

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 permitting requirements for rotating telehandlers and articulating boom cranes.

When and where is the hearing? DOB will hold a public hearing on the proposed rule online. The public hearing will take place at 11 a.m. on May 28, 2025.

- **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://events.gcc.teams.microsoft.com/event/a86f87b3-8d32-4824-a5d5-5ff795ccbd52@32f56fc7-5f81-4e22-a95b-15da66513bef>

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://events.gcc.teams.microsoft.com/event/a86f87b3-8d32-4824-a5d5-5ff795ccbd52@32f56fc7-5f81-4e22-a95b-15da66513bef>

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: 291 658 494 839 0

Passcode: Az7tT9mu (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: 537 240 654#

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.
- **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 May 21, 2025 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. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? Yes, you must submit comments by May 28, 2025.

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 May 14, 2025.

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, Article 405 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

The 2022 New York City Construction Codes, enacted by Local Law 126 for the year 2021, revised the definition of a crane in Chapter 2 of the Building Code to include rotating telehandlers, and revised the exceptions in Section 3319.3 of the Building Code to remove the permitting and licensing exemption for articulating boom cranes. Together, these changes made the licensing and permitting requirements for cranes applicable to telehandlers and articulating boom cranes. The department adopted a rule in July 2024 to expand its licensing requirements to the operators of rotating telehandlers and articulating boom cranes. The proposed rule will add permitting requirements for rotating telehandlers and articulating boom cranes.

It will further address certain current operational practices concerning crane or derrick permit applications and associated inspections and proposes additions and clarifications to these practices.

This rule will also amend definitions and cross references to reflect corresponding changes made in the 2022 New York City Construction Codes.

Lastly, this rule will rectify omissions and clarify vague language in the July 2024 licensing rule, as well as amend the rule to recognize an additional certification program for the operators of mini cranes.

Specifically:

- Sections 1, 2, 5, 15, and 17 propose amendments to sections 104-09 and 104-23 of Subchapter D of Chapter 100 and section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York (“RCNY”) to rectify omissions and clarify vague language in the July 2024 licensing rule for rotating telehandlers and articulating boom cranes, as well as amend the rule to recognize an additional certification program for the operators of mini cranes.
 - Section 1 clarifies that for the purposes of crediting experience obtained in New York City on or before November 6, 2024, the experience must have been acquired on the type of equipment for which the license is sought – that is, on an articulating

- boom crane if applying for an articulating boom crane limited hoisting machine operator license, and on a rotating telehandler if applying for a rotating telehandler limited hoisting machine operator license.
- Section 2 recognizes the telescopic boom certification offered by the National Center for Construction Education and Research (“NCCER”) as being an acceptable certification for the operators of mini cranes.
 - Section 5 clarifies that an individual learning to become a hoisting machine operator does not need to be employed by the licensed operator supervising the learner, nor do the learner and supervisor need to be employed by the same entity.
 - Section 15 adds a reference to tree trimming equipment, which was inadvertently omitted from the rule text.
 - Section 17 clarifies that the language related to attachments is inclusive to all the proceeding terms. It also clarifies that exemptions applicable to cranes are also applicable to fixed (non-rotating) telehandlers.
 - Sections 3, 11, 12, and 13 propose amendments to section 104-20 of Subchapter D of Chapter 100 and section 3319-01 of Chapter 3300 of Title 1 of the RCNY to reflect current practices and propose additions and clarifications to these practices.
 - Sections 3 and 13 add the current operational practice of requiring a letter from a licensed rigger to be kept on site and submitted with certain permit applications.
 - Section 11 adds the current operational practice of collecting the name of the licensed operator for jobs that require a certificate of on-site inspection.
 - Section 12 sets out the type of information currently collected as part of an application to issue or amend a certificate of operation, and proposes a new requirement for the owner of a crane or derrick to certify compliance with manufacturer bulletins and recall notices. This section also spells out the inspections currently required to be performed related to a certificate of operation, and proposes to authorize such inspections for a rotating telehandler or articulating boom crane, as well as certain small mobile cranes, to be conducted by a crane inspection agency approved by the department. This section of the rule further proposes to tie the expiration of the certificate of operation of a tower crane, other than a self-erecting tower crane, and for a derrick, to certain thresholds indicating that the work of the tower crane or derrick at the jobsite is completed.
 - Sections 4, 6 and 7 propose amendments to section 104-23 of Subchapter D of Chapter 100 and section 3319-01 of Chapter 3300 of Title 1 of the RCNY to ensure updated definitions and cross references to reflect corresponding changes made in the 2022 New York City Construction Codes.
 - Sections 8, 9, 10, 14 propose amendments to section 3319-01 of Chapter 3300 of Title 1 of the RCNY to add permitting requirements for rotating telehandlers and articulating boom cranes.
 - Section 8 proposes to exempt rotating telehandlers and articulating boom cranes from the requirement to obtain a certificate of operation until January 1, 2028. The certificate of operation represents an annual registration and inspection of the machinery, akin to an annual car registration and inspection. The exemption until January 1, 2028 will allow time for the department to develop qualification criteria for crane inspection agencies authorized by Section 12 of this rule, and for qualified

entities in the industry to obtain necessary credentials and apply to the department to become a crane inspection agency.

