixed Cab” upon renewal [or reinstatement] of their license.

§ 7. Subdivision (e) 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:

- (e) **Additional requirements.** The provisions of this rule shall be in addition to the qualification[,] and renewal [and reinstatement] requirements prescribed by articles 401 and 405 of title 28 of the Administrative Code.

§ 8. 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 subdivision (i) to read as follows:

- (i) Multiple limited licenses.** An individual may possess multiple Limited Hoisting Machine Operator licenses.

§ 9. The definition of “hoisting machine” in 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 to read as follows:

Hoisting machine. See Section [3302.1] 202 of the New York city building code.

\* \* \*

§ 10. Paragraph (6) of subdivision (c) of section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (6) Meet the physical qualifications of section 5-3.1.2(a) of ASME B [30.5-2014] 30.5-2021, as verified by passing a physical exam and a substance abuse test.

§ 11. Subdivision (l) of section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (l) **Type, size, and capacity of hoisting machine operated by learner to be within scope of license sought.** The learner may only operate hoisting machinery that is authorized by the scope of the license sought. Only a person who possesses a Class A hoisting machine operator license may operate as a learner on hoisting machinery that is authorized to be operated only by a Class B hoisting machine operator; except that only individuals who hold a Class B hoisting machine operator license with the appropriate rating may operate in New York City hoisting machinery that requires a rating in accordance with Section 28-405.2 of the New York city administrative code. Nothing in this section prohibits an individual who began training to obtain a Class C hoisting machine operator license from pursuing a Class A hoisting machine operator license instead and from operating Class A machinery as a trainee in accordance with the provisions of this section. Nothing in this section prohibits an individual who began training to obtain a limited hoisting machine operator license from pursuing a Class C or Class A hoisting machine operator license and from operating Class C or Class A machinery as a trainee in accordance with the provisions of this section.

§ 12. Paragraph (1) of subdivision (i) of section 3319-01 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

**(i) Personnel.**

**(1) Operators.** Operators of cranes and derricks must be licensed in accordance with Article 405 of chapter 4 of Title 28 of the Administrative Code.

**Exceptions:**

1. Operators exempted by Article 405 of chapter 4 of Title 28 of the Administrative Code.
2. Operators of equipment exempted by [Section 3319] 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, 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).
3. Learners in the presence of and under the direct supervision of a licensed operator in accordance with section 104-23 of these rules.
4. Operators of cranes described in exceptions 3 and 4 of Section 3319.3 of the New York City Building Code, provided the crane is used in connection with the installation or maintenance of street lighting or public utility overhead power distribution systems.
5. [Operators] On or before November 6, 2024, operators of a mobile crane that has a boom length of 135 feet (41.15 m) or less, and that is utilized at the site to exclusively to:
  - 5.1. Install, adjust, maintain, repair, or remove a sidewalk shed; or
  - 5.2. Install or dismantle the initial level of a single or dual cab hoist, provided:
    - 5.2.1. Such installation or dismantling is limited to the hoist cars, counterweights, and initial mast sections needed for the car;
    - 5.2.2. Car or motor components to be hoisted are equipped with lifting lugs; and
    - 5.2.3. No object is hoisted more than 20 feet (6.1 m) above the bed of the delivery truck during such installation or dismantling operation.



