

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend its rules regarding riggers and rigging.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11am on 11/21/23.

- Join through Internet – Desktop app:

To join the hearing via your browser either click on the following URL link or copy and paste it into your browser’s address bar. Then follow the prompts to either continue using the browser or download/open the Teams desktop app.

<https://tinyurl.com/riggers112123>

Enter your name when prompted and click the “**Join now**” button. If you don’t have computer audio or prefer to phone in for audio, select “**Phone audio**” under “**Other join options**” then click the “**Join now**” button. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins. If you are using phone audio then follow the dial-in instructions when prompted.

If you have low bandwidth or inconsistent Internet connection, we suggest you use the Phone audio option for the hearing. This will reduce the possibility of dropped audio and stutters.

- Join through Internet - Smartphone app:

To join using the Microsoft Teams app on your smartphone, click on the following URL link from your phone to automatically open the Teams app. Note that the Microsoft Teams app must already be installed on your smartphone. It is available for free both in the Apple Store and Google Play.

<https://tinyurl.com/riggers112123>

When prompted select “Join meeting”. Type your name and then select “Join meeting” again. You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

Alternatively, open the Teams app and select “Join a meeting”. Signing in with an account is not required. Type your name, the following Meeting ID and Passcode, then select “Join meeting”.

Meeting ID: 299 493 047 941

Passcode: TipBwT (Code is case sensitive)

- Join via phone only:

To join the meeting only by phone, use the following information to connect:

Phone: 646-893-7101

Phone Conference ID: 726 001 216#

You will first be placed in a waiting status in the virtual lobby, then be admitted when the hearing begins.

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.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th 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 by emailing dobrules@buildings.nyc.gov by 11/14/23 and including your name and affiliation. While you will be given the opportunity during the hearing to indicate that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 11/21/23.

What if I 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 can tell us by email at dobrules@buildings.nyc.gov. Advance notice is requested to allow sufficient time to arrange the accommodation. You must tell us by 11/6/23.

This location has the following accessibility option(s) available: Simultaneous transcription for people who are hearing impaired, and audio-only access for those who are visually impaired.

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/>. 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 and may be requested by email at dobrates@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter, Article 404 of Chapter 4 of Title 28 of the City Administrative Code, and Section 3316 of the New York City Building Code authorize DOB to make this proposed rule. This proposed rule was included in DOB’s regulatory agenda for this Fiscal Year.

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

Article 404 of Title 28 of the New York City Administrative Code sets out the requirement for a license to perform rigging work and establishes three classes of rigger license – master, special and tower. Section 104-10 of Title 1 of the Rules of the City of New York (“RCNY”) establishes qualification requirements to obtain a rigger license. Chapter 33 of the New York City Building Code, particularly sections 3314, 3316 and 3319, specifies the types of work that require supervision by a licensed rigger. 1 RCNY 104-20 sets out the supervisory responsibilities of a licensed rigger. 1 RCNY 3316-01 provides technical specification for rigging equipment.

Local Law 126 for the year 2021 made a wide range of substantive and administrative updates across the New York City Construction Codes (“2022 Code updates”), including the Chapter 4 provisions pertaining to riggers. In particular, the 2022 Code updates require a master rigger applicant to possess a national rigging certification, revised the course requirements for rigger license applicants, updated scaffold fees, and revised definitions and section numbering.

This proposed rulemaking amends rules related to rigging safety, rigging licensing, and rigging oversight at construction and building sites in New York City in accordance with the 2022 Codes and also makes other technical updates to reflect the latest national standards and best practices for rigging safety. Specifically:

- Section 1 of this amendment proposes to delete the fee for outrigger beam application review from section 101-03 of Subchapter A of Chapter 100 of Title 1 of the RCNY because that fee is covered by the general scaffold filing fees in section 28-112.2 of the N.Y.C. Administrative Code.
- Section 2 of this amendment proposes to repeal several provisions in subdivision (a) of Section 104-10 of subchapter D of chapter 100 of Title 1 of the RCNY because they were codified in 28-404.3 of the N.Y.C. Administrative Code.

- Sections 3, 4, 6, 8, 9, and 11 of this amendment propose to make changes throughout sections 104-10 and 104-20 of Subchapter D of Chapter 100, and in section 3316-01 of Chapter 3300, of Title 1 of the RCNY to ensure updated cross references to the New York City Building Code reflect renumbering made by the 2022 Codes updates, reflect changes in terminology made by the 2022 Code updates, or remove references to the licensing “reinstatement” option, which was eliminated by the 2022 Code updates.
- Section 5 of this amendment proposes to add a new subdivision (d) to section 104-10 of Subchapter D of Chapter 100 of Title 1 of the RCNY to specify certifications for rigging supervision and lift direction that are acceptable to the commissioner in accordance with section 28-404.3.1 of the Administrative Code.
- Section 7 of this amendment proposes to revise subdivision (d) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York to accord with the inspection requirements contained in section 3314.4.3.1 and 3314.4.3.2 of the New York City Building Code.
- Section 10 of this amendment proposes to revise the experience requirements to serve as a designated master rigging foreman in subdivision (h) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York. Specifically, certain national certifications for rigging supervision and lift direction are proposed to be recognized and credited as fulfilling experience qualifications. Other terminology related to designated master rigging foremen and designated special rigging foremen is proposed to be made consistent between the foreman types.
- Section 12 of this amendment proposes to add language to subdivision (d) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York to make clear that all rigging must be connected to a secure attachment point and that simply wrapping a sling or cable around a boom or fork is unsafe and illegal.
- Section 13 of this amendment proposes to update references to the rigging equipment standards laid out in the American Society of Mechanical Engineers (ASME) B-30 Safety Standard. Section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York will now refer to the latest editions of the ASME B-30 standards, where a new edition exists.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter, Section 28-112.2 and Article 404 of Chapter 4 of Title 28 of the City Administrative Code, and Section 3316 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (***) indicate unamended text.