- Section 8 further proposes to exempt rotating telehandlers and articulating boom cranes from the requirement to obtain a certificate of approval until January 1, 2028, and exempt rotating telehandlers and articulating boom cranes that obtained a certificate of operation prior to January 1, 2028 from the requirement to obtain a certificate of approval. The certificate of approval represents the department's acceptance of the manufacturing of the make and model of equipment. It is not practical to retroactively apply the requirements of a certificate of approval to equipment already built and in use.
- Section 9 proposes to delete references to permit types which have been operationally phased out, and to add cross references to relevant permit requirements proposed to be added by this rule.
- Section 10 clarifies that the noncompliance provisions of the rule apply to on-site waiver applications.
- Section 14 of the rule specifies the types of operations for which a certificate of on-site inspection is required for a rotating telehandler or articulating boom crane. In general, the requirement for a certificate of on-site inspection is proposed to take effect on January 1, 2028. The delayed implementation of this provision will allow adequate time for these projects to prepare. In the interim, the rule proposes that most work will require a more generalized equipment use permit. On and after January 1, 2028, this section of the rule will allow certain smaller scale and limited operations to continue to avail themselves of the equipment use permit.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter, Article 405 of Chapter 4 of Title 28 of the City Administrative Code, and Section 3319 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. Exception 2 of subparagraph (ii) of paragraph (4) 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:

2. Applicants for a Limited Hoisting Machine Operator license for an articulating boom crane, mini crane, or telehandler may credit experience earned in New York City operating [an articulating boom crane, mini crane, or rotating telehandler] the equipment for which such license is sought and obtained neither in the presence nor under the direct supervision of a New York City licensed Hoisting Machine Operator, provided, however, that such experience was earned prior to November 7, 2024 and no

more than three (3) years prior to the date of application for licensure, and provided further that such operation was performed in connection with building or infrastructure construction, alteration, or demolition work, or the installation or removal of temporary structures or temporary construction installations, or the delivery or retrieval of materials, equipment, or other items to or from a building, but excluding work in industrial or commercial plants or yards. Such experience will be credited as satisfying the provisions of clause (A) of this subparagraph at a rate of 125 hours of operator experience equaling one month of experience. Where the operator has in excess of 1,500 hours of qualifying experience, the remainder of the experience will be credited towards satisfying the second year of experience required by section 28-405.3 of the New York city administrative code, also at a rate of 125 hours of operator experience equaling one month of experience. Proof of such experience shall be documented in the form of an affidavit provided by the department and signed by the applicant and the applicant's employer or union. However, the department may decline to credit such experience to any individual who defaulted on or has been found liable for unsafe operation of a crane or telehandler after proceedings before the environmental control board or in an adjudication in criminal court, if such default or judgment occurred within the five (5) years preceding such application. The department may also delay a determination under this exception for any applicant against whom there is an open violation for the unsafe operation of a crane or telehandler issued within the five (5) years preceding such application. Applicants subject to this exception may be asked by the department to submit proof, in addition to the affidavit described above, in support of their operating record.

§ 2. Table 2 of subdivision (d) of section 104-09 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new footnote 6 to read as follows:

Table 2: Certifications by licensing class¹

Certification	Hoisting machine operator licensing class		
	A	B	C
NCCCO Telescopic Boom Crane - Fixed Cab	Required	Required	Required
NCCCO Telescopic Boom Crane - Swing Cab	Required	Required	Required
NCCCO Lattice Boom Crane ²	Required	Required	
NCCCO Tower Crane	Additional	Required	
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader ³	Additional	Additional	Additional
NCCCO Dedicated Pile Driver	Additional	Additional	Additional
NCCCO Rotating Telehandler ⁴	Additional	Additional	Additional

Table 2 (cont.): Certifications by licensing class¹

Certification	Hoisting machine operator licensing class				
	Limited articulating boom crane	Limited boom truck	Limited mini crane	Limited sign hanger	Limited telehandler
NCCCO Telescopic Boom Crane - Fixed Cab		Required ⁵	Required ⁶	Required ⁵	
NCCCO Telescopic Boom Crane - Swing Cab					
NCCCO Lattice Boom Crane ²					
NCCCO Tower Crane					
NCCCO Articulating Boom Crane - or - NCCCO Boom Crane w/Winch - or - NCCCO Articulating Boom Loader ³	Required	Additional	Additional	Additional	
NCCCO Dedicated Pile Driver					
NCCCO Rotating Telehandler ⁴		Additional			Required

Legend to Table 2:

- “NCCCO” means “National Commission for the Certification of Crane Operators.”
- “Required” means must possess.
- “Additional” means not mandated, but required if licensee intends to operate listed type of hoisting machinery.
- Blank indicates not authorized for the class of license.