6. Operators of dedicated pile drivers, provided that[, beginning January 1, 2019,] such operator possesses a valid certification for the operation of the pile driver issued by an organization acceptable to the commissioner and accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI).
7. On or before [January 1, 2022] November 6, 2024, operators of mobile cranes with telescoping or hydraulic booms, including jibs and any other extensions to the boom, not exceeding 50 feet (15.24 m) in length with a manufacturer's rated capacity of 3 tons (2.72 t) or less, provided:
  - 7.1. The work does not meet the definition of a critical pick as set forth in section 3302.1 of the Building Code;
  - 7.2. The work is not related to steel erection; and
  - 7.3. The operator holds a valid certification for the operation of the crane, acceptable to the commissioner, issued by the manufacturer of the crane for the specific make and model of crane to be operated; or
  - 7.4. The operator holds a valid certification for the operation of a mini crane issued by an organization acceptable to the commissioner and accredited by the National Commission for Certifying Agencies (NCCA) or the American National Standards Institute (ANSI).
8. On or before November 6, 2024, operators of articulating boom cranes that do not have an integral hoisting mechanism, and that are used exclusively for loading and unloading of trucks or trailers, provided that the length of boom does not exceed 135 feet (41.15 m) and that any material transported thereon shall not be raised more than 100 feet (30.48 m) in the unloading process.
9. On or before November 6, 2024, operators of telehandlers, provided the telehandler is not equipped with a hoisting mechanism.
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, jib, concrete bucket, 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.
11. Operators of mobile cranes described in exception number 3 of Section 3319.3 of the New York City Building Code, where such operators are employees of the New

York City Department of Environmental Protection (“DEP”) performing work in connection with DEP’s installation, maintenance, or removal of water or sewer infrastructure, and maintenance of stormwater infrastructure and coastal protection systems.

12. Operators who submitted an application for a Limited Hoisting Machine Operator license for an articulating boom crane, mini crane, or telehandler on or before November 6, 2024, may continue to operate equipment within the scope of the application until their application is processed and a decision made by the department to approve or deny such application.

## 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 104-09 and 104-23 of Subchapter D of Chapter 1 and sections 3316-01 and 3319-01 of Chapter 3300 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding technical cleanup amendments to rules governing the licensing of hoisting machine operators and the rules governing cranes and derricks, adding language on peer review of cranes and amending the rule regarding rigging operations.

This rule was published in the City Record on March 2, 2020 and a virtual public hearing was held on June 4, 2020.

Dated: June 16, 2020  
New York, New York

  
\_\_\_\_\_  
Melanie E. La Rocca  
Commissioner

## **Statement of Basis and Purpose of Rule**

The amendments:

- Make technical cleanups to rules governing the licensing of hoisting machine operators, as follows:
  - Sections 1 and 4 of the amendments correct a logical inconsistency in sections 104-09 and 104-23 of chapter 100 of Title 1 of the Rules of the City of New York. The amendments prevent a misinterpretation that would prohibit some applying credits obtained on larger machinery towards obtaining more limited licenses.
    - Article 405 of Title 28 of the New York City Administrative Code does not establish pre-requisite licensing in order to obtain a Class A or a Class C Hoisting Machine Operator license.
    - Only people applying for a Class B Hoisting Machine Operator license must first be licensed as a Class A Hoisting Machine Operator.
    - Individuals who originally intended to get a Class A license but ultimately choose to apply for a Class C license have previously been allowed to credit experience obtained on larger Class A machinery in applying for the more limited Class C license.
    - Similarly, individuals who originally intended to obtain a Class C license but ultimately choose to train on larger Class A machinery and apply for a Class A license have not been required to first obtain a Class C license.
  - Sections 2 and 3 of the amendments remove a distinction between a certification for a tower crane and a self-erecting tower crane. This amendment mirrors current national crane certifications, which do not distinguish between tower cranes and self-erecting tower cranes.
- Include additional rigging best practices (Sections 5 and 6).
- Make technical cleanups to rules governing cranes and derricks, as follows:
  - Section 8 of the amendments require additional engineering information to be submitted to the department for tower crane prototype review; these values were inadvertently left out of the current rules.
  - Section 9 corrects terminology related to a “phase” or “jump.”
  - Section 10 clarifies that a licensed master or tower crane rigger can witness a tower crane load test.
  - Section 12 clarifies that cranes or derricks that are used under the supervision of a master rigger must maintain the same jobsite logs as a crane that requires a certificate of on-site inspection.
  - Section 13 clarifies the title and scope of a particular section of the rule.