“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 101-03 of Subchapter A of Chapter 100 of Title 1 of the Rules of the City of New York is amended by deleting the entry for outrigger beam application review as follows:

[Outrigger beam application review.]	[Initial: \$100]	[Amendment: \$100]	[Renewal: \$90]
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§ 2. Paragraphs (1), (2), (3), and (4) of subdivision (a) of Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York, which set forth training course requirements for Master, Special, and Climber or Tower Crane Riggers, are REPEALED.

§ 3. Paragraphs (5) and (6) of subdivision (a) of Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

([5]1) Fitness. An applicant for a Master, Special or [Climber or] Tower Crane Rigger license shall provide evidence of fitness to perform the work authorized by the license. Such evidence shall be on a form prescribed by the Commissioner and shall establish that the applicant has passed a physical exam that complies with subdivision (c) of this section, and that the applicant has complied with the substance abuse testing provisions and standards of subdivision (c) of this section. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department.

([6]2) Additional requirements.

- (i) Where a licensed master rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section 3314.4.5.3 of the New York City Building Code.
- (ii) Where a licensed master rigger chooses to personally supervise the assembly, jump, or disassembly of a [climber/]tower crane, the licensee shall have completed all additional training required by section 3319.10 of the building code.
- (iii) Where a licensed special rigger chooses to personally supervise the installation or use of a suspended scaffold, the licensee shall have completed all additional training required by section 3314.4.5.3 of the New York City Building Code.

Building Code.

§ 4. Subdivisions (b) and (c) of section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (b) Fitness requirements for renewal [and reinstatement]. As a condition of license renewal [or reinstatement], a licensed or previously licensed Master, Special or [Climber or] Tower crane rigger shall provide evidence of fitness to perform the work authorized to be performed by a holder of the license held or once held by the applicant. Evidence shall be on a form prescribed by the Commissioner and shall establish that the applicant has passed a physical exam that complies with subdivision (c) of this section, and that the applicant has received a negative result for a substance abuse test as required in subdivision (c) of this section. Such evidence shall include the name, address and telephone number of the laboratory that performed the tests and consent to the release by such laboratory of the test results to the Department upon request of the Department. A renewal applicant shall satisfy the requirements of this rule at every subsequent renewal.
- (c) Physical exam. Applicants for a Master, Special or [Climber or] Tower Crane Rigger license shall meet the following physical qualifications, unless it can be shown that failure to meet the qualifications will not affect the ability to perform the work authorized to be performed by a holder of the license sought. In such cases, specialized clinical or medical judgments and tests may be required. The following physical qualifications shall be met at all times throughout the term of the license.

* * *

§ 5. Section 104-10 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new subdivision (d) to read as follows:

- (d) Certifications for master riggers. Individuals who, on or after November 7, 2022, apply for a new master rigger license, or apply to renew a master rigger license whose initial application for licensure was filed on or after November 7, 2022, must provide copies of certifications required by Table 1.
 - (1) Required certifications must be maintained throughout the duration of the term of the license;
 - (2) The licensee must immediately notify the department if a certification identified in Table 1 of this subdivision and held by the licensee is suspended, revoked, not renewed, or otherwise lapses; and
 - (3) The licensee must provide a copy of re-certifications and new certifications identified in Table 1 of this subdivision to the department within 30 days.

Table 1: Certifications for Master Riggers

<u>Certification</u>	<u>Requirement</u>
<u>NCCCO Rigger Level II</u>	<u>Required</u>
<u>NCCCO Lift Director - Mobile Cranes</u>	<u>Required</u>
<u>NCCCO Lift Director - Tower Cranes</u>	<u>Additional</u>

Legend to Table 1:

- “NCCCO” means “National Commission for the Certification of Crane Operators.”
- “Required” means must possess.
- “Additional” means not mandated but required if licensee intends to serve as a lift director for the type of crane specified.

§ 6. Paragraphs (1) and (4) of subdivision (b) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (1) For the purposes of this section, the term “critical pick” shall have the same meaning as set forth in [section 3302.1] Chapter 2 of the Building Code.

* * *

- (4) For the purposes of this section, the term “rigging foreman” shall mean an individual designated by a licensed rigger in accordance with subdivision (i) of this section. Such person shall have the qualifications set forth in subdivision (h) of this section. The term shall also refer to “suspended scaffold foreman” where such term is used in Chapter [33] 2 of the Building Code.

