

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 a rule establishing requirements for cableways that are utilized in conjunction with the construction or demolition of a building or structure.

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 10/2/17. The hearing will be in the 3rd floor conference room at 280 Broadway.

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

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 before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 10/2/17. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 10/2/17.

Do you 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. You must tell us by 9/18/17.

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, Section 28-103.19 of the City Administrative Code, and section 3320.12 of the City Building Code authorize DOB to make this proposed rule. This proposed rule was not included in DOB’s regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

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 Rule

This rule establishes requirements for cableways utilized in conjunction with the construction or demolition of a building or structure. A cableway is a system used to transport materials, consisting of a cable suspended between two towers, on which travels a carriage from which a bucket is suspended.

Cableways are currently regulated by Reference Standard RS-19-3 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York. This rule proposes to repeal RS-19-3 and replace it with a new rule that adopts the latest national standard for cableways published by the American Society of Mechanical Engineers (ASME) as well as New York City specific permitting, inspection, licensing, and operational requirements that are not contained within the ASME standard by cross referring applicable sections of 1 RCNY 3319-01.

The Department of Buildings’ authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 3320.12 of the New York City Building Code.

New material is underlined.

[Deleted material is in brackets.]

“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. Reference Standard RS-19-3 Cableways of the appendix to chapter 1 of title 27 of the administrative code of the city of New York, is hereby REPEALED.

§2. Chapter 3300 of Title 1 of the Rules of the City of New York is amended by adding a new Section 3320-01, to read as follows:

§3320-01 Cableways

(a) Applicability. Cableways subject to the jurisdiction of the department must conform to the requirements in this section and in ASME B30.19.

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

(c) Permit. No cableway may be installed until a permit has been issued by the commissioner on the basis of construction documents prepared by an engineer. Such construction documents must, at a minimum, include all the items required to be submitted as part of an application for a crane or derrick notice.

(d) Inspection report. Following an installation or reinstallation, no cableway may be used until the engineer who prepared the construction documents required by subdivision (c) of this section, or a registered design professional working under the direct and continuing supervision of such engineer, has performed an inspection to verify that the cableway was installed in accordance with the construction documents, and such engineer files a report, acceptable to the commissioner, with the department attesting to such satisfactory inspection.

(e) Special inspections. Cableways are subject to the same special inspection requirements as cranes and tower cranes in paragraph (6) of subdivision (k) of section 3319-01 of these rules.

(f) Licensed operator required. Cableways must be operated by a person holding a Class B hoisting machine operator's license.

(g) Rigging. Individuals who attach and detach articles from a cableway, supervisors of such individuals, and signalpersons involved in cableway operations must be trained or certified in accordance with the provisions of Section 3316.9 of the New York City Building Code. The requirements applicable to hoisting equipment set forth in Section 3316.9 of the New York City Building Code are applicable to cableways under this section.

(h) Lift director. A lift director is required for the use of a cableway. Cableways are subject to the same lift director requirements as cranes and derricks in section 3319-02 of these rules. The requirements applicable to certificates of on-site inspection in section 3319-02 of these rules shall apply to permits issued under this section.

(i) Assembly/disassembly. Cableways are subject to the same assembly/disassembly requirements as cranes and derricks in paragraphs (6) and (7) of subdivision (i) of section 3319-01 of these rules. The requirements applicable to certificates of on-site inspection in paragraphs (6) and (7) of subdivision (i) of section 3319-01 of these rules shall apply to permits issued under this section.

(j) Transporting personnel. In addition to the provisions of Section 19-3.2.2 of ASME B30.19, the hoisting and transporting of personnel with a cableway must also comply with the requirements of section 3319-01(q)(6) of these rules.

(k) 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 will apply.

<u>Standard</u>	<u>Name</u>	<u>Year</u>
<u>American Society of Mechanical Engineers (ASME)</u>		
<u>ASME B30.19</u>	<u>Cableways</u>	<u>2011</u>

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: Requirements for Cableways Used in Construction or Demolition

REFERENCE NUMBER: 2017 RG 060

RULEMAKING AGENCY: The 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: August 11, 2017

**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: Requirements for Cableways Used in Construction or Demolition

REFERENCE NUMBER: DOB-95

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

August 14, 2017
Date