- Codify requirements contained in Buildings Bulletin 2019-005 regarding peer review for cranes and derricks in Sections 7 and 11. The department requires certain cranes or derricks with complex or out of the ordinary loading, load paths, configurations, operations, or site conditions, or whose setup requires coordination among city agencies to be subject to a peer review. During a peer review, an independent New York State professional engineer reviews the application submitted by the crane or derrick notice engineer and provides an additional verification that the crane or derrick design indicated on the submitted crane or derrick notice application is in general conformance with New York City Codes, rules, and regulations for cranes and derricks. This rule provides uniform requirements for crane and derrick peer reviewers and crane and derrick peer reviews.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, section 28-104.7.11 of Chapter 1 and Article 405 of Chapter 4 of the City Administrative Code and sections BC 3316 and BC 3319 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Section 1. 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:

- (ii) Class C license applicants. An applicant for a Class C Hoisting Machine Operator license must provide proof demonstrating that the two (2) years of experience required by Section 28-405.3 of the New York city administrative code was acquired operating hoisting machines under the supervision of a Hoisting Machine Operator licensed by the Department or by another jurisdiction within the United States that regulates crane operators. The experience must have been obtained on hoisting machines of a type, size, and capacity authorized to be operated by the Class C Hoisting Machine Operator license sought; however, nothing in this section prohibits an individual from crediting experience obtained on Class A machinery in accordance with the provisions of section 104-23 of these rules towards obtaining the Class C license. At least one (1) year of the experience must have been undertaken in the City of New York or in an urban area of comparable density within the United States, as determined by the Commissioner, and, for applications for a Class C1 Hoisting Machine Operator license submitted on or after July 1, 2019, have been in the operation of wheel mounted cranes with a manufacturer's rated capacity in excess of 3 tons (2.72 t).

§2. Paragraph (4) 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 to read as follows:

- (4) Derricks. No licensed hoisting machine operator may operate a derrick, or supervise the operation of a learner on a derrick, unless the licensee possesses a tower crane certification [(not self-erecting)], and such certification has been listed on the hoisting machine operator's license by the department.

§3. Table 1 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 to delete the row entitled "Self-erecting tower crane" and to delete footnotes 3 and 4, renumber footnote 5 as footnote 3, and renumber footnote 6 as footnote 4.

§4. Subdivision (l) of section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (l) Type, size, and capacity of hoisting machine operated by learner to be within scope of license sought. The learner may only operate hoisting machinery that is authorized by the scope of the license sought. Only a person who possesses a Class A hoisting machine operator license may operate as a learner on hoisting machinery that is authorized to be operated only by a Class B hoisting machine operator. Nothing in this section prohibits an individual who began training to obtain a Class C hoisting machine operator license from pursuing a Class A hoisting machine operator license instead and from operating Class A machinery as a trainee in accordance with the provisions of this section.

§5. Subdivision (d) of section 3316-01 of chapter 3300 of Title 1 of the Rules of the City of New York is amended to add a new paragraph (6) to read as follows:

- (6) Trimming and balancing loads.** Loads must be securely slung and balanced before they are set in motion. Loads must be trimmed to prevent the dislodgment of any part during raising, lowering, swinging, or transit.

§6. Subdivision (d) of section 3316-01 of chapter 3300 of Title 1 of the Rules of the City of New York is amended to add a new paragraph (7) to read as follows:

- (7) Load suspended beneath another load ("Christmas treeing") prohibited.** No load may be suspended directly beneath an existing load.

§7. Subdivision (b) of section 3319-01 of chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding new definitions, in alphabetical order, as follows:

- INDEPENDENT (peer reviewer).** A person who does not engage in any activities that may conflict with their objective judgement or integrity, including but not limited to having a financial and/or other interest in the design, construction, installation, manufacturer, or maintenance of the crane or derrick they are reviewing.

**QUALIFIED (peer reviewer).** A New York State professional engineer who has the education, training, and experience required for the design of structures of a similar complexity and size as the crane or derrick notice application to be peer reviewed and to perform a complete review of the means, methods, and design proposed by the crane or derrick notice engineer.

§8. Clause (C) of subparagraph (iv) of paragraph (5) of subdivision (d) 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:

- (C) Contain the following information from the manufacturer for the given in-service, out-of-service, and, where applicable, full, unreduced, design wind speed at the center of the tower:

- [1. The maximum moment;
- 2. The slewing moment; and
- 3. Corresponding vertical loads at the foundation.]