Footnotes to Table 2:

- ¹ Individuals may only operate equipment within the scope of their license, even if a certification authorizes operation of a broader class of equipment.
- ² For a Hoisting Machine Operator Class B applicant, the practical certification exam for the lattice boom crane must be on a friction crane.
- ³ Individuals are not permitted to operate machinery exceeding the scope of their certification, even if such machinery is within the scope of their license.
- ⁴ Individuals who hold a “Rotating Telehandler” certification are authorized to operate a non-rotating (“fixed”) telehandler and need not separately hold a “Fixed Telehandler” certification.
- ⁵ Licensees who prior to the effective date of this subdivision hold a certification for a “Boom truck” must provide a certification for “NCCCO Telescopic Boom Crane - Fixed Cab upon renewal of their license.
- ⁶ For a Limited Hoisting Machine Operator License for a mini crane, a certification from the National Center for Construction Education and Research (“NCCER”) that authorizes the operation of a telescopic boom is acceptable in lieu of a NCCCO certification for a “Telescopic Boom Crane - Fixed Cab.”

§ 3. Subdivision (f) of section 104-20 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding new paragraphs (1) and (2) to read as follows:

- (1) For work conducted by a master rigger, other than the erection, jumping, or dismantling of a tower crane, the master rigger must provide a letter, signed and dated by the licensee, attesting that all members of the rigging crew are under the direct and continuing supervision of the licensee. The letter must be maintained at the site by the master rigger and made available to the commissioner upon request. In addition, where the work requires a certificate of on-site inspection or a permit, including but not limited to an on-site waiver, the letter must be submitted with the application for the certificate of on-site inspection or permit, and the plans for the certificate of on-site inspection or permit must be stamped or otherwise clearly marked, in a format acceptable to the commissioner, indicating the work will be performed under the direct and continuing supervision of the master rigger.
- (2) For the erection, jumping, or dismantling of a tower crane, the master or tower crane rigger must provide a letter, signed and dated by the licensee, attesting that all members of the “jumping” crew are under the direct and continuing supervision of the licensee. The letter must be submitted as part of the plan required by Section 3319.8.1 of the New York City Building Code.

§ 4. Subdivision (b) of section 104-23 of Subchapter D of Chapter 100 of Title 1 of the Rules of the City of New York is amended by adding a new definition of “direct supervision” in alphabetical order to read as follows:

Direct supervision. See §28-401.3 of the New York City Administrative Code.

§ 5. Section 104-23 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 (m) to read as follows:

- (m) Employment. A learner for a hoisting machine operator does not need to be employed by the hoisting machine operator supervising the learner. The learner and supervisor do not need to be employed by the same entity.

§ 6. The exception to subdivision (a) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

Exception: Cranes and derricks listed in the exceptions set forth in [Section 3319.3] Sections 3316.1 or 3319.1 of the New York City Building Code.

§ 7. The following definitions set forth in subdivision (b) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York are amended and new definitions of

“CRITICAL PICK,” “MAJOR BUILDING,” “ROTATING TELEHANDLER,” and “TELEHANDLER” are added to such subdivision, in alphabetical order, to read as follows:

...

AXIS OF ROTATION. [The vertical axis around which the crane superstructure rotates.] See Chapter 2 of the New York City Building Code.

AXLE. [The shaft or spindle with which or about which a wheel rotates. On truck and wheel mounted cranes it refers to an automotive type of axle assembly including housing, gearing, differential, bearings and mounting appurtenances.] See Chapter 2 of the New York City Building Code.

...

BASE (mounting). [The base or carrier on which the rotating superstructure is mounted such as a truck, crawler or platform.] See Chapter 2 of the New York City Building Code.

BOOM. [A section or strut, of which the heel (lower end) is affixed to a base, carriage or support, and whose upper end supports a cable and sheaves where the load is lifted by means of wire rope and a hook.] See Chapter 2 of the New York City Building Code.

...

BOOM POINT. [The outward end of the top section of the boom, containing the hoist sheave assembly.] See Chapter 2 of the New York City Building Code.

...

BRAKE. [A device used for retarding or stopping motion by friction or power means.] See Chapter 2 of the New York City Building Code.

...

CABLEWAY. [A power operated system for moving loads in a generally horizontal direction in which the loads are conveyed on an overhead cable, track or carriage.] See Chapter 2 of the New York City Building Code.

