

## NEW YORK CITY DEPARTMENT OF BUILDINGS

### Notice of Public Hearing and Opportunity to Comment on Proposed Rule

**What are we proposing?** The Department of Buildings (DOB) is proposing to add a new rule regarding placing worker safety information on construction fences.

**When and where is the hearing?** DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 8/22/19. The hearing will be in the 5<sup>th</sup> floor conference room at 280 Broadway.

**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](mailto:dobrules@buildings.nyc.gov).
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7<sup>th</sup> 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 in the hearing room before the hearing begins on 8/22/19. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit comments by 8/22/19.

**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 must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 8/8/19.

This location has the following accessibility option(s) available: Wheelchair accessibility.

**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/>. A few days after the hearing, 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.

**What authorizes DOB to make this rule?** Sections 643 and 1043(a) of the City Charter and section 3301.9.5 of the City Building Code authorize DOB to make this proposed rule.

**Where can I find DOB's rules?** DOB's rules are in Title 1 of the Rules of the City of New York.

**What laws 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**

Local Law 196 of 2017, which went into effect on October 16, 2017, requires certain workers and supervisors at certain construction sites to have site safety training. Such training is being implemented in three parts, with 10 hours of training for workers being required by March 1, 2018, 30 hours of training for workers and 62 hours of training for supervisors being required by December 1, 2019, and 40 hours of training for workers being required by September 1, 2020. The rule would require that information pertaining to the site safety training requirements and applicable deadlines be available to workers and supervisors within construction sites.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 3301.9.5 of the New York City Building Code.

New material is underlined.

"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.

Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new Section 3301-03, to read as follows:

**§ 3301-03 Worker Safety Information at Construction Sites.**

**(a) Required signs.** Worker safety information signs are required at all construction sites where site safety training is required as set forth in BC Section 3321. Such signs must be posted by the permit holder.

**(b) Content of signs.** Worker safety information signs at construction sites must state as follows in all the languages used by the workers to communicate at the construction site:

(1) “As of December 1, 2019, workers will not be permitted to work on this site unless they have 30 hours of safety training.

As of December 1, 2019, workers serving as a site safety manager, site safety coordinator, concrete safety manager, construction superintendent or a competent person, as required by Section 3301.13.12 of the Building Code, will not be permitted to work on this site unless they have 62 hours of safety training.

As of September 1, 2020, workers will not be permitted to work on this site unless they have 40 hours of safety training.

Visit [www.nyc.gov/nycsafety](http://www.nyc.gov/nycsafety) or call 311 for more information.”

(2) The statement “TO ANONYMOUSLY REPORT UNSAFE CONDITIONS AT THIS WORK SITE, CALL 311”

(3) Any additional information related to safe work practices provided by the department.

**(c) Specifications for signs.** Worker safety information signs must comply with the following requirements:

(1) Such signs must be 44 inches wide and 30 inches high, with the content required by subdivision (b) of this section written in the Calibri font or similar sans serif font style, with letters a minimum of 1 inch (25 mm) high, as measured by the upper case character. Such letters must be white, on a blue background, with such blue color of a shade matching Pantone 296, or RGB 15, 43, 84, or CMYK 100, 88, 38, 35.

(2) Such signs must be constructed out of a durable and weatherproof material such as vinyl, plastic, or aluminum, and such material must be flame retardant in accordance with NFPA 701 or listed under UL 214.

**(d) Placement of signs.**

**(1) Visibility.** Worker safety information signs must be posted within the site in a location that is readily visible to workers.

**(2) Site areas with construction fencing.** In site areas bound by construction fencing, at least one sign must be placed at each egress point on the inside of the fencing, including vehicle delivery fence gates and existing loading docks.

**(3) Site areas without construction fencing.** In site areas not bound by construction fencing, at least one sign must be placed at each egress point within the controlled access zone where construction is taking place and at each existing loading dock or location being used for construction delivery or access.

**(e) Violations.** Failure to comply with any of the requirements of subdivisions (a) through (d) of this section may result in the issuance of a violation.

PROPOSED

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:** Worker Safety Information Signs

**REFERENCE NUMBER:** 2019 RG 052

**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  
Acting Corporation Counsel

Date: July 11, 2019

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

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

**RULE TITLE:** Worker Safety Information Signs

**REFERENCE NUMBER:** DOB-121

**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) No cure period/mechanism is provided because the authorizing statute for the rule does not provide a cure period. However, respondents are afforded notice and an opportunity to be heard with respect to all notices of violation.

/s/ Shifra Goldenberg  
Mayor's Office of Operations

July 12, 2019  
Date