

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 Section 3319-01 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding exempting operators of certain cranes of a limited size and capacity from licensing requirements.

This rule was first published on July 10, 2017 and a public hearing thereon was held on August 17, 2017.

Dated: _____

8.28.17

New York, New York



Rick D. Chandler, P.E.
Commissioner

Statement of Basis and Purpose of Rule

Section 28-405.1 of article 405 of chapter 4 of title 28 of the New York City Administrative Code (“Article 405”) authorizes the Department of Buildings (“the Department”) to exempt, via rule, “operators of mobile cranes of a limited size and capacity” from licensing requirements that would ordinarily apply to any person who takes charge or operates any power-operated hoisting machine used for hoisting purposes or cableways. The amendment to paragraph (1) of subdivision (i) of section 3319-01 of title 1 of the Rules of the City of New York, which contains such licensing exemptions, adds a new exemption #7.

Specifically, the amendment exempts mobile cranes with a telescopic or hydraulic 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, otherwise known as “mini cranes”, from the licensing requirements of Article 405, so long as the operator has completed a manufacturer or nationally-recognized certification program that is acceptable to the Department. The licensing requirements in Article 405 require a person to be licensed as a hoisting machine operator in order to operate a hoisting machine, and require 2 to 3 years of experience training under a licensed hoisting machine operator in order to obtain a license.

The amendment addresses the use of mini cranes in the construction industry, which represent a new and evolving class of technology, but do not fit into the current licensing classifications of Article 405, which are predominately geared towards larger cranes.

The amendment sunsets on January 1, 2022. In the meantime, the Department will pursue legislation to create a new licensing class specifically for mini cranes. The Department will also count experience obtained using a mini crane while the exemption is in place towards qualification to obtain the mini crane license.

The authority of the Department to establish 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. 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 by adding a new exception number 7 to read as follows:

7. On or before January 1, 2022, 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).

