

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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July 15, 2008
Start: 10:25am
Recess: 12:16pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:
Joel Rivera
Tony Avella
Leroy G. Comrie, Jr.
Lewis A. Fidler
Robert Jackson
Rosie Mendez
James Vacca
Thomas White, Jr.

A P P E A R A N C E S

COUNCIL MEMBERS:

Melissa Mark-Viverito

Jessica S. Lappin

A P P E A R A N C E S (CONTINUED)

Christine C. Quinn
Speaker
New York City Council

Robert D. LiMandri
Acting Commissioner
New York City Department of Buildings

Stephen Kramer, Esq.
Senior Counsel
New York City Department of Buildings

Marilyn King-Festa
Deputy Commissioner for Technology and Analysis
New York City Department of Buildings

Louis Coletti
CEO
Building Trades Employers' Association

Edward J. Malloy
President
Building and Construction Trades Council of Greater
New York

CHAIRPERSON ERIK MARTIN DILAN:

Good morning, everybody. I'd like to call this hearing to order. I'd like to begin at the outset by thanking my colleagues and the members of this Committee for agreeing to take this unusual step of a summer hearing to deal with overall site safety and crane safety throughout the City of New York. While it is an unusual step, we have had an unusual past six months. So I'd like to thank my colleagues for their indulgence on this hearing.

And with that, my name is Erik Martin Dilan and I'm the Chair of the Housing and Buildings Committee. I'd like to thank you all for attending this hearing on seven site safety-related bills. Today the Committee will be hearing proposed Intro 687A, which is a local law to amend the administrative code in relation to requiring that certain buildings or structures undergo structural inspection; that's sponsored by Council Member Viverito, who is here.

As well as Intro 783, a local law to amend the administrative code of the City of New York in relation to site safety personnel including concrete site safety managers; that's

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sponsored by myself.

A local law to amend the administrative code in relation to enhanced site specific safety plans; that's also sponsored by myself. A local law to amend the administrative code in relation to the inspection, maintenance and repair of retaining walls sponsored by Council Member Jackson.

And then three bills related directly to crane safety, all proposed by Council Member Jessica Lappin who had both crane accidents happen in her district, who has just joined us.

The first of which is Intro 794A and that is a local law to amend the administrative code of the City of New York in relation to training for tower climber and crane workers and riggers.

The next item also sponsored by Lappin is 795A, that's a local law to amend the administrative code in relation to slings for tower and climber cranes. And then the final item on today's agenda is Intro 796A, that's a local law to amend the administrative code in relation to tower and climber cranes.

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2 With that, I'm going to briefly
3 introduce the members who are here and then I'll
4 turn it over to Council Member Lappin, who is a
5 prime sponsor of some items on the agenda. After
6 that I'll turn it over to Council Member Viverito
7 and the Speaker will be joining us very shortly.
8 But I'll begin with the introductions.

9 To my far left, we have Council
10 Member Tony Avella of Queens, who is a member of
11 the Committee. Council Member James Vacca of the
12 Bronx, who is right next to him and also a member
13 of the Committee. Council Member Rosie Mendez of
14 Manhattan, who is the member of the Committee. We
15 have the Speaker, who is about to join us who is
16 the Speaker of this body. Council Member Lewis
17 Fidler of Brooklyn, who is a member of the
18 Committee. Council Member Jessica Lappin as well
19 as Council Member Melissa Mark-Viverito. So after
20 the introductions, I'll turn it over to Council
21 Member Lappin unless she chooses to defer to the
22 Speaker.

23 SPEAKER CHRISTINE C. QUINN: Let me
24 get situated.

25 JESSICA S. LAPPIN: While the

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2 Speaker is getting situated, I just wanted to
3 thank you Mr. Chair for recognizing me. I feel
4 like a member of the Committee; I've been here so
5 often. And I feel very welcome. You mentioned
6 the three bills briefly that I'm sponsoring today,
7 the crane safety bills. One that deals with the
8 training requirements for workers, one that deals
9 with nylon slings and one with pre-task safety
10 meetings.

11 We have been discussing and
12 negotiating these bills with all of the
13 stakeholders who are involved and many of whom are
14 here today. I wanted to thank everybody for
15 working with us and for their input. I look
16 forward to hearing testimony from those who are
17 here today and continuing to work and discuss
18 these bills after the hearing. I look forward to
19 your input and for your cooperation. Thank you.

20 SPEAKER QUINN: Thank you very
21 much. First I just want to thank Chairperson
22 Dilan and all the members of the Housing and
23 Building Committee. I think most folks in this
24 room know that we don't typically have a lot of
25 hearings in July and August. But obviously the

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2 issues that we're looking at as it relates to
3 construction safety are so important, we wanted to
4 keep our focus moving forward on them. When we
5 announced a package of legislation, myself, the
6 Mayor and the Department of Buildings, Chairperson
7 Dilan said at the press conference making that
8 announcement that he would make sure there were
9 hearings all this summer on the issue because we
10 know they are that important to the safety to the
11 City of New York. So I want to thank him for that
12 offer and for all of his work on this issue.

13 We have held over a dozen hearings
14 on improving construction site safety over the
15 last two years. The purpose of these hearings has
16 been to make sure that during this unprecedented
17 construction boom, New Yorkers remain safe. And
18 that the men and women that work hard on
19 construction sites every day make it home every
20 night to their families. This task isn't an easy
21 one. Construction is inherently a dangerous
22 activity. It's difficult to strike the right
23 balance between responsible regulation and
24 responsible development. But this council, in
25 partnership with the Mayor and the Department of

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2 Buildings, labor leaders, the construction
3 industry and community activists, has stepped to
4 the plate to meet that challenge and find that
5 balance.

6 Last month, as I said, the Mayor
7 and I, with Chairperson Dilan and Council Member
8 Lappin and others, announced a package of 13
9 legislative reforms that will greatly improve
10 construction site safety. And let me say, those
11 were not the first pieces of legislation on this
12 topic and they certainly will not be the last
13 before our term is over.

14 Today, we'll be hearing 7 of those
15 13 bills. And what's very rewarding to me as the
16 Speaker of the City Council is that the bills on
17 the agenda today and on this topic don't come just
18 from one council member; they come from many
19 different council members in different parts of
20 our city. So today we'll hear bills introduced by
21 Chair Dilan, by Council Member Melissa Mark-
22 Viverito, Council Member Jessica Lappin, Robert
23 Jackson. Last month we held hearings on bills
24 introduced by Council Member James de Blasio and
25 Palma. I also want to acknowledge the leadership

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2 and thoughtful guidance of Council Members Jimmy
3 Vacca, who is with us today and Jimmy Otto on
4 these issues.

5 The bills we'll debate today cover
6 a range of issues from crane operations to
7 concrete operations. Some of these bills, like
8 the ones Council Member Lappin mention, deals
9 specifically with crane safety operations which is
10 obviously an issue that is very much on the minds
11 of New Yorkers. Those bills deserve particular
12 attention on today's agenda. And the bills we
13 have on that today, I think is fair to say are the
14 start of our look at crane safety. Because as we
15 await final determinations and reports on what
16 happened at the crane accident sites in Council
17 Member Lappin's district, we will need to go back
18 and see whether we've gone far enough on some of
19 these questions. But we have to really wait until
20 we have all the facts in before we rush to a
21 determination.

22 I want to say today just in
23 closing, the issue of striking this right balance
24 isn't an easy one but it's an incredibly important
25 one. We can't have the city where people feel

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2 unsafe to walk down the sidewalk because there's a
3 crane working on that block. But we also can't
4 have blocks where cranes aren't working. We need
5 to find that balance of safety and responsible
6 development; a balance that allows our city to
7 grow as it always has.

8 I want to thank everyone from the
9 Department of Buildings and from the Council's
10 Housing and Buildings Committee. It's terrific
11 staff who has worked very hard and Chair Dilan
12 because our goal in today's hearing and in the
13 dozen hearings we've had is to find that balance.
14 But also to be responsive when accidents occur and
15 also to attempt from those accidents to have a
16 perspective and a vision into the future to see
17 ahead so we can prevent other accidents and other
18 things from happening. With that goal of having
19 that vision that we can come up with ideas that
20 will keep people safe before things have happened.

21 I really want to thank all of the
22 industry leaders and labor leaders who have given
23 us so much time in helping us work to create our
24 vision. Our goal is always to respond but really
25 our obligation is to get ahead and prevent these

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2 types of tragedies before they happen. I want to
3 thank all of my colleagues for their tremendous
4 attention to this important issue.

5 CHAIRPERSON DILAN: Thank you,
6 Madam Speaker. At this time I'd like to give
7 Council Member Viverito an opportunity to comment
8 on her item on today's agenda if she so chooses.

9 MELISSA MARK-VIVERITO: Thank you,
10 Mr. Chair. I just wanted to mention very briefly
11 that I want to thank you, I want to thank the
12 committee, I want to thank the staff and the
13 partnership that as a council we've been able to
14 develop with the Department of Buildings regarding
15 all these matters. In particular the bill that we
16 are listening to today is one with regards to
17 vacant buildings. It's legislation or a bill that
18 we've been struggling with for a while in terms of
19 how do we define vacant buildings and structurally
20 compromised buildings and ensuring that they are
21 safe.

22 I've had two building collapses in
23 my district. There was a survey done with a non-
24 profit organization and the Manhattan Borough
25 president about a year ago that did a survey of

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2 all of Manhattan and all the vacant buildings.
3 Most of them are found in upper Manhattan, my
4 district and Ed Dickens' district. These
5 buildings are buildings that many times have been
6 vacant for many years. So they become really a
7 safety issue for the community so I want to thank
8 you.

9 I know we've worked well together
10 in the past on those issues but this legislation
11 potentially is very important to really address
12 the issues that we're hearing today in general on
13 site safety and construction safety. So thank you
14 for all the work and I look forward to hearing all
15 of your comments and engaging in a conversation
16 afterwards. Thanks.

17 CHAIRPERSON DILAN: Thank you.

18 Before I turn it over to Bob LiMandri, who is the
19 acting Commissioner of the Department of
20 Buildings, just for record keeping purposes for my
21 colleagues. This is an initial hearing on all of
22 these bills. At the end of this Committee
23 hearing, all items will be laid aside so that we
24 can work on them, amend them if need be. And
25 hopefully vote on them on a date in the near

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2 future. With that, I've already mentioned you but
3 if you could do so in your own voice. Then you
4 can begin your testimony. For the benefit of the
5 general public, you can introduce the members of
6 your panel if you so choose.

