

NEW YORK CITY DEPARTMENT OF BUILDINGS

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Buildings (DOB) is proposing to amend its electrical code rules to delete references to the electrical advisory board and to repeal sections that are no longer applicable.

When and where is the hearing? DOB will hold a public hearing on the proposed rule. The public hearing will take place at 10am on 1/25/18. The hearing will be in Spector Hall, 1st floor at 22 Reade Street.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DOB through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to dobrules@buildings.nyc.gov.
- **Mail.** You can mail comments to the New York City Department of Buildings, Office of the General Counsel, 280 Broadway, 7th floor, New York, NY 10007.
- **Fax.** You can fax comments to the New York City Department of Buildings, Office of the General Counsel, at 212-566-3843.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-393-2085. You can also sign up in the hearing room before the hearing begins on 1/25/18. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit comments by 1/25/18.

What if I need assistance to participate in the hearing? You must tell the Office of the General Counsel if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail or email at the addresses given above. You may also tell us by telephone at 212-393-2085. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by 1/11/18.

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

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments and a summary of oral comments concerning the proposed rule will be available to the public at the Office of the General Counsel.

What authorizes DOB to make this rule? Sections 643 and 1043(a) of the City Charter and section 27-3005 of the City Administrative Code authorize DOB to make this proposed rule.

This proposed rule was not included in DOB's regulatory agenda for this Fiscal Year because it was not contemplated when DOB published the agenda.

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

What laws govern the rulemaking process? DOB must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Department of Buildings (DOB) is proposing to amend its electrical code rules to delete references to the electrical advisory board and to repeal sections that are no longer applicable. The proposed rule will repeal sections 34-01 relating to phase-in of new standards for electrical work, 34-02 relating to review of applications for electrical permits and certificates of electrical inspection, and 34-03 relating to temporary certification to perform low voltage electrical work because they refer to a phase-in period that ended in 2003.

The proposed rule also amends section 34-05 to eliminate the electrical advisory board in order to standardize and align the electrical plan review process with all other plan examination units in the agency. It also proposes to renumber 34-05 as 4000-01 in order to align the rule with the Department's current rule numbering scheme.

Amendments are also proposed to rule 101-12 to expand the jurisdiction of the Office of Technical Certification and Research ("OTCR") to allow it to replace the electrical advisory board in reviewing electrical equipment and materials. OTCR's jurisdiction is currently limited to equipment and materials covered by Title 28 of the New York City Administrative Code. The electrical code is in Title 27.

The Department of Buildings' authority for these rules is found in sections 643 and 1043 of the New York City Charter and section 27-3005 of the New York City Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Sections 34-01 of Title 1 of the Rules of the City of New York relating to phase-in of new standards for electrical work, 34-02 of Title 1 of the Rules of the City of New York relating to review of applications for electrical permits and certificates of electrical inspection, and 34-03 of Title 1 of the Rules of the City of New York relating to temporary certification to perform low voltage electrical work are REPEALED.

§2. Section 34-05 of Title 1 of the Rules of the City of New York is renumbered 4000-01 and amended to read as follows:

[§34-05 Electrical advisory board.

a. In accordance with section 27-3005(a)(7) of the Administrative Code, the Commissioner shall appoint a special board, to be known as the “electrical advisory board.” The electrical advisory board shall provide advice regarding (i) the approval of the use of electrical appliances, devices, and materials not otherwise approved for use by the Electrical Code, (ii) the granting of approval to use wiring or appliances not otherwise allowed by the Electrical Code Technical Standards and (iii) the granting of approval for specified types of electrical installations. The members of the board shall be appointed annually and shall serve at the pleasure of the Commissioner. The number of members and their organizational affiliations shall be at the discretion of the Commissioner. The board shall have a Chair and Vice-Chair appointed annually by the Commissioner.

b.]

§4000-01 Electrical work review.

(a) Electrical review. Electrical [advisory board] review [shall be]is required in the following circumstances:

(1) Electrical installations[:].

[(a)] Electrical [advisory board] review [shall be]is required where service equipment totals 1000 Kilo-Volt Amperes (“KVA”) or greater, or where any new alteration or addition to an electric service installation causes the altered installation to total 1000 KVA or greater, as further detailed below:

(A) A new installation of equipment totaling 1000 KVA or higher;

(B) Any change in an installation with a rating of 1000 KVA or higher, up to and including the second level overcurrent protection, unless it was fully described and approved as “future” on the original approved plan.

(C) Any addition to an existing installation which would bring the total to 1000 KVA or higher.

(D) A new installation or revised installation above 600 volts, irrespective of KVA rating.

(E) The addition of any equipment in a room, which would affect clearances around the equipment of a 1000 KVA installation.

[(b) Electrical advisory board review shall be required where proposed electrical installations involve appliances and materials not covered by the Electrical Code Technical Standards.]

(2) Electrical equipment [or materials]. Electrical [advisory board] review [shall be]is required for [manufactured wiring systems, low voltage lighting systems, painting equipment /spray booths, and] electrical equipment not specifically addressed in the Electrical Code Technical Standards and any other electrical equipment not bearing the label of approval of an electrical testing laboratory acceptable to the Commissioner.

[c.](b) Filing requirements [for electrical advisory board review].

(1) [Filing requirements] Electrical installations 1000 KVA or greater, or new or revised installations above 600 volts. Filings for electrical installations 1000 KVA or greater, or new or revised installations above 600 volts must comply with the following:

[(a) A cover letter, payment as specified in (d) below, and 2 sets of complete drawings shall be filed at:

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Bureau of Electrical Control

(address provided in the City's website, <http://www.nyc.gov>)

[(b)i) Submission [shall]must be made electronically, via the Department's electronic filing system, by [a New York City Licensed Master or Special Electrician,] a New York State Licensed and Registered Professional Engineer, New York State Licensed and Registered Architect, or an individual with comparable qualifications from an outside jurisdiction.

[(c)ii) A filing fee of \$650.00 [shall]must be paid for each submission[, no part of which shall be refundable].

[(d) Payment shall be made by a money order or corporate/business check, a bank check or a certified check, and shall be made payable to "Department of Buildings."]

[(e)iii) [Requirements for Plans and Drawings.] All submissions [for electrical advisory board review] for service equipment totaling 1000 KVA or more or above 600 Volts [shall]must include the following plans/drawings:

- One line diagram
- Plan view / service equipment room layout
- ~~- Physical details of switchboard [&]and distribution panel equipment [as per]~~in accordance with the following requirements:

- (A) All drawings [shall]must be clear, legible, and use standard notations. [All drawings shall be folded to 8 1/2" x 11," except for equivalent electronic versions authorized by the Department.]
- (B) Installations that are not all new [shall]must clearly mark what is new and what is existing. In addition, all new work [shall]must be encircled by a 'bubble' or 'cloud' on the drawings.
- (C) For residential installations, the calculations justifying a de-rating of the neutral [shall]must be submitted.
- (D) The plan view [shall]must be drawn to scale, showing the point of service entrance into the building. If the building sets back from the property line, the underground service feeder [shall]must be shown, including wire and raceway sizes.
- (E) The arrangement of service equipment and its proximity to the point of service entrance [shall]must be shown, complete with details of the equipment, and the manner in which service will be extended to the service equipment. If the switchboard is free standing, the clearance around the switchboard [shall]must be shown.
- (F) The location of the main switchboard and/or distribution panels in relation to the service equipment and how they are interconnected [shall]must be shown.
- (G) The location of the electric service room with respect to the surrounding areas [shall]must be shown.
- (H) The means of egress from the switchboard room and where it leads to [shall]must be shown. The legal exit(s) to which egress door(s) lead [shall]must also be shown.
- (I) When there is more than one service location within a building, drawings [shall]must contain a notation indicating that signs are posted at the entrance door of each switchboard room showing the location of all the other switchboard rooms. The location and wording of the signs [shall]must be specified.
- (J) If the existing service equipment and/or point of service entrance is to be discontinued, the drawings [shall]must so state.
- (K) If existing service equipment is to remain in conjunction with new service equipment and is to be supplied by the same service entrance,

the drawing [shall]must indicate the make and size of the existing service equipment, the size and location of the ground strap, and the type and size of the fuses in the existing equipment.

(L) The drawing [shall]must show grouping of service equipment at the point of service entrance.

(M) The drawing [shall]must show ventilation of the room when the service equipment totals 2000 KVA or larger (this may be in the form of a note on the drawing).

(N) The drawing [shall]must show the available short circuit current at the point of service entrance and at the point of change in the interrupting rating of the overcurrent protection. Where used, series ratings [shall]must be indicated.

~~(O) A statement confirming that all fuses and/or circuit breakers have been coordinated for selective short circuit overcurrent protection [shall]must be on the drawing.~~

(P) A one line diagram [shall]must be submitted indicating the service equipment and the distribution equipment up to the 2nd level overcurrent protection, showing all overcurrent devices with their ampere rating, ~~make~~ and type, interrupting current ratings and bus and wire sizes. Frame and trip sizes for circuit breakers [shall]must be indicated.

(Q) Drawings [shall]must indicate that transformers are properly grounded. Service and distribution equipment proposed for future installation [shall]must be marked on the drawings as "future."

(R) All voltages [shall]must be clearly shown on the drawings, which [shall]must include voltages pertaining to all of the equipment overcurrent protection up to and including the second level protection.

(S) Drawings [shall]must note that cables used in a trough [shall]must be grouped A, B, C, [&]and N respectively. Where troughs are used for taps, the copper detail or a description of the tap [shall]must be noted, confirming that multiset conductors are tapped correctly.

(T) ~~The physical size~~ of the vertical bus in the distribution panels (second level equipment) [shall]must be shown. ~~The overcurrent devices, bus, barriers, and gutter space layout [shall]must be shown.~~ Layouts of

previously approved panels (to be so noted on plans) need not be submitted.

(U) When a generator (or other non-utility source) is part of a 1000 KVA submission and the generator itself is rated below 1000 KVA, a one line diagram [shall]must be submitted showing how the generator is connected to the normal service. The drawings [shall]must include the grounding of the generator frame and neutral bonding if needed (four pole transfer device). If the generator is rated 1000 KVA or larger, a room layout [shall]must be submitted along with a one line diagram, ~~and physical drawings [shall]must show a section view of the emergency switchboard.~~ [Also, the Advisory Board calendar number for the normal service shall be specified.]

~~(V) Physical detail drawings for switchboard equipment [shall]must show front and section views and [shall]must be drawn by the switchboard manufacturer. Elevation detail [shall]must show access to the bus connections, the size and location of the main bonding jumper (ground strap), the disconnect link in the neutral, all the barriers and how load cables leave the cabinet. Side section views [shall]must clarify bus details.~~

~~(W) Details of gutter space, lug covers and dimensions of lugs and enclosures up to the 2nd level distribution equipment [shall]must be shown.~~

(2) [Filing requirements for electrical advisory board review of appliances, devices, and materials not covered by the electrical code technical standards.] Special permission. Request for special permission must be made electronically and comply with the following:

(i) Demonstrate practical difficulty and provide supporting documentation.

(ii) Proposed equally safe alternative methods must be included.

[(a) A cover letter together with appropriate drawings, sketches, charts, and/or cut sheets shall be filed at:

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Bureau of Electrical Control

(address provided in the City's website, <http://www.nyc.gov>)

([b]iii) A filing fee of \$350.00 [shall] must be paid for each submission made where an [electrical violation] objection was issued due to failure to obtain prior [Electrical Advisory Board review and approval, no part of which shall be refundable] special permission.

[(c) Payment shall be made by a money order or a corporate/business check, a bank check or a certified check, and shall be made payable to “Department of Buildings.”]

(3) Office of Technical Certification and Research (“OTCR”) review. [Filing requirements] Filings for [electrical advisory board] OTCR review of electrical equipment [and materials.] not otherwise approved for use by the New York City electrical code must comply with the following:

([a]i) The submission, including a cover letter, notarized application and check, [shall] must be filed [at the following location only:

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Bureau of Electrical Control Advisory Board

(address provided in the City’s website, <http://www.nyc.gov>)] with OTCR or electronically, as the Commissioner may require.

([b]ii) A filing fee of [\$200.00 shall] \$600.00 must be paid for each submission[, no part of which shall be returned].

([c]iii) Payment [shall] must be made [by either money order, bank check, certified check or corporate/business check. The payment instrument shall be made payable to “Department of Buildings.”] in a form and manner as provided by the Commissioner.

([d]iv) The submission [shall] must contain the following:

(A) A cover letter indicating the following:

[(i)]1. Type/model numbers of material/equipment being submitted for approval.

[(ii)]2. Items included in support of the submittal.

[(iii)]3. Explanatory information/comments, if applicable.

(B) A completed [&] and notarized application for review.

(C) Two (2) brochures, or catalog data sheets, and a set of unmounted photographs or photographs [transmitted electronically as authorized by the Department].

(D) A complete test report that includes a conclusion sheet from a laboratory acceptable to the Commissioner.

(E) Equipment samples only when requested by [the Electrical Advisory Board] OTCR.

[d.](c) Compliance with the New York City Energy Conservation [Construction] Code [of New York State ("Energy Code")]. All electrical submissions [made to the Electrical Advisory Board shall]must comply with the requirements of the Energy Conservation Code where applicable.

§3. Subdivisions (a) and (b) of section 101-12 of Title 1 of the Rules of the City of New York are amended to read as follows:

(a) Scope. [There shall be an]The Office of Technical Certification and Research ("OTCR"), is responsible for approving materials pursuant to Article 113 of the New York City Construction Codes ("Construction Codes") and section 27-3005 of the New York City Administrative Code. Materials approved pursuant to 27-3005 are subject to the requirements set forth in the New York City Electrical Code and section 4000-01 of these rules.

(b) References. See Sections 28-103.9, 28-103.10, 28-113.1 to 28-113.4 and 28-114.1 to 28-114.4 and Chapter 3 of title 27 of the New York City Administrative Code ("Administrative Code"), and section 4000-01 of these rules.

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

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

RULE TITLE: Amendment of Rules Governing Electrical Work

REFERENCE NUMBER: DOB-101

RULEMAKING AGENCY: Department of Buildings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

November 30, 2017
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Rules Governing Electrical Work

REFERENCE NUMBER: 2017 RG 090

RULEMAKING AGENCY: DEPARTMENT OF BUILDINGS

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: 11/30/17