


NEW YORK CITY DEPARTMENT OF BUILDINGS

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 3301-01 of Chapter 3300 of Title 1 of the Rules of the City of New York (RCNY) relating to Construction Site Signs, and renames Section 3301-02 of Chapter 3300 of Title 1 of the RCNY relating to Construction Superintendents, and repeals portions of Section 3301-02 which Local Law 81 of 2017 incorporated into the Building Code as Section 3301.13.

This rule was first published on February 13, 2018 and a public hearing thereon was held on March 19, 2018.

Dated: 4.6.18
New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose

The rule amends 1 RCNY § 3301-01, to rename 1 RCNY § 3301-02, previously titled “Construction Superintendents,” and to repeal portions of 1 RCNY § 3301-02 that Local Law 81 of 2017 added to the Building Code as § 3301.13.

The Department of Buildings’ authority for this rule is found in sections 643 and 1043 of the New York City Charter, and section 3301.13.17 of the Building Code.

New material is underlined.

[Deleted material is in brackets.]

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

Section 1. Section 3301-01 of Title 1 of the Rules of the City of New York is amended to read as follows:

§3301-01. Construction site signs.

(a) *References.* See Sections 3307 and 3301.9 of the New York City Building Code (BC).

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

(1) **Best construction site management program.** A plan designed to help reduce construction impact on the surrounding community by monitoring certain activities at construction sites. This program [shall]must be developed and implemented [at one or more sites] by a party who is independent of the contractor.

(2) **Contractor.** A general contractor or, for a demolition site, the demolition contractor.

(3) **Department’s acceptance logo.** A logo provided by the Department that indicates the Department has accepted the best construction site management program and that may be displayed on the sidewalk shed parapet panel along with the program name or logo at a site utilizing an accepted best construction site management program.

(4) **Designated responsible party.** The person in charge of implementing the best construction site management program and authorized to receive notices from the Department. This party [shall]must be designated by the person, corporation or other legal entity operating the program.

(5) **Project information panel.** A project information panel required to be posted on a construction fence as set forth in BC Section 3301.9.1.

(6) **Sidewalk shed parapet panel.** A sidewalk shed parapet panel required to be posted on a sidewalk shed as set forth in BC Section 3301.9.2.

(7) **Site.** A construction or demolition site.

(c) *Project information panels at government-owned sites and at sites with government funding.* Project information panels at government-owned sites and at sites with government funding must conform to all requirements set forth in BC Section 3301.9 except as provided in this section.

(1) *Content of project information panels at government-owned sites and at sites with government funding.* Project information panels at government-owned sites and at sites with government funding must include the following information (see Figures 1, 2 , and 3):

(i) A rendering, elevation drawing, site plan, or zoning diagram of the building exterior that does not contain logos or commercially recognizable symbols; *Exception:* A rendering, elevation drawing, site plan or zoning diagram of the building exterior is not required for demolition projects.

(ii) A title line stating "Work in Progress:" and specifying the nature of the project;

(iii) Anticipated project completion date;

(iv) The name of the government entity owning the site and/or funding the project;

(v) Website address to contact for project information;

(vi) The corporate name and telephone number of the contractor;

(vii) The statement, in both English and Spanish, "TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311" and

(viii) A copy of the primary project permit, with accompanying text "To see other permits issued on this property, visit: www.nyc.gov/buildings." The permit [shall]must be laminated or encased in a plastic covering to protect it from the elements or shall be printed directly onto the project information panel. In addition to the above requirements, the name(s) of government official(s) may be incorporated into the panel in accordance with Figures 1, 2 and 3.

(2) *Specifications for project information panels at government-owned sites and at sites with government funding.* Project information panels [shall]must be 6 feet (1829 mm) wide and 4 feet (1219 mm) high, with the content required by paragraph (1) of this subdivision arranged in accordance with Figures 1, 2 and 3, as applicable. The content required by subparagraphs (ii) through (vii) of paragraph (1) of this subdivision [shall]must be written in the Calibri font or similar sans serif font style, with letters a minimum of 1 inch (25 mm) high, as measured by the upper case character. Such letters [shall]must be white, on a blue background, with such blue color of a shade matching Pantone 296, or RGB 15, 43, 84, or CMYK 100, 88, 38, 35.
Exceptions:

(i) The dimensions for a project information panel posted in conjunction with a demolition project [shall]must be 2 feet 4 inches (711 mm) wide and 4 feet (1219 mm) high, in accordance with Figure 1.