7 ROBERT LIMANDRI: Thank you, Chair
8 Dilan. Again, my name is Robert LiMandri, acting
9 Buildings Commissioner of the City of New York.
10 On my left is Stephen Kramer, my senior council
11 and on my right is Marilyn King-Festa, Deputy
12 Commissioner of Analysis and Budget.

13 I'm here today to talk about the
14 seven bills that are before us. In outline form,
15 three of those bills that are being heard today
16 relate to safety and operations of cranes. The
17 fourth requires a designated safety manager for
18 buildings with substantial concrete operations.
19 Fifth and sixth bills, respectively, require
20 owners to submit periodic inspection reports on
21 potentially compromised buildings and retaining
22 walls. The seventh mandates additional safety
23 information in site safety plans.

24 These seven bills represent an
25 integral part of the legislative agenda that the

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2 Mayor, Speaker Quinn and I announced on June 4th
3 with industry leaders. That agenda is designed to
4 further the safety of New Yorkers and construction
5 workers as the Speaker identified before.

6 The construction industry in New
7 York has a huge presence in so many New Yorkers'
8 lives on those who live, work or travel near
9 construction sites. And on the workers who are
10 rebuilding our city to enable it to continue to be
11 the most important metropolitan center of this
12 nation, and on our city's residents who will be
13 living or working in the buildings under
14 construction.

15 The Mayor and the Council have been
16 extremely responsive in the last few years on
17 adopting legislation to make the city's
18 construction codes a paradigm of a model and a
19 responsive code that will enable the city to
20 remain competitive in the 21st century. I want to
21 thank you for so quickly considering these seven
22 bills before you today. Which further enhance the
23 codes by giving the department additional
24 monitoring enforcement tools that will upgrade the
25 safety framework that ensures that buildings and

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2 construction techniques are as safe as they can
3 be.

4 Let me briefly explain how these
5 seven bills will enhance the safety of New
6 Yorkers. The three bills addressed to cranes are
7 Intros 794A, 795A and 796A. Intro 794A would
8 require that all workers engaged in erection,
9 jumping, climbing, rigging or dismantling of a
10 tower or climber crane have satisfactorily
11 completed a training course of a minimum of 30-
12 hours. As well as an eight-hour re-certification
13 course every three years after the initial course.

14 The bill would require that courses
15 be provided or conducted by a registered New York
16 State Department of Labor apprenticeship program,
17 an educational institution or chartered school
18 licensed or registered by the State of New York of
19 Education or by an entity approved by the
20 Department. A certificate or card proving the
21 successful completion of the applicable training
22 course would be required to be made available to
23 the Department upon request for enforcement
24 purposes. The bill further amends 28-404.3 of the
25 administration code to add these training

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2 requirements to master special and towering
3 climber rigger qualifications.

4 The practice of erecting or
5 dismantling, which includes jumping a crane, is
6 the most critical time of a crane's operation and
7 consequently potentially the most dangerous for
8 worker and public safety. As a result, all
9 precautions should be taken to ensure that the
10 safest measures are being employed, which includes
11 training and proper means and methods for all
12 involved parties.

13 The addition of a training
14 requirement for workers engaged in the erection
15 and dismantling of cranes increases safety and
16 reduces the risk of an accident caused by human
17 error. Both the Department and the construction
18 industry fully support the training requirement.
19 In view of the high risk nature of crane
20 operations, as evidenced particularly by the March
21 15th crane collapse, is long overdue.

22 We will work with the crane
23 industry to expand these training requirements for
24 those involved in the erection and dismantling of
25 other types of cranes to ensure that New Yorkers

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2 can be confident that safety is the first and
3 foremost priority for this segment of the
4 construction industry.

5 The second bill, Intro 795A, would
6 allow nylon slings to be used in conjunction with
7 the erection, jumping, climbing and dismantling of
8 cranes only if the manufacturer's manual
9 specifically provides for or recommends their use.
10 The rigging operations involved in the erection
11 and dismantling of cranes present particular
12 hazards that we must take all reasonable measures
13 to minimize. Wire rope should be the basic
14 material employed in these difficult operations
15 unless the crane's manufacturer specifically
16 identifies a particular role for the nylon
17 material.

18 In addition, the bill will prohibit
19 the use of nylon slings unless softening
20 mechanisms have been applied to all sharp edges as
21 OSHA rules already require. Though no final
22 conclusion has been reached by OSHA or the
23 Department's forensic engineers regarding the
24 March 15th crane collapse, preliminary information
25 indicates that a sheared or damaged nylon sling

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2 was involved. This bill would require that nylon
3 slings not be used unless it is clear they are the
4 best practice for that specific situation and that
5 extra safety measures be taken when they are used.

6 The third crane bill is 796A. This
7 bill would codify the protocols to be followed in
8 the erection and dismantling, including jumping
9 operations, of tower and climber cranes. The
10 affected parties would be required to have the
11 engineer of record for the cranes submit written
12 plans and specifications to the Department
13 detailing the erection and dismantling procedures
14 that will be implemented for the crane. This bill
15 will also require that a safety coordination
16 meeting, attended by all interested parties, will
17 be held before each instance of a jump or climb.
18 And that further requires the department to be
19 notified of their occurrence. The parties would
20 be required to discuss the scope, protocols,
21 personnel responsibilities and safety measures of
22 the jump or climb, all of which will be documented
23 in a meeting log by the general contractor.

24 Finally the bill would require the
25 engineer of record for the crane inspect the crane

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2 to ensure that it complies with relevant safety
3 requirements and that there are no hazardous
4 conditions that might affect the safety of the
5 erection and dismantling operations.

6 Crane and rigging operations are a
7 high risk area of construction with little room
8 for error. Even one incident, as tragically seen
9 on the 15th and May 30th, can be catastrophic.
10 Crane operations in New York City are virtually
11 unique in scope, often involving highly engineered
12 structures that require detailed planning and
13 subsequent implementation of safety measures. The
14 bill codifies the best current practices to
15 minimize the risks associated with the erection
16 and dismantling operations and to protect workers
17 and the public alike by averting preventable
18 accidents.

19 The fourth bill before you today is
20 783A. Similar to what New York City construction
21 codes require for demolition and high rise
22 construction operations, this legislation would
23 require a licensed individual to continually
24 monitor concrete operations for compliance with
25 safe practices and building regulations. Our

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2 recent experience with concrete operations has led
3 us to conclude that concrete operations are a high
4 risk endeavor. Last year our data indicated that
5 59% of the material falling from construction
6 sites had its origin in concrete operations.

7 Concrete on large jobs require a
8 dedicated and specifically trained person beyond
9 site to help ensure that these highly complex
10 operations. Involving coordination of many
11 different trades in a complex series of
12 operations, are conducted safely. Major concrete
13 jobs involve not only the hoisting and pouring or
14 placement of concrete, but also the correct
15 storage and placement of reinforcement bars and
16 the large amounts of wood and other materials to
17 create the forms. But involve also careful
18 management of the form building and form removal
19 operations, the rebar installation and debris
20 handling.

21 To obtain a license as a concrete
22 safety manager, candidates would be required to
23 pass a background check, to demonstrate adequate
24 experience and undergone extensive training. The
25 concrete safety manager would have to be available

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2 to the Building Department at all times and, along
3 with the contractor, would be issued violations
4 with escalating penalties for safety infractions
5 related to concrete work.

6 The fifth bill before you is 687A,
7 which would amend the building code to require
8 owners of buildings that may be structurally
9 compromised to file a report with the Buildings
10 Department, prepared by a design professional
11 detailing the condition of the building. Intro
12 687A is modeled on local law 11, the highly
13 successful law that requires owners of buildings
14 over six stories to have their buildings regularly
15 inspected to make sure that the public is not at
16 risk from falling masonry and to take
17 responsibility for maintenance of their buildings.

18 687A would require owners of
19 buildings that have been classified as potentially
20 impaired to file similar reports but on all of the
21 structural components of the building and not just
22 the facade. The bill identifies several
23 categories that are potentially compromised in
24 which therefore would be subject to this mandatory
25 inspection and reporting requirement. Buildings

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2 with an open roof for 60 days or more, buildings
3 that have been abraded [phonetic] or otherwise
4 repaired by the Department of HPD or Housing and
5 Preservation and Development pursuant to our
6 order. Buildings that have been subject to a
7 precept issued by the Supreme Court in an unsafe
8 building proceeding and other classes of buildings
9 identified by the Department of Buildings that
10 have been determined to be potentially at risk.

11 For example, when a building has
12 had a serious fire and may have incurred
13 structural damage, the Department would notify the
14 owner that the building has been so classified and
15 that an engineering assessment must be files
16 within 60 days. Additional reports monitoring and
17 building would be required to be filed every two
18 years or more frequently depending on the
19 condition of the building. Moreover, the report
20 would have to be filed with the Department before
21 a work permit could be accepted for filing. If an
22 owner fails to file the required report with the
23 Department, the Department would cause an
24 inspection and report to be prepared and the cost
25 would become a lien on that building. The owner

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2 would also be subject to civil penalties and to
3 fines at the Environmental Control Board.

4 We think this bill could help
5 minimize the risk that dilapidated buildings that
6 pose a risk to New Yorkers to force owners to take
7 responsibility. The bill would help identify
8 those buildings that are at risk and tag them in a
9 way that would put them on our radar screen. For
10 example, most buildings that have had significant
11 fires have had their roofs open by the fire
12 department to ventilate for smoke during fire
13 fighting operations. If the owner does not repair
14 the roof for 60 days, that is a sign that the
15 building has been abandoned and it's at risk. The
16 open roof itself can, through exposure of beams to
17 the weather and other structurally members to the
18 elements, can lead to serious structural damage.

19 Similarly, buildings that have been
20 subject to an emergency repair by HPD pursuant to
21 our order for emergency repairs, will also be
22 subject to this inspection and reporting
23 requirement. These are buildings whose owners
24 have refused to take care of their buildings, not
25 withstanding formal notice by this department.

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2 The next bill before you is 793A,
3 which imposes a similar periodic reporting
4 requirement as 687A that I've just discussed but
5 this is with respect to retaining walls. New York
6 City has hundreds of retaining walls fronting
7 public space. Owners of retaining walls fronting
8 public areas are often not aware of their legal
9 responsibilities to maintain these walls, which
10 are designed to brace and hold back land. As seen
11 in the massive retaining wall collapse on the
12 Henry Hudson Parkway in 2005, retaining walls in
13 disrepair can be extremely dangerous. This
14 legislation would reinforce private property
15 owners' responsibility to maintain their retaining
16 walls from fronting public areas by imposing
17 cyclical inspection requirements.

