

Legislation Text

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Amending Title 9 of The Philadelphia Code, entitled "Regulation Of Businesses, Trades And Professions," by adding a new Chapter regulating the erection, use and inspection of tower cranes, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-3300. *ERECTION, USE AND INSPECTION OF TOWER CRANES.*

§ 9-3301. *Definitions.*

(1) *ANSI. American National Standards Institute.*

(2) *ASME. American Society of Mechanical Engineers.*

(3) *Building owner. Any person, agent, firm or corporation having a legal or equitable interest in a property.*

(4) *Competent person. An individual who is capable of identifying existing and predictable hazards at the job site or is knowledgeable of policies and practices that affect working conditions which are unsanitary, hazardous or dangerous to employees, and who has authority to take prompt corrective measures to eliminate them.*

(5) *Construction manager. A person identified by a building owner to manage a construction project.*

(6) *Dedicated safety representative. A person who has expertise in the area of construction site safety and who will be responsible for worker and public safety in connection with tower crane erection and operation.*

(7) *Department. Department of Licenses and Inspections.*

(8) *NCCCO. National Commission for the Certification of Crane Operators.*

(9) *NCCA. National Commission for Certifying Agencies.*

(10) *Qualified person. An individual who has obtained a college degree or such other*

*equivalent professional credential in an applicable field, or who by extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the erection and operation of tower cranes.*

*(11) Tower crane. A structure used for lifting which utilizes a vertical mast or tower to support a load hook suspended from a work boom or jib which can rotate about the tower center to swing loads. The tower base may be fixed in one location or ballasted and moveable between locations.*

*§ 9-3302. Erection, Jumping, Lowering and Dismantling of Tower Cranes.*

*(1) No person shall erect a tower crane unless:*

*(a) the tower crane owner has disclosed the following information to the construction manager and building owner:*

*(i) The age of the tower crane that will be used on the project;*

*(ii) Whether the tower crane manufacturer is currently in business;  
and*

*(iii) Whether the original equipment manufacturer's parts are available to repair major components of the tower crane should such repair become necessary;*

*(b) all rigging equipment used in erecting, climbing (jumping), dismantling and hoisting operations has been inspected by a competent person upon arrival at the installation site and inspected by a qualified person prior to the commencement of the operation;*

*(c) the tower crane owner, renter or lessee has submitted documentation including plans or drawings to the Department detailing how the tower crane will be supported and attached to the building. Such documentation shall be reviewed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania with expertise in structural design; and*

*(d) the tower crane owner or renter has submitted to the Department a valid Certificate of Insurance with a minimum of \$15,000,000.00 of General Comprehensive Liability Insurance naming the City of Philadelphia as an additional insured and a certificate holder. Such certificate must be maintained in effect at all times the tower crane is located on the job site.*

*(2) No person shall erect, climb (jump), lower or dismantle a tower crane unless:*

*(a) a qualified person who is factory-trained and who is experienced with the specific crane being used is designated by the tower crane owner, renter or lessee to supervise the operation;*

*(b) the supervisor has submitted a job hazard analysis for the operation to the construction manager;*

*(c) the tower crane owner, renter or lessee has designated a single competent person*

*to be the dedicated safety representative that is present at the time of the operation;*

*(d) the supervisor has determined that each member of the crew designated to work on the operation has received a minimum of 30 hours of documented on-the-job or classroom training and, where necessary, is certified in accordance with Section 9-3303 regarding individuals who are involved in any aspect related to the operation of the tower crane;*

*(e) the supervisor and the dedicated safety representative have convened a site-meeting with all members of the crew in order to ensure that each member understands his/her particular task(s) and the hazards associated with those tasks and the overall operation; and*

*(f) either:*

*(i) the supervisor ensures that site-specific procedures utilizing written instructions provided by the crane manufacturer are followed for the operation. Such written procedures shall be maintained on site with other documentation related to the project and made available for inspection by the Department upon request; or*

*(ii) a professional engineer registered in the Commonwealth of Pennsylvania who is familiar with the type of equipment involved and the procedures of the operation is present at the site, monitors the operation and provides advice to the supervisor regarding the engineering safety aspects of the operation.*

§ 9-3303. *Use of Tower Cranes.*

*(1) No contractor, construction manager or a qualified person designated as a supervisor of an operation under Section 9-3302 (2)(a) shall:*

*(a) permit any individual to operate a tower crane, or an assist crane that is used to erect, climb (jump), lower or dismantle a tower crane, unless such individual has been certified by NCCCO, or another organization that is NCCA or ANSI accredited which has equivalent testing and certification requirements. Such programs, at a minimum, shall meet the requirements of the current edition of ASME B30;*

*Exception: An individual may operate a tower crane without the required certification, provided such operation is performed under the direct supervision of a crane operator that is certified for the type of crane being operated, and the individual is currently enrolled in an apprenticeship or training program that is approved by the Commonwealth of Pennsylvania.*

*(b) permit any individual to provide hand signals or verbal communications to a tower crane operator directing the operation of the tower crane unless such individual is certified by NCCCO, or another organization whose program is NCCA or ANSI accredited. Such programs, at a minimum, shall meet the requirements of the current edition of ASME B30.*

*Exception: An individual that has completed in-service training by an organization that*

*is not NCCA or ANSI-accredited may continue to perform signaling duties until October 9, 2010, provided the individual can document that the training received was in accordance with the appropriate ASME B30 crane standard.*

*(c) permit an individual to perform rigging duties associated with the operation of the tower crane, unless such individual is certified by NCCCO, or another organization whose program is NCCA or ANSI-accredited. Such programs, at a minimum, shall meet the requirements of the current edition of the American National Standard Institute (ANSI) A10.42 standard related to the qualification of "Riggers."*

*Exception: An individual that has completed in-service training by an organization that is not NCCA or ANSI-accredited may continue to perform rigging duties until October 9, 2010, provided the individual can document that the training received was in accordance with the current edition of ANSI A10.42.*

*(2) No person shall be considered certified pursuant to the requirements of this Section unless such person maintains his or her certification when performing the duties related to the certification in accordance with the requirements of the organization issuing the certification.*

§ 9-3304. *Inspection of Tower Cranes.*

*(1) Immediately following any of the following circumstances, a tower crane inspector who has been certified by the manufacturer for the crane to be erected, or who has been certified by NCCCO or another organization accredited by NCCA and is knowledgeable of the manufacturer's operating and design specifications for the crane to be erected, shall conduct a thorough inspection of the tower crane covering all items as required by the Occupational Safety and Health Administration (OSHA):*

*(a) The erection of a tower crane;*

*(b) The climbing (jumping) or lowering of a tower crane; or*

*(c) The expiration of any 180-day period following a previous inspection if the tower crane has not been raised or lowered in the intervening period.*

*(2) Until July 1, 2010, an individual who has been certified to inspect maritime cranes in accordance with OSHA Standard 29 CFR 1919, or who has a minimum of five (5) years of documented experience inspecting maritime cranes, may perform the inspections required in subsection (a).*

*(3) The construction manager shall submit to the Department documentation reflecting the performance and result of an inspection required by subsection (1) within 10 days of such inspection.*

*(4) The dedicated safety representative designated pursuant to Section 9-3302 shall periodically inspect all rigging and crane equipment while the crane remains on site. All unresolved defects and practices that affect the safe operation of the crane shall be reported to the construction manager, who in turn shall take immediate and appropriate action to suspend the use of the crane until all safety defects have been corrected.*

**Explanation:**

[Brackets] indicate matter deleted.  
*Italics* indicate new matter added.