- 1. Wind load base shear.
- 2. Wind load overturning moment at the base.
- 3. Vertical loads at the base.
- 4. Overturning moment at the base center due to vertical loads.
- 5. Maximum tower and boom displacements due to wind.
- 6. The slewing moment.

§9. Subparagraph (ii) of paragraph (7) of subdivision (g) 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:

- (ii) **Continued validity of the certificate of on-site inspection for a phase or jump.** Where a crane or derrick project includes multiple phases or jumps, the continued validity of the certificate of on-site inspection is contingent upon the crane or derrick passing the inspection and tests required by subparagraphs (i) and (ii) of paragraph (8) below for each phase or jump. Upon successful passage of such inspections and tests, and submittal of the inspection report in accordance with subparagraph (iv) of paragraph (8) below, the certificate of on-site inspection is deemed to cover such phase or jump.

**Exception:** A phase does not include the relocation of a mobile crane to another location at the site, provided such relocation is indicated on the approved crane or derrick notice plans, and provided such relocation does not require the crane to be assembled or disassembled.

§10. Item number 5 of clause (D) of subparagraph (i) of paragraph (8) of subdivision (g) 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:

5. [For] A licensed master or tower crane rigger, or, for a derrick, a licensed master rigger[,] or a master rigging foreman.

§11. 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 (13) to read as follows:

**(13) Peer review.** Peer reviews for crane or derrick notice applications must be in accordance with the requirements of subparagraphs (i) through (xiii) below.

**(i) Peer review required.** A crane or derrick notice application is subject to a peer review when the crane or derrick notice application proposes any one of the following:

**(A)** The use of a mobile crane with a boom, including jibs and any other extensions to the boom, equal to or greater than 300 feet (91.44 m) in length.

**(B)** The use of a mobile crane in a configuration where the manufacturer requires, at a wind speed of 20 mph (32.19 kph) or less (sustained or gust):

1. The boom or boom/jib combination to be laid down;

2. The boom or boom/jib combination to be placed in a jackknife position; or

3. Other special protective measures to be implemented.

**(C)** The placement of a mobile crane with a maximum manufacturer rated capacity in excess of 10 tons (9.07 metric tons) on any elevation of a building above grade.

In addition, where other out of the ordinary or complex loading, load paths, configurations, operations, or site conditions exist, or where the crane application requires coordination among city agencies, the commissioner may require peer review.

**(ii) Peer reviewer.** The peer review must be performed by a qualified and independent New York State professional engineer who has been retained by or on behalf of the equipment user.

**(A) Peer reviewer to be acceptable to crane or derrick notice engineer.** The peer reviewer's qualifications must be acceptable to the crane or derrick notice engineer.

**(B) Department reserves right to reject peer reviewer.** The department reserves the right to reject a peer reviewer on the grounds of lack of qualification or independence.



- (iii) **Responsibility of crane or derrick notice engineer.** The crane or derrick notice engineer retains sole responsibility for the crane or derrick design indicated on the submitted crane or derrick notice application. The activities and reports of the peer reviewer do not relieve the crane or derrick notice engineer of any responsibility for the crane or derrick design indicated on the submitted crane or derrick application.
- (iv) **Standard of care for of peer reviewer.** The standard of care to which the peer reviewer must be held in the performance of the peer review and report must be equal to the level of skill and care required to prepare and submit the crane or derrick notice application.
- (v) **Scope of the peer review.** The peer reviewer must perform an independent review and analysis of the crane or derrick design indicated on the submitted crane or derrick notice application to confirm the design is in general conformance with New York City Codes, rules, and regulations for cranes and derricks. The review and analysis to determine general conformance shall include but not be limited to the following:
- (A) Confirm that drawings are complete, existing conditions and base building construction loading have been accurately represented on the drawings, and that any structures including, but not limited to, vaults, adjacent buildings, overhead wires, transit structures, and utilities are accurately represented on the drawings.
  - (B) Confirm that approved load charts have been included and maximum picks represented correctly.
  - (C) Where applicable, review the project's geotechnical report design recommendations and inspection reports to determine that appropriate design criteria for dunnage or foundations has been utilized. If no design criteria have been specified on the crane or derrick notice application design drawings, the peer reviewer must state any assumptions or criteria utilized in the analysis of the crane or derrick notice application design.
  - (D) Confirm the assembly/disassembly plan is complete, specific to the configurations shown in the crane or derrick notice application, and able to be fully implemented based upon site conditions.
  - (E) Confirm the wind action plan is complete, specific to the configurations shown in the crane or derrick notice application, and able to be fully implemented based upon site conditions.
  - (F) Where applicable, confirm that complete pre-operational test procedures, including load test procedures, are included.