CERTIFICATE OF APPROVAL. [A certificate issued by the department upon review and approval of the engineering and testing of a specific make and model of hoisting equipment to ensure compliance with the applicable provisions of this code and its referenced standards.] See Chapter 2 of the New York City Building Code.

CERTIFICATE OF OPERATION. [A certificate issued by the department annually upon satisfactory inspection of the hoisting equipment holding a certificate of approval to ensure that the equipment continues to be in compliance with this code and its referenced standards.] See Chapter 2 of the New York City Building Code.

CERTIFICATE OF ON-SITE INSPECTION. [A certificate issued by the department based on a site-specific approval of the placement, founding and operation of hoisting equipment.] See Chapter 2 of the New York City Building Code.

CLAMSHELL. [A shovel bucket with two jaws that clamp together by their own weight when it is lifted by a closing line.] See Chapter 2 of the New York City Building Code.

[CLIMBING/JUMPING. The raising or lowering of a tower or climber crane to different floors or levels of a building or structure.]

...

COMPETENT PERSON. [One who is capable of identifying existing predictable hazards in the surroundings or conditions that are unsanitary, hazardous or dangerous, and who has authorization to take prompt corrective measures to eliminate such hazards.] See Chapter 2 of the New York City Building Code.

...

COUNTERWEIGHT. [Weight used to supplement the weight of the machine in providing stability for lifting working loads.] See Chapter 2 of the New York City Building Code.

CRANE. [A power-operated machine for lifting or lowering a load and moving it horizontally which utilizes wire rope and in which the hoisting mechanism is an integral part of the machine. The definition of a crane shall also include articulating boom crane, regardless of whether it has a hoisting mechanism integral to the machine.] See Chapter 2 of the New York City Building Code.

ARTICULATING BOOM CRANE. [A power-operated machine for lifting or lowering a load and moving it horizontally that utilizes a boom consisting of a series of folding pin connected structural members, typically manipulated to extend or retract by power from hydraulic cylinders, with or without a hoisting mechanism integral to the machine.] See Chapter 2 of the New York City Building Code.

MOBILE CRANE. [A commercial truck mounted crane, crawler crane, wheel mounted crane (multiple control stations), or wheel mounted crane (single control station).] See Chapter 2 of the New York City Building Code.

COMMERCIAL TRUCK MOUNTED CRANE (BOOM TRUCK). [A crane consisting of a rotating superstructure (center post or turntable), boom, operating machinery, and one or more operator's stations mounted on a frame attached to a commercial truck chassis, usually retaining a payload hauling capability whose power source usually powers the crane. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

CRAWLER CRANE. [A crane consisting of a rotating superstructure with a power plant, operating machinery, and boom, mounted on a base and equipped with crawler treads for travel. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

WHEEL MOUNTED CRANE (MULTIPLE CONTROL STATIONS). [A crane consisting of a rotating superstructure, operating machinery, and operator's station and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel, a power source(s), and having separate stations for driving and operating. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

WHEEL MOUNTED CRANE (SINGLE CONTROL STATION). [A crane consisting of a rotating superstructure, operating machinery, and boom, mounted on a crane carrier equipped with axles and rubber-tired wheels for travel, a power source, and having a single control station for driving and operating. Its function is to lift, lower, and swing loads at various radii.] See Chapter 2 of the New York City Building Code.

...

TOWER CRANE. [A power-operated hoisting machine that utilizes a vertical tower with a rotating superstructure and includes a load boom (jib) in order to lift or lower a load and move it horizontally.] See Chapter 2 of the New York City Building Code.

CLIMBER CRANE. [A tower crane that can be raised to a new working height, either by adding tower sections to the top of the crane (top climbing), or by a system in which the entire crane is raised inside the structure (inside climbing).] See Chapter 2 of the New York City Building Code.

SELF-ERECTING TOWER CRANE. [A tower crane that adjusts its operating radius by means of a trolley traversing a jib and that; (i) possesses a vertical or nearly vertical tower or mast that is bottom slewing and mounted on fixed, traveling, or mobile bases; and (ii) is capable of folding and unfolding to facilitate transit from site to site with minimal assembly. A self-erecting tower crane is not considered to be a mobile crane, even if the self-erecting tower crane otherwise meets the definition of a mobile crane.] See Chapter 2 of the New York City Building Code.

...

CRITICAL PICK. See Chapter 2 of the New York City Building Code.

DEDICATED PILE DRIVER. [A power-operated machine that is designed primarily to drive, hammer, press, or vibrate piles into the earth (“pile drive”) and which typically possess the ability to both hoist the material that will be pile driven and to pile drive that material.] See Chapter 2 of the New York City Building Code.

...