18 The final bill before you is Intro
19 790A, which increases the required safety
20 information provided in site safety plans.
21 Contractors pulling permits for construction
22 projects that require the presence of a site
23 safety manager currently must submit a site
24 specific safety plan that addresses safety issues.
25 This bill enhances the requirements to include

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2 provisions for additional training for
3 construction workers. These include safety
4 orientation programs for new workers and a
5 requirement for job specific safety meetings
6 before undertaking unusually hazardous work.
7 Because the Department's inspectors simply can not
8 be at every job site every day, much less at every
9 floor at every job site, it's important to
10 emphasize that basic responsibility for ensuring
11 safety at the construction site begins with
12 contractors employing trained workers who
13 understand the importance of always observing the
14 safety rules.

15 This industry itself is aware of it
16 and its leaders have repeatedly emphasized to me
17 that a well organized and properly managed site,
18 implying trained workers who are motivated to
19 emphasize safety, provide the basic path for
20 protecting the public. Working high above crowded
21 city streets often with complex and heavy
22 machinery, high rise construction must be
23 conducted carefully with safety the first and
24 foremost consideration.

25 Many job sites already hold these

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2 safety meetings. This additional mandate is
3 intended to make the practice universal across the
4 board and to make sure that the message is clear,
5 delivered to new workers as well as those that are
6 experienced.

7 Before concluding, I would like to
8 thank the council and its staff and the Speaker
9 and Chair Dilan. As well as industry
10 representatives for the helpful and productive
11 input that they provided on these bills. I look
12 forward to a continued dialogue and the prompt
13 approval of all these bills comprising our
14 legislative agenda toward the end of a safer
15 construction industry in New York. Certainly,
16 I'll be glad to answer questions right now that
17 you may have.

18 CHAIRPERSON DILAN: I will take the
19 closing to mean that your agency is in support of
20 all these items?

21 MR. LIMANDRI: Yes, sir.

22 CHAIRPERSON DILAN: In it's current
23 form?

24 MR. LIMANDRI: There are some bills
25 that require a bit but for the most part, yes.

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CHAIRPERSON DILAN: So
conceptually, you would like to...?

MR. LIMANDRI: We'd like to move on
them.

CHAIRPERSON DILAN: Reserve the
ability to tweak here and there? Is that
accurate?

MR. LIMANDRI: Yes.

CHAIRPERSON DILAN: Okay. I just
want to start off by saying that none of this is
in the legislation. I know there may be some
questions that arise that are under investigation
so I don't expect you to answer those. But what
I'd like to ask you is what's a reasonable time
frame for the Agency and all others involved to
conclude their investigations on the March 15th
and May 30th incidents?

MR. LIMANDRI: Certainly, the May
15th collapse and the May 30th collapse, we're
working collaboratively with OSHA. What we need
to do is dovetail those investigations and make
sure that we are in sync. So we will be working
very closely with them. Typically OSHA takes six
months to conclude their operations and so I would

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2 suspect that that would be about the timeframe
3 that you'd hear from us as well.

4 CHAIRPERSON DILAN: So we can say
5 conservatively within eight months we should hear
6 something, very conservative, right?

7 MR. LIMANDRI: That's right.

8 CHAIRPERSON DILAN: Great. I do
9 have questions but what I'd like to do is to defer
10 at this time and I'll come back to my questions
11 later. I'd like to ask my colleagues if we can
12 ask questions in two parts. I want to start the
13 first part with all questions related to the crane
14 related bills, the Lappin bills, which would be
15 Intro 794, 795 and 796. So we'll do one round of
16 questioning solely related to cranes. And then
17 we'll address questions to the other bills after
18 that. I'll go last in this round. I'd like to
19 defer to the Speaker for questions on crane
20 related bills.

21 SPEAKER QUINN: Thank you,
22 Chairperson Dilan. The eight months is eight
23 months from today or eight months from the
24 accident?

25 MR. LIMANDRI: From the accident.

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2 SPEAKER QUINN: For each of the
3 accidents, okay. In your testimony about Council
4 Member Lappin's bills, particularly those relevant
5 to the use of the nylon strapping you said
6 something to the effect that the best practice or
7 the better standard is the wire roping. Is that
8 correct?

9 MR. LIMANDRI: Yes.

10 SPEAKER QUINN: Just explain to us
11 a little bit, just elaborate, what are the
12 circumstances that make it appropriate. You said
13 you're going to look for manufacturer's
14 clarification that this is an appropriate
15 situation. Just explain to us a little bit about
16 how.

17 I think one thing that's important
18 to note as I was learning more about these bills
19 is that those situations where the manufacturer's
20 exemption or guidance would allow nylon strapping
21 to occur are fairly narrow. I think it's accurate
22 to say. And when this bill would be in place,
23 would be the exception not the rule. There are
24 particular rationales and reasons why you would
25 have that coupled with the other piece of

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2 legislation that has the buffer in it.

3 Just explain a little bit about
4 that because I think it's important to note for
5 the public that when this bill becomes law, it
6 will really create a very narrow set of
7 circumstances when nylon straps could be used.
8 And really move this city to a place where we
9 largely had a norm of wire rope devices that were
10 used to hold the cranes up.

11 MR. LIMANDRI: Yes. So you are
12 accurate in that when you are lifting--

13 SPEAKER QUINN: [interposing] Thank
14 God because otherwise the staff was in a lot of
15 trouble.

16 MR. LIMANDRI: Wire rope is
17 typically used when you're hoisting, meaning
18 lifting, objects that have sharp edges. So the
19 current OSHA standard says you can use nylon
20 straps for hoisting but you must use softening
21 mechanisms which basically means that you're
22 allowing someone to hoist but you have a buffer,
23 as you described it, which is accurate, between
24 the sharp edge and the nylon sling.

25 So what I think is appropriate is

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2 that if the Council is pushing the issue
3 specifically on this, which is to say only in very
4 narrow circumstances one would expect that a nylon
5 sling could be used and that's what we're focusing
6 in on. So the bill is accurate to say if the
7 manufacturer recommends or describes specifically
8 that nylon strings are a better method to hoist in
9 their particular operation, we have to take that
10 into consideration. If the manufacturer is
11 suggesting that... as in many things that we do,
12 manufacturers do a lot of research and do a lot of
13 study. Specifically we wanted to make sure that
14 was an opportunity that someone could use it if
15 the manufacturer suggests.

16 SPEAKER QUINN: The bill lays out a
17 process by which that case would have to be made
18 to the department of buildings. Is that correct?

19 MR. LIMANDRI: Yes that is correct.
20 One of the most important things is you want
21 everyone on the team to know what the plan is
22 before they start. Which is behind one of the
23 bills and to outline how they're actually going to
24 do the job. You want to make sure that not only
25 the crane operator and all of his associated

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signal persons understand that.

But you also want to make sure that an engineer of record that understands the weights of those particular materials that are going to be lifted. That all the proper precautions are taken so you want to have an engineered plan and you want to make sure it's implemented according to the plan. You want to make sure that those people that are going to do that are well trained and have a meeting and have the opportunity to ask questions. When you show up on a job site, every job is different; every crane is different. As many times as you do it, there will always be a nuance that you want to be able to have all of the team to understand.

SPEAKER QUINN: Thank you.

Something I just want to note for the record. I think it's very significant in Council Member Lappin's bill that will largely be moving the city, in vast, vast, vast majority of the jobs, to the place where we won't be using nylon strapping anymore. We'll be using wire rope in construction jobs.

Like you said, in this kind of an

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2 industry it's very hard to ever have an absolute
3 because every job is slightly different and
4 manufacturers' specifications are different. But
5 in large part, that's where we're moving and I
6 think that is a very significant safety step
7 forward for the city and the industry.

8 Let me ask one other question and I
9 think it's relevant in these bills. But I might,
10 Chair Dilan, be skipping out of your rule for one
11 second if that's okay, just because I'm going to
12 have to leave soon. I think in the crane
13 legislations but also in one of the other pieces
14 of legislation, there's the requirement to keep a
15 log on site of the safety meeting, the attendees,
16 the minutes, etc. Is the requirement in the
17 legislation, and I should know this so I
18 apologize, but to keep the log on site and the
19 minutes on site or also to send those to the
20 department?

21 MR. LIMANDRI: Right now it's to
22 keep it on site but as you know, moving forward we
23 are providing for electronic means to scan
24 documents. Certainly we can move towards that but
25 today what we want to be able to do is we want the

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2 enforcement body of the Department to show up on
3 site unannounced and say let me see the log, let
4 me see who signed in and let me know who is doing
5 the job today. Because what you want to do is you
6 want to have the element of surprise to hold
7 people accountable.

8 SPEAKER QUINN: Right. I think
9 that element of surprise is critical. I also
10 think, and I may not be for this bill it may be
11 for moving forward, that we have to look to ways
12 like electronic scanning of data and other better
13 ways to utilize technology in the transfer and
14 communication with the Department. I think we
15 should look at that moving forward. Not
16 eliminating the element of the surprise inspectors
17 but also perhaps creating an additional
18 requirement of having to transmit all this
19 documentation to the DOB. Just kind of on that
20 same lane of technology, it's something I'd like
21 to continue to have conversations with the
22 Department about. I know this is something you're
23 interested in. I'm definitely parading [phonetic]
24 the Chair's role right now.

25 But relevant to the Council Member

1
2 Melissa Mark-Viverito's legislation, part of what
3 occurs sometimes with these buildings that have
4 fallen into disarray, fire, etc. It's relevant to
5 your agency, it's relevant to the FD, it's
6 relevant to HPD because some of these buildings
7 are actually residential on the second and third
8 floor up.

9 I think we need to, as part of our
10 long-term effort, commit to developing an even
11 stronger computer communication system within all
12 of the buildings that deal with structures in the
13 City of New York. So that you guys are
14 immediately alerted just through the 21st century
15 technology about a fire, about excessive code
16 violations, about anything that could send a
17 building into the level of structural distress
18 that Council Member Melissa Mark-Viverito's bills
19 tend to deal with. I just think if we could
20 rutenize that through technology, we would make
21 all of our work a lot easier and a lot more
22 thorough. Those are just two things I'd like to
23 work in the long term with the Department.

24 MR. LIMANDRI: Certainly. I think
25 you bring up two very good points. One is because

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2 we've installed and have the opportunity now to
3 scan documents that come to the Department and
4 within minutes post them on the internet. It
5 makes it transparent but what it also does is it
6 provides the opportunity to have a lot of
7 integrity. So as you move through the process,
8 there's none of this, the document is missing,
9 someone can alter the document.

