

1 RCNY §9-01

CHAPTER 9 RIGGING OPERATIONS

§9-01 Supervisory Responsibilities of a Licensed Master or Special Rigger. (a) *Applicability.* In accordance with section 26-172 of the Administrative Code, all rigging work, other than work exempted under section 26-173 of such code, must be performed by or under the supervision of a licensed special or master rigger. The rules in this section set forth the specific supervisory responsibilities of a licensed special or master rigger.

(b) *Definitions.*

Rigging Foreman. “Rigging Foreman” shall mean an individual, male or female, designated by a licensed master or special rigger in accordance with subdivision i of this section. Such person shall have the qualifications set forth in subdivision h of this section.

Critical Picks. “Critical Picks” shall mean rigging operations involving loads that:

- (i) are at or above 95% of approved rated capacity of the crane or rigging equipment,
- (ii) are asymmetrical or have a wind sail area exceeding 500 square feet,
- (iii) may present a problem because of clearance, drift, or other interference,
- (iv) are fragile or of thin shell construction and are not provided with standard rigging ears,
- (v) require multiple cranes or derricks (tandem picks), or
- (vi) require out of the ordinary rigging equipment, methods or setup.

(c) *Planning.* Except as otherwise specifically provided in subdivision (g)(2) of this section, the licensee must personally plan the equipment set-up and operation of all rigging operations. This responsibility may not be delegated.

(d) *Supervision of rigging operations other than critical picks.* Except as otherwise provided in subdivision e of this section, a licensee need not be personally on site during rigging operations provided that a rigging foreman designated by the licensee pursuant to subdivision i of this section is continuously on site and he or she performs and/or manages the work under the off site supervision of the licensee as follows:

- (1) the licensee and the rigging foreman at the work site are in frequent and direct contact with each other during the course of the rigging operation,
- (2) for work involving the use of cranes, derricks, work platforms, suspension scaffolds or other rigging setup where the safe founding or support of such equipment is a cause of concern (i.e. over sidewalks, roadways or yards where vaults or other subsurface structures exist; or where hooks or clamps are used on parapet walls to support hanging scaffolds, etc.) the licensee personally visits the work site to inspect and approve the rigging equipment founding and setup prior to commencement of rigging operations and each time the founding or support changes,
- (3) the licensee is readily available to provide on site supervision should the [sic] need arise, and
- (4) the rigging foreman has in his or her possession at the work site the “Certificate of License Record” of the licensee (tear-off) issued by the Department, which shall be presented upon the demand of any enforcement officer.

(e) *Supervision of critical picks.* The licensee must be continuously on site during critical picks and must personally perform or personally supervise all critical picks. Off site supervision of critical picks is not permitted.

(f) *Rigging Crew.* Except as otherwise provided in subdivision (g) of this section, all members of the rigging crew must be employees on the payroll of such licensee or where the license is used by the holder thereof for or on a behalf of a partnership, corporation or other business association as provided for in section 26-138(b) of the Administrative Code such members must be employees on the payroll of such partnership, corporation or business association.

(g) *Specially Crew.* Except as otherwise provided in this subdivision and except as provided for in section 26-138(b) of the Administration Code, the licensee and/or a rigging foreman designated by a licensee may not perform or supervise rigging work for another person, corporation, partnership or business association. Where rigging work is best handled by or requires crews of a specialty trade (e.g. handling hazardous materials or chemicals such as asbestos, or climbing, erecting or dismantling tower cranes) the licensee and/or a rigging foreman designated by such licensee may perform or supervise work on behalf of a person, partnership, corporation or business association engaged in such specialty trade, subject to the following conditions:

- (1) the Cranes and Derricks Division of the department must approve the licensee’s written request for such proposed rigging operation,
- (2) the licensee must either plan the equipment setup and operation or be an active participant of the planning team,
- (3) for loads of one thousand two hundred pounds or more and for all critical picks, the licensee must provide continuous on site personal supervision to the rigging crew,
- (4) for loads below one thousand two hundred pounds which are not critical picks, the licensee need not be on site if a rigging foreman designated by such licensee is continuously on site.[sic] He or she manages the work under the off site supervision of the licensee in accordance with the conditions set forth in items (1), (2), (3), and (4) of subdivision (d) of this section,
- (5) the licensee and/or his or her designated rigging foreman must have full authority to examine rigging hardware, to approve rigging setups, to mandate changes and to stop the job,
- (6) the licensee is responsible for all aspects of rigging safety on the job, and
- (7) the licensee shall confirm that members of the specialty crew are insured to the minimum requirements specified in section 26-178 of the code and are covered by worker’s compensation by the specialty crew’s employer.

(h) *Qualifications for designation as a rigging foreman.* (1) An individual designated as a rigging foreman by a licensed special or master rigger shall:

(i) be an employee on the payroll and covered by the worker's compensation insurance of the licensee or the business association of the licensee,

(ii) be at least 18 years of age,

(iii) be able to read and write English,

(iii) be able to identify critical picks,

(iv) be familiar with the relevant sections of the Building Code, OSHA safety standards and industry safety practices,

(v) have been trained to react properly to mechanical malfunctions or adverse weather, and

(vi) be able to evaluate the fitness of the rigging crew, including, where applicable, the issuance of a certificate of fitness pursuant to section 9-03 of this chapter.

(2) An individual designated as a rigging foreman by a licensed special rigger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have the following additional qualifications:

(i) have at least 1 year's practical experience in the hoisting and rigging business, and

(ii) be able to explain the risks incident to such business and precautions to be taken in connection therewith.

(3) an individual designated as a rigging foreman by a licensed master rigger shall, in addition to the qualifications set forth in paragraph one of this subdivision, have the following additional qualifications:

(i) have at least 5 years practical experience in the hoisting and rigging business, and

(ii) be knowledgeable about and be able to explain the risks incident to the following, where applicable to the particular job:

(A) rigging operations and precautions to be taken in connection therewith,

(B) safe loads and computation thereof,

(C) types and methods of rigging, and

(D) pertinent hardware such as ropes, cables, blocks, poles, derricks, sheerlegs and other tools used in connection with rigging operations.

(i) *Designation of a Rigging Foreman.* Designation shall consist of the filing of written notification with the Department's Licensing Division of the following information:

(1) A list of all rigging foreman employed by the licensee or the business association of the licensee. Each rigging foreman's full name, home address, and home phone number shall be included on the list.

(2) The notification shall be signed by the licensee, shall contain his or her license number and shall be on the business letterhead of the licensee or of the business association of the licensee. The notification shall contain a representation by the licensee that all of the rigging foreman designated by him or her have the qualifications specified in subdivision h of this section.

(3) The list must be updated within two weeks of any change in the reported information relating to designated individuals or within two weeks of the termination of a designation by the filing of a new notification listing all rigging foreman designated by the licensee. The new notification shall contain the information set forth in items (1) and (2) above. The new list will supersede any earlier filed notification.

(j) *Photo Identification Card.* The licensee shall issue a photo identification card (see Exhibit 1) to each rigging foreman designated by him or her with the licensee's signature affixed thereto. Such card shall be carried by the rigging foreman at all times while he or she is engaged in any of the duties requiring such designation and shall be presented upon the demand of any authorized enforcement officer. It shall be the responsibility of the licensee to retrieve the identification card when such designation is terminated. A designation shall be terminated by the licensee if (1) the person leaves the employ of the licensee or business association of the licensee, (2) the licensee finds that the designee is not competently performing his or her duties or, (3) the licensee finds that the designee has acted in an unsafe or irresponsible manner in performing his or her duties.

(k) *Responsibility.* The designation of one or more rigging foreman shall not affect the licensee's and/or business association's responsibility or liability for all aspects of rigging safety including but not limited to the actions of rigging foreman, rigging crews and specialty crews, if any.

(l) *Failure to comply with rules.* If these rules are not complied with the Department may order that rigging operations stop, commence disciplinary action against the licensee and/or commence proceedings for the impositions of fines or civil penalties.