(ii) For construction sites with a street frontage less than 60 feet (18 288 mm), the dimensions for a project information panel, other than that posted in conjunction with a demolition project, [shall]must be 55 inches (1397 mm) wide and 36.5 inches (927 mm) high, in

accordance with Figure 3.

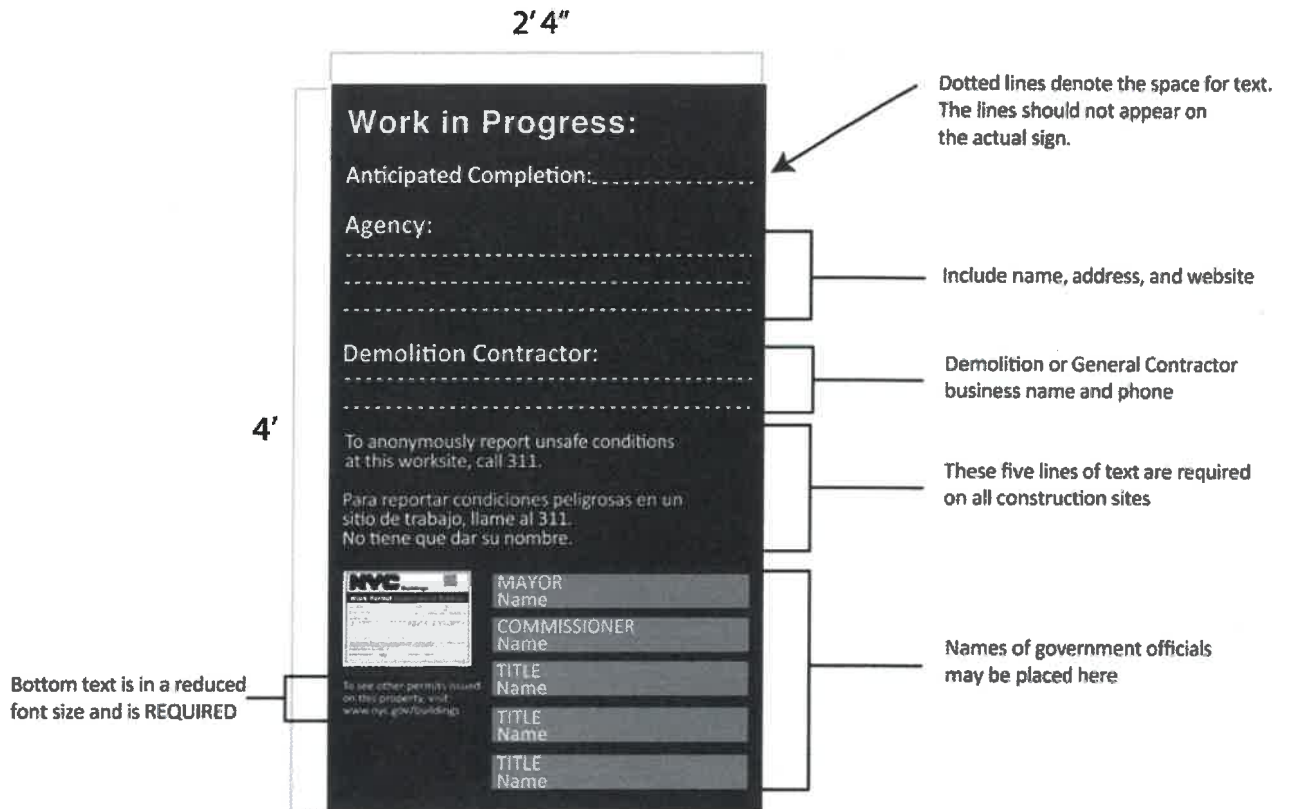


Figure
Fence Project Information Panel Text Detail

2'4"

3'8"

Work in Progress:

Anticipated Completion:

Agency:
.....
.....

General Contractor:
.....
.....

To anonymously report unsafe conditions at this worksite, call 311.

Para reportar condiciones peligrosas en un sitio de trabajo, llame al 311.
No tiene que dar su nombre.