10 The other piece is that as you know
11 we've spent about \$22 million on the
12 infrastructure. Marilyn has spent a lot of time
13 in creating this ability to push this information
14 to be able to have the opportunity to push
15 details. As one of the bills that you've passed
16 is to require us to push information to the fire
17 department, I certainly would agree with you that
18 that would be something that we do as well. I
19 absolutely agree.

20 SPEAKER QUINN: Great. Lastly, I
21 want to applaud all the pieces of legislation but
22 in particular the piece relevant to crane safety
23 training. I think that is a very important piece
24 of legislation. It's very important to have that
25 standard, to have that requirement. Also the way

1
2 the bill is written I think it will clearly make
3 sure that people will go to reputable training
4 institutes.

5 What we don't have is to pass
6 legislation that creates some cottage industry of
7 fly-by-night places that call themselves crane
8 safety training entities. Have people walking
9 around with certificates that aren't worth the
10 paper that they're printed on. I want to thank
11 the Department for working with us, the industry
12 leaders and the labor leaders to get to a place--
13 if it needs more tweaking we can do that--but get
14 to a place where somebody is certified then we
15 know they are certified from a place where that
16 certification means something. It means they
17 actually took the training and that training was
18 of a level that we then feel a sense of confidence
19 to then allow those folks to work on the streets
20 of New York in a way that we know is safe.

21 We want to make sure that only the
22 best places end up getting that level of
23 certifications. I just want to thank you for
24 working with us on that and thank Council Member
25 Lappin for introducing it and everyone in the

1
2 industry who has helped us get that balance in the
3 bill. And thank you Chairperson Dilan.

4 CHAIRPERSON DILAN: Thank you,
5 Madam Speaker. I just want to acknowledge some of
6 my colleagues who have joined us, Council Member
7 Jackson of Manhattan, Council Member Rivera of the
8 Bronx. As well as Council Member Tom White, who
9 is behind me.

10 I just have a brief follow up
11 question to that before I turn to Council Member
12 Lappin. Currently what are the training
13 requirements for workers who participate in the
14 erection, jumping, climbing or dismantling of
15 tower cranes?

16 MR. LIMANDRI: Currently today the
17 licensed master rigger or tower rigger is required
18 to have a license but there's no inherent re-
19 certification or training requirement so we think
20 that it applies there. As well as the jumping
21 crew, as they call it on the job site, there are
22 no requirements there either. We think that there
23 are certain individuals that belong to
24 organizations that do do training on a regular
25 basis.

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2 What we want to do, as the Speaker
3 identified, is level the playing field. Make sure
4 that everyone that would be part of a job site
5 that is part of the jumping crew gets the same
6 kind of training, level of training and
7 understands the implications. So there are no
8 training requirements for the jumping crew today.

9 CHAIRPERSON DILAN: In general,
10 what types of accidents or incidents outside of
11 the 15th and the 30th usually occur associated
12 with those actions in jumping, erection and
13 dismantling with those types of cranes?

14 MR. LIMANDRI: We did a look back
15 on the number of accidents that we've had in crane
16 operations. If memory serves me correctly, there
17 were 12 over 2007 and 2008 and 11 of those
18 occurred in Manhattan. Primarily it was due to
19 what we call hoisting and rigging. There were
20 only two that dealt with a jump, an erection or
21 dismantle were two or three, a handful. But I
22 think it was one of the council members, it may
23 have been you, that basically said what we need to
24 do is not just look backwards as what has happened
25 but also make sure that we look at this entire

1
2 problem. And figure out ways that we can make
3 construction sites safer, even if we haven't had a
4 number of accidents.

5 Because I do think that most would
6 agree with more training and more education for
7 workers. At the very basic level, the person who
8 is doing the job who has the right training and is
9 a trained individual, will have a safer operation
10 that day. That's what I think is so powerful
11 about some of the bills that we're talking about
12 today.

13 CHAIRPERSON DILAN: Council Member
14 Lappin?

15 MS. LAPPIN: Thank you Mr. Chair.
16 Good morning Commissioner. I wanted to start
17 because I was looking out at the group that's here
18 in the chambers today and note that I think this
19 is the first hearing since the collapse on March
20 15th where I don't have a group of constituents
21 that were impacted here to testify. I don't want
22 that to be taken by the Committee or by the press
23 as a sign that people aren't still feeling the
24 impacts because they are.

25 It's been four months and there are

1
2 still people who are grieving over the loss of
3 their loved ones. There are still individuals who
4 are not back in their apartments and some who may
5 never be. I have a letter from a constituent that
6 she is suffering from post-traumatic stress
7 disorder and people are still stopping me in the
8 street. Just because there's not going to be
9 anybody here to testify at the end of the hearing,
10 I wanted to remind everybody that the impacts are
11 still being directly felt by both communities.

12 I still feel very strong
13 responsibility because of that to do what I can
14 legislatively to prevent those kinds of accidents
15 from happening again. I think the bills we're
16 discussing today are serious and meaningful and
17 really will make construction sites safer.
18 Particularly when we are talking about crane
19 safety, I'm very happy to hear that you agree that
20 these are serious pieces of legislation that will
21 really have an impact.

22 We discussed already some of the
23 details of the three so I don't want to go over
24 ground that we've already covered. I did want to
25 ask in terms of the training for workers. The

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2 Chair just pointed out, it's sort of remarkable in
3 a way that we don't have a requirement now. The
4 master rigger, yes, needs a license and that
5 person has gone through a series amount of on site
6 work and training. But that the crew, the workers
7 on those operations, there are no requirements now
8 and this is going to change that. I think that's
9 an important thing to point out. And a great step
10 in the right direction.

11 I wanted to confirm with you that
12 the apprenticeship and training programs that that
13 unions have, Local 14 and others, that they put
14 their workers through would be covered under the
15 bill and be acceptable in terms of training.

16 MR. LIMANDRI: Yes, absolutely. I
17 think one of the opportunities here is that many
18 of the unions actually have good training
19 programs. What we want to do is we want to make
20 sure that we recognize that training as long as it
21 covers the particular topics. So what they'll do
22 is, just like everyone else, they'll submit their
23 training topics to us and we'll look through them
24 and make sure that they cover it. Most of the
25 time the unions have a very good handle on what's

1
2 required and what's needed to do the job. They've
3 been doing it for years. So we suspect that most
4 of those will not be a problem.

5 In fact, Local 14 has already
6 approached us and says they have a training
7 program and they want to provide us the details.
8 I think that's under review right now.

9 MS. LAPPIN: They do. I know the
10 iron workers do as well. They have sent my office
11 these--

12 MR. LIMANDRI: [interposing] Huge
13 books.

14 MS. LAPPIN: And me these huge
15 manuals that honestly I'm not in a position to
16 evaluate what their training program are. But I
17 know that they are very serious about the safety
18 of their workers. They have worked hard to
19 develop these programs even though they weren't
20 required, which I think is significant. So we
21 would obviously want the work that they're doing
22 to be recognized and to be included.

23 We talked a little bit about nylon
24 slings. I know that the investigations are still
25 ongoing but we do at least know that the slings

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2 failed at 51st Street. I don't believe there was
3 a pre-task safety meeting there. So I think both
4 of these bills may have applied to that site but
5 we are look prospectively.

6 In terms of the meetings that will
7 take place before the operations where everybody
8 will sit down and really map out. Here's the
9 plan, here's what we're doing, here's what you are
10 doing, here's what you're doing. And people are
11 discussing it together. I know since the first
12 crane accident, that's been something that the
13 Department of Buildings has been requiring. How's
14 that been going? I know you made a couple of
15 changes. I just wanted you to speak to that and
16 what you have seen since March 15th, tracks with
17 what's in the bill.

18 MR. LIMANDRI: Since the first
19 collapse as of maybe a week ago, we've done 67
20 erection, dismantling or jumping opportunities.
21 Many times, you probably know this because you're
22 in the neighborhood, they usually take more than a
23 day. So it's about 120 days of work. We've seen
24 contractors and union operators come together.
25 They understand the significance. Everyone is

1
2 very, very attuned to wanting to do the right
3 thing.

4 We have worked with them on what
5 goes on in those meetings in detail. We think
6 that most of those individuals understand the goal
7 and we have tweaked it a bit. But overall we've
8 seen good compliance.

9 MS. LAPPIN: Do you think that it's
10 made a difference?

11 MR. LIMANDRI: Absolutely. One of
12 the things that most people would say is that
13 before you do a job, and certainly one where you
14 would consider a high risk activity, when you have
15 a plan. You go over the details with every person
16 that's on the job there is no opportunity to say I
17 didn't know what you meant by. You want to make
18 sure that everyone understands. This particular
19 job is going to be different because. You want to
20 have all those nuances laid out. I think that
21 it's a great bill; it codifies what we're doing
22 today. It will outlast you and I and I think that
23 will make construction sites safer. I think it's
24 a really good step forward.

25 MS. LAPPIN: After the collapse or

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2 the accident on 91st Street, I know you halted all
3 of the Codiac crane operations. They have
4 gradually been coming back online, including the
5 one on 67th Street. I know your staff was good
6 about it because it's right by an elementary
7 school, letting us know and meeting with the
8 principal, etc. I wanted to ask where are we with
9 the Codiac Cranes, the six or seven that were in
10 operation.

11 MR. LIMANDRI: There were four in
12 operation in addition to the 91st Street. What we
13 did is, as you said, we halted the operation. We
14 came up with a protocol of testing and we required
15 that testing to occur before they could go back to
16 work. 123 Washington did not pass the test and it
17 was taken down. 67th Street, they needed to pass
18 most of the tests. They need to make some
19 changes, which they did, and they went back to
20 work. There are two others that were going
21 through the process. I expect that that will be
22 done shortly. 808 Columbus was one of them and
23 they went back to work.

24 What we were doing there is we
25 wanted to see what the history of those cranes

1
2 were; the details of the structural tests and
3 elements. Had they had any major repairs? Let's
4 do some additional technical testing to make sure
5 that we don't see any reason to believe that we
6 should take this crane down. We are not going to
7 have what happened at 91st Street.

8 MS. LAPPIN: As the Speaker said,
9 this is meaningful what we're doing today but not
10 the end. Legislation, this process takes a while.
11 What we're passing hopefully in the next month or
12 so, we've already been working on since March 15th
13 and the second collapse was a month and a half
14 after that. Since then, and as you've been
15 looking at these other cranes and doing sweeps,
16 inspections and additional testing, what have you
17 found? What would you see as being next steps
18 even beyond what we're doing today?

19 MR. LIMANDRI: We've done a lot
20 since the crane collapse. We've added more
21 inspectors; we've revised our protocol for
22 inspections. We've done additional training for
23 our people, internal; we brought in outside
24 consultants. What we've also done is we have
25 identified and met with the industry on

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opportunities and proposals for change.

