



*American Council of Engineering Companies of New York*

**Comments to the NYC Department of Buildings  
Re: Initial Observation of Parking Structures  
August 30, 2023**

**About ACEC New York:** The American Council of Engineering Companies of New York (ACEC New York) is an association representing nearly 300 engineering and affiliate firms with 30,000 employees across New York, with a concentrated presence in New York City. Founded in New York City in 1921, our association is one of the oldest continuing organizations of professional consulting engineers in the United States. Our members are professionals who plan and design the structural, mechanical, electrical, plumbing, civil, environmental, fire protection, and technology systems for buildings and infrastructure across New York City and the world.

**Comments:** Our Structural Code Committee reviewed the proposed rule and we generally support the intent of these changes as they will improve public safety by more quickly identifying parking structures with serious deficiencies, with the following specific comments:

Proposed amendment to Section 101-07: This modifies the requirement for QPSI to be 3 years' experience in building structures as opposed to parking structures. This should increase the pool of potential inspectors, however we note that Professional Engineers (PE) are already required to only operate within their area of competence and this requirement may not hold significant value compared to just requiring a suitably licensed PE.

Proposed amendment to Section 103-13: This requires annual observation to be by QPSI instead of owner's competent person. This time frame is not consistent with other structural inspection programs laid out by the DOB, and we believe this is beyond the requirements of Local Law 126, specifically section 323.4. We believe this change is unlikely to provide much additional value compared to the regular cycles of inspections together with an annual observation by a competent person working to a well thought-out checklist, which could be established by bulletin.

Proposed addition of new Section 103-16: Requires an "initial observation" of all parking structures prior to Aug 2024. We generally support the need for an initial observation to quickly identify likely problems, however as written the scope and extent of the initial observation is insufficient. While the beginning of the added section characterizes it as an "one-time initial observation", later the proposed rule uses overarching and undefined language such as "a complete evaluation", "any deficiencies", "any other possible building defects" which are at odds with the concept of an initial observation. The breadth of this language would likely mean that any reasonable Engineer would need to carry out a 'full' inspection to avoid potential liabilities. The use in the beginning of the phrase "apply a professional standard of care" does not add anything as everything we do must be in accordance with the standard of care. Since this is a new requirement, the rule really needs to be revised to help define or guide that standard of care. ACEC New York's members are available to discuss how best to accomplish our shared goal without defeating the purpose of the rule.

We also note these additional inspections and reports are likely to place additional burden on the DOB, and that these need to be adequately considered and funded to ensure resources are not taken away from other critical DOB operations.

If ACEC New York can be of assistance, please contact us any time.

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