

## NEW YORK CITY DEPARTMENT OF BUILDINGS

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rule**

**What are we proposing?** The Department of Buildings (DOB) is proposing a new rule relating to the designation and responsibilities of lift directors.

**When and where is the hearing?** DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 2/24/17. The hearing will be in the 2<sup>nd</sup> floor auditorium at 125 Worth Street.

**This location has the following accessibility option(s) available:** Wheelchair accessibility.

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [dobrules@buildings.nyc.gov](mailto:dobrules@buildings.nyc.gov).
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7<sup>th</sup> floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 2/24/17. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit comments by 2/24/17.

**Do you need assistance to participate in the hearing?** You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2085. You must tell us by 2/10/17.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

**What authorizes DOB to make this rule?** Sections 643 and 1043(a) of the City Charter and section BC 3319 of the Building Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB’s regulatory agenda for this fiscal year because it was not contemplated when DOB published the agenda.

**Where can I find DOB’s rules?** DOB’s rules are in Title 1 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

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

The Crane Safety Technical Working Group (“TWG”), appointed by Mayor Bill de Blasio and Buildings Commissioner Rick Chandler following the February 2016 crane collapse in Tribeca, recommended that a lift director be “present at the jobsite full time, charged with supervising the overall activity of the crane and monitoring compliance with city crane regulations.” (TWG recommendation #14)

This proposed rule will:

- mandate that a lift director be present at a construction site while a crane or derrick is performing certain tasks; and
- identify responsibilities for the lift director.

The responsibilities of the lift director are based on those established by the B30 model standards for cranes, derricks, and rigging published by the American Society of Mechanical Engineers (“ASME”). Additional requirements are also proposed for the lift director to verify compliance with New York City regulations and to ensure weather conditions are monitored and the crane or derrick properly secured. The requirement to monitor weather conditions was recommended by the TWG (TWG recommendation #16).

The proposed rule empowers the lift director to issue orders to personnel or to stop crane, derrick, or rigging operations when the lift director discovers a violation of safety protocols listed in the rule. Where violations of safety protocols listed in the rule are not immediately corrected, the lift director is obligated to report the violation to the Department of Buildings.

Further, the proposed rule establishes a designation and notification system for the department to be informed of the lift director at the site. It also requires the lift director to review relevant plans, and to hold a pre-shift meeting with relevant personnel. The requirement for a pre-shift meeting was recommended by the TWG (TWG recommendation #15).

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section BC 3319 of the New York City 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. Chapter 3319 of Title 1 of the Rules of the City of New York is amended by adding a new Section 3319-02, to read as follows:

**§3319-02 Lift directors**

**(a) Applicability.** This rule applies to the designation of a lift director and to the responsibility and authority of any person designated as a lift director.

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

**(c) Designation of lift director.** The equipment user must designate a lift director and ensure a lift director is present at the site when required as specified in paragraph (1) of this subdivision.

**(1) Lift directors required.** It shall be unlawful for a crane or derrick that requires or possesses a certificate of on-site inspection, or that is supervised by or required to be supervised by a licensed master rigger, to perform any of the following tasks unless a lift director is present at the site during all times when:

- (i) The crane or derrick is picking a load;**
- (ii) The crane is traveling at the site, including but not limited to being moved onto or off of cribbing or up or down a ramp;**
- (iii) The crane or derrick is being placed into a parked condition or otherwise being taken out of service;**
- (iv) The crane’s or derrick’s boom/jib is being laid down or jackknifed;**
- (v) The crane’s or derrick’s boom/jib is being raised from a laid down or jackknifed position; or**
- (vi) Other special protective measures for wind are being installed or removed.**

**Exception.** The requirement for a lift director does not apply to the assembly or disassembly of a crane or derrick, nor to the use of an assist crane or derrick during assembly/disassembly, provided an assembly/disassembly director is supervising the

assembly/disassembly operation in accordance with rules promulgated by the commissioner.

**(2) Qualified and competent.** The equipment user may only designate a qualified and competent person to serve as the lift director.

**(3) Designation of existing personnel.** Personnel at the site who perform other tasks, including but not limited to the rigging supervisor required by Section 3316.9 of the New York City Building Code, may be designated to serve as the lift director, provided they meet the qualification requirements for a lift director and can fulfill the responsibilities of a lift director. Where the use of the crane or derrick is supervised by a licensed master rigger, the lift director must be licensed as a master rigger or a designated as a master rigging foreman in accordance with section 104-20 of these rules.