There are approximately 10 or 12 proposals that I have outstanding that I have come up with, with the industry as opportunities for more change than just these bills. Those things have to do with details of the crane, the history of the crane, its parts. How do we track them?

We announced that two or three weeks ago, specifically talking through what more can we do. We certainly can review that with you in detail and show you where we're going. What we wanted to do is we want to act quickly. We don't want to wait for an investigation to be done. As someone indicated earlier, we want to open the box and we want to fix the whole thing, even if there was no problem in a particular area with regard to crane safety.

In addition to those 12 proposals, right now we have additional inspectors on the ground that come from engineering background outside of this jurisdiction. They are inspecting sites independently and then they will be giving us reports on a regular basis. In the fall I expect to have details back from those inspections

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2 that will either quantify and work towards giving
3 me detail on the proposals that I've made or they
4 may find additional opportunities.

5 So what's coming down over the next
6 couple of months is the results of those
7 inspections. And us to work out the details on
8 the 12 proposals I've made. Those 12 proposals
9 may require legislation, may require rules or may
10 just require us, the Department of Buildings, to
11 do something differently or ask the industry to do
12 something differently just like we did in the days
13 after the collapse.

14 MS. LAPPIN: My last question is
15 where are we with the site at 51st Street?
16 Because I was up on my route this weekend and I
17 didn't see it Friday night all lit up and Sunday
18 with the Orange routes. I just was wondering
19 where we are.

20 MR. LIMANDRI: To date, as you know
21 or maybe you don't know, we revoked the permit.
22 We asked the engineer or architect of record to
23 come to the Department and satisfy all objections.
24 They were not able to do that so they have an
25 option. One is to resubmit new plans to conform

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2 to the zoning and code. Or two is to take us to
3 the Board of Standards and Appeals and say that
4 they don't agree with our decision.

5 MS. LAPPIN: Have they indicated
6 which path they're going to choose?

7 MR. LIMANDRI: We suspect that
8 they're going to come back with a new set of plans
9 but we'll see.

10 MS. LAPPIN: Do they have a
11 timetable under which they have to do that?

12 MR. LIMANDRI: Currently under the
13 code and zoning, there is no requirement for them
14 to come back to the Department in a certain amount
15 of days, only if they were trying to satisfy
16 they're current permit we've revoked. So now the
17 timetable is really up to them.

18 It is my intention not to have an
19 open building. Let's either build it or take it
20 down or whatever we need to do.

21 MS. LAPPIN: Take it down.

22 MR. LIMANDRI: I figured you'd vote
23 for that. But what I'd like to do is I'd like to
24 have it done.

25 MS. LAPPIN: But I guess my

1
2 question is how long can they leave the half built
3 open job site there? Because that's not safe
4 either.

5 MR. LIMANDRI: What we've done so
6 far is we've made it safe in that we've taken all
7 the debris away. We put up the appropriate safety
8 measures. And a concrete structure that has no
9 debris is not an unsafe structure. What it is, is
10 it's not appealing to the neighborhood. So at
11 this point what I'd like to see is them to be
12 complete and I'd like to see them back on the road
13 to somewhere.

14 MS. LAPPIN: Obviously we can't
15 maintain the status quo. So they haven't
16 indicated to you when they might come back with
17 plans so we'll have to either--

18 MR. LIMANDRI: [interposing] I
19 would expect that it's in their best interest to
20 make a decision and move it along.

21 MS. LAPPIN: Okay. Thank you Mr.
22 Chairman.

23 CHAIRPERSON DILAN: Thank you
24 Council Member Lappin. I also want to acknowledge
25 that we've been joined by Council Member Leroy

1
2 Comrie of Queens and I understand he has a
3 question at this time also.

4 LEROY G. COMRIE, JR.: Thank you
5 Mr. Chair. I had a question regarding New York
6 Crane Company and what was the update on any of
7 the investigations that were done around their
8 ability to put cranes on the sites. What is the
9 Department of Buildings' role in looking at their
10 ability to install cranes at different sites?

11 MR. LIMANDRI: Specifically what
12 we've been doing is requiring in the days after
13 the collapse of the Codiak Crane we put in a ban
14 on those Codiaks to be used that were already up
15 in the air. And to make sure that they were safe
16 we went through a series of tests. You may have
17 missed this part but we went through a series of
18 tests. One of them came down, two of them are
19 back up and running and the fourth one is still
20 under review. That is what we did initially in
21 regard to the Codiak--

22 MR. COMRIE, JR: [interposing] No
23 I'm asking not about Codiak Cranes but just about
24 their site safety procedures in general. Is there
25 someone from your department that is monitoring

1
2 New York Crane Company with all of their siting?
3 I have a siting that's in southeast Queens that
4 members of the community and board are concerned
5 about. It's not a Codioc Crane, it's only a 12-
6 story building but because it's being done by the
7 same company. They're concerned with their
8 reliability and safety record. Especially since,
9 as they have said, they were inspected before all
10 of the accidents and the accidents still occurred.
11 Really what I'm asking you is what is being done
12 to monitor all of the installations by New York
13 Crane Company not just the Codioc?

14 MR. LIMANDRI: I'm sorry I didn't
15 answer the question. We have brought on
16 additional staff, we've changed protocols and
17 we've been going out and doing inspections. I
18 would suggest that we're not looking at one
19 particular company, we're looking at all
20 companies.

21 So what we've been doing is we have
22 brought on three different consultants that are
23 working with us. One is working with us in the
24 plan review and exam area. One is working on a
25 mobile cranes, which they're doing spot

1 inspections and inspections in the crane yards.
2 And then the third company, which is an
3 engineering firm that we have brought on, crane
4 specialists that are going out and doing spot
5 inspections with our employees. That's what we're
6 doing across the board.
7

8 If there's a particular site that
9 you're concerned about, you can dial 311 or you
10 can call my office if you're concerned.

11 MR. COMRIE, JR: And if you contact
12 them about this specific site, what's the
13 turnaround time as far as an opportunity for an
14 investigator to come out? What's your
15 notification method to the individual or the
16 concerned party? Say the community board calls
17 you with a concern, how do you get back to them to
18 give them the information?

19 MR. LIMANDRI: Well there's a
20 couple of different ways. We normally work with
21 community boards and certainly there's the 3-1-1
22 system. We do have people that are in each
23 borough that specifically work with community
24 boards and they can have an ongoing dialogue on a
25 particular problem. Certainly community boards

1
2 are a vehicle to raise the consciousness or level
3 of care by the Department. Because that community
4 board member may be there everyday and can see
5 what's going on.

6 So the number of days to a
7 turnaround time if the report is considered an
8 emergency, we usually go within hours depending on
9 the description of the task. But certainly the
10 top of mind cranes do take a priority and we're
11 getting out to them within a few days.

12 MR. COMRIE, JR.: Has there been a
13 review of all of the safety personnel at New York
14 Crane and making sure that they're meeting all of
15 the applicable standards for crane installation?

16 MR. LIMANDRI: Actually in crane
17 operations, there is the crane manufacturer,
18 there's the crane owner. But there's also the
19 people who operate and maintain the crane on the
20 job site. Those people are in this jurisdiction,
21 we have some that are actually by the crane owner
22 and some of them are not. Some of them are
23 actually personnel that are employed on the job
24 site.

25 What we have been working towards

1
2 is creating a new standard of the level of care.
3 In one of these bills, the training requirement
4 requiring all of those individuals to have a
5 certain level of training is where we're going.
6 But today, what we're doing is the best way is to
7 make sure that we get out there. And that the
8 city takes a hard look at how they're doing
9 operations, stopping jobs when we need to and
10 holding the line. So that's what we are doing
11 right now is getting out there, doing inspections
12 and making sure that they're following the
13 appropriate safety standards.

14 MR. COMRIE, JR.: Thank you. Thank
15 you, Mr. Chair.

16 CHAIRPERSON DILAN: Thank you
17 Council Member Comrie. I just have a few
18 questions in closing. I guess currently does your
19 crane and derek [phonetic] division, do you feel
20 they have a competent--I wouldn't say competent.
21 But do you feel they have the sufficient level of
22 staff to perform the tasks required under these
23 three bills that passed?

24 MR. LIMANDRI: With each bill that
25 gets passed we must do a cost analysis and provide

1
2 that to the mayor, the Office of Management and
3 Budget and we'll do that. If there are any
4 requirements in order to implement those bills,
5 we'll get those resources. That's the first
6 thing.

7 The second piece I think will be
8 the question is do you have enough resources.
9 Right now what we've done is we have a standard
10 level of personnel. We've augmented those
11 personnel with appropriate trained staff from our
12 engineers and companies that are in the business
13 of cranes. Once we settle out of this and we do
14 our review of the unit, we will be making a
15 proposal to restructure the unit and providing a
16 staffing plan, which I don't have today.

17 CHAIRPERSON DILAN: So then that
18 leads to my next question, which is I guess kind
19 of broad on all three bills. Maybe on one of the
20 bills it's fine, but I would think definitely for
21 two of the three bills, it seems to be a little
22 light on the penalty provisions. Do you have any
23 comments or recommendations?

24 MR. LIMANDRI: Which bill
25 specifically?

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2 CHAIRPERSON DILAN: I would say
3 specifically 795 and 794.

4 MR. LIMANDRI: As my senior counsel
5 is talking to me, most of the time we go through a
6 rulemaking process. So it's up to you if you
7 wanted to call them out specifically in the law.
8 But we go through a process of doing it by rule,
9 reaching out to ECB, the Environmental Control
10 Board in setting those standards. Certainly from
11 our perspective, we don't want a penalty to be
12 just a cost of doing business.

13 If you recall when we had the
14 Scaffold Safety Task Force, we went through a
15 process to make sure that there was a combination
16 of right to do work as well as higher penalties.
17 So it's not just about the dollars, it's also
18 about whether a registered or licensed person by
19 the City of New York is allowed to continue to
20 work in this city. I would say it's combinations.

21 CHAIRPERSON DILAN: I got that but
22 say somebody just totally decides to disregard all
23 the training that we implement. What in your
24 rulemaking keeps them in line?

25 MR. LIMANDRI: There are two things

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2 that we could employ in the bill. One is you can
3 have a monetary fine. The second is, if it's the
4 person giving the training and we were to find
5 that they were not doing it appropriately or there
6 was fraud. We could take away their right to
7 certify those individuals in this city, which is a
8 pretty significant deterrent. Then if you talk
9 about those personnel on the job site, we would
10 look towards not the worker but we would look
11 towards the company.

