

Why does a qualified parking structure inspector now need seven years of experience while a qualified retaining wall inspector still needs three, and why is every currently approved parking structure inspector exempt from the new requirement?

I am a New York State licensed professional engineer, License No. 107881, commenting in an individual capacity on proposed rule DOB-216 / 2026 RG 048. No allegation of misconduct by any individual is made or implied.

The existing rule defines a qualified parking structure inspector as an engineer as defined in Section 28-101.5 of the Administrative Code with three years of relevant experience with building structures. Section 2 of this proposal changes that to seven years of relevant experience with parking structures. The change is twofold: the duration is more than doubled and the qualifying subject matter is narrowed. Subparagraph (v) of paragraph (11) of subdivision (c) exempts every inspector approved before the effective date from the new requirement.

I separate two questions: whether seven years is the right number, and whether the record explains it.

On the first I take no position, and I want to be fair to the Department's likely reasoning. A parking structure presents a distinct inspection problem. Repeated freeze-thaw cycling, chloride-induced reinforcement corrosion driven by de-icing salt transfer from vehicles, post-tensioned slab conditions that cannot be evaluated visually, and traffic topping and expansion joint systems whose failure modes are not intuitive to a general structural practitioner all differ materially from facade or retaining wall work. A judgment that this warrants specialist experience is entirely defensible.

On the second, the Statement of Basis and Purpose restates the amendment and stops. That is a description, not a basis.

Three specific questions follow.

First, is seven years of parking-structure-specific experience attainable by a new entrant? The Periodic Inspections of Parking Structures program arises from Local Law 126 of 2021, with the first cycle beginning in 2022. Subparagraph (ii) permits relevant experience obtained in any United States city or jurisdiction, which mitigates the concern, and parking structure condition assessment plainly predates the New York City mandate. The Department should nonetheless confirm that it has assessed whether a sufficient pipeline of qualifying engineers exists, and on what evidence.

Second, what is the combined effect of raising the bar and exempting the incumbents? All currently approved parking structure inspectors

are grandfathered, including any approved on the basis of three years of general building structure experience, which is to say potentially all of them. The new requirement therefore binds only new entrants. Whatever the technical merit of seven years, the structural effect of this drafting is to close a small market to new competitors while protecting everyone already inside it.

If the seven-year standard reflects the Department's judgment about the competence necessary to inspect a parking structure safely, then the incumbents who do not meet it present the same public safety question, and the exemption needs a stated justification. If the incumbents' existing experience is adequate, then the case for seven years as a floor for new applicants needs one. Reliance interests are a perfectly good justification for grandfathering. If that is the justification the Department means to invoke, it should say so, and I would not object to it.

Third, why do the three designations scale differently? After this amendment a QEWI requires seven years with facades over six stories, a QPSI requires seven years with parking structures, and a QRWI requires three years with retaining walls over ten feet, unchanged. A retaining wall failure is not obviously a lesser hazard than a parking structure failure. If the QRWI standard is being left at three years deliberately, the basis for the distinction should be stated. If it is being left at three years because this proposal simply did not reach it, that should be said too.

REQUESTS

State the technical basis for the seven-year figure and for narrowing qualifying experience to parking structures, whether it derives from a study, from Departmental enforcement or filing-quality data, from comparison to other jurisdictions, or from professional judgment, and identify the source.

State the basis for exempting currently approved parking structure inspectors, and confirm whether a transitional alternative was considered, such as requiring an incumbent who does not meet the new standard to complete the interview required by subparagraph (iii), as the rule already requires of currently approved exterior wall inspectors.

Consider an equivalency provision crediting documented experience in closely related structural condition assessment toward the seven-year requirement, including post-tensioned concrete evaluation, chloride contamination and corrosion assessment, and comparable exposed reinforced concrete structure inspection, in accordance with published criteria.

State whether the three-year requirement for retaining wall inspectors

was evaluated in this rulemaking.