- (G) Confirm that the crane or derrick has a complete load path into the base building structure or ground.
  - (H) Perform independent calculations for all structural members, connections and systems included in the load path determined in item vii above and verify the foundation and structural elements' ability to support the crane or derrick loads.
  - (I) Other items required by the commissioner.
- (vi) Design criteria and assumptions not shown.** If the design criteria and design assumptions are not shown on the crane or derrick notice application drawings or in the computations, the crane or derrick notice engineer must provide a statement of these criteria and assumptions to the peer reviewer. In addition, the crane or derrick notice engineer must provide other information and/or calculations if requested by the peer reviewer.
- (vii) Peer review report.** The peer reviewer must submit a report to the department stating his or her opinion regarding the design of the crane or derrick proposed in the crane or derrick notice application and detailing whether or not the crane or derrick design indicated on the submitted crane or derrick notice application is in general conformance with New York City Codes, rules, and regulations for cranes and derricks. The determination of general conformance shall be based upon the review and analysis performed in accordance with subparagraph (v) of this paragraph.
- (A) Report contents.** The peer review report must, at a minimum, contain the following information:
1. Confirmation that the crane or derrick notice application:
    - A. Complies with each of the items listed in subparagraph (v) of this paragraph.
    - B. All design loads and their combinations are adequate and compliant with New York City codes, rules, and regulations for cranes and derricks and specific project conditions.
    - C. The crane and its supporting elements can safely sustain the design loads.
  2. In the introduction to the peer review report, the peer reviewer must list his or her qualifications and include a statement that he or she is independent from the crane or derrick notice engineer.
  3. All calculations, specific conclusions and results of verification calculations performed by the peer reviewer.

4. A listing of all drawings and reports used in verification (including revision numbers and dates). Where the peer reviewer relied upon reports or data prepared by others, including but not limited reports by specialty consultants (e.g. geotechnical reports), or reports prepared by the crane or derrick manufacturer, the reliance must be disclosed in the peer review report. Such reports or data must be maintained by the peer reviewer for a minimum of six years after the date of project completion, and must be provided to the department upon request.

**(B) Conclusions.** The peer review report must provide a clear conclusion either:

1. Accepting that the crane or derrick design indicated on the submitted crane or derrick notice application is in general conformance with New York City Codes, rules, and regulations for cranes and derricks; or
2. Rejecting the design.

**(C) Positive statements to be unequivocal.** Positive evaluations with conclusions that contain exceptions will not be accepted by the department.

**(D) Basis of report.** The peer review report must be based on and reference only the set of documents submitted to the department with the crane or derrick notice application; all drawings and the latest revision dates must be clearly enumerated in the peer review report.

**(E) Changes to be enumerated.** Peer review reports must enumerate the changes, if any, made by the crane or derrick notice engineer as a result of discussions following an initial structural peer review evaluation.

**(F) Cover statement.** The peer review report must include a cover letter provided by the department and completed by the peer reviewer.

**(G) Signed and sealed.** The peer review report and cover statement must be signed and sealed by the peer reviewer.

**(vii) Copy to be provided to equipment user.** The peer reviewer must provide a copy of submitted peer review reports and cover statements to the equipment user.