**Exceptions:**

1. Hoisting machine operators may not serve as the lift director at the same time they are operating a hoisting machine or supervising the operation of a hoisting machine by a trainee.
2. A site safety manager, site safety coordinator, registered construction superintendent, concrete safety manger, or construction site fire safety manager who is serving in such role at the site may not serve as the lift director.

**(d) Notification to the department of the lift director.** The equipment user must notify the department of the designated primary lift director prior to the commencement of work. If a designated alternate lift director will be acting in the place of the primary lift director for a period longer than two consecutive weeks, the department must be so notified by the equipment user. The equipment user must immediately notify the department of any permanent change of the primary lift director.

**Exception:** For a crane or derrick whose crane or derrick notice application was submitted prior to July 1, 2018, notification to the department is not required. A letter designating the lift director, signed and dated by the equipment user, must be kept at the site and available for inspection by the commissioner upon request.

**(e) Responsibilities of the lift director.** The primary lift director, or a designated alternate lift director, must be present at the site at all times when required by paragraph (1) of subdivision (c). The primary lift director, or in the event that an alternate lift director will be acting in the place of the primary lift director, the alternate lift director, is responsible for ensuring the following, either by personally performing the task, or directly overseeing and assigning personnel to perform the task:

- (1) That the crane or derrick is located and configured in accordance with the approved crane or derrick notice plans prior to the start of each shift and whenever the crane or derrick is relocated or reconfigured;
- (2) That site conditions match the approved crane or derrick notice plans prior to the start of each shift and whenever the crane or derrick is relocated or reconfigured;
- (3) That traffic and pedestrian controls are in place, prior to the start of and throughout:
  - (i) The work shift;
  - (ii) Any crane or derrick relocation;
  - (iii) Any laying down or jackknifing of the crane's or derrick's boom/jib;
  - (iv) Any raising of the crane's or derrick's boom/jib from a laid down or jackknifed position; or
  - (v) Any other special protective measures for wind are being installed or removed.
- (4) That the hoisting machine operator, rigging supervisor, and rigging crew members, including signalpersons, possess the proper license, foreman card, certification card, or training card, as appropriate, prior to their commencement of work at the site;
- (5) That the hoisting machine operator and rigging supervisor are present throughout the shift;
- (6) That weather conditions and forecasts are monitored as warranted;
- (7) That, in coordination with the hoisting machine operator and the rigging supervisor, operations cease when warranted by weather conditions or forecasts and an evaluation of current crane or derrick operations, anticipated pick times, and the lead time required to stop picks and park or secure the crane or derrick in accordance with the approved wind action plan, or where a wind action plan is not required, in accordance with the specifications of the crane or derrick manufacturer;
- (8) That, at the end of the shift, or as weather conditions warrant, the hoisting machine operator has ceased operations;
- (9) That, where required, the hoisting machine operator has completed a written record prior to leaving the site;
- (10) That, when warranted during out of service periods, appropriate personnel return to the site and take further steps to secure the crane or derrick;

(11) That, when carrying loads over an occupied building, the top two floors are vacated or proper roof protection is in place prior to the start of such operation in accordance with section 3319-01(q)(3)(v) of these rules;

(12) That, prior to a critical pick as defined in Section 3302.1 of the New York City Building Code, a master rigger or registered design professional verified compliance with the critical pick plan in accordance with Section 3316.9.1 of the New York City Building Code;

(13) That, prior to operating near overhead power lines, there is compliance with section 3319-01(s)(3) of these rules;

(14) That, prior to hoisting personnel with a crane or derrick, there is compliance with section 3319-01(q)(6) of these rules;

(15) That required frequent inspections of the crane, derrick, and rigging equipment are performed prior to the start of the shift;

(16) That the crane operator is informed of the weight of loads to be lifted, as well as the lifting, moving, and placing locations for these loads;

(17) That the crane operator's verification has been obtained that this weight does not exceed the crane's rated capacity;

(18) That constant communication is maintained between the operator, rigging supervisor, and signalpersons; and

(19) That the load is properly rigged for the lifting conditions before it is lifted more than a few inches.