NYC
New York City Department of Buildings

To see other permits issued on this property, visit:
www.nyc.gov/buildings

MAYOR
Name

COMMISSIONER
Name

TITLE
Name

TITLE
Name

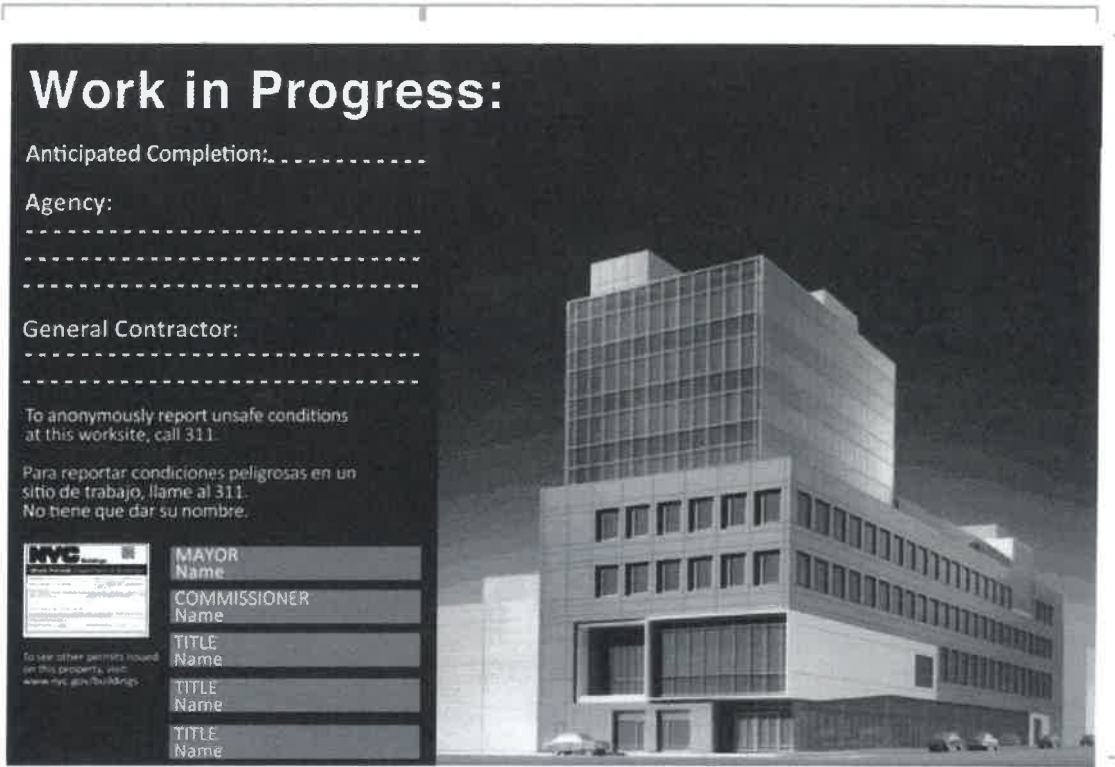
TITLE
Name

4'

Figure
Fence Project Information Panel Layout

21"

34"



36.5"

Figure
Fence Project Information Panel Layout for Small Lots

(d) *Best construction site management program.*

(1) *Scope.* This section outlines the requirements for Department-accepted best construction site management programs and the duties of the designated responsible party. Unless otherwise authorized under the Administrative Code or Department rules, only Department-accepted best construction site management programs may be identified on a sidewalk shed parapet panel.

[(2) *Department authority.* The Department may accept one or more best construction site management programs pursuant to the authorization set forth in BC 3301.9.2.7.]

[(3)](2) *Application and acceptance.*

(i) Application for acceptance [shall]must be made on forms to be furnished by the Department and [shall]must contain such information as the Department [shall] prescribes, including, but not limited to, the name, address and contact information of the person, corporation or other legal entity operating the program and the name, address and contact information for the designated responsible party.

(ii) The Department may accept a best construction site management program if [the Department]it receives a completed application that includes a detailed plan that demonstrates [to the Department's satisfaction]that the program is designed to ensure that its participating work sites are well-managed, clean and responsive to community concerns. The plan must

include, at a minimum, the duties listed in paragraph (4) of this subdivision.

(iii) Applications must include a certification by the program's designated responsible party that [such]the plan will be implemented at all times at each of the program's participating sites.

