

**Testimony of Buildings Commissioner Robert LiMandri**  
**Committee on Housing and Buildings**  
**Elevator Oversight**  
**Introductions 407 and Preconsidered Intro on Technician Licensing**  
**April 16, 2012**

Good afternoon Chairman Dilan and members of the Committee. I am Robert LiMandri, Commissioner of the Department of Buildings. Joining me today are Acting Assistant Commissioner of Engineering and Safety Operations Chris Santulli, Elevator Division Technical Director Harry Vyas and other members of my staff. Thank you for allowing me the opportunity to testify on these bills concerning elevator equipment and licensing.

In New York City, there are approximately 60,000 elevators. For context, this represents about 10% of all elevators nationwide. Each day, millions of New Yorkers ride in our City's elevators, which make about 30 million daily trips or, about 500 hundred trips per elevator, per day. In 2011, there were 43 elevator accidents. That is down over 60% since 2007 when there were 105 accidents. This year to date, there have been 12 accidents involving elevators.

Each year, approximately 155,000 elevator inspections are conducted in New York City. Under the Building Code, each elevator device must be tested and inspected annually. These are called Category 1 inspections), and these tests and inspections are conducted by elevator maintenance companies that are hired by building owners. These Category 1 inspections constitute 60,000 of the 155,000 inspections. In addition, each elevator is inspected once a year by private elevator inspection agencies under contract with the City. There are 60,000 of these inspections each year. DOB also conducts audit inspections, accident investigation, acceptance

tests for new and modernized elevators and responds to complaints. Together, these result in an additional 25,000 inspections per year. This means that each elevator is tested at least once and inspected at least twice during the course of a year. There is also a separate Category 5 inspection that must occur once every five years; 10,000 Category 5 inspections are performed each year.

A building owner hires a licensed Elevator Agency Director and that company's staff of inspectors to conduct installations, inspections and tests. An Agency Director has a minimum of 10 years' experience, in the supervision of the assembly, installation, maintenance, repair, design or inspection of elevators and acts in a role similar to that of the General Contractor on a construction job. The Elevator Inspectors that work under him have a minimum of 5 years of satisfactory experience. A Category 1 test and inspection is completed every calendar year. During the Category 1 inspection, the elevator is tested without load and at inspection speed. The inspection is performed and witnessed by two separate and unrelated approved elevator agencies. This allows for a second objective company to record the device's performance, or more bluntly, peer review. The witnessing agency is a new requirement mandated in the 2008 Code. The Category 5 inspection consists of a test with full load and at rated speed. Like the Category 1, this has an inspecting elevator agency and a witnessing elevator agency. The supervising Agency Director may either witness these tests, or audit the results of his inspectors. The Department's Elevator Inspectors perform audit inspections, spot checks on scheduled inspections and tests, for both Category 1 and Category 5 inspections and tests. Also, DOB Inspectors perform Acceptance inspections at newly installed devices and modernizations.

The Department of Building's Elevator Inspection Unit currently consists of 22 inspectors, down from 33 in 2007. However, the Department has received approval to hire 4 additional inspectors who should be on board by the first week of May, and we are actively recruiting 6 additional inspectors to bring our headcount up to 32. Each inspector in the Department receives Qualified Elevator Inspections (QEI) certification from the American Society of Mechanical Engineers (ASME) in addition to 800 hours of Core training (both classroom and field) and 320 hours of Continuing training.

The Department writes ECB violations, which have a monetary penalty and require a certificate of correction with the Department. Also, we can immediately shut down an elevator with a Cease Use, or issue DOB violations which put owners on notice of deficiencies. The penalties for a failure to file any test or inspection report with the Department is a Category 1 violation for \$3,000 or a Category 5 violation for \$5,000. A late filing carries a penalty of \$150 or \$250 per month.

In addition to violations, the Elevator Unit has the "Major Offenders" enforcement program. Major offenders are the 25 worst buildings in the City. Once a building reaches Major Offender status, a DOB violation is written with instructions to repair or correct service. We use this violation as a precursor to a Criminal Court Summons in cases of non-compliance.

Each year the Department participates in National Elevator Escalator Safety Awareness Week. Since 2004, inspectors from the Department's Elevators Unit have taught more than ten

thousand public school students how to safely ride elevators and escalators and what to do in the event of an emergency.

With this background in mind, I would like to turn to the legislation introduced for discussion today. Intro 407 would require adding Ascending Car Overspeed and Unintended Car Movement protection to elevator devices. These brake plates are added to the hoist cables overhead of the elevator car to prevent a “drift up” or sudden movements while the car or hoistway doors are open. Currently, the 2008 Building Code mandates that these protections be added to elevators in newly built buildings and where elevators are modernized by adding an entirely new control panel. It is estimated that of the City’s 60,000 elevator devices, roughly one quarter have these protections in place. This bill is aimed at retrofitting the remaining elevators and would require that work be completed one year after enactment. The Department fully supports the intent of this bill.

There are some logistical difficulties, outside of our control, within the drafted language of the bill. First, it is unclear if all buildings in the City would have the necessary space or structural feasibility in the shaftway and mechanical room of existing elevators to house the equipment. Second, as each piece of equipment may need to be custom manufactured to fit each device, there is concern that there may not be enough of this equipment available over the course of the next year or more to comply. Finally, this device is only applicable to traction-type elevator machines and not applicable for drum- and hydraulic-type machines. However, there may be other solutions that we can require that can shut down an elevator in cases where an unsequenced event (such as a door not opening or closing properly) occurs.

Regarding the Preconsidered Intro, it mandates that elevator mechanics receive a license from our Department to perform maintenance work on elevators in New York City. The bill seeks to amend provisions of section K101.1 of Chapter K1 of Appendix K and DOB licensing rule 101-07. The Department licenses 153 Elevator Agency Directors, 112 Co-Directors, and 721 elevator Inspectors. The bill would add the title Elevator Technician as an individual who engages in “altering, inspecting, maintaining, repairing, servicing or testing elevators”, but would also need to include installations. Currently, the work described here is done by a person simply called a “mechanic”. It is estimated that there are roughly 5000-7000 mechanics working in the City. Some of these are in union apprenticeship programs.

When discussing licenses, it is important to know that we stress the strong relationship between training, work experience and education. We are undertaking an analysis of this proposed licensing construct, and are anxious to hear from the industry and stakeholders. We do know that these mechanics need to be adequately and periodically trained, as well as, be able to provide the health and fitness to carry out their duties. We envision a structure where these workers would not only receive initial training, but also complete continuing education in the form of annual or biannual course credits. The Agency Director, for whom these mechanics work, should be required to maintain records of training of mechanics and have available for the Department upon request.

This is similar to the regulatory construct we currently utilize for scaffold companies and workers. As you may remember DOB worked very closely with the Council and Industry to

create what was ultimately Local Law 24 of 2006. This required that workers erecting a scaffold are required to take a 32 hour approved training course, gain a certificate (which they must carry on the job site at all times), and subsequently take an 8 hour refresher course every 4 years thereafter. We believe this model may be an appropriate model for elevator mechanics as well and would welcome the opportunity to work with both the Council and the industry to determine the best way to implement a new regulatory scheme like the one proposed above.

We thank you for the opportunity to testify today and look forward to a continued dialogue with the Council to resolve the issues I have addressed here so that we can develop legislation that would expand the use of elevator safety equipment and establish an enhanced regulatory scheme for elevator mechanics.

I am happy to answer questions.