DERRICK. [An apparatus consisting of a mast or equivalent member held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes, for lifting or lowering a load and moving it horizontally. The definition of a derrick includes but is not limited to: A-frame derrick, basket derrick, breast derrick, Chicago boom derrick, gin pole derrick, guy derrick, shearleg derrick, and stiffleg derrick.] See Chapter 2 of the New York City Building Code.

...

DISMANTLING. [The final process of taking apart, piece by piece, in a specific sequence, the components of a crane. Dismantling shall include climbing and jumping.] See Chapter 2 of the New York City Building Code.

DRUM. [The cylindrical member around which a rope is wound for raising and lowering the load or boom.] See Chapter 2 of the New York City Building Code.

...

ERECTION. [The assembly and placement of crane sections and components into place, including all operations incidental thereto. Erection shall include climbing and jumping.] See Chapter 2 of the New York City Building Code.

...

HOISTING EQUIPMENT. [Equipment used to raise and lower personnel and/or material with intermittent motion. Hoisting equipment does not include scaffolds, mast climbers, and elevators.] See Chapter 2 of the New York City Building Code.

HOISTING MACHINE. [A power operated machine used for lifting or lowering a load, utilizing a drum and wire rope, excluding elevators. This shall include but not be limited to a crane, derrick, and cableway and hydraulic lifting system, and articulating booms.] See Chapter 2 of the New York City Building Code.

HOISTING MECHANISM. [A hoist drum and rope reeving system used for lifting and lowering loads.] See Chapter 2 of the New York City Building Code.

...

JIB. [An extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles in the vertical plane of the boom.] See Chapter 2 of the New York City Building Code.

JUMP (jumping or climbing). [The process of adding or removing mast or tower sections to equipment that has already been erected.] See Chapter 2 of the New York City Building Code.

...

LOAD (working). [The external load, in pounds (kilograms), applied to the crane or derrick, including the weight of auxiliary load attaching equipment such as load blocks, shackles, and slings.] See Chapter 2 of the New York City Building Code.

LOAD BLOCK (upper). [The assembly of hook or shackle, swivel, sheaves, pins, and frame suspended from the boom point.] See Chapter 2 of the New York City Building Code.

LOAD BLOCK (lower). [The assembly of hook or shackle, swivel, sheaves, pins and frame suspended by the hoisting ropes.] See Chapter 2 of the New York City Building Code.

...

LOAD RATINGS. [Crane and derrick ratings in pounds (kilograms) established by the manufacturer in accordance with standards set forth in rules promulgated by the commissioner.] See Chapter 2 of the New York City Building Code.

LOAD RATING CHART. [A full and complete range of manufacturer's crane load ratings at all stated operating radii, boom angles, work areas, boom lengths and configurations, jib lengths

and angles (or offset), as well as alternative ratings for use and nonuse of optional equipment on the crane, such as outriggers and extra counterweights, that affect ratings.] See Chapter 2 of the New York City Building Code.

MAJOR BUILDING. See Chapter 2 of the New York City Building Code.

...

OUTRIGGERS (crane). [Extendable or fixed members attached to the mounting base that rest on supports at the outer ends used to support the crane.] See Chapter 2 of the New York City Building Code.

PILE DRIVER. [A dedicated pile driver; or a crane or derrick equipped with an attachment or otherwise outfitted to drive, hammer, press, or vibrate piles into the earth (“pile drive”). However, the definition of a pile driver does not include excavating or earth-moving equipment fitted with a pile driving attachment.] See Chapter 2 of the New York City Building Code.

...

QUALIFIED PERSON. [A person who by possession of a recognized degree, certificate or professional standing, or who by knowledge, training and experience, has successfully demonstrated his or her ability to solve or resolve problems related to the subject matter, the work, or the project.] See Chapter 2 of the New York City Building Code.

...

ROPE. [A continuous line of material comprised of a number of twisted or braided strands of fiber (natural or synthetic) or metal wire.] See Chapter 2 of the New York City Building Code.

ROTATING TELEHANDLER. See Chapter 2 of the New York City Building Code.

...

SUPERSTRUCTURE. [The rotating upper frame structure of the machine and the operating machinery mounted thereon.] See Chapter 2 of the New York City Building Code.

SWING. [Rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.] See Chapter 2 of the New York City Building Code.

...

TELEHANDLER. See Chapter 2 of the New York City Building Code.

...

[**TOWER.** A vertical structural frame consisting of columns and bracing that are capable of supporting working and dynamic loads and transmitting them to the support(s).]

TRANSIT. [The moving or transporting of a crane from one job site to another.] See Chapter 2 of the New York City Building Code.

TRAVEL. [The function of the machine moving from one location to another on a job site.]
See Chapter 2 of the New York City Building Code.

§ 8. The exceptions to paragraph (1) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York are amended by adding new exceptions 4, 5, 6, and 7 to read as follows:

(1) Certificates of approval, operation, and on-site inspection.