[(4)](3) *Duties of the designated responsible party.*

(i) The designated responsible party [will]must monitor the contractor and the site to ensure the maintenance of publicly accessible areas within or surrounding the site and site operations, including, but not limited to, [the following]ensuring the contractor:

(A) Maintains the site free of any construction debris, or rubbish, materials and equipment;

(B) Maintains all areas and surfaces such that they are neat, clean and free of damage, illegal signage, graffiti and sharp objects;

(C) Maintains free of snow and ice on sidewalks and snow and ice that poses potential danger to the public.

(ii) The designated responsible party [will]must monitor the contractor and the site to ensure that the community impact is minimized, which includes, but is not limited to, [the following areas]ensuring that the contractor:

(A) [Installation of]Installs enhanced netting systems and sidewalk protections.

(B) [Reduction or shielding]Reduces or shields the public from noise, vibration, dust and noxious substances;

(C) [Protection of]Protects street trees, plants, sidewalk amenities and furniture;
and

(D) [Mitigation of]Addresses nuisance and environmental complaints.

(iii) The designated responsible party [will]must promote community relations, including, but not limited to, the following:

(A) Establish a method to receive and provide responses to complaints or questions and to provide timely updates about on-going construction operations, including project scope and expected duration of the project

(B) Provide notification to the respective Community Board prior to affixing the best construction site management program name or logo on a sidewalk shed parapet panel at a participating site; and

(C) For new buildings, alterations or demolitions of major buildings, as that term is defined in Chapter 33 of the New York city building code, provide live project updates to the respective community board within thirty (30) days of a site joining a best construction site management program and every six months thereafter.

(iv) The designated responsible party [will]must conduct periodic reviews of its participating sites to verify program compliance. Such reviews must be conducted more frequently if so directed by the Department.

(v) The designated responsible party [will]must maintain the following records until construction is complete and make them available to the Department upon request:

(A) Current list of the participating site addresses, contractor name, address and contact number and the owner name and address;

(B) Details of each review with respect to any program requirements set forth in paragraph (4) of this subdivision and any actions resulting therefrom; and

(C) Details of complaint resolution for each complaint, including mitigation strategies.

(vi) The designated responsible party [will]must develop a process for:

(A) Notifying the Department of any changes to the best construction site management program, plan or the designated responsible party within ten days of such change; and

(B) Notifying the contractor and owner if the best construction site management program is no longer accepted by the Department or if an order has been issued by the Commissioner instructing that the program's name or logo and the Department's acceptance logo must be immediately removed from the sign.

(e) *Revocation.*

(1) *Failure to comply with duties.* Following notice and an opportunity to be heard, the Department may revoke acceptance of a best construction site management program and order removal of the program's name or logo and Department acceptance logo from the sidewalk shed parapet panel at a particular site or at all the program's sites for failure to comply with the duties set forth in paragraph (4) of subdivision (d) of this section and the plan described in the accepted best construction site management program application.

(2) *Failure to ensure compliance with plan.* Following notice and an opportunity to be heard, the Department may order removal of the program's name or logo and Department acceptance logo from the sidewalk shed parapet panel at a particular site where the best construction site management program fails to ensure that the participating work site is well-managed, clean and responsive to community concerns.

(3) *Removal of logos.* If the program's name or logo and the Department's acceptance logo are not removed from the sidewalk shed parapet panel within 10 days of the order, the Department may cover the program's name or logo and the Department acceptance logo, at the owner's expense.

(4) *Continuation of program without logos.* Revocation of the Department's program acceptance or order to remove the program name or logo and the Department's acceptance logo at a particular site, shall not affect the ability of the best construction site management program to continue its mission without inclusion of its name or logo on the sidewalk shed

parapet panel and without reference to Department program acceptance.

§ 2. Section 3301-02 of Title 1 of the Rules of the City of New York is amended to read as follows:

§3301-02 Registration of Construction Superintendents

[(a)Definitions. For the purposes of this section, the following terms shall have the following meanings:

Accident. See Section 3302.1 of the New York City Building Code.

