

**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 104-09 in Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding ratings for class B licensed hoisting machine operators.

This rule was first published on October 20, 2017 and a public hearing thereon was held on November 20, 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 amendment to 1 RCNY 104-09 adds a new subdivision (h) to implement the requirement of Local Law 80 of 2017 for Class B hoisting machine operators (HMOs) to earn a rating. Under the current code, Class B HMOs are authorized to operate cranes of unlimited boom length. Local Law 80 of 2017 limits Class B HMOs to the operation of cranes of boom lengths up to 300 feet unless they have earned a rating to operate longer booms. The local law requires ratings to be issued for specific makes and models of cranes upon the completion of a practical exam, simulator training or other appropriate means as specified in the rule.

The Department of Buildings' authority for these rules is found in sections 643 and 1043(a) 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 104-09 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (h) to read as follows:

(h) Ratings for class B licensed hoisting machine operators. In addition to satisfying the requirements as set forth in subdivisions (a) through (g) of this section, Class B Licensed Hoisting Machine Operators must possess one or more ratings when required by Section 28-405.2 of the Administrative Code.

(1) Prerequisites to obtain rating. To apply for a rating the Class B Licensed Hoisting Machine Operator must demonstrate to the satisfaction of the Commissioner that he or she has successfully completed, for the make and model of hoisting machine for which the rating is sought, the following:

(i) A course of at least 8 hours in length that meets the following requirements:

(A) The course must be conducted by the manufacturer of the hoisting machine, an entity authorized by the manufacturer of the hoisting machine, a registered New York State Department of Labor apprenticeship training program, an educational institution or school chartered by the New York State Department of Education, or an entity acceptable to the Commissioner.

(B) The course must be presented by an instructor who has been trained by the manufacturer of the hoisting machine.

(C) The course must, at a minimum, include instruction on the following topics:

1. The controls of the hoisting machine, including differences in controls based on operation mode;
2. The computer systems of the hoisting machine, including setup of the computer to match the configuration of the hoisting machine;
3. Operational aids and safety devices of the hoisting machine;
4. Wind and weather restrictions for the hoisting machine, including differences based on configuration, with emphasis on requirements when set up in configurations with a boom or boom/jib combination greater than 300 feet (91.44 m) in length; and
5. The procedures to boom-up, jackknife, and laydown the boom or boom/jib combination of the hoisting machine, including differences based on configuration, with emphasis on requirements when set up in configurations with a boom or boom/jib combination greater than 300 feet (91.44 m) in length.

(D) Instruction on makes and models of hoisting machines deemed by the Commissioner to be substantially equivalent may be included in the course.

(ii) A practical exam that meets the following requirements:

(A) The practical exam must be witnessed by a Class B Licensed Hoisting Machine Operator who must attest to the department that the hoisting machine operator who took the exam successfully passed the exam.

(B) The practical exam must be visually recorded. The record must be made available to the department upon request and must be maintained for a period of three (3) years by the entity that conducted the course required by subparagraph (i) of this paragraph, or, where such entity does not conduct the exam, by the Class B Licensed Hoisting Machine Operator who witnessed the exam.

(C) The exam must be conducted on one of the following:

1. On the hoisting machine configured with a boom or boom/jib combination greater than 300 feet (91.44 m) in length, and with

the hoisting machine set back from all areas accessible to the public; or

2. On a simulator acceptable to the Commissioner. At a minimum, the simulator must be capable of recreating the controls and operating characteristics of the hoisting machine. During the exam, the simulator must recreate the hoisting machine in a configuration with a boom or boom/jib combination greater than 300 feet (91.44 m) in length.

(D) The practical exam must assess the candidate on the following:

1. Knowledge of the hoisting machine's controls, including operational modes where the controls may be reversed; and
2. For a crane with a luffing jib, ability to raise, jackknife, and laydown the boom with the luffing jib attached; or
3. For a crane with a telescoping boom, ability to extend or retract the boom with an attached jib.

(2) Substantially equivalent hoisting machines. A hoisting machine operator who already possesses a rating may, in lieu of satisfying the requirements of paragraph (1) of this subdivision, receive additional ratings if the commissioner deems the additional makes and models of hoisting machines to be substantially equivalent to a hoisting machine for which the hoisting machine operator already possesses a rating. For a hoisting machine to be deemed substantially equivalent, it must, at a minimum, be manufactured by the same manufacturer and possess the same carrier type.

(3) Renewal of ratings. Beginning July 1, 2019, ratings must be renewed at the same time the underlying hoisting machine operator license is renewed. A rating will be considered to be renewed if the licensee demonstrates to the satisfaction of the Commissioner that he or she has successfully complied, during the preceding term of the license, with paragraph (1) of this subdivision, or as applicable, with paragraph (2) of this subdivision.