FOR THE RECORD

**Testimony before the New York City Council on Intro 407 in relation to elevator safety devices,  
Preconsidered Intro in relation to elevator agency director and elevator technician licenses, and Intro  
734 in relation to emergency elevator repairs**

**By Angela Sung Pinsky, Senior Vice President, Management Services and Government Affairs  
Real Estate Board of New York  
April 16, 2012**

The Real Estate Board of New York, representing over 12,000 owners, developers, managers and brokers of real property in New York City, thanks the City Council for the opportunity to testify about the proposed legislation relating to elevators. As building owners and managers, members of the Real Estate Board understand that tenants, residents, and New Yorkers must trust the safety and reliability of their elevators in order to want to be in live, work and visit these buildings. That is why we are we supportive of reasonably structured and fair regulations that benefit safety for the riding public and are supportive of the direction of these two pieces of proposed legislation. However, we do have concerns regarding some of the provisions and regarding implementation, and therefore our comments below are directed towards ensuring that building owners and managers are able to properly maintain their elevators in a compliant manner that allows buildings to continue operating without undue costs or regulatory burdens.

**Preconsidered Int. in relation to elevator agency director and elevator technician licenses, and Intro  
734 in relation to emergency elevator repairs**

In light of the recent elevator incidents in buildings, we understand and support the importance of qualifying elevator technicians in order to ensure that elevator technicians and mechanics are properly trained, receive on-going education on the latest technologies and safety practices, and ensure that there is appropriate recourse for an inappropriate work performed by a technician.

However, an equally and potentially more dangerous scenario citywide would be if there was a shortage of licensed technicians, an oversupply of qualified and available unlicensed technicians, and buildings that would not be able to perform desired or required inspections and repairs. Currently, it is Department of Building policy that any licensed individual must receive a Department of Investigation background check prior to receiving a license. Currently, DOI reviews for similar licensing programs such as Site Safety Managers and Elevator Inspectors can be more than 2 years. Although the DOI investigation is not a requirement of the legislation, the City Council should provide oversight of the DOI

investigation process and should include structural relief to this requirement until DOI has reviewed and approved a sufficient number of available elevator technicians.

#### **Int. No. 407**

This bill would require buildings in residential occupancies and mixed use building to install ascending car overspeed protection in all electric traction elevators. This would prevent the elevator from striking the hoistway overhead structure in the event of a failure in the elevator components.

While the intent of this proposal is laudable in that it aims to improve safety, REBNY has not witnessed or experienced ascending cars as a prevalent issue in elevator car safety, and providing overspeed protection is a costly installation that may not be warranted and would not have prevented recent incidents.

The installation has been estimated by three major elevator servicing organizations which as being between \$13,000 and \$20,000 per elevator car, and could potentially require an additional retrofit of elevator controllers that do not have the circuitry to accommodate this device, which includes most elevators installed prior to 2009. For residential buildings with multiple elevator cars, this could be a substantial expense. Additionally, the year to comply is a very aggressive timeframe, and would be a significant burden on buildings who generally require at least a year for planning capital budgets, particularly for such a substantial expense. For example, in a typical 100-unit cooperative or condominium property with two elevators, this investment could cost up to \$4,000 per unit. This would be a sudden and costly burden for unit owners. The current building code requires this implementation at any elevator car replacement or substantial rehabilitation, which would be more in line with capital spending timeframes and is a much more reasonable timeframe for this expensive installation.

Additionally, Section 27-996.3 of the proposed legislation refers to unintended car movement protection, however, the text of the bill does not require any installations of such equipment. This reference should be removed before the bill is finalized.

In conclusion, we thank you for the opportunity to testify on these proposals and would be happy to take any questions at this time.



4/16/12

New York City Council

Testimony in regard to Preconsidered Int. No. ? In relation to elevator agency director requirements and elevator technician licensing.

My name is Douglas W. Boydston, President of Handi-Lift, Inc. I am the current chairman of ASME A18.1, a member of the ASME Board of Safety Codes and Standards, a member and past president of NAEC, a member of AEMA, ECNY and of the NJ Elevator Inspectors Association I am also a member of the mayor's committee on Accessibility reviewing the adoption of the new IBC.

We are not opposed to occupational licensing with a view to improve the safety of the riding public. We are concerned however that this bill in its present form will put out business many good companies who maintain and install elevators and wheelchair lifts and related equipment with well trained employees and who have a solid safety program.

1. With regard to Agency Director Licensing:
  - a. By inserting "altering, maintaining, repairing, servicing" into the private elevator inspection agency administrative code appears to have the effect of turning every elevator company into a testing and inspecting company. Is that intended?
  - b. How many companies now do not perform those functions and have no interest in doing so in the future?
  - c. Shouldn't there be special requirements for companies that do testing and inspecting ie. enforce codes and standards?
  - d. Shouldn't these companies be distinct from companies who do the actual maintenance ?
  - e. Isn't there a back log now in processing current applications for agency director?
  - f. How can companies who don't currently have an Agency Director on staff stay in business until the entire process is completed when it takes currently more than a year?
  - g. How can companies who only do accessibility and residential work qualify to take the test even if they have the required 10 years of experience if they have never had experience on commercial elevators, escalators?
2. With regard to Elevator Technician licensing:
  - a. In 28-421.3 why was 'installation' left out? Was this intended only for maintenance and repair mechanics and not construction or installation mechanics?
  - b. In 28-421.3 Item 1. The word "or" seems to be left off that first sentence.
  - c. Installers do not need to also double as those who test and inspect elevators, do they? Isn't that like the cat in the hen house?

- d. Working under the supervision of an Agency Director compares to other State's with licensing who require the company to have at least one person who holds the company license which has greater requirements to obtain and maintain. I support this concept but I am concerned that the new requirement for all companies to have an apprenticeship program supersedes the requirements in 28-421.4 and will put many companies out of business.
- e. 28-421.4 1.4 recognizes NAEC's education program which is great but they have two programs. One is CAT or Certified Accessibility Technician and that is a two year program. For companies that specialize in this part of the elevator industry the codes and standards are unique. Will a limited license be obtainable since field experience related to the 4 year program for elevators is not possible for these companies to deliver to their technicians?

In conclusion, I applaud the focus on safety and training but would recommend the council consider creating a consensus committee of stakeholders to propose a comprehensive licensing bill so that all qualified individuals can continue to pursue their career in the elevator industry.

Thank you for your time and I would be happy to server on such a committee.



**Hearing on Oversight-Examining Elevator Safety in New York City, Int. No. 407,  
Int. No. 734 & T2012-4539 (Pre-Considered) Committee on Housing and Buildings-  
New York City Council  
April 16, 2012**

Good Afternoon, Chairman Dilan and members of the City Council, my name is Sylvester Giustino, Director of Legislative Affairs for the Building Owners and Managers Association of Greater New York, Inc. (BOMA/NY). We represent more than 700 owners, property managers and building professionals who either own or manage 400 million square feet of commercial space. We're responsible for the safety of over 3 million tenants, generate more than \$1.5 billion in tax revenue and oversee annual budgets of more than \$4 billion.

As responsible stewards of the millions of tenants who use vertical transportation in commercial buildings, we have worked with the New York City Department of Buildings to enhance and modernize the elevator code for safety.

While Int. No. 407 and 734 set new regulations for residential buildings, our members in the commercial real estate sector would like to address the Pre-Considered proposal sponsored by Councilmembers Vallone and Vacca. The Bill would implement an elevator mechanic/technician testing and licensing requirement, by making licensed Agency Director of elevator contractors more directly responsible for the work being done by those mechanics without relying on intermediate supervision.