Approved construction documents. For the purpose of this section, approved construction documents will include any and all documents that set forth the location and entire nature and extent of the “work” proposed with sufficient clarity and detail to show that the proposed work conforms to the provisions of this code and other applicable laws and rules. Such documents will include but not be limited to shop drawings, specifications, manufacturer’s instructions and standards that have been accepted by the design professional of record or such other design professional retained by the owner for this purpose.

Commissioner. The Commissioner of the Department of Buildings, or his or her designee.

Competent person. See Section 3302.1 of the New York City Building Code.

Construction. See Section 3302.1 of the New York City Building Code.

Construction superintendent. An individual registered with the department and responsible for all duties as defined in this section.

Days. Calendar days, unless otherwise specified.

Demolition. See Section 3302.1 of the New York City Building Code.

Full demolition. See Section 3302.1 of the New York City Building Code.

Partial demolition. See Section 3302.1 of the New York City Building Code.

Department. The Department of Buildings.

Job. A design and construction/demolition undertaking consisting of work at one building or structure, as well as related site improvements and work on accessory structures. A job may consist of one or more plan/work applications, and may result in the issuance of one or more permits.

Permit holder. The individual who receives the primary Department-issued permit for the job.

Registered design professional. See Section 28-101.5 of the Administrative Code.]

[(b)Designation of construction superintendent.

(1) Jobs for which a construction superintendent is required. A construction superintendent is required for the following types of jobs:

(i) The construction of a new building;

(ii) The full demolition of an existing building;

(iii) An alteration to an existing building that involves one or more of the following:

(A) A vertical enlargement;

(B) A horizontal enlargement;

(C) The alteration or demolition of more than fifty percent (50%) of the floor area of the building during the course of work over any twelve (12) month period;

(D) The removal of one (1) or more floors during the course of work over any twelve (12) month period;

(E) Work that requires a special inspection for underpinning; or

(F) Work that requires a special inspection for the protection of sides of excavations.

(iv) Other jobs that pose an enhanced risk to the public and property, as determined by the commissioner.

Exceptions: Notwithstanding the above, a construction superintendent is not required for:

1. A job for which a site safety plan is required;

2. The construction of a new 1-, 2-, or 3-family building; or

3. A job for which the Department issued or renewed the primary alteration permit within three months of the effective date of this rule.

(2) Designation of a primary construction superintendent. For jobs requiring a construction superintendent, the permit holder must designate a primary construction superintendent, prior to the commencement of work, in a form and manner acceptable to the department.

(3) Change of designation. The permit holder must immediately notify the department, in a form and manner acceptable to the department, of any permanent change to the primary construction superintendent.

(4) Alternate construction superintendent. In the event the primary construction superintendent is temporarily unable to perform his or her duties, an alternate construction superintendent, designated by the permit holder and acceptable to and

acting on behalf of the primary construction superintendent, must fulfill the duties of the primary construction superintendent. In the event that an alternate construction superintendent will be acting in place of the primary construction superintendent for a period longer than two consecutive weeks, the permit holder must notify the Department, in a form and manner acceptable to the Department, of such change.

- (5) **Limitations.** An individual may only be designated as a primary or alternate construction superintendent for that number of jobs for which he or she can adequately perform all required duties. No individual may be designated as the primary construction superintendent on more than ten (10) jobs.]

[(c)Duties of construction superintendent.

- (1) **Safe site.** The construction superintendent must act in a reasonable and responsible manner to maintain a safe job site and assure compliance with Chapter 33 of the New York City Building Code and any rules promulgated thereunder at each job site for which the construction superintendent is responsible.
- (2) **Compliance with plans.** To the extent that a registered design professional or special inspection agency is not responsible, the construction superintendent must assure compliance with the approved construction documents at each job site for which the construction superintendent is responsible.
- (3) **Administrative code duties.** The construction superintendent must fulfill the duties of a superintendent of construction assigned by Chapter 1 of Title 28 of the New York City Administrative Code at each job site for which the construction superintendent is responsible.
- (4) **Daily visit.** Beginning three months after the effective date of this rule, the construction superintendent must visit each job site for which the construction superintendent is responsible each day when active work is occurring.

Exceptions: The construction superintendent is not required to be present at the site during the following activities, provided no other work is in progress:

1. Surveying that does not involve the disturbance of material, structure, or earth;
2. Use of a hoist to transport personnel only;
3. Use of a material hoist that is fully enclosed within the perimeter of the building;
4. Finish trowelling of concrete floors;
5. When personnel are provided for temporary heat, light, or water; or
6. Truck deliveries to the site where the sidewalk is closed and the entrance gate is within that closed sidewalk area.

