

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 continuing education requirements and prerequisites for Class B Hoisting Machine Operator ratings.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 2/29/24 on 11am.

- 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.

<http://tinyurl.com/DOB20204amendclassbmachop>

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.

<http://tinyurl.com/DOB20204amendclassbmachop>

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: 279 012 721 742

Passcode: P7Wwvy (Code is case sensitive)

- Join via phone only:

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

Phone: 1-646-893-7101

Phone Conference ID: 621 620 678#

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 2/22/24 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 2/29/24.

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 2/15/24.

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 dobrules@buildings.nyc.gov.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and Section 28-401.14 of the City Administrative 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

The 2022 New York City Construction Codes amended some of the course requirements for licensees. Section 104-06 is being amended to reflect those changes.

Specifically the proposed amendments to section 104-06:

- Refer more generally to an 8-hour site safety course instead of the specific site safety coordinator or site safety manager course, which will allow more flexibility in accepting courses for qualification.
- Create an 8-hour refresher course for lift director license renewals. This mirrors the requirement for other license renewals.
- Amend the Master Fire Suppression Piping Contractor and Master Plumber language to match the other licenses in referring to hours, not days, for the length of the course.
- Mirror changes made to section 28-404.3.1 by the 2022 Code revision to the course requirements for master rigger licensees by eliminating the specific master rigger renewal course and requiring licensees to complete the rigging supervisor and lift director refresher courses upon renewal.
- Mirror changes made to section 28-404.3.2 by the 2022 Code revision to the course requirements for special rigger licensees by requiring completion of the 16-hour suspended scaffold supervisor course upon renewal.
- The new requirements for master and special rigger license renewal courses go into effect beginning January 1, 2025 to allow those who may have already completed refresher courses in anticipation of a renewal in 2024 to proceed without needing a new course.

In addition, the proposed amendments:

- Delete references to “climber crane” as the 2022 Code revision includes it as a subset of “tower crane.”

- Add references to course requirements in Chapter 33 of the Building Code to eliminate the need to specify the courses in the rule.
- Clarify that the course requirements are a minimum.
- Delete incorrect and obsolete language.

In addition, subdivision (h) of section 104-09 is being amended to clarify that course and examination requirements for a Class B Licensed Hoisting Machine Operator rating must be completed within the one year prior to application. An obsolete date is being deleted from that subdivision as well.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and Section 28-401.14 of the City Administrative 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. Paragraphs (6) through (10) of subdivision (a) of section 104-06 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York are renumbered paragraphs (7) through (11); a new paragraph (6) is added; and paragraph (9), as renumbered by this section, is amended, all to read as follows:

(a) **Applicability.** This section shall be applicable to license holders seeking renewal of licenses requiring the completion of continuing education course(s) and to applicants seeking Department approval to provide continuing education courses for the following license types:

(6) Lift Director

(9) Rigger (Master/Special/[Climber or] Tower Crane)

§2. Subdivision (b) of section 104-06 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

(b) **Course requirements for license renewals.** The following courses are required for renewal of the below listed license types:

- (1) Concrete Safety Manager. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed [an eight- (8) hour] a Department-approved course that is [sufficient to qualify the individual as a competent person under OSHA standards to oversee] at least eight (8) hours in length in concrete operations[, or any equivalent course(s) approved by the Commissioner, including those in electronic format].
- (2) Construction Superintendent. During the one (1) year immediately prior to renewal, the licensee must have successfully completed [an eight- (8) hour Site Safety Coordinator course approved by the Department or any equivalent course(s) approved by the Department, including those in electronic format] a Department-approved course that is at least eight (8) hours in length, covering the site safety provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
- (3) Electrician (Master/Special). During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved course [approved by the Department of] that is at least eight (8) hours in length, [which must focus on] covering the New York City Electrical Code and other requirements pursuant to section 105-03 of subchapter E of this chapter.
- (4) Filing Representative. Renewals for class 1 or class 2 filing representative registration are subject to the requirements set forth in 1 RCNY 104-24.
- (5) Hoisting Machine Operator. [Beginning July 1, 2015, during] During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved course that is at least eight[-] (8) [hour course] hours in length covering those provisions of the administrative code and regulations that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City.
- (6) Lift Director. During the one (1) year immediately prior to renewal, the licensee must have successfully completed a Department-approved course that is at least eight (8) hours in length covering the lift direction provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
- (7) Master Fire Suppression Piping Contractor and Master Plumber. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed a [one- (1) day (seven- (7) hour) continuing education] Department-approved course [approved by the Department] that is at least seven (7) hours in length.
- [(7)](8) Master Rigger. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed [a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to] both:
 - (i) [Rigging methods, hardware, and equipment;] A Department-approved rigging supervisor course that is at least sixteen (16) hours in length and meets the requirements of Section 3316.9.2 of the New York city building code; and