The law states that "It shall be unlawful for any person to alter, maintain, inspect, repair, service or test elevators unless such person is either an Agency Director or licensed Elevator Technician (or an apprentice under personal supervision of a licensed Technician." It's not clear what this could mean for third-party witnessing agencies. "Witnessing" is not the same as "inspecting" in the building code, technically it is the elevator contractor that performs the inspections and the tests, and the third-party witness is only witnessing those inspections and tests. But if the word "inspect" is intended to incorporate witnessing inspectors, this could be problematic for all parties. Many licensed inspectors do not have the professional qualifications or experience as elevator mechanics and we believe that this proposal would negatively impact elevator passenger safety.

We are also concerned that if this law was enacted it would not only be confusing to building management professionals as to who is responsible for the proper testing and

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servicing of elevators, but contribute to higher elevator maintenance costs because of a new elevator mechanic license requirement.

BOMANY urges the City Council to keep the current elevator testing and repair regulations in place. Our Association is ready to assist the NYC Buildings Department to develop ways of working within the building code to make sure that accidents and fatalities do not occur in our city's elevators. Thank you for this opportunity to comment on this proposed legislation.

## **TESTIMONY IN OPPOSITION TO INT. NO 407 BEFORE THE HOUSING & BUILDINGS COMMITTEE**

Presented by Mary Ann Rothman

Monday, April 16, 2012

My name is Mary Ann Rothman. I am the Executive Director of the Council of New York Cooperatives & Condominiums (CNYC), a membership organization comprised of housing cooperatives and condominiums located throughout the five boroughs of New York City. I speak as well for the Federation of New York Housing Cooperatives and Condominiums (FNYHC), a sister organization with a similar membership. In our city, more than 500,000 families live in housing cooperatives and condominiums. They each have ownership of a portion of the buildings where they live; they share the costs of maintaining their buildings and of meeting all mandates established by the City. Quite naturally, these resident owners want the various systems in their buildings to be safe and well maintained. This is where they live; and also, for most, their major investment. But the cost of meeting the many unfunded mandates imposed by City laws, rules and regulations is becoming increasingly oppressive for New York City cooperatives and condominiums.

Intro 407 is the most recent example. It seeks to impose on building owners extensive and expensive elevator modifications, all to be performed within one year of the passage of the legislation. CNYC objects on many grounds.

### **UNFUNDED MANDATE**

Property owners – and most particularly those who own their property in cooperative or condominium ownership – need time to plan for the upgrading of building systems, analyzing and prioritizing the needs of the building (and the multiple mandated changes dictated by City law), and finding ways to fund the necessary work, preferably in ways that don't force a significant number of shareholders or unit owners to sell their homes and leave the building due to inability to afford the carrying charges.

This elevator legislation comes on the heels of the 2009 requirement that a third party witness all elevator inspections, a process that has added significantly to the cost of routine inspections, and one that required extensions because of the sheer impossibility of completing the extra work in the time frame provided.

### **IMPRACTICAL TIME FRAME**

Requiring compliance with a costly and complicated set of changes in a tight time frame is a formula for problems. Intro 407 mandates that in the course of one year all existing elevator

buildings engage qualified engineers to examine their elevators and help them determine what work is needed and how it will be undertaken, send the proposal out for bids, contract for the work, arrange for its execution in a building used 24 hours a day in the manner that will create the least possible disruption for residents, and secure necessary inspections and file necessary reports. How will the elevator engineers find time to provide good, carefully-planned specifications for the hundreds and hundreds of clients who will suddenly need this work from them? When the elevator contractors are overwhelmed with more jobs than they can possibly do well, how will they cope? Where will they find the trained workers that they need? Or will their prices go up and their standards go down in order to meet this impossible deadline.

This is a lesson that the City should have learned with Local Laws 10 & 11. We testified repeatedly on this problem, begging that compliance be staggered with roughly 20% of buildings required to file reports each year. The Buildings Department listened to us in part, but opted for a different schedule. At least it no longer requires all buildings to report on the same day in February every five years.

And we should mention that the Energy Audit requirement that begins in 2013 pursuant to Local Law 87 of 2009 DOES recognize this issue and spreads compliance over a ten year period.

CNYC and FNYHC do not have the technical expertise to comment on the need for these measures, though it seems to us that the extensive inspection program currently required should reveal potential problems and could lead to recommendations (rather than mandates) when particular cars show evidence of ascending overspeed or unintended car movement for appropriate repairs or, perhaps, for installation of these devices. It is difficult for us to believe that they are immediately essential to every elevator in the City.

We urge the City Council not to pass this legislation, or, at very least, to greatly expand the time frame for compliance. We further request that the J-51 program of tax incentives for capital improvements, which was allowed to sunset on 12/31/11 be reinstated and that it be expanded to make any and every building in the city eligible for its benefits on any work required as an unfunded mandate by the City of New York.

Thank you.



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DIRECTOR**

**Testimony Before the New York City Council Housing and Building Committee**

**April 16, 2012**

I submit this testimony on behalf of the Joint Apprentice and Training Committee of the Elevator Industry ("JATC") and the Joint Employment Office of the Elevator Industry ("JEO"). The JATC and JEO were both created, pursuant to Joint Labor-Management Trust Agreements that were made and entered into, between the Elevator Industries Association, Inc. ("EIA") and the International Brotherhood of Electrical Workers, Local Union #3, (EE Division) ("UNION").

The Elevator Industries Association, Inc. is a trade association, formed for the purpose of representing the elevator contractors whose employees perform the majority of the work required for the modernization, repair and service of elevators, escalators and other people moving conveyances, in New York City. The individuals who perform this work and are employed by the elevator contractors represented by the EIA do so, under the collective bargaining agreement between the International Brotherhood of Electrical Workers and the EIA.

As the Director of the Joint Committees of the Elevator Industry, for more than nineteen years, I am responsible for the administration of all benefit programs being provided by

the Joint Apprentice and Training Committee of the Elevator Industry and the Joint Employment Office of the Elevator Industry. These two "Trusts" were created for the benefit of persons working in the elevator industry and those desiring to become skilled and competent employees.

The JATC was created for the purpose of financing the creation and maintenance of an Apprentice and Training Program and the administration of all of the safety and other forms of educational training programs offered to benefit all the employees throughout their career. JEO was created for the purpose of financing the creation, maintenance and administration of a job referral and hiring hall program that was designed to benefit the employees working in the elevator industry, including apprentices, to all of the EIA Elevator Contractors.

The JATC's New York State Department of Labor Registered Apprentice and Training Program titled: Elevator Servicer and Repairer (ATP Code: 56-360) is one of the oldest continually operating apprenticeship and training programs in New York State.

Originally approved on June 1, 1956, it remains the third oldest program out of the 697 programs currently in operation and, one of only three (3) program sponsors providing registered apprentice and training involving elevators and escalators in New York State.

In addition to administering the JATC's Registered Apprentice and Training Program, I have for the past nineteen years, continually been awarded an Occupational Safety and Health Hazard Abatement Board Safety Training Grants from New York State, that has provided the JATC with financial assistance to support our efforts to maintain one of the best safety training programs for individuals working in the elevator industry. The JATC



also provides continuing educational and training programs to benefit all elevator industry employees wishing to maintain the highest level of competency and to assist these individuals in their desire for advancement.

My reasoning for providing this information to you, is based on my belief that my more than nineteen years of experience as the Director of the JATC, responsible for all the different educational and training programs, I administer, maintain and continually upgrade, based on new technological advances in equipment and system designs, has provided me with a unique prospective of the elevator industry.