12 So if it's a general contractor
13 with the safety bills, certainly that would be a
14 penalty for a general contractor with regard to
15 his safety record. I would say that if they're
16 employing personnel that haven't been trained, and
17 as part of the general contractor safety control
18 number, that would be a penalty against that.

19 CHAIRPERSON DILAN: Again, I don't
20 want to overly penalize. I understand that but I
21 think that those provisions need to be looked at
22 in this bill so that they're taken seriously by
23 the industry, by the public and the
24 administrations as well. Again, I don't want to
25 over reach but I think to have nothing there in

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the legislation is a mistake. So I think we--

MR. LIMANDRI: [interposing] I'm absolutely fine with that. You know I'm all about penalties.

CHAIRPERSON DILAN: Okay. And I'm usually not but this is one case where I think something has to be done. I want to focus specifically on 794 for a second. I'm sorry, excuse me. It's the wrong bill. I want to go to 796.

I want to talk about crane jumping and dismantling operations that are performed at night. Are these operations happening at night? If they are, why are such procedures permitted during such hours?

MR. LIMANDRI: There are times when these operations do occur when there is little or no daylight. This is a practice that we do have to take into consideration when you are in a particular neighborhood at a particular time. Normally these operations, unfortunately there is nothing you can do about this, but they take a lot of time. So they could take several days before you actually complete a job.

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2 What we have to do is we have to
3 take into consideration what's going on on the
4 ground, who is affected, traffic considerations.
5 There are lots of opportunities that we have to be
6 cognizant that it's not just about the
7 construction job site. There are other things
8 going on on the ground. So it does occur in the
9 evening, it does occur on weekends. It occurs on
10 Friday night depending on what we're doing and
11 specifically about what's going on on the ground.

12 CHAIRPERSON DILAN: So right now
13 there's no prohibition by rule that would prohibit
14 this?

15 MR. LIMANDRI: Not that I know of.

16 CHAIRPERSON DILAN: Okay. I want
17 to thank you for coming in and discussing these
18 three items. We're going to move on to the second
19 part of questioning, which will allow for
20 questions on the other four items on the agenda.
21 If they're ready, I'd like to give the bill
22 sponsors privilege to ask questions first.
23 Council Member Jackson jumped up first so I'll
24 grab--

25 ROBERT JACKSON: [interposing] I

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defer.

CHAIRPERSON DILAN: He defers so Council Member Viverito followed by Jackson.

MS. MARK-VIVERITO: Thank you Mr. Chair. Thank you my colleague, Robert Jackson. Just very quickly, I want to understand a little bit right now with regards to what is the current policy when it comes to structurally compromised buildings. Are there any reporting requirements, any inspection requirements? What's the process right now?

MR. LIMANDRI: Right now when we go to a job site and there is a structurally compromised building, the Department has a right to order a structural assessment. What your bill does is it provides for the opportunity, not for today but for three years from now when the owner hasn't done anything. I think the other piece that your bill provides for is the opportunity for there to be consequences if they don't do it. It's clear that the Department can act on its own behalf without asking the owner why haven't you complied. It becomes very clear.

If we identify that every two years

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2 you need to do a structural assessment after the
3 initial one and you haven't done that. After we
4 go through a process and ask you to do it, if you
5 haven't done it the City has the right not only to
6 do it but then to basically back charge to charge
7 you and put a lien on your property. Liens become
8 a good enforcement mechanism for us to get action
9 by an owner who doesn't want to do anything.

10 What we want to do is we want to
11 prevent an opportunity where a building can sit
12 there for four, six, seven years, completely
13 unattended to. It's appropriate for us to force
14 the owner to take some responsibility here.

15 MS. MARK-VIVERITO: True. I
16 understand that. In this case we're talking about
17 buildings that have been vacant for decades in
18 some cases. The collapse that happened on 125th
19 Street, that building had easily been vacant other
20 than the commercial space. This is what happens,
21 the owners occupy the commercial space on the
22 ground floor but the five floors above it are
23 completely vacant. The building had been vacant
24 probably over 20 years and the owner decided at
25 some point to do upgrades and that's where the

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collapsed happened.

Now the other issue that this brings up, and that's separate discussion that I'm also having is the City had to shut down that portion of the subway system. The MTA had to be shut down. There were a lot of city resources that went, that the City put up to take care of a negligent landlord or a negligent owner. I really think in some ways there should be very sever penalties in that case where the owner who has compromised a building by neglecting it should pay the City back for anything that we put out in order to take care of securing the building or anything else that has been affected. That's a separate conversation but somewhat related.

I guess part of this also would involve some sort of due diligence of the community also. Because if we are aware of buildings that have been vacant and you're not getting the report or the owner is not reporting it to you, sometimes it's hard for you to know it's vacant unless somebody tells you that it is. That's going to be an aspect here--

MR. LIMANDRI: [interposing] That's

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2 true but one of the things that's most important
3 in what you're doing is because we have everything
4 on the internet and because it becomes all
5 transparent. We're going to identify an
6 opportunity. Once it gets in the system that it's
7 tagged and there's a proactive opportunity for
8 this city to react and not wait for a civic group
9 or a community leader such as yourself to call us
10 up and say hey, this has been going on for a
11 number of years now. You need to do something.

12 What we want to do is we want to
13 set a course over time. After you and I are long
14 gone, that it provides for an opportunity for that
15 owner to be responsible. If he's not then it
16 requires the department to follow up but also
17 provides for the opportunity to tag it. So in
18 this case, if this were in place that building
19 would have been tagged eight years ago and
20 probably would have went through two or three of
21 these iterations where an engineer of record would
22 have to go there, look at the site.

23 And then he'd have to write and be
24 on record with the Department. To say, you know
25 what, it's fine. Don't worry. I can guarantee

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2 you that once you get to that point, engineers and
3 architects understand the implications of making a
4 bad call. What they do is then they start to say
5 to the owner you need to fix this and you need to
6 fix that.

7 Now in local law 11, one of the
8 good pieces of that is if an engineer is required
9 and hired to do that inspection. And notifies the
10 owner that he's got a problem and he needs to deal
11 with it and it's in unsafe condition, that
12 engineer must report that to the Department of
13 Buildings, regardless of whether the owner
14 responds or not. It is his responsibility to do
15 that; he is licensed by the State of New York. If
16 he doesn't do it then he's not following his
17 appropriate responsibility.

18 What you want to do is you want to
19 put an engineer there. You want to make it a
20 responsibility that he gets there and he makes the
21 right recommendations and signs off on those
22 recommendations to allow it to stand without
23 substantial work. But you also want to set it up
24 for when they finally go back to work that they do
25 the right thing so that all the information is

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2 there for the guy who is going to go ahead and
3 renovate the building. If there are rotten
4 joists, that's identified. All of that work is
5 important to identify before you go back to work.

6 MS. MARK-VIVERITO: Just what role
7 do you see with other city agencies like HPD or
8 FD? What is the relationship now? Do they notify
9 you when there are concerns about the structural
10 integrity of the building?

11 MR. LIMANDRI: For example, the
12 fire department on their rounds that they normally
13 do they call it in to our department. We put it
14 into Biz or they put it into Biz directly, either
15 way. Once that goes in, we do an inspection and
16 usually they ask for us to do a structural
17 assessment. When we do that structural
18 assessment, now we'll have a tool with your bill,
19 which is to say we feel it's structurally
20 compromised.

21 We want it to fall into this
22 category of building and therefore it requires the
23 owner of a regular basis every two years at a
24 maximum. It may be that we go there and we say,
25 you know what, this building is unstable. We need

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2 to do it every year or every six months based on
3 the severity. But then it creates the opportunity
4 for the Department to consistently going back to
5 being more proactive. We don't want to be
6 reactive anymore; we want to be proactive. We do
7 want to rely on the community but they can't be
8 our only resource.

9 MS. MARK-VIVERITO: Those are my
10 only questions. I'm very glad to hear that you're
11 very enthusiastic about this bill. I'm very proud
12 of it. There was a lot of work that went into it
13 as well. I want to thank the staff and I think
14 it's very important so I thank you for that. And
15 that's it for me. Thank you.

16 CHAIRPERSON DILAN: Thank you
17 Council Member Viverito. Council Member Jackson.

18 MR. JACKSON: Thank you Mr. Chair.
19 Good afternoon, Commissioner. I wanted to discuss
20 493A, a bill which I sponsored on retaining walls.
21 I believe your testimony on page ten speaks to
22 that. Unfortunately I was not here at the moment
23 but can you tell me whether or not you as the
24 Commissioner or your department. Are you in favor
25 of this bill or against the bill? Quite frankly,

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2 one way or the other, how do you see the bill as
3 far as the Department of Buildings being
4 responsible for ensuring compliance and what have
5 you?

6 MR. LIMANDRI: We are in favor of
7 the bill. We think it's an appropriate bill and
8 we'd like to see it pass.

9 MR. JACKSON: Pretty simple. Now
10 do you see that you will need additional staff or
11 you can do this with all the staff that you
12 currently have?

13 MR. LIMANDRI: We will go through
14 the assessment. Most likely we will need some
15 minimal number of staff to employ the program.
16 But again, that's something that we would do right
17 before it gets passed. If it goes to a vote, we
18 would identify the resources needed to OMB.

19 MR. JACKSON: Do you foresee
20 additional inspections of walls as a result of
21 this law? Or it really doesn't matter because
22 you're doing inspections anyhow?

23 MR. LIMANDRI: Certainly with this
24 law, it will require us to go out more often based
25 on the reporting requirements. Anytime we track a

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2 particular group of buildings or something in
3 particular, it will require the staff to go out
4 and audit and make sure that those licensed
5 professionals that are identifying the particulars
6 of a wall. We will have to do that.

7 MR. JACKSON: What unit or division
8 within the Department of Buildings handles the
9 inspection of retaining walls on private and/or
10 public property?

11 MR. LIMANDRI: Currently the
12 auditing program that we have in place today is
13 part of our emergency and engineering oversight.
14 So that's emergency and engineering division.

15 MR. JACKSON: But in the normal
16 course of an inspection that's not an emergency,
17 is that still under them?

18 MR. LIMANDRI: No, it's all under
19 the same head. There are engineering inspections
20 and emergency, they all roll up to the division of
21 emergency and engineering. So I don't mean to say
22 that only it's an emergency but that's where it's
23 housed. In other words, it's not housed in the
24 borough operations.

25 MR. JACKSON: If I, as a council

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2 member in district seven, which is northern
3 Manhattan where the retaining wall on the Castle
4 Village collapsed on the highway in 2005. If I
5 ask the DOB, Department of Buildings, for a list
6 of all the private properties with retaining walls
7 in my district would I be able to ascertain that
8 from the Department of Buildings? I'm just asking
9 a general question. Any council member may be
10 able to answer this question.

11 MR. LIMANDRI: What's important
12 about this and like local law 11 when it went into
13 effect. Local law 11 went into effect and it was
14 very simple because we have a database of
15 buildings that are under six stories. And then
16 there were some buildings on the fringe where we
17 had to go out and inspect. We had to rely on
18 owners to tell us that they were or not.

19 This is more difficult in that we
20 will go through a numbering and identification
21 process of walls. So we have a list of walls
22 today. Those walls come from different parts of
23 government, Department of Transportation, Parks
24 Department. But we are going to have to go
25 through a process of bringing walls into the fold

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2 that are not part of the process today. So I
3 don't have a list at my fingertips of every wall
4 but I certainly have something to start from.

5 MR. JACKSON: Okay. Thank you.
6 Thank you Chair.

7 CHAIRPERSON DILAN: Thank you
8 Council Member Jackson. I have a few brief
9 questions on Intro 783 and Intro 790. 783 is the
10 site safety personnel that would include concrete
11 site safety managers. The first question is there
12 is a \$250,000 threshold in the bill as it's
13 currently written. Would that 250 threshold
14 include foundation work?

15 MR. LIMANDRI: This is actually
16 something that we've been talking about, which is
17 to say if we want to build a piece of legislation
18 that will outlast time. A monetary figure is
19 probably not the right metric. This is something
20 that we've made that to your staff members that we
21 might want to change that to maybe cubic yards.

22 CHAIRPERSON DILAN: A cubic metric,
23 I was hoping to.

24 MR. LIMANDRI: As an opportunity to
25 change that, yes.

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2 CHAIRPERSON DILAN: Which we've
3 discussed internally and I'm open to. But I have
4 to deal with what the current--

5 MR. LIMANDRI: [interposing] So the
6 primary focus here is that we have seen a number
7 of accidents, near misses even, that have occurred
8 up in the air. The kinds of issues that we have
9 in excavation sites are engineering issues,
10 they're not concrete form issues and debris. The
11 essence of why I'm excited about this bill is
12 about being able to control how things are being
13 done up in the air. To me, this would not be
14 about foundation work; it's really about work
15 that's above ground.

16 CHAIRPERSON DILAN: Would the
17 presence of a concrete safety manager be required?
18 I guess that one we could scratch; you don't have
19 to answer that. Will this legislation require
20 concrete safety manager if pre-cast concrete is
21 used?

22 MR. LIMANDRI: It's a good point.
23 We haven't actually talked that through. One of
24 the options we had was to be able to put a
25 provision in. Today we could not contemplate pre-

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2 cast. We only talk about placement of concrete in
3 place meaning you build a form, you place the
4 concrete, you strip the form. So here we would
5 not look to pre-cast but we did discuss perhaps an
6 opportunity to phase other types of concrete work
7 in if over time the next Commissioner wanted to
8 identify an opportunity where there was a problem.
9 You could put in a provision that would say
10 whatever the metric that you decide. Then over
11 time allow by rule to add different pieces of
12 concrete work in. But no for pre-cast right now.

13 CHAIRPERSON DILAN: Great. So then
14 I'll jump over to 790. One or two questions and
15 then that should be it. I guess which type of
16 jobs would be considered unusually hazardous work
17 under this bill?

18 MR. LIMANDRI: The intention I
19 think by the Council and from my perspective is
20 where we have had the history of opportunities of
21 accidents. What we have been talking about is
22 high rise construction. In the new code, that is
23 determined of jobs over ten stories so to me, a
24 base level of training universally across all job
25 sites. No matter how they're managed of ten

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2 stories or above would be what we see because this
3 section is under the site safety section, which
4 applies to buildings over ten stories.

5 CHAIRPERSON DILAN: When site
6 safety plans are required does the Department
7 currently review such plans?

8 MR. LIMANDRI: We review plans that
9 are site safety plans, yes.

10 CHAIRPERSON DILAN: Before we wrap
11 up, I know I did set the rule out in the beginning
12 but I think it's just I have one more crane
13 related question that I forgot. The training bill
14 would obviously require all personnel to be
15 trained, to have these 30-hour courses. How do
16 you think this will impact the industry? Do you
17 think that it could cause a slowdown? Give me
18 from your perspective how the industry will be
19 impacted by this crane bill.

20 MR. LIMANDRI: I think and I think
21 if you talk to the industry as well, they would
22 vote for a universal playing field of training
23 across the board as a good thing; more training
24 and more education for whatever worker that's
25 involved. And some ongoing training requirement

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2 is a good thing for the industry from a safety
3 perspective. We always build in the opportunity
4 for there to be a timeframe in which the industry
5 can respond so we would do the same thing here.
6 This would not be anything new. We would make
7 sure that we would not put something in place that
8 the industry can't respond to over time. This is
9 a continuum.

10 Again it's about creating
11 opportunities that will make construction sites
12 safer over the long terms. So we're going to want
13 to do it right. We want to make sure training
14 courses that are in place today that cover
15 particular parts and topics that we want to seek
16 under training. There may be an opportunity that
17 some potential training programs already provide
18 this type of training. Again, we go back to
19 having a level playing field.

20 CHAIRPERSON DILAN: So what type of
21 phase in or implementation are you thinking about?

22 MR. LIMANDRI: I'm just checking to
23 see if there's a period of time written in the
24 bill today.

25 CHAIRPERSON DILAN: Maybe you can

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2 assess that offline and get back to us as we move
3 on to bills...

4 MR. LIMANDRI: Yes, absolutely.

5 CHAIRPERSON DILAN: ...instead of
6 trying to create it now. Then I guess as a result
7 of this legislation everybody that undergoes this
8 30-hour training will get a certificate and then
9 will have a card that they can carry in their
10 wallet stating that they have completed the
11 training. Has the administration thought about
12 maybe if someone is on the site that doesn't have
13 their card obviously they have to stop work. But
14 if this individual has completed the training I
15 believe some sort of grace period should be given
16 to allow this individual, within 72 hours or so,
17 that he would have to provide proof to the
18 Department that the training has been completed.
19 Then that violation would be cured without
20 penalty. Do you have any thoughts or comments?

21 MR. LIMANDRI: I have a pretty
22 strong thought, which is we had this very specific
23 conversation with regard to scaffolds and
24 suspended scaffolds. The common defense has been
25 yes, I'm Joe, I'm on the scaffold and I forgot my

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2 card, sorry. And when they go to ECB they say see
3 here's my card. Now one of the things that you
4 want to do is you want to make sure that you have
5 an enforcement mechanism that's really clear.

6 If we say that you need to have
7 training then you need to make it your business.
8 When you drive your car you put your wallet in
9 your pocket, which has your driver's license. You
10 know if you get caught you don't get to drive
11 home. So I would suggest to you that training in
12 this regard, this is a highly specialized training
13 effort. We want to make sure that the crew that's
14 going to do that job today, if he forgot his card
15 he is not allowed to work. It's not the guy who
16 forgets that we're worried about. It's the guys
17 who think they can do it without the training and
18 that's what we're trying to do.

19 We do not want to put New Yorkers
20 at risk and we do not want to put that
21 construction project at risk. It protects the
22 crane operator because he knows that nobody on
23 that crew could be allowed to be doing the job. I
24 know how these things go. Guys show up on the job
25 site and somebody's sick. All of a sudden they've

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2 got a problem and they got a job to do. Their job
3 is to make sure that they have alternates.

4 If somebody is sick that day, they
5 can make a phone call. Somebody else can show up
6 for that job and go for that pre-task planning
7 meeting. You want to make sure that the guys that
8 are on the job site are going to protect all of
9 the other guys on the job site. If that guy
10 doesn't have his real training then he should not
11 be allowed to work that day. I'm pretty adamant
12 that there should not be a grace period.

13 CHAIRPERSON DILAN: Okay. With
14 that I'd like to thank you all for coming in and
15 discussing these items. Myself, the members of
16 this Committee and Council Member Lappin, Viverito
17 and others who weren't a member of this Committee,
18 I look forward with you on these bills. Of
19 course, we'd like to thank you.

20 MR. LIMANDRI: Thank you.

21 CHAIRPERSON DILAN: At this point
22 we only have two individuals who have signed up to
23 give testimony. Again, if anyone else wants to
24 provide testimony on any of the items please see
25 the Sergeant at Arms. But at this time I'll call

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2 Mr. Louis Coletti and Mr. Edward Malloy.

3 Gentlemen welcome. And I guess you
4 can begin in any order that you'd like.

5 EDWARD MALLOY: Thank you Mr.
6 Chairman, members of the Committee. Today's
7 testimony will be shared by myself and Mr. Lou
8 Coletti, who is the CEO of the Building Trades
9 Employers' Association. My name is Edward J.
10 Malloy, I'm President of Building and Construction
11 Trades Council of Greater New York. It represents
12 100,000 members who work in the five boroughs in
13 New York City. We are here this morning to
14 testify on seven bills intended to improve safety
15 in the building construction industry.

16 Regarding Intros 687A, 793A and
17 794A, we are in support of these bills as an
18 industry. Both the Council and the administration
19 has worked with the building construction industry
20 to show that these three bills will promote better
21 safety in buildings, structures and worked
22 performed on them. We commend these efforts.

23 Intros 783A and 790A would
24 respectfully require concrete safety manager on
25 safety projects. And two would require enhanced

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2 site safety plans on certain projects. We are
3 presently opposed to these bills in their current
4 forms. I will ask Mr. Coletti to share with you
5 what our concerns are regarding Intro 783A and
6 790A.

7 LOUIS COLETTI: Good morning Mr.
8 Chairman, members of the Committee. My name is
9 Lou Coletti. I appreciate the opportunity to be
10 here and I also want to thank the Chairman, the
11 members of the Committee, the staff for the
12 tremendous opportunity we have of working with you
13 toward a resolution on all of these particular
14 bills.

15 Specifically with respect to 783,
16 the concrete safety monitor. I believe we're very
17 close to reaching an agreement but our concerns,
18 some of them are minor technical changes. The
19 concrete safety manger, as it's written in the
20 bill, it says that it should report to the site
21 safety manager and we believe that that should be
22 changed to coordinate. They work for two
23 different companies so that can't report under a
24 formal reporting structure like that but they can
25 coordinate their activities.