**(ix) Phased submission.** If the crane or derrick notice application is to be submitted in phases, the peer review and report must be phased. The crane or derrick notice engineer must provide the peer reviewer with

sufficient information to make a peer review of the phased submission. The phased peer review report submission must cover the documents submitted for that phase, and must be without any exclusion that would make the review incomplete.

- (x) Log of discussions.** The peer reviewer must keep a log of any discussions with the crane or derrick notice engineer. The log must be made available to the commissioner upon request.
- (xi) Modifications to the design.** Amendments to the crane or derrick notice application that include changes that substantially modify the basis of the peer review evaluation will not be approved by the department until an amended peer review report and cover statement is submitted to the department by the peer reviewer. The report must provide a statement of acceptance that the design indicated in the amended crane or derrick notice application is in general conformance with New York City codes, rules, and regulations for cranes and derricks. It is the responsibility of the crane or derrick notice engineer to clearly identify on the plans the changes that are substantial and to notify the peer reviewer of any such changes.
- (xii) Disputes.** When a dispute arises between the crane or derrick notice engineer and the peer reviewer regarding compliance with New York City Codes, rules, or regulations for cranes and derricks, and which cannot be resolved by the parties, the dispute must be reported to the department in the form of a letter from the crane or derrick notice engineer.
- (xiii) Changes in designated peer reviewer.** The peer reviewer cannot be changed without the express consent of the department. The current peer reviewer must submit a written request for withdrawal to the department detailing the reason for the withdrawal request and a report of the peer review findings to date.

§12. Subdivision (h) 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:

**(h) Crane or derrick log.** For a crane or derrick that requires a certificate of on-site inspection, or that is used under the direct and continuing supervision of a licensed master rigger, the equipment user must maintain, for the duration of the job, a crane or derrick log. The log may be maintained in an electronic format acceptable to the commissioner. The log must, at a minimum, contain the following information:

§13. Clause (A) of subparagraph (i) of paragraph (1) of subdivision (k) 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:

- (A) [Mobile cranes, other than an articulating boom crane, and dedicated pile drivers.] Mobile cranes and dedicated pile**

**drivers, other than articulating boom cranes.** [For a mobile crane, other than an articulating boom crane, and for dedicated pile drivers] For mobile cranes and dedicated pile drivers, other than articulating boom cranes:

**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 new Section 104-23 in Chapter 100 and the amendment to Section 3319-01 of Chapter 3300 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the training of individuals learning to become a hoisting machine operator.

This rule was first published on October 18, 2017 and a public hearing thereon was held on November 17, 2017

Dated: 11.28.17

New York, New York



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Rick D. Chandler, P.E.  
Commissioner

### **Statement of Basis and Purpose of Rule**

This rule proposes to establish criteria governing the training of individuals learning to become a hoisting machine operator by adopting requirements of the United States Department of Labor Occupational Safety and Health Administration (OSHA) contained in 29 CFR 1926.1427(f) and making modifications for New York City. The purpose of this rule is to ensure protection of the general public.

The New York City specific modifications include:

- Establishing basic knowledge requirements for learners
- Requiring the supervising licensee to be present in or near the cab or operator's station when the learner is operating a tower crane
- Prohibiting a learner from operating a hosting machine when the supervising licensee is on break
- Clarifying that the supervising licensee is responsible for performing New York City mandated inspections and maintain New York City mandated logs
- Prohibiting a learner from performing multiple-lift rigging operations, critical picks, or any operation related to the erection, climbing, jumping, or dismantling of a tower crane
- Clarifying the scope of equipment that can be operated and supervised based on the license type being sought and the license held by the supervising licensee

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

New material is underlined.

[Deleted material is in brackets.]

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

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

#### **§104-23 Hoisting machine operator learners and supervision of learners.**

**(a) Applicability.** The operation of hoisting machines by a learner must be in accordance with the requirements of this section.

**(b) Definitions.** For the purposes of this section, the following terms have the following meanings:

Hoisting machine. See Section 3302.1 of the New York city building code.

Hoisting machine operator. An individual licensed as a hoisting machine operator in accordance with Article 405 of Chapter 4 of Title 28 of the New York city administrative code.

Learner. An individual learning to become a hoisting machine operator.