**(f) Ordering corrective action and notification to the department.** If the lift director discovers a violation of one or more of the items identified in subdivision (e) of this section, the lift director must immediately notify the appropriate personnel to correct the condition, and if necessary, order the crane or derrick and rigging operations to stop. If the violation is not promptly corrected, the lift director must notify the department of the violation. Upon the condition being corrected, or where it is not corrected, upon the lift director notifying the department of the violation, any responsibility the lift director has, as it pertains to their role as the lift director, arising out of, or as a result of the existence of that condition, will cease.

**(g) Authority to stop operations.** The lift director has the authority to stop crane or derrick and rigging operations. When the lift director orders operations to stop, the hoisting machine operator and rigging supervisor must take appropriate action to safely implement the directive. The hoisting machine operator and rigging supervisor each separately possess authority to stop crane or derrick and rigging operations; the lift director may not overrule the hoisting machine

operator or rigging supervisor when the hoisting machine operator or rigging supervisor orders operations to stop.

**(h) Does not diminish responsibility.** The presence of the lift director does not relieve, alter, or diminish any responsibility or obligation of any other party, including but limited to the equipment user, hoisting machine operator, rigging supervisor, site safety manager, site safety coordinator, or construction superintendent.

**(i) Ensuring personnel understand duties.** The lift director is responsible for ensuring that personnel involved in crane or derrick operations understand their responsibilities, assigned duties, and the associated hazards.

**(j) Pre-shift meeting.** Prior to the start of every shift the lift director must lead a pre-shift meeting with the hoisting machine operator, rigging supervisor, signalpersons, and the supervisor of the flagpersons and pedestrian traffic managers. This meeting may be conducted via radio or phone.

**(1) The following topics must be discussed at every meeting:**

**(i) The day's planned operations;**

**(ii) Pedestrian and traffic controls;**

**(iii) Current weather conditions and forecasts; and**

**(iv) As applicable, signaling/communication protocols for tandem picks, multiple crane or derrick operations, and operating in the blind.**

**(2) The following topics must also be discussed at the initial meeting, and at any subsequent meeting where tasks, personnel, or crane or derrick configurations have changed:**

**(i) Roles of personnel;**

**(ii) Objects to be lifted/lowered, including a review of their weights, lifting points, and any special considerations;**

**(iii) Rigging equipment to be used;**

**(iv) Site conditions;**

**(v) Pick and landing zones;**

**(vi) Fall, crush, electrical, and other hazards;**

**(vii) In-service and out-of-service wind thresholds for the crane or derrick; and**

(viii) Permit validity.

(k) **Review of plans.** Prior to the lift director's initial commencement of work with the crane or derrick at the site, each time the crane or derrick enters into a new phase, and each time relevant sections of plans are amended, the lift director must review the applicable sections of the approved crane or derrick notice plan in relation to site conditions, crane or derrick location and configuration, and traffic and pedestrian control; the applicable sections of the approved wind action plan with regard to the wind speed thresholds for the crane or derrick; and, as applicable, relevant rigging plans. It is the responsibility of the equipment user to verify that the lift director has reviewed the relevant materials, as required, and to notify the lift director each time the crane or derrick notice plans, the wind action plan, or rigging plans, are amended.

**Exception:** Where a certificate of on-site inspection is not required, all of the above requirements apply, except that in lieu of the above requirement to review the applicable sections of the approved crane or derrick notice plan and the applicable sections of the wind action plan, the lift director must instead review the applicable sections of the crane or derrick manual with regards to the setup, founding, lift or swing restrictions, and the wind speed threshold for the crane or derrick configuration to be utilized, as well as, where prepared, any plans or drawings with regards pertinent site features, obstacles, and restrictions, the location and configuration of the crane or derrick at the site, and matting or dunnage.

§2. This rule shall take effect 30 days after the final version is published, except that this rule shall not apply to the use of a mobile crane at a construction site where a certificate of on-site inspection for the use of such crane at such site is issued prior to July 1, 2017; provided that this exception shall not apply to a mobile crane that is a crawler crane. As used in this section the terms certificate of on-site inspection, mobile crane and crawler crane are as defined in chapter 33 of the New York city building code.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Lift Directors

**REFERENCE NUMBER:** 2017 RG 002

**RULEMAKING AGENCY:** Department of Buildings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Acting Corporation Counsel

Date: January 17, 2017

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Lift Directors**

**REFERENCE NUMBER: DOB-88**

**RULEMAKING AGENCY: Department of Buildings**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because cranes or derricks must be operated in compliance with city regulations at all times in order to safeguard the public.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

January 17, 2016  
Date