- (5) **Inspection.** Each time the construction superintendent visits a job site for which he or she is responsible, the construction superintendent must inspect all areas and floors where construction or demolition work, and ancillary activity, is occurring, and:

- (i) Verify work is being conducted in accordance with sound construction/demolition practices;

(ii) Verify compliance with the approved construction documents; and

(iii) Verify compliance with Chapter 33 of the Building Code and any rules promulgated thereunder.

(6) Correcting unsafe conditions. In the event the construction superintendent discovers work at a job site for which he or she is responsible that is not being conducted in accordance with sound construction/demolition practices, not in compliance with approved construction documents, or not in compliance with Chapter 33 of the Building Code and any rules promulgated thereunder, the construction superintendent must immediately notify the person or persons responsible for creating the unsafe condition, order the person or persons to correct the unsafe condition, and take all appropriate action to ensure the unsafe condition is corrected. Where an unsafe condition relates to an item which a registered design professional or special inspection agency is responsible for implementing or verifying, the construction superintendent must also notify the responsible registered design professional or special inspection agency of the unsafe condition. All such unsafe conditions, notices, orders, and corrective work must be recorded in the log required by subdivision (d) of this section.

(7) Notification of conditions to the Department. The construction superintendent must immediately notify the Department, in a form and manner acceptable to the Department, when he or she discovers at any job site for which the construction superintendent is responsible any of the conditions listed in Section 3310.8.2.1 of the New York City Building Code. Notification to the Department does not relieve the construction superintendent of his or her obligations under paragraph (6) of this subdivision.

(8) Reporting of accidents and damage to adjoining property. The construction superintendent must immediately notify the Department, in a form and manner acceptable to the Department, of any accident at any job site for which the construction superintendent is responsible, or any damage to adjoining property caused by construction or demolition activity at the job site.

(9) Log. The construction superintendent must complete the log required by subdivision (d) of this section each time he or she visits a job site for which he or she is responsible.

(10) Competent person. The construction superintendent must designate a competent person for each job site for which the construction superintendent is responsible and ensure such competent person is present at the designated job site at all times active work occurs. The designation of a competent person does not alter or diminish any obligation imposed upon the construction superintendent. The competent person must carry out orders issued by the construction superintendent; be able to identify unsanitary, hazardous or dangerous conditions; take prompt corrective measures to eliminate such conditions; immediately report to the construction superintendent accidents at the job site or any damage to adjoining property caused by construction or demolition activity at the job site; and be able to effectively communicate workplace instructions and safety directions to all workers at the site.]

[(d)Log. The construction superintendent must maintain a log at each job site for which the construction superintendent is responsible. Such log must be made available to the commissioner upon request.

(1) Log contents. The log, at a minimum, must contain the following information:

- (i)** The presence of the construction superintendent at the job site as evidenced by his or her printed name and signature and a notation indicating the times of arrival at, and departure from the site, which must be recorded immediately after arriving at the site and immediately prior to leaving the site, respectively;
- (ii)** The general progress of work at the site, including a summary of that day's work activity;
- (iii)** The construction superintendent's activities at the site, including areas and floors inspected;
- (iv)** Any unsafe condition(s) observed per paragraph (6) of subdivision (c) of this section, and the time and location of such unsafe condition(s);
- (v)** Orders and notice given by the construction superintendent per paragraph (6) of subdivision (c) of this section, including the names of individuals issued orders or notices, any refusals to comply with orders or respond to notice given, follow up action taken by the construction superintendent, and where the violation is corrected, the nature of the correction;
- (vi)** Any violations, stop work orders, or summonses issued by the department, including date issued and date listed or dismissed;
- (vii)** Any accidents; and
- (viii)** The name of the competent person designated in accordance with paragraph (10) of subdivision (c) of this section, along with an accompanying signature of the competent person. If the construction superintendent assigns a new competent person, the date and time of this change, along with the name of the new competent person, must be recorded, accompanied by the signature of the new competent person. If the construction superintendent is not at the site when this occurs, the new competent person must instead make the log entry, which the construction superintendent must sign and date upon his or her next visit to the job site.