- (ii) [Hoisting machines, including cranes and derricks;] A Department-approved lift director course that is at least eight (8) hours in length covering the lift direction provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
 - [(iii)] Climber/tower crane assembly, jumping, and disassembly;
 - (iv) Suspended scaffolds;
 - (v) Critical picks; and
 - (vi) Fall hazards and fall protection.]
- [(8)](9) Special Rigger. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed [a Department-approved eight- (8) hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to] both:
- (i) [Rigging methods, hardware, and equipment;] A Department-approved suspended scaffold supervisor course that is at least eight (8) hours in length and meets the requirements of Section 3314.4.5.3 of the New York city building code; and
 - (ii) [Hoisting machines with a manufacturer's rated capacity of one ton or less;] A Department-approved course that is at least eight (8) hours in length covering hoisting equipment, other than suspended scaffolds, utilized in the special rigger industry.
 - [(iii)] Suspended scaffolds;
 - (iv) Critical picks; and
 - (v) Fall hazards and fall protection.]
- [(9)](10) [Climber or] Tower Crane Rigger. During the one (1) year immediately prior to renewal, the licensee [shall] must have successfully completed a Department-approved tower crane rigging course that is at least eight[-] (8) [hour re-certification course including instruction on inspection, maintenance, repair, use, installation, hazards associated with, and the relevant sections of the building code and industry practice with regards to:] hours in length and meets the requirements of Section 3319.10.1 of the New York city building code.
- [(i)] Climber/tower crane assembly, jumping, and disassembly; and
 - (ii) Fall hazards and fall protection.]
- [(10)](11) Site Safety Coordinator. During the one (1) year immediately prior to renewal, the licensee must have successfully completed [an eight- (8) hour Site Safety Manager refresher course approved by the Department] a Department-approved course that is at least eight (8) hours in length covering the site safety provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.
- [(11)](12) Site Safety Manager. During the one (1) year immediately prior to renewal, the licensee must have successfully completed [an eight- (8) hour Site Safety Manager refresher course approved by the Department] a Department-approved course that is at least eight (8) hours in length covering the site safety provisions of Chapter 33 of the New York city building code and related rules and regulations, as well as relevant safety precautions.

§3. Paragraph (6) of subdivision (a) of section 104-09 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (6) Additional qualification requirements. In addition to the qualification requirements set forth in the Administrative Code and in this subdivision (a), all Hoisting Machine Operator license applicants [~~shall~~]must, during the one (1) year immediately prior to application, complete a forty- (40) hour training course, approved by the Department, covering those provisions of local law and regulation that are unique to New York City for the operation of a hoisting machine and the unique hazards of operating a hoisting machine within New York City.

§4. The introductory paragraph of paragraph (1) of subdivision (h) of section 104-09 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (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, during the one (1) year immediately prior to the application to add such rating, for the make and model of hoisting machine for which the rating is sought, the following:

§5. Paragraph (3) of subdivision (h) of section 104-09 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) Renewal of ratings. [Beginning July 1, 2019, ratings must be] Ratings expire at the same time as the underlying Class B Hoisting Machine Operator license unless they are 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 the course and examination requirements of paragraph (1) of this subdivision, or as applicable, with paragraph (2) of this subdivision.

§6. Paragraphs (8) and (9) of subdivision (b) of section 104-06 of subchapter D of chapter 100 of Title 1 of the Rules of the City of New York, as amended by section 2 of this rule, take effect January 1, 2025.

**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 Education Requirements and Prerequisites for Class B Hoisting Machine Operators

REFERENCE NUMBER: 2023 RG 074

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: January 18, 2024

**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 Education Requirements and Prerequisites for Class B Hoisting Machine Operators

REFERENCE NUMBER: DOB-174

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/ Francisco X. Navarro
Mayor's Office of Operations

January 18, 2024
Date