§ 7. Subdivision (d) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the rules of the City of New York is amended to read as follows:

- (d) Supervision of rigging operations other than critical picks and tower [or climber] crane erection, jumping, climbing or dismantling. Except as otherwise provided in subdivision (e) of this section, the licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision (i) of this section is continuously on site and that such rigging foreman performs and/or manages the work under the off-site supervision of the licensee as follows:

- (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation;
- (2) for work involving the use of cranes, derricks, work platforms, suspended scaffolds, or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. [over] placed atop sidewalks, roadways or yards where vaults or other subsurface structures exist; or where [hooks or clamps are used on parapet walls to support hanging scaffolds] the person performing a suspended scaffold inspection in accordance with Section 3314.4.3.1 or 3314.4.3.2 of the Building Code has identified a concern, etc.), the licensee personally visits the work site to

inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes;

- (3) the licensee is readily available to provide on-site supervision should the need arise; and
- (4) the rigging foreman has in his or her possession at the work site the "Designated Foreman Card" issued by the department pursuant to subdivision (j) of this section, which shall be presented upon the demand of any authorized enforcement officer.

§ 8. Subdivision (e) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (e) Supervision of critical picks and tower [or climber] crane erection, jumping, climbing, or dismantling. The licensee must be continuously on site during critical picks and tower [or climber] crane erection, jumping, climbing, or dismantling, and must personally perform or personally supervise all such work. Off-site supervision of such work is not permitted.

§ 9. Subdivision (g) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (g) Specialty Crew. Notwithstanding the provisions of section 28-401.17 of the Administrative Code, where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or tower [or climber] crane erection, jumping, climbing, or dismantling) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade by making an application on a form provided by the department subject to the following conditions:
 - (1) the department must approve the licensee's application for such proposed rigging operation;
 - (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team
 - (3) for loads of two thousand pounds or more, for all critical picks, and for tower [or climber] crane erection, jumping, climbing, or dismantling, the licensee must provide continuous on-site personal supervision to the rigging crew;
 - (4) for loads below two thousand pounds and which are not critical picks, or which are not related to tower [or climber] crane erection, jumping, climbing, or dismantling, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site. The rigging foreman shall manage the work under the off-site

supervision of the licensee in accordance with the conditions set forth in subdivision (d) of this section;

- (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job;
- (6) the licensee is responsible for all aspects of rigging safety on the job; and
- (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 28-401.9 of the Administrative Code and are covered by worker's compensation under the specialty crew's employer.

§ 10. Paragraphs (2) and (3) of subdivision (h) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York are amended to read as follows:

- (2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
 - (i) at least one year's practical experience in the hoisting and rigging business; and
 - (ii) the knowledge of and ability to explain the risks related to such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith.
- (3) An individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in the first paragraph of this subdivision, have the following additional qualifications:
 - (i) at least five years of practical experience in the hoisting and rigging business, or at least two years of practical experience in the hoisting and rigging business and possession of a Level II Rigging certification issued by the National Commission for the Certification of Crane Operators, or possession of both a Level II Rigging certification and a Lift Director certification issued by the National Commission for the Certification of Crane Operators; and
 - (ii) the knowledge of and ability to explain the risks related to [the following, where applicable to the] such business and any particular job for which the individual is designated, and precautions to be taken in connection therewith, including but not limited to:
 - (A) rigging operations and precautions to be taken in connection therewith;

- (B) safe loads and computation thereof;
- (C) types and methods of rigging; and
- (D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations

§ 11. Subdivision (b) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (b) Definitions. For the purposes of this section, terms defined in Chapter [33] 2 of the New York City Building Code and section 3319-01 of these rules have the same meaning here.

§ 12. Subdivision (d) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (8) to read as follows:

- (8) Attachment points. Only an attachment point, consisting of a hook or other secure connection not allowing any undesirable movement, and provided or authorized by the manufacturer of the hoisting machine or hoisting equipment, may be used to support a suspended load. No load shall be slung over, wrapped around, tied to, or otherwise draped from a boom, fork, cradle, lifting arm, bucket, platform, basket, or similar accouterment.

§ 13. Subdivision (j) of section 3316-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (j) Referenced standards. The standards referenced in this section are considered part of the requirements of this section to the prescribed extent of each such reference. Where differences occur between provisions of this section and referenced standards, the provisions of this section apply.

Standard	Name	Year
American Society of Mechanical Engineers (ASME)		
ASME B30.9	Slings	[2014] <u>2021</u>
ASME B30.10	Hooks	[2014] <u>2019</u>
ASME B30.20	Below-the-hook lifting devices	[2013] <u>2021</u>
ASME B30.26	Rigging hardware	2015

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

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

RULE TITLE: Amendment of Rules Relating to Riggers and Rigging

REFERENCE NUMBER: 2023 RG 61

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Grace M. Francese
Mayor's Office of Operations

October 2, 2023
Date

**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: Amendment of Rules Relating to Riggers and Rigging

REFERENCE NUMBER: 2023 RG 61

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
Senior Counsel

Date: September 26, 2023