(2) Completed. The construction superintendent must complete the log prior to departing the job site.

(3) Signed and dated. The construction superintendent must sign and date each day's log entry.

(4) Form and manner. The log must be organized and recorded in a form and manner acceptable to the Department.]

[(e)Registration of construction superintendents.] Construction superintendents must be registered with the Department, in accordance with the following provisions.

[(1)] (a) Form and manner of registration. An application for registration as a construction superintendent must be submitted in a form and manner acceptable to Department, and provide such information as the department may require.

[(2)] (b) Qualifications. All applicants for construction superintendent registration are subject to the provisions of Article 401 of Chapter 4 of Title 28 of the New York City Administrative Code and must submit satisfactory proof establishing that the applicant:

[(i)] (1) Is able to read construction plans and specifications; and

[(ii)] (2) Has satisfactorily completed, within two (2) years prior to the date of application, a course that is at least ten hours (10) in length and approved by the United States Department of Labor Occupational Safety and Health Administration (OSHA) in construction industry safety and health; and also meets one of the following:

[(A)] (i) Is a registered design professional and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department;

[(B)] (ii) Holds a Construction Health and Safety Technician ("CHST") designation from the Board of Certified Safety Professionals ("BCSP") and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department;

[(C)] (iii) Has five (5) years of experience, within ten (10) years prior to the date of the application, as a building code enforcement official charged with enforcement of the provisions of the New York City Building Code, and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department. The enforcement must have included inspections of buildings under construction or demolition and thus this basis for qualification excludes officials whose primary role is to perform inspections of occupied or vacant buildings;

[(D)] (iv) Has five (5) years of full time field experience in the United States, within 10 years prior to the date of the application, working on buildings as a safety official for a governmental entity or construction firm or as a safety manager or safety engineer for a safety consulting firm specializing in construction or demolition and has satisfactorily completed, within one (1) year prior to the date of the application, an 8-hour Site Safety Coordinator course approved by the department; or

[(E)] (v) Has five (5) years of full time experience in the United States, within ten (10) years prior to the date of the application, as verified by employer affidavit, working with plans in a relevant construction trade in furtherance of the construction, vertical or horizontal enlargement, or full demolition of a building or structure, and has satisfactorily completed, within one (1) year prior to the date of the application, a 40-hour Site Safety Manager course approved by the department.

[(3)] (c) Educational credit. For purposes of paragraph (2) of this subdivision, each year of full time formal training or education in a program with emphasis on construction at a

college, technical or trade school may be substituted for one year of work experience, up to a maximum of three years.

[(4)] **(d) Audits.** Applications for registration are subject to audit at any time. An audit may also be made at any time upon receipt of complaints or evidence of falsification.

[(5)] **(e) Registration term.** Registrations issued under this section are valid for three years from the date of issuance.

[(6)] **(f) Registration fees.** The initial fee for registration in accordance with this section is one hundred dollars (\$100.00).

[(7)] **(g) Renewals.**

[(i)] **(1)** Renewals may be subject to the provisions of Article 401 of Chapter 4 of Title 28 of New York City Administrative Code. The fee for timely renewal is fifty dollars (\$50.00). Renewals not submitted in a timely manner will be subject to a late surcharge of fifty dollars (\$50.00).

[(ii)] **(2)** Timely renewal applications must be accompanied by proof that the applicant has, during the one-year prior to renewal, successfully completed an 8-hour Site Safety Coordinator course approved by the department.

[(iii)] **(3)** Renewals not filed within one year of registration expiration will be treated as a new application.

[(8)] **(h) Notification of change of address.** Registered construction superintendents must notify the department, in writing, of any address change within thirty (30) days of the change.

[(f)] **Disciplinary Actions.** Construction superintendents are subject to the provisions of section 28-401.19 of the New York City Administrative Code.]

[(g)] **Cooperation required.** Construction superintendents must comply with the provisions of section 28-401.20 of the New York City Administrative Code.]

[(h)] **Obligation of others.** Nothing in this rule is intended to alter or diminish any obligation otherwise imposed by law on others, including but not limited to, the owner, permit holder, construction manager, general contractor, contractor, materialman, architect, engineer, land surveyor, or other party involved in a construction project to engage in sound engineering, design, and construction practices, and to act in a reasonable and responsible manner to maintain a safe job site.]