Supervising licensee. The hoisting machine operator who is supervising the learner.

**(c) Basic requirements for learners. Learners must, at a minimum:**

**(1) Be at least 18 years of age;**

**(2) Hold a valid driver's license;**

**(3) Be able to communicate in the language of the supervising licensee;**

**(4) Be able to read plans and load charts;**

**(5) Be familiar with the controls, operating characteristics, and emergency procedures of the hoisting machine to be operated; and**

**(6) Meet the physical qualifications of section 5-3.1.2(a) of ASME B 30.5-2014, as verified by passing a physical exam and a substance abuse test.**

**(d) Supervision by licensee. The learner must be in the presence of and under the direct supervision of a licensed hoisting machine operator during all times the learner is operating the hoisting machine, as follows:**

**(1) The supervising licensee and the learner must be in direct communication with each other, either verbally or by hand signals, at all times; and**

**(2) For hoisting machines other than tower cranes, the supervising licensee and the learner must be in the direct line of sight of each other at all times. For a tower crane, the supervising licensee must be present in or near the crane cab or operators station.**

**(e) Breaks. The learner may not operate the hoisting machine when the supervising licensee is on a break. The hoisting operation must stop and the hoisting machine must be properly secured before the supervising licensee goes on break.**

**(f) Responsibility of supervising licensee. The supervising licensee must:**



- (1) Ensure the learner safely operates the hoisting machine in accordance with all department regulations, manufacturer specifications, and approved permits or certificates; and
- (2) Perform the frequent inspection and the parking/securing inspection for the crane or derrick in accordance with subdivision (k) of section 3319-01 of these rules and maintain the log for the crane or derrick in accordance with subdivision (h) of section 3319-01 of these rules.
- (g) **Authority to stop operation.** The supervising licensee has the authority to issue orders to the learner, order the learner to stop operation, and, if necessary, prohibit the learner from operating the hoisting machine.
- (h) **Attention to monitoring.** While supervising the learner, the supervising licensee may not perform any tasks that detract from his or her ability to monitor the learner.
- (i) **Tasks within learners ability.** The tasks performed by the learner while operating the hoisting machine must be within the learner's ability.
- (j) **Restrictions on learners operation.** The learner may not operate a hoisting machine in any of the following circumstances:
- (1) If any part of the hoisting machine, load line, or load (including rigging and lifting accessories), if operated up to the hoisting machine's maximum working radius in the work zone as established by clause (A) of subparagraph (ii) of paragraph (3) of subdivision (s) of section 3319-01 of these rules, could get within 20 feet of a power line that is up to 350 kV, or within 50 feet of a power line that is over 350 kV;
- (2) If the hoisting machine is used to hoist personnel;
- (3) In multiple-equipment lifts;
- (4) If the hoisting machine is used over a shaft, cofferdam, or in a tank farm;
- (5) In multiple-lift rigging operations;
- (6) If the pick is a critical pick as defined in Section 3302.1 of the New York city building code; or
- (7) If the operation is related to the erection, climbing, jumping, or dismantling of a tower crane.
- (k) **Type, size, and capacity of hoisting machine supervised is within scope of license.** Licensed hoisting machine operators may only supervise the operation of a learner on hoisting machinery that is authorized to be operated by the licensee, and where a certification for the operation of a type of hoisting machine has been established in rules promulgated by the

commissioner, the licensee possesses the certification for that type of hoisting machine, and such certification has been listed on the hoisting machine operator's license by the department.

**(l) Type, size, and capacity of hoisting machine operated by learner to be within scope of license sought.** The learner may only operate hoisting machinery that is authorized by the scope of the license sought. Only a person who possesses a Class A hoisting machine operator license may operate as a learner on hoisting machinery that is authorized to be operated only by a Class B hoisting machine operator.

§2. Exception number 3 to Paragraph (1) of Subdivision (i) of Section 3319-01 of Title 1 of the Rules of the City of New York is hereby amended to read as follows:

3. Learners in the presence of and under the direct supervision of a licensed operator[.] in accordance with section 104-23 of these rules.