...

Exceptions:

...

4. A certificate of on-site inspection is only required for a rotating telehandler, or an articulating boom crane attached to a commercial truck chassis, when specified by paragraph (14) of subdivision (g) of this section.
5. Prior to January 1, 2028, a certificate of operation is not required for a rotating telehandler, nor for an articulating boom crane attached to a commercial truck chassis.
6. Prior to January 1, 2028, a certificate of approval is not required for a rotating telehandler, nor for an articulating boom crane attached to a commercial truck chassis.
7. On and after January 1, 2028, a certificate of approval is not required for a rotating telehandler, nor for an articulating boom crane attached to a commercial truck chassis, provided that the telehandler or articulating boom crane was issued a certificate of operation prior to January 1, 2028, and the certificate of operation has not lapsed or been revoked.

§ 9. Paragraph (2) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (2) Temporary construction equipment permit.** A temporary construction equipment permit[, such as an Alt II permit or a CD-5 permit,] is required for:
- (i)** A mobile crane that meets exception numbers 3 or 4 of Section 3319.3 of the New York City Building code, but does not meet any other exception of Section 3319.3 of the New York City Building code, and is used in conjunction with the construction, alteration, or demolition of a building.
 - (ii)** Cranes and derricks with a manufacturer's rated capacity of 1 ton (907 kg) or less and used in conjunction with the installation, alteration, maintenance, repair, or removal of a building, building systems, or equipment located on a building.

- (iii)** Rotating telehandlers, or articulating boom cranes attached to a commercial truck chassis, when specified by paragraph (14) of subdivision (g) of this section.

§ 10. Paragraph (3) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (3) Noncompliance.** Where a crane or derrick requiring one or more of the certificates, on-site waivers, or permits is found not to be in compliance with one or more of the required certificates, on-site waivers, or permits, the use of such crane or derrick must cease. The crane or derrick must not be used until it has been brought into conformance with the certificates, on-site waivers, or permits, or amended certificates, on-site waivers, or permits have been issued by the department to reflect the state of the crane or derrick.

§ 11. Paragraph (5) of subdivision (c) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new subparagraph (iv) to read as follows:

- (iv) Notification of operator.** The department must be notified of the licensed hosting machine operator or operators authorized to operate the crane or derrick, or to supervise a learner on the crane or derrick, prior to the commencement of their operation or supervision.
Exception: Notification is not required for a crane or derrick that does not require a certificate of on-site inspection.

§ 12. Subdivision (f) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- (f) [Annual renewal of the certificate] Certificate of operation.** Certificates of operation must comply with the requirements of Section 3319.5 of the New York City Building Code and the following.

- (1) Application.** [Application for renewal of] An application for the issuance or renewal of a certificate of operation, [as stipulated] in accordance with Section 3319.5 of the New York City Building Code, must be accompanied by [inspection and maintenance records in accordance with paragraph (1) of subdivision (k) of this section and paragraph (1) of subdivision (m) of this section.];
- (i)** Owner name and contact information;
 - (ii)** Certificate of origin and bill of sale, except for a renewal where no change to the owner has occurred;
 - (iii)** Device information, including but not limited to make and model, capacity, dimensions, serial number, and date of manufacture;

- (iv) Component and attachment information, including but not limited to description of the component or attachment, the serial number or other identification number acceptable to the commissioner for the component or attachment, date of manufacture of the component or attachment, and as applicable, capacity and dimensions of the component or attachment;
- (v) For each lattice component, a report indicating passage of a magnetic particle inspection or other crack detection inspection acceptable to the commissioner, with the date of inspection no more than 60 days prior to the submittal of the application;
- (vi) Attestation from the owner of the crane or derrick disclosing the repair and accident history of the crane or derrick, including its components;
- (vii) Attestation from the owner of the crane or derrick certifying compliance with all applicable manufacturer service notices and recall bulletins;
- (viii) For a tower crane, other than a self-erecting tower crane, a third-party report from a New York State professional engineer, other than the engineer who filed the crane or derrick notice application for the associated job, attesting to the repair and maintenance history of the tower crane and its components, and the adequacy of such repairs and maintenance. This must include documentation of compliance with all applicable manufacturer service notices and recall bulletins; and
- (ix) Copies of maintenance records and inspection reports for the crane or derrick, and its components, upon request.

(2) Yard inspection. Upon approval of the application for the issuance or renewal of a certificate of operation, [a] the new or renewed certificate of operation will only be issued after a satisfactory inspection of the crane or derrick by a department inspector at a crane yard or other site acceptable to the commissioner.