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2 With respect to the 30-hour
3 training course, which is sort of generic in the
4 bill. We believe it should specifically be a 30-
5 hour OSHA competent person training course, which
6 is offered on a regular basis by OSHA. We feel
7 very strongly that the Department of Education as
8 an institution to certify curriculums should be
9 deleted from the bill. The Department of
10 Education, quite candidly, knows absolutely
11 nothing about our industry. We would not even
12 want to put them in a position of having to
13 approve any training requirement in an industry
14 that as dangerous as ours.

15 With respect to the Department of
16 Buildings approving curriculums, I want to pick up
17 on the discussion that the Speaker spoke about
18 this morning. We would also like the individuals
19 who have to have five years of construction
20 experience, concrete experience along with the 30-
21 hour training to be registered with the Department
22 of Buildings. We have recently seen in the
23 newspapers an investigation going on within OSHA
24 of people just randomly handing out OSHA cards to
25 people who have not been trained by OSHA. We

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2 think it's important that those individuals then
3 register with the Department of Buildings so when
4 an inspector goes to a site it's very easy for
5 them to call up and find out if, in fact, that
6 concrete superintendent has the appropriate
7 credentials for that site.

8 We also believe that the Department
9 of Buildings should be required to perform an
10 annual audit on those training institutions that
11 it does authorize to ensure that they really are
12 in fact real training institutions with real
13 classrooms, with real students who are really
14 providing the training.

15 Before we mentioned the fact, Mr.
16 Chairman and you brought up the question, the
17 dollar threshold doesn't seem to work. I think
18 that we're going to be able to reach an agreement
19 on what the appropriate threshold would be. Say
20 790 also or did we get there? That was 783.

21 The only thing I'd like to put on
22 the record for 783 is I heard the Commissioner
23 mention background check. That language is not in
24 the bill and we would encourage the bill to not
25 include that language.

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2 MR. MALLOY: That is 783 and 790.

3 MR. COLETTI: 790, with respect to
4 790, enhanced site safety specific safety plan.
5 We encourage the elimination of the paragraph that
6 talks about contractor representatives teaching
7 OSHA standards at these periodic meetings. We are
8 in support of the language that calls for those
9 meetings. But you must be certified to be an OSHA
10 instructor. Our contractors don't necessarily
11 have the exact certification. It really doesn't
12 make sense.

13 Plus we have some questions as to
14 the legality of the piece of city legislation in
15 posing OSHA standards. There have been recent
16 court cases coming out of the U.S. Supreme Court.
17 As well as a recent court case in Florida in which
18 a piece of local legislation was ruled
19 unconstitutional because it went far beyond what
20 the local responsibility was. Our teams meet on a
21 weekly and sometimes on a daily basis, trade by
22 trade, to go over with the workers for the day.
23 What to look out for, both from a public safety
24 standpoint and from a worker training standpoint.
25 We have no problems with that being in the

1
2 legislation as it is.

3 We also believe that every worker
4 before they even get on to a site be required to
5 pass an OSHA 10-hour class. That's a very basic
6 minimum training standard. Last year the State of
7 New York passed this bill for all public work.
8 There's no reason that this requirement shouldn't
9 exist on a private job also.

10 MR. MALLOY: Thank you. Regarding
11 Intros 794A and 796A, we respectfully want to
12 require certain training for workers involved in
13 tower and climber crane operations. Including the
14 erection, dismantling, jumping of this equipment.
15 And two, require safety regulatory notices to
16 crane operations.

17 Crane operations involve a high
18 level of coordination and training among multiple
19 trades. It is imperative in implementing training
20 requirements for crane operations that we adopt
21 standards for legitimate training in clearly
22 defined disciplines to reflect the skills and
23 roles of each trade involved in this work.

24 At this time, we are opposed to
25 Intro 794A because it fails to adequately assure

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2 that training will only be delivered by legitimate
3 providers. Because it does not sufficiently
4 define the training curriculum appropriate for
5 different trades involved in crane operations.

6 MR. COLETTI: At this point, I
7 would like to first of all say thank you Council
8 Member Jessica Lappin. She's reached out to the
9 industry, I think, the day after the crane
10 accidents to see what could be done in this area.
11 Although we have concerns about the bill the way
12 it's written, we're very confident we're going to
13 be able to reach an agreement on some of the
14 changes based on discussions we've been having
15 with staff, with herself or with members of the
16 City administration.

17 Again, here in this bill we would
18 ask you to consider removing the DOE as a training
19 provider. We just don't believe that they have
20 the resident knowledge to be able to effectively
21 evaluate a curriculum, especially in this area,
22 which is more highly technical than a lot of other
23 areas.

24 We also believe that the 30-hour
25 course and in the legislation itself it should

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2 include a listing of some minimum standards that
3 should be applicable in all curriculums. That is
4 the best way to ensure that all workers have some
5 basic, minimum standards. I know that the
6 Department of Buildings has some proposals already
7 that call for 40-hour training, that's great. But
8 the 30-hours should cover those subject areas and
9 it should be listed in the bill.

10 The Department of Buildings, when
11 they're approving curriculums look for those
12 specific things to say, okay, this looks like it's
13 going to be a real program. It has these minimum
14 component parts of the curriculum and we'll
15 approve it.

16 With respect to 796, tower crane
17 protocols. Again, we're in general agreement with
18 the bill and I think that we'll reach closure on
19 it. But I would like to say that there are some
20 sections that I think are going to take some
21 significant review. There are sections in
22 paragraphs three and four, which are on page six
23 and page seven, that call for professional
24 engineers to sign off that they reviewed and will
25 guarantee certain safety requirements.

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2 In our discussions with the
3 professional engineers, they will tell you they do
4 not possess the technical expertise based on the
5 way the bill is written to make those judgment
6 calls. Professional engineers are not mechanical
7 engineers. They don't own the cranes. They are
8 not necessarily knowledgeable of every single
9 safety element. To ask them to sign off and
10 jeopardize their license in areas that they do not
11 possess the technical expertise I think will bring
12 this city to a halt.

13 We have been told numerous times by
14 the engineering profession that they will not sign
15 off - period. They are being told by their
16 insurance carriers not to do it. The Commissioner
17 talked about perhaps some proposals that are
18 coming down the road. I would urge you to as
19 quickly as we want to get them done, to be careful
20 and judicious as we go through those discuss.
21 Because if the mission is to just hang up a banner
22 and say mission accomplished then that's one goal.

23 But I will tell you that we're
24 entering into an area that we have never ever
25 gotten into in this industry. I'm not suggesting

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2 that we not get into it. I'm just suggesting that
3 the infrastructure doesn't exist to make it
4 effective. The last thing that we want to do in
5 this industry, and I think you want to do as
6 council people. I've heard comments from you this
7 morning is pass bills that are not enforced. We
8 already have too many of those. So when you get
9 down to recommendations, we're going to start
10 talking about marking parts of the crane and then
11 having people ensure that this part is on that
12 crane.

13 I think we have to really go slow
14 because candidly we tried to get a meeting of the
15 manufacturers of cranes in the city. Do you know
16 what they told us? Not interested in coming given
17 the environment that we're operating in, which is
18 a natural one given the tragedies we've had. And
19 quite frankly, they don't have to sell their
20 cranes here; we're in a worldwide market. Part of
21 the reason we've got some of the older cranes on
22 the job sites are that China and Dubai will pay
23 much more money for them. We have an approval
24 process that probably could use to be pushed along
25 a little faster. That was the intent of the new

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2 building call was to take prototype cranes who had
3 been inspected by national certification
4 organizations rather than going through that
5 entire process again here in New York to get them
6 on the street.

7 Well if you're a crane owner and
8 you have to make an investment of \$3 to \$5 million
9 in a new crane, you're not going to order that
10 crane until you know that the certification has
11 come out of the Department of Buildings. We need
12 to look to speed that process up because then it
13 takes 12 to 14 months to order the crane to get to
14 New York City, to get the older cranes off the
15 site. So I just urge all of us that when those
16 proposals come down, let's be judicious and smart
17 about how we implement them.

18 We as an industry, since the
19 beginning of these tragic accidents, have not been
20 resistant to change. I think you've seen that.
21 What we have said over and over is we recognize
22 that our areas that have to be reformed. Quite
23 frankly, when we took a look, I think it was after
24 the 51st Street crane accident. It was somewhat
25 astounding to us that there were no training

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2 requirements for people to jump cranes and erect
3 cranes.

4 But we also believe that government
5 has to change, too. In partnership, I think we
6 feel confident about it. Even all the four bills
7 that I went through in terms of the
8 recommendations, I believe that we can agree upon
9 the appropriate amendments to the bill in getting
10 ready for July 23rd vote or an August. In case
11 anybody wanted a vacation, September or October is
12 fine with us too in terms of some of the bills but
13 that's your judgment to make. Thank you.

14 MR. MALLOY: I just state in
15 conclusion, we believe we are making progress in
16 working with the Council, the administration. The
17 package of 15 items, we jointly agree to pursue
18 early this spring. Intros 687A, 783A, 795A
19 represent significant accomplishments in crafting
20 legislation to implement parts of that package.
21 Intros 783A, 790A and particularly Intros 794A and
22 796A are bills where work remains to be done where
23 prudence dictates that the Council and
24 administration not act on these bills until we can
25 collectively craft them in such a way that they

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2 will achieve real results for the working men and
3 women in our industry in the City of New York.

4 We look forward to continue to work
5 with the Committee and the Council and the
6 administration on these critically important
7 issues. On behalf of Mr. Coletti and myself, Mr.
8 Chairman and council members we thank you very
9 much.

10 CHAIRPERSON DILAN: Thank you
11 gentlemen. I just want to say for my part, rest
12 assured no one is seeking any mission accomplished
13 signs. We see how well that worked the first
14 time. With that being said, we do have a
15 responsibility to people in this city and we will
16 meet that responsibility responsibly,
17 respectfully, judiciously and God willing,
18 correctly.

19 The input of the industries is of
20 the utmost importance so we look forward to
21 working with you on the four bills where there's
22 still some loose items. I think, from my
23 perspective those can be addressed as well. I
24 don't have any questions for this panel. If my
25 colleagues don't then we'd like to thank you

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2 gentleman for coming in today. We look forward to
3 discussing these items with you over the next few
4 weeks or months.

5 MR. MALLOY: We thank you very much
6 Mr. Chairman.

7 MR. COLETTI: Thank you Mr.
8 Chairman.

9 CHAIRPERSON DILAN: Thank you. I
10 do have some testimony for the record, testimony
11 of the Bronx and Queens Building Association in
12 opposition to Intro 783A, which will be entered
13 into the record. With that, all items on the
14 agenda are laid aside and that will conclude this
15 hearing.

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C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature_____ Amber Gibson _____

Date _____August 5, 2008_____