While I certainly applaud your efforts to improve elevator passenger safety, in light of the recent elevator accidents which have occurred in New York City between December 2010 and March 2012, especially the tragic death of the Ad Executive at 285 Madison Avenue, in December 2011, unfortunately, the licensure of all Elevator Technicians would not have prevented these accidents since, under the proposed legislation that is currently being evaluated, the Elevator Technicians involved, would have met all of the qualification requirements necessary for them to be licensed. Of even greater concern, is the fact that these "Licensed" Elevator Mechanics would also be allowed to perform Elevator Inspections. This legislation, if enacted, would not produce any improvement in elevator and escalator safety. It would only provide a false sense of security to the riding public and those individuals in the real estate community, who are responsible for hiring the best and most qualified Elevator Contractors to provide the maintenance, repair and modernization work necessary in order to provide the safest and most reliable elevators and escalators possible.

All Elevator Contractors who perform work on elevators and escalators in New York City must meet a very stringent set of laws and regulations to perform such work. In fact,

**all Elevator Contractors who perform this work must have two (2) licenses, a private elevator inspection agency license and a master electrician license. Licensing of Elevator Technicians to modernize, maintain, repair, install and inspect elevators will have no effect what-so-ever on improving the safety of elevators and escalators. It will however, allow a vast number of unqualified and inexperienced individuals to be licensed. The elevator industry today has become very specialized. Many of the employees only perform certain very specialized tasks, based on the complex nature of elevators that have been recently installed, upgraded or completely modernized. Elevator Contractors have created special teams of elevator mechanics to repair or replace cables; repair or replace elevator doors; perform the necessary service, maintenance and/or trouble-shooting required, on all the recent installations of computerized elevator controllers; retrofitting existing installations with modern security systems and/or the ability to allow certain elevators to be redirected or systems reconfigured during certain hours of peak demand. This requires highly qualified specialists, for this type of work to be performed when you take into account all of the different elevator installations currently in operation, including but not limited to the age of the equipment and, the number of times these elevators have been upgraded or modernized. The individuals who perform this highly specialized work, the Elevator Contractors are requested to provide, especially here in New York City, on the more than 70,000 elevators, escalators and most other people moving devices currently in operation, are, quite simply, not qualified to perform all of the job tasks required on all of the different parts of an elevator or escalator.**

**To enact this proposed legislation based on a false ideology that Elevator Technicians employed in New York City and who have met the requirements necessary for licensure is, in my opinion, a recipe for disaster and, not be done in haste.**

All of the work being performed by Elevator Contractors is already subject to regular inspection and monitoring by the Department of Buildings. In fact, other than routine maintenance, all Elevator Contractors are required to file for an appropriate work permit issued by the Department of Buildings. In addition, the Department of Buildings also inspects new or substantially altered buildings, and when such work is completed, they must insure this work has been done in full compliance with all applicable codes and regulations. Certain types of electrical work performed with respect to an elevator or escalator must be done under the License of a Master Electrician.

New York City already has the most comprehensive set of laws, code requirements, oversight, inspection and monitoring required and, which must be performed by the Department of Buildings. New annual inspections are now required on all elevators and continue to require the mandatory five (5) year comprehensive test be performed and witnessed by a Licensed Private Agency Elevator Inspector. All such candidates must successfully pass the current City of New York-Department of Buildings Private Agency Elevator Inspector License Examination, meet the requirement that they have, at a minimum, five years of satisfactory experience, within the seven years immediately preceding the date of the application for the exam, in the assembly, installation, repair, design or inspection of elevators, or as an elevator mechanic and, also successfully demonstrate to the Commissioner's satisfaction that they are of good moral character so not to adversely affect, his or her fitness to conduct elevator inspections.

The City of New York Department of Buildings is currently in the process to creating an Elevator Safety Committee consisting of individuals from all the different organizations directly involved in the Elevator Industry in an effort to formulate whatever additional safety procedures deemed necessary to provide safer and more reliable passenger elevators, escalators and other people moving devices to the riding public. This

process should be allowed to proceed as a fully transparent and all inclusive form of undertaking involving all the Elevator Industry's most experienced and highly qualified experts. In this way, whatever is decided, as a result of this committee and, ultimately agreed upon by the majority of those who actively participated in this process will, hopefully, accomplish the best results possible, without bias or influence, by any one entity.

While there are new safety devices being considered, requiring they be installed on existing elevators in all buildings with residential occupants, this is not the perfect solution either. These devices are already installed on all new installations during the past several years. The devices currently under consideration, I believe, are known in the industry as "ROPE GRIPPERS". While they are a valuable addition since they prevent the car from over-speeding in the up direction and, also prevent the elevator car from moving, if they sense the doors remain opened, they will require an investment of anywhere from \$4,000-\$6,000 each. It also will take an inordinate amount of time to install such devices, because they will all require different mounting brackets, hardware and special wiring designs, in order to function on all these different types of elevators currently in operation on these older buildings. The tragic accident or death of even one person is not acceptable based on any cost factor. However, this decision to install these devices must be carefully considered.

**CONCLUSION:**

Therefore based on what I have described above, I firmly believe this proposed legislation must not be enacted as it is currently written, nor prompted by the recent media coverage to force the public to demand something be done, must not be driven by an attempt to prevent political backlash or bad press.

Respectfully,

  
Nicholas R. La Guardia

Director



## National Elevator Industry, Inc.

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April 16, 2012

SENT VIA EMAIL

Erik Martin Dilan  
Chair, New York City Council Committee on Housing and Buildings  
City Hall  
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**Re: Comments related to proposed elevator bills and meeting request**

Dear Chairman Dilan:

I am writing on behalf of the National Elevator Industry, Inc. (NEII®), the trade association representing firms that install, maintain and/or manufacture elevators, escalators, and moving walkways and other building transportation products. NEII® membership includes the top elevator companies in the U.S. and reports more than 80 percent of the work hours for the industry. Safety for the riding public and industry personnel is one of the organization's top priorities.

NEII® is submitting comments in this letter related to two bills under consideration by The Committee on Housing and Buildings: 1) Int 0407-2010, a bill to amend the New York City administrative code to require existing elevators in residential buildings and other buildings with residential occupants to be equipped with additional safety devices; and, 2) T2012-4539 (*preconsidered*), a bill to amend the New York City administrative code in relation to elevator industry licensing.

The industry believes that safety of elevator personnel and the riding public is our first and foremost concern. These issues are very complex and should be considered thoroughly before any action is taken. NEII® requests the opportunity to meet with you, other members of the committee and your staff to help develop a successful program for New York City.

**Comments relating to Int 0407-2010 (re: additional safety devices)**

In general, NEII® supports this bill. However, the bill addresses **ascending** car protection and unintended car movement only and requires conformance with ASME A17.1-2000. There were important code changes in 2005 and 2007, and they should be included in this bill. Further, the bill should address the requirements for descending motion as well. Therefore, NEII® recommends that the bill be amended to require conformance to ASME A17.1 2007 section 2.19, the appropriate code section that covers ascending, descending and other unintended motion functions and other important revisions.

**NEII ASSOCIATION HEADQUARTERS**

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NEII and NEII logo – Registered, U.S. Patent and Trademark Office

### **Comments relating to T2012-4539 (re: licensing)**

NEII® supports requirements that all elevator contractors, inspectors and mechanics be competent and licensed and has worked over the past decade with various stakeholders in many jurisdictions to enact licensing requirements. As a result, nearly two-thirds of the states and selected large cities have licensing mandates for elevator contractors, elevator mechanics and/or elevator inspectors.

After review of the proposed bill, NEII® is concerned that the terms, roles and responsibilities outlined in this legislation do not reflect industry definitions and practices. The legislation may have been developed from the example of other city licensing programs or to ensure consideration of unique circumstances in New York City. If enacted as proposed, however, the program would be impractical and difficult to enforce.

To follow is a list of the provisions where NEII® recommends revision to improve the program:

- Definition of “Elevator Agency Director;”
- Definition of “Personal Supervision;”
- Definition of “Private Elevator Inspection Agency;”
- Types of Licenses required; and,
- Qualifications for each license.

Let me expand on the issues of licensing to provide a better understanding of what NEII® would suggest. The bill proposes two licenses – one for an Elevator Agency Director and one for an Elevator Technician. NEII® recommends that the bill establish three separate licenses - one for an Elevator Agency Director (i.e., Elevator Contractor), one for an Elevator Technician (i.e., Elevator Mechanic) and a third for Elevator Inspectors. The roles and responsibilities of these critical industry functions are distinct, and it is important to address the requirements for each license separately.

For example:

**An Elevator Contractor License** is for as any sole proprietor, firm, or corporation engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance that employs at least one licensed elevator mechanic and provides proof of a pre-determined amount of general liability and property damage insurance.

**An Elevator Mechanic License** is for any person who works for a Licensed Elevator Contractor and meets specific requirements in order to demonstrate the necessary education, training, and/or experience necessary to work on building transportation equipment.

**An Elevator Inspectors License** is for any person that meets the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors, or the requirements of an equivalent nationally recognized program.

Nearly ten years ago, NEII® worked with the International Union of Elevator Constructors to develop a model elevator law (i.e., MEL) to assist states and other jurisdictions in the development of their elevator programs. The MEL is currently in its third revision (a copy of MEL rev3 is attached for your review) and includes language related to definitions, licensing requirements, license renewal, emergency and temporary licenses, reciprocity, permits and registration, inspection and testing,

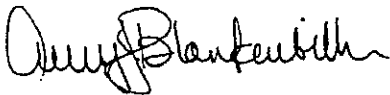
enforcement and other provisions. The MEL rev3 can serve as a tool for the Council as it develops a licensing program; and, where modifications are necessary to reflect specific circumstances for New York City, NEII stands ready to work with you as needed.

The constructing, installing, modernization, inspection, maintenance, repair, servicing and testing of conveyance equipment is very complex and technical, and the applicable building codes are continually being revised. NEII® believes that it is critical for elevator professionals to demonstrate significant experience in handling these intricate machines at the beginning of their careers and then continually update their education as to the most current rules and procedures.

Please feel free to contact me if you need additional information at the NEII® Government Affairs Office (785-286-7599) or via e-mail at [ajblankenbiller@neii.org](mailto:ajblankenbiller@neii.org). I will follow-up with your office after the hearing on April 16<sup>th</sup> to set up a meeting to discuss the elevator issues of interest.

Thank you for your consideration of the industry's about these two important bills.

Sincerely,



Amy J. Blankenbiller

Attachment

# MODEL ELEVATOR LAW

The proper names of state offices may have to be changed.  
Please read this document carefully and correct to the proper  
name or title.

## ELEVATORS, ESCALATORS, PLATFORM AND STAIRWAY CHAIR LIFTS, DUMBWAITERS, MOVING WALKS, AUTOMATED PEOPLE MOVERS AND OTHER CONVEYANCES

### §1 Equipment Covered by this Chapter

1.1 This chapter covers the design, construction, operation, inspection, testing, maintenance, alteration, and repair of the following equipment, its associated parts, and its hoistways, (except as modified by Section 2.1).

- (a) Hoisting and lowering mechanisms equipped with a car or platform, which move between two or more landings. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A17.3 and ASME A18.1):
  - 1. Elevators;
  - 2. Platform lifts and stairway chair lifts;
- (b) Power driven stairways and walkways for carrying persons between landings. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, and ASME A17.3):
  - 1. Escalators;
  - 2. Moving Walks;
- (c) Hoisting and lowering mechanisms equipped with a car, which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes, but is not limited to, the following (also see ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, and ASME A17.3):
  - 1. Dumbwaiters;
  - 2. Material lifts and dumbwaiters with automatic transfer devices.

1.2 This chapter covers the design, construction, operation, inspection, maintenance, alteration and repair of automatic guided transit vehicles on guideways with an exclusive right-of way. This equipment includes, but is not limited to, automated people mover (also see ASCE 21):

### §2 Equipment Not Covered by This Chapter

2.1 Equipment not covered by this chapter includes, but not limited to, the following:



# MODEL ELEVATOR LAW

- (a) Material hoists within the scope of ANSI A10.5
- (b) Manlifts within the scope of ASME A90.1
- (c) Mobile scaffolds, towers and platforms within the scope of ANSI A92
- (d) Powered platforms and equipment for exterior and interior maintenance within the scope of ANSI 120.1
- (e) Conveyors and related equipment within the scope of ASME B20.1;
- (f) Cranes, derricks, hoists, hooks, jacks and slings within the scope of ASME B30;
- (g) Industrial trucks within the scope of ASME B56;
- (h) Portable equipment, except for portable escalators which are covered by ASME A17.1/CSA B44 and ASME A17.7/CSA B44.7;
- (i) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;
- (j) Equipment for feeding or positioning materials at machine tools, printing presses etc.;
- (k) Skip or furnace hoists;
- (l) Wharf ramps;
- (m) Railroad car lifts or dumpers;
- (n) Line jacks, false cars, shafters, moving platforms and similar equipment used for installing an elevator by a contractor licensed in this state.

## §3 PURPOSE

**3.1** The purpose of this Chapter is to provide for the safety of installers, maintainers, operators and users, and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. Elevator personnel performing work covered by this Code shall by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience shall include, but not be limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Code. This Chapter shall establish the minimum standards for elevator personnel.

**3.2** The provisions of this Chapter are not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by the Code, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A18.1 or ASCE 21.

## §4 Definitions

**4.1 ADMINISTRATORS** – The Commissioner of [Inspections and Community Revitalization] and the Commissioner of [Public Works] or the officer (s) designated by the Elevator Safety Review Board.

**4.2 ASCE 21** – American Society of Civil Engineers Automated People Mover Standards.

**4.3 ASME A17.1/CSA B44** – The Safety Code for Elevators and Escalators, an American National Standard.

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**4.4 ASME A17.3 – The Safety Code for Existing Elevators and Escalators, an American National Standard.**

**4.5 ASME A17.7/CSA B44.7 – The Performance - Based Safety Code for Elevators and Escalators, an American National Standard.**

**4.6 ASME A18.1 – The Safety Standard for Platform Lifts and Stairway Chairlifts, an American National Standard.**

**4.7 AUTOMATED PEOPLE MOVER – An installation as defined as an “automated people mover” in ASCE 21.**

**4.8 BOARD – The Elevator Safety Review Board as described in this chapter.**

**4.9 CERTIFICATE OF OPERATION - A document issued by the Director of Licenses that indicates that the conveyance has had the required safety inspection and tests and fees have been paid as set forth in this Chapter.**

**4.10 CERTIFICATE OF OPERATION; TEMPORARY – A document issued by the Director of Licenses which permits the temporary use of a non-compliant conveyance by the general public for a limited time, thirty days while minor repairs are being completed.**

**4.11 CONVEYANCE - Any elevator, dumbwaiter, escalator, moving sidewalk, platform lifts stairway chairlifts and automated people movers.**

**4.12 DORMANT ELEVATOR, DUMBWAITER OR ESCALATOR – An installation placed out of service as specified in ASME A17.1/CSA B44 and ASME A18.1.**

**4.13 ELEVATOR - An installation as defined as an “elevator” in ASME A17.1/CSA B44.**

**4.14 ELEVATOR CONTRACTOR - Any sole proprietor, firm, or corporation who possesses an elevator contractors license in accordance with the provisions of Section 9 and 10 and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance covered by this chapter.**

**4.15 ELEVATOR HELPER/APPRENTICE – Works under the general direction of Licensed Elevator Mechanic. A license is not required.**

**4.16 ELEVATOR INSPECTOR - Any person, as defined in ASME QEI as an inspector who possesses an elevator inspector’s license in accordance with the provisions of this chapter.**

**4.17 ELEVATOR MECHANIC – Any person, who possesses an elevator mechanic license in accordance with the provisions of Section 9 and 10 and who is engaged in erecting, constructing, installing, altering, servicing, repairing or maintaining elevators or related conveyance covered by this chapter.**

**4.18 ESCALATOR - An installation as defined as an “escalator” in ASME A17.1/CSA B44.**

## **MODEL ELEVATOR LAW**

**4.19 EXISTING INSTALLATION** – An installation as defined as an “installation, existing” in ASME A17.1/CSA B44.

**4.20 LICENSE** - A written license, duly issued by the Director of Licenses, authorizing a person, sole proprietor, firm, or corporation to carry on the business of erecting, constructing, installing, altering, servicing, repairing or maintaining or performing inspections of elevators or related conveyance covered by this chapter.

**4.21 LICENSE, ELEVATOR CONTRACTORS** - A license which is issued to an elevator contractor who has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining elevators or related conveyance covered by this chapter.

**4.22 LICENSE, INSPECTOR** - A license which is issued to an ASME QEI certified elevator inspector who has proven his/her qualifications and ability and has been authorized by the Elevator Safety Review Board to possess this type of license. It shall entitle the holder thereof to engage in the business of inspecting elevators or related conveyance covered by this chapter.

**4.23 LICENSE, LIMITED ELEVATOR CONTRACTORS** - A license which is issued by the Director of Licenses, authorizing a sole proprietor, firm, or corporation who employs individuals to carry on a business of erecting, constructing, installing, altering, servicing, repairing, or maintaining platform lifts, and stairway chairlifts within any building or structure, including but not limited to private residences.

**4.24 LICENSE, ELEVATOR MECHANIC** – A license, which is issued to a person who has proven his/her qualifications and ability and has been authorized by the Elevator Safety Review Board to work on conveyance equipment. It shall entitle the holder thereof to install, construct, alter, service, repair, test, maintain and perform electrical work on elevators or related conveyance covered by this chapter.

**4.25 LICENSEE** - The elevator mechanic, elevator contractor or elevator inspector.

**4.26 MATERIAL ALTERATION** - An “alteration” as defined in the referenced standards.

**4.27 MOVING WALK (SIDEWALK)** - An installation as defined as a “moving walk” in ASME A17.1/CSA B44.

**4.28 PRIVATE RESIDENCE** - A separate dwelling or a separate apartment in a multiple dwelling, which is occupied by members of a single-family unit.

**4.29 REPAIR** - A “repair” as defined in the referenced standards. This does not require a permit.

**4.30 TEMPORARILY DORMANT ELEVATOR, DUMBWAITER OR ESCALATOR** - An installation whose power supply has been disconnected by removing fuses and placing a padlock on the mainline disconnect switch in the “OFF” position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal shall be installed on the mainline disconnect switch by a licensed elevator inspector. This installation shall not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a licensed elevator inspector. “Temporarily Dormant” status shall be renewable on

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an annual basis, and shall not exceed a five-year period. The inspector shall file a report with chief elevator inspector describing the current conditions. The wire seal and padlock shall not be removed for any purpose without permission from the elevator inspector.

All other building transportation terms are defined in the latest edition of ASME A 17.1/CSA B44, ASME A17.7/CSA B44.7 and ASME A18.1.

## §5 License Required

5.1 No person shall erect, construct, alter, replace, maintain, remove or dismantle any conveyance contained within buildings or structures in the jurisdiction of this state unless an Elevator Mechanic license has been issued as described herein and is working under the direct supervision of a sole proprietor, firm or corporation who is an Elevator Contractor pursuant to this chapter. No person shall wire any conveyance, from the mainline feeder terminals on the controller, in the jurisdiction of this state unless an Elevator Mechanic license has been issued as described herein and is working under the direct supervision of a sole proprietor, firm or corporation who is an Elevator Contractor pursuant to this chapter. No other license shall be required for this work. A licensed elevator contractor is not required for removing or dismantling conveyances, which are destroyed as a result of a complete demolition of a secured building or structure or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

5.2 No person shall inspect any conveyance within buildings or structures, including but not limited to private residences, unless an inspector's license has been issued as described herein.

## §6 Elevator Safety Review Board

6.1 There is hereby created the Elevator Safety Review Board, herein referred to as the "Board" consisting of nine members, one of whom shall be the Commissioner of [Public Works] or his delegate, one of whom shall be the Commissioner of [Inspections and Community Revitalization] or his delegate. The Governor shall appoint the remaining seven members of the Board as follows; one representative from a major elevator manufacturing company or it's authorized representative; one representative from an elevator servicing company; one representative of the architectural design or elevator consulting profession; one representative of the general public; one representative of a municipality in this state; one representative of a building owner or manager; and one representative of Labor involved in the installation, maintenance and repair of elevators.

6.2 The members constituting such Board shall serve for terms of three years, excluding the Commissioner of [Inspections and Community Revitalization], and the Commissioner of [Public Works] who shall serve continuously. The members shall serve without salary. The board member shall receive from the state expenses necessarily incurred by them in performance of their duties. The Governor shall appoint one of the members to serve as Chairman; the Chairman shall be the deciding vote in the event of a tie vote.

## §7 Meeting of Board

7.1 The Board shall meet and organize within ten days after the appointment of its members and at

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such meeting shall elect one Secretary of the Board to serve during the term to be fixed by the rules and regulations to be adopted by the Board. The Board shall meet regularly once in each month at a time and place to be fixed by it and at such times as it is deemed necessary for the consideration of code regulations, appeals, variances and for the transaction of such other business as properly may come before it. Special meetings shall be called as provided in the rules and regulations. Any appointed Board Member absent from three consecutive meetings shall be dismissed.

## §8 Powers of Board

**8.1** The Board shall be authorized to consult with engineering authorities and organizations concerned with standard safety codes; rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and/or inspection of elevators, dumbwaiters, escalators etc, and the qualifications which are adequate, reasonable and necessary for the elevator mechanic, contractor and inspector. Therefore, the Board shall be authorized to recommend the amendments of applicable legislation, when appropriate, to legislators.

**8.2** The Board shall establish the State regulations for the equipment regulated by this Chapter. Said regulations shall include the Safety Code for Elevators and Escalators, ASME A17.1/CSA B44; the Safety Code for Existing Elevators and Escalators, ASME A17.3; the Performance-Based Safety Code for Elevators and Escalators, ASME A17.7/CSA B44.7, the Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1; Standard for the Qualification of Elevator Inspectors, ASME QEI-1; and Automated People Mover Standards, ASCE 21. The Board shall adopt the latest editions of said standards with six months of their effective date. Any modifications to said standards, that the Board deems necessary, shall be justified in writing by the Board.

**8.3** The Board shall also have the authority to grant exceptions and variances from the literal requirements of applicable code and standards, regulations, and/or local legislation in cases where such variances would not jeopardize the public safety and welfare. The Board shall have the authority to hear appeals, hold hearings and decide upon such within 30 days of the appeal.

**8.4** The Board shall establish fee schedules for licenses, permits, certificates and inspections. The fees shall reflect the actual costs and expenses to operate this department and to conduct the duties as described in this chapter.

## §9 Application for Elevator Contractors or Inspector's License

**9.1** Elevator Contractor; Any sole proprietor, firm or corporation wishing to engage in the business of elevator, dumbwaiter, escalator, moving sidewalks installation, alteration, service, replacement or maintenance within the jurisdiction shall make application for a license with the Director of Licenses on a form provided by the Director.

**9.2** Elevator Mechanic; Any person, wishing to engage in installing, altering, repairing or servicing elevator, dumbwaiter, escalator, moving sidewalks installation, alteration, service, replacement or maintenance within the jurisdiction shall make application for a license with the Director of Licenses on a form provided by the Director.

**9.3** Inspector; Any person, wishing to engage in the business of elevator, dumbwaiter, escalator, moving walks, platform or stairway chairlifts, inspections within the jurisdiction, upon proof of ASME

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QEI certification shall make application for a license with the Director of Licenses on a form to be provided by the Director.

**9.4** The applications shall contain information for the following provisions:

- (a) If a person or sole proprietor, the name, residence and business address of the applicant.
- (b) If a partnership, the name, residence and business address of each partner.
- (c) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation; if a corporation other than a domestic corporation, the name and address of an agent located locally who shall be authorized to accept service of process and/or official notices.
- (d) The number of years the applicant has engaged in the business of installing, inspecting, and/or maintaining or servicing elevators and/or platform lifts.
- (e) The approximate number of persons, if any, to be employed by the Elevator Contractor applicant, and if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance.
- (f) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury and property damage insurance.
- (g) Criminal record of convictions, if any, as verified by the Commissioner of Police.
- (h) Such other information as the Director of License may require.

**9.5** Qualifications of Elevator Mechanic

- (a) No license shall be granted to any person who has not demonstrated their qualifications and abilities. Applicants for a mechanic license must demonstrate the following qualifications:
- (b) An acceptable combination of documented experience and education credits: not less than three years work experience in the elevator industry, in construction, maintenance or service/repair or any combination thereof, as verified by current and previous employers licensed to do business in this state. Satisfactory completion of a written examination administered by the Elevator Safety Review Board on the most recent referenced codes and standards.
- (c) Any person who furnishes the commissioner with acceptable proof that they have worked as an elevator constructor, maintenance, or repair person shall upon making application for a license and paying the license fee shall be entitled to receive a license without an examination. They shall have worked without direct and immediate supervision for an elevator contractor licensed to do business in this state. This employment shall not be less than three years immediately prior to the effective date of this document. The person must make application within one year of the effective date of this document.

## MODEL ELEVATOR LAW

- (d) Certificates of completion and successfully passing the mechanic examination of a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program or its equivalent; or
- (e) Certificates of completion of an apprenticeship program for elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor or a state apprenticeship council.
- (f) A license shall be issued to an individual holding a valid license from a state having standards substantially equal to those of this chapter, upon application and without examination.

### 9.6 Qualifications Elevator Inspector

No inspector's license shall be granted to any person, unless they demonstrate to the satisfaction of the Commissioner or officer designated by the Board, thereafter referred to as the "administrators," that they meet the current ASME QEI-1, Standards for the Qualifications of Elevator Inspectors.

### 9.7 Qualifications of Elevator Contractor

- (a) No license shall be granted to any sole proprietor, firm or corporation that has not demonstrated the requisite qualifications and abilities. Duly authorized applicants for an Elevator Contractor's license must demonstrate the following qualifications:
- (b) Shall have in their employ licensed elevator mechanic(s) who perform the work described in Subsection 5.1 and have proof of compliance with the insurance requirements set forth in Section 18.

9.8 A license may be issued to a sole proprietor, firm or corporation holding a valid license from a state having standards substantially equal to those of this chapter, upon application.

## §10 Issuance and Renewal of Licenses; Fees

10.1 Upon approval of an application by the administrator, the Director of Licenses may issue a license [s], all of which shall be renewable biennially. The fee for such license [s] for any renewal thereafter shall be set by the Board.

10.2 When ever an emergency exists in the state due to disaster, act of God or work stoppage and the number of persons in the state holding licenses granted by the board is insufficient to cope with the emergency, Elevator Contractors shall respond as necessary to assure the safety of the public. Any person certified by a licensed Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall seek an Emergency Elevator Mechanic license from the Director of Licenses within five business days after commencing work requiring a license. The administrator shall issue Emergency Elevator Mechanic licenses. The Elevator Contractor shall furnish proof of competency as the administrator may require. Each such license shall recite that it is valid for a period of forty-five (45) days from the

## **MODEL ELEVATOR LAW**

date thereof and for such particular elevators or geographical areas as the administrator may designate and otherwise shall entitle the licensee to the rights and privileges of an Elevator Mechanic license issued in this chapter. The administrator shall renew an emergency Elevator Mechanic license during the existence of an emergency. No fee shall be charged for any emergency Elevator Mechanic license or renewal thereof.

**10.3** An Elevator Contractor shall notify the administrator when there are no licensed personnel available to perform elevator work. The Elevator Contractor may request that the administrator issue Temporary Elevator Mechanic licenses to persons certified by the licensed Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision. Any person certified by an Elevator Contractor to have an acceptable combination of documented experience and education to perform elevator work without direct and immediate supervision shall immediately seek a Temporary Elevator Mechanic license from the Director of Licenses and shall pay such fee, as the Board shall determine. Each such license shall recite that it is valid for the term specified in Section 10.1 and while employed by the licensed elevator contractor that certified the individual as qualified. It shall be renewable as long as the shortage of license holders shall continue.

**10.4** The renewal of all licenses granted under the provisions of this section shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing provisions of the regulations of the Elevator Safety Review Board. Such course shall consist of not less than eight hours of instruction that shall be attended and completed within one year immediately preceding any such license renewal.

**10.5** The courses shall be taught by instructors through continuing education providers that may include, but shall not be limited to, association seminars, and labor training programs. The Elevator Safety Review Board shall approve the continuing education providers. All instructors shall be approved by the Board and exempt from the requirements of the preceding paragraph with regard to their application for license renewal provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

**10.6** A licensee who is unable to complete the continuing education course required under this section prior to the expiration of their license due to a temporary disability may apply for a waiver from the Board. This will be on a form provided by said board which shall be signed under the pains and penalties of perjury and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, such licensee shall submit to said board a certified statement from the same physician, if practicable, attesting to the termination of such temporary disability. At which time a waiver sticker, valid for 90 days, shall be issued to such licensee and affixed to his license.

**10.7** Approved training providers shall keep uniform records, for a period of ten years, of attendance of licensees following a format approved by the Board and such records shall be available for inspection by said board at its request. Approved training providers shall be responsible for the security of all attendance records and certificates of completion; provided, however, that falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.



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## **§11 Civil Penalties, Suspension and Revocation of Licenses**

**11.1** A license issued pursuant to this chapter may be suspended, revoked or subject to civil penalty by the administrators upon verification that any one or more of the following reasons exist:

- (a) Any false statement as to material matter in the application.
- (b) Fraud, misrepresentation or bribery in securing a license.
- (c) Failure to notify the Director of Licenses and the owner or lessee of an elevator or related mechanisms of any condition not in compliance with this chapter.
- (d) Violation of any provisions of this chapter.

## **§12 Hearing on Charges; Decision**

**12.1** No license shall be suspended, revoked or subject to civil penalty until after a hearing before the administrator upon notice to the licensee of at least ten days at the last known address appearing on the license, served personally or by registered mail. The notice shall state the date, hour, and place of hearing and set forth a statement of facts constituting the grounds for the charges against the licensee. The administrator shall suspend or revoke the license or dismiss the proceeding.

## **§13 Appeals**

**13.1** Any person, sole proprietor firm or corporation whose license is revoked, suspended or subject to civil penalty may appeal from such determination to the Board, which shall within thirty days thereafter, hold a hearing, of which at least fifteen days written notice shall be given to all interested parties. The Board shall, within thirty days after such hearing, issue a decision.

## **§ 14 Registration of Existing Elevators, Platform Lifts, Dumbwaiters, Escalators, Moving Walks and any Other Conveyance**

**14.1** Within six months after the date of the appointment of the Board, the owner or lessee of every existing conveyance shall register with the Director of Licenses each such elevator, dumbwaiter, platform lift, and escalator or device described in section one, owned and operated by them, giving the type, rated load and speed, name of manufacturer, its location and the purpose for which it is used and such additional information as the Director of Licenses may require. Elevators, dumbwaiters, platform lifts escalators and moving walks or other conveyances which construction has begun subsequent to the date of the creation of the Board shall be registered at the time they are completed and placed in service.

## **§15 Compliance with State Fire Prevention and Building Code**

**15.1** It shall be the responsibility of individuals, firms or corporations licensed as described above to ensure that installation and/or service and maintenance of elevators and devices described in section one, is performed in compliance with the provisions contained in the State Fire Prevention and Building Code, and with generally accepted standards referenced in said code.

# MODEL ELEVATOR LAW

## §16 Permits

**16.1** No conveyance, covered by this Chapter shall be erected, constructed, installed or altered within buildings or structures within the jurisdiction unless a permit has been obtained from the Director of Licenses before the work is commenced. Where any material alteration, as defined herein, is made, the device shall conform to applicable requirements in ASME A17.1/CSA B44, ASME A17.7/CSA B44.7, ASME A18.1 or ASCE 21 for the alteration. No permit required hereunder shall be issued except to a sole proprietor, firm, or corporation holding a current Elevator Contractor's license, duly issued pursuant to this chapter. A copy of such permit shall be kept at the construction site at all times while the work is in progress.

**16.2** The permit fee shall be as set by the Board. Permit Fees collected are non-refundable.

### **16.3** Permit Requirements:

(a) Each application for a permit shall be accompanied by copies of specifications and accurately scaled and fully dimensioned plans showing the location of the installation in relation to the plans and elevation of the building; the location of the machinery room and the equipment to be installed, relocated or altered; and all structural supporting members thereof, including foundations, and shall specify all materials to be employed and all loads to be supported or conveyed. Such plans and specifications shall be sufficiently complete to illustrate all details of construction and design.

(b) The applicable fees shall accompany each permit application.

### **16.4** Revocation of Permits: Permits may be revoked for the following reasons:

(a) Where any false statements or misrepresentation as to the material facts in the application, plans, or specifications on which the permit was based.

(b) Where the permit was issued in error and should not have been issued in accordance with the code.

(c) Where the work detailed under the permit is not being performed in accordance with the provisions of the application, plans or specifications or with the code or conditions of the permit.

(d) Where the Elevator Contractor to whom the permit was issued fails or refuses to comply with a STOP WORK order.

### **16.5** Expiration of Permits:

(a) If the work authorized by such permit is not commenced within six months after the date of issuance, or within a shorter period of time as the Director or his duly authorized representative in his discretion may specify at the time the permit is issued.

(b) If the work is suspended or abandoned for a period of sixty days, or such shorter period of time as the Director or his duly authorized representative in his discretion may specify at the time the permit is issued, after the work has been started. For good cause, the Director or his

## **MODEL ELEVATOR LAW**

representative may allow an extension of the foregoing period at his discretion.

### **§17 New Installations / Annual inspections and Registrations**

**17.1** Installations: [Certificate of Operation required.] All new conveyance installations shall be performed by a sole proprietor, firm or corporation to which a license to install or service conveyances has been issued. Subsequent to installation, said licensed sole proprietor, firm or corporation must certify compliance with the applicable sections of this Chapter. Prior to any conveyance being used, the property owner or lessee must obtain a Certificate of Operation from the Director of Licenses. A fee as set forth in this Chapter, shall be paid for said certificate of operation. It shall be the responsibility of the licensed Elevator Contractor to complete and submit first time registration[s] for new installations. The Certificate of Operation fee for newly installed platform lifts and stairway chair lifts for private residences shall be subsequent to an inspection by a licensed third party inspection firm.

**17.2** The Certificate of Operation fee for all new and existing platform and stairway chair lifts for private residences and any renewal certificate fees shall be waived. The Director of Housing and Property inspections or his designee shall inspect, in accordance with the requirements set forth in this Chapter, all newly installed and existing platform lifts and stairway chair lifts for private residences subsequent to an inspection by a person, firm or corporation to which a license to inspect conveyances has been issued. The Administrator shall provide notice to the owner of the private residence where the conveyance is located with relevant information about conveyance safety requirements, including, but not limited to having the owner contact the Administrator in order to ensure that the conveyance is periodically and timely inspected and made safe before the permit for the conveyance expires. The inspection shall only be done at the request and consent of the private residence owner. All penalty provisions of this Act shall not apply to private residence owners.

**17.3** Display Certificate of Operation. Certificate of Operation referenced in Subsections 17.1 and 17.2 above are renewable annually [One year] except for certificates issued for platform and stairway chairlifts for private residences, which shall be valid for a period of three years. Certificates of Operation must be clearly displayed on or in each conveyance or in the machine room for use for the benefit of code enforcement staff.

### **§18 Insurance Requirements**

**18.1** Elevator Contractors shall submit to the Director of Licenses, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least one million dollars for injury or death of any number of persons in any one occurrence, with the coverage of at least five hundred thousand dollars for property damage in any one occurrence and the statutory workers compensation insurance coverage.

**18.2** Elevator Inspectors, not employed by the Authority Having Jurisdiction, shall submit to the Director of Licenses, an insurance policy or certified copy thereof, issued by an insurance company authorized to do business in the State, to provide general liability coverage of at least one million dollars for injury or death of any number of persons in any one occurrence, with the coverage of at least five hundred thousand dollars for property damage in any one occurrence and the statutory workers compensation insurance coverage.

## **MODEL ELEVATOR LAW**

**18.3** Such policies, or duly certified copies thereof, or an appropriate certificate of insurance, approved as to form by the Corporation Council and as to sufficiency by the Comptroller, shall be delivered to the Director of Licenses before or at the time of the issuance of a license. In the event of any material alteration or cancellation of any policy at least ten days notice thereof shall be given to the Director of Licenses.

### **§19 Enforcement**

**19.1** It shall be the duty of the Elevator Safety Review Board to develop an enforcement program, which will ensure compliance with regulations and requirements referenced in this chapter. This will include but will not be limited to regulations for identification of property locations which are subject to said regulations and requirements; issuing notifications to violating property owners or operators, random on-site inspections and tests on existing installations; witnessing periodic inspections and