Exceptions:

- 1. For a rotating telehandler, or an articulating boom crane attached to a commercial truck chassis, the inspection may be performed by a crane inspection agency approved by the department and meeting the requirements of section 101-07 of these rules.
- 2. For a mobile crane, other than a boom truck, with a telescoping, hydraulic, articulating, or folding boom, including jibs and any other extensions to the boom, not exceeding 50 feet (15 240 mm) in length with a manufacturer's rated capacity of 3 tons (2.72 t) or less, the inspection may be performed by a crane inspection agency approved by the department and meeting the requirements of section 101-07 of these rules.

(3) Inspection for more than 250 feet of boom length. For a job site configuration where the boom, including jibs and any other extensions to the boom, will exceed 250 feet (76.2 m) in length, the certificate of operation will be contingent upon the crane or derrick passing a subsequent satisfactory inspection, performed on site by a department inspector, prior to the use of crane or derrick for each configuration exceeding 250 feet (76.2 m) in length at the site.

Exceptions:

1. Such inspection is not required for a crane with a telescopic, hydraulic, articulating, or folding boom exceeding 250 feet (76.2 m) in length, provided no jib is attached to the boom.
2. Such inspection is not required for a crane that does not require a certificate of on-site inspection.

(4) Expiration for a tower crane and derrick. Provided no other expiration threshold for the certificate of operation has already been met, the certificate of operation for a tower crane, other than a self-erecting tower crane, and for a derrick, is deemed to be expired when either:

- (i) The certificate of on-site inspection with which the tower crane or derrick was associated with expires; or
- (ii) Notification of departure of the equipment in accordance with subparagraph (iii) of paragraph 5 of subdivision (c) of this section has been provided, or for a derrick permanently mounted to a structure, the work associated with the certificate of on-site inspection has been completed.

(5) Amendments. A certificate of operation must be amended when any information contained in the certificate of operation is no longer accurate, as well as when otherwise provided in Section 3319.5 of the New York City Building Code. When an amendment proposes to add, repair, replace, or modify a component, or when the amendment indicates a condition that may, in the judgement of the department, warrant inspection, the amended certificate of operation will only be issued after a satisfactory inspection of the crane or derrick in accordance with the provisions of paragraph (2) of this subdivision.

§ 13. Paragraph (2) of subdivision (g) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding new subparagraphs (ix) and (x) to read as follows:

- (ix) Direct and continuing supervision. Where the work will be conducted under the direct and continuing supervision of a master rigger, the application must comply with the provisions of subdivision (f) of section 104-20 of these rules.
- (x) Critical pick. Where a critical pick will be performed in accordance with a plan developed by a master rigger or professional engineer in accordance with Section 3316.9.1 of the New York City Building Code, the application must be accompanied by a letter, acceptable to the commissioner, from the master rigger or engineer affirming there will be compliance with the critical pick plan and on-site verification requirements of Section 3316.9.1 of the New York City Building Code.

§ 14. Subdivision (g) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new paragraph (14) to read as follows:

(g) Certificate of on-site inspection.

...

(14) Special requirements for rotating telehandlers and articulating boom cranes. This paragraph sets forth additional requirements for rotating telehandlers and for articulating boom cranes attached to a commercial truck chassis.

(i) Certificate of on-site inspection required. A certificate of on-site inspection is required for the use of a rotating telehandler, or for the use of an articulating boom crane attached to a commercial truck chassis:

1. At a job site for which a construction superintendent is required; or
2. At any site where at least one of the following occurs:

2.1. The boom, including jibs and any other extensions to the boom, exceeds 135 feet (41.15 m) in length;

2.2. The rotating telehandler or articulating boom crane raises a load to a height of more than 100 feet (30.48 m);

2.3. The rotating telehandler or articulating boom crane is set up on a steel platform, excluding mats or dunnage at the street or ground level;

2.4. The rotating telehandler or articulating boom crane has a manufacturer's rated capacity in excess of 50 tons (45.36 t);

2.5. The rotating telehandler or articulating boom crane is set up on a street and imposes a bearing pressure, including dunnage, exceeding 3,500 psf (167.85 kPa); or

2.6. The rotating telehandler or articulating boom crane is not equipped with a properly functioning automatic overload prevention device.

Exceptions:

1. Uses exempted from a certificate of on-site inspection by Sections 3316.1, 3319.1, or 3319.3 of the New York City Building Code or subdivision (c) of this section. This includes but is not limited to rotating telehandlers when configured as excavating or earth-moving equipment, drilling equipment, tree trimming equipment, demolition grapplers, or aerial work platforms, provided all the conditions and restrictions in the applicable exemption are met. A rotating telehandler equipped with forks is not considered to be a powered industrial truck (forklift).
2. In lieu of a certificate of on-site inspection, a temporary construction equipment permit may be obtained for a non-major building job site for which a construction superintendent is required, provided none of the conditions contained in clause 2 of subparagraph (i) of this paragraph are met.

3. In lieu of a certificate of on-site inspection, a temporary construction equipment permit may be obtained for a major building site where the site safety plan for the project is filed before January 1, 2028, provided none of the conditions contained in clause 2 of subparagraph (i) of this paragraph are met.
4. In lieu of a certificate of on-site inspection, a temporary construction equipment permit may be obtained to perform the following activities, provided none of the conditions contained in clause 2 of subparagraph (i) of this paragraph are met:
 - 4.1. Install/remove HVAC, electrical, plumbing, telecom, or similar equipment, and supporting dunnage, to/from a roof, setback, or other location exterior to a building.
 - 4.2. Install/remove foundation or support of excavation elements, provided the rotating telehandler or articulating boom crane is set up and operated exclusively within the confines of the excavation or foundation.
 - 4.3. Pick and carry material or equipment, provided the material or equipment is not raised more than 12 feet (3658 mm) during the picking and carrying operation and the area of the picking and carrying operation is temporarily or permanently closed to the public during the operation.
 - 4.4. A one-off delivery/removal of material or equipment to/from one truck/trailer, provided that the material or equipment is not arranged by the rotating telehandler or articulating boom crane in a particular sequence for hoisting, with all loads promptly deposited and not held, supported, nor stabilized by the rotating telehandler or articulating boom crane while the load is being installed, uninstalled, or braced, including but not limited to holding the load in place while it is bolted or affixed to a structure, and further provided that when the rotating telehandler or articulating boom crane is located outside of the property line of the site, that the rotating telehandler or articulating boom crane does not remain outside of the site beyond the time necessary to perform the delivery/removal operation.
5. At a major building site where the site safety plan for the project is filed before January 1, 2028, or at a non-major building site where the application for construction document or demolition submittal document approval for the underlying project is submitted before January 1, 2028, neither a certificate of on-site inspection nor a temporary construction equipment permit is required to perform an activity listed in exception 4 of this paragraph, provided none of the conditions contained in clause 2 of subparagraph (i) of this paragraph are met.

(ii) Construction document content for temporary construction equipment permits. Construction documents filed with a temporary construction equipment permit for a rotating telehandler or an articulating boom attached to a commercial truck chassis crane can be applicable to multiple makes and models of equipment and may show multiple setup locations. The construction documents must clearly detail equipment setup locations, swing and lifting radius, and pertinent obstacles, restrictions, and site features.

(iii) Made available to operator. The permit holder for the temporary construction equipment permit must provide a copy of the permit and construction documents to the operator of the rotating telehandler or articulating boom crane prior to the operator setting up or using the telehandler or crane at the site.

§ 15. Exception 2 of paragraph (1) of subdivision (i) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

2. Operators of equipment exempted by Sections 3316.1 or 3319.1 of the New York City Building Code. This includes but is not limited to rotating telehandlers when configured as excavating or earth-moving equipment, drilling equipment, tree trimming equipment, demolition grapplers, or aerial work platforms, provided all the conditions and restrictions in the applicable exemption are met. A rotating telehandler equipped with forks is not considered to be a powered industrial truck (forklift).

§ 16. Exception 7.1 of paragraph (1) of subdivision (i) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

- 7.1. The work does not meet the definition of a critical pick as set forth in Section [3302.1] 202 of the Building Code;

§ 17. Exception 10 of paragraph (1) of subdivision (i) of section 3319-01 of Chapter 3300 of Title 1 of the Rules of the City of New York is amended to read as follows:

10. Operators of wheel mounted non-rotating (“fixed”) telehandlers with a telescoping boom, including jibs and any other extensions to the boom, not exceeding 200 feet (60.96 m) in length and with a manufacturer’s rated capacity of 50 tons (45.36 t) or less, and not equipped with a hoisting mechanism. However, where such telehandler is configured with a hook attachment, jib attachment, concrete bucket attachment, or a vacuum or magnetic lifting attachment, or otherwise moves a suspended load, the operator must possess on and after November 7, 2024 a certification from the National Commission for the Certification of Crane Operators (“NCCCO”) for the operation of such telehandler. However, even if otherwise required by this provision, a license or certification is not required for the operator of a wheel mounted non-rotating (“fixed”) telehandler when the operation or configuration of the telehandler meets another exemption in this paragraph for a crane or telehandler.

**NEW YORK CITY LAW DEPARTMENT
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212-356-4028**

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

RULE TITLE: Amendment of Rules Relating to Permitting Requirements for Rotating Telehandlers and Articulating Boom Cranes

REFERENCE NUMBER: 2024 RG 131

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

April 14, 2025
Date

**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 Permitting Requirements for Rotating
Telehandlers and Articulating Boom Cranes**

REFERENCE NUMBER: DOB-196

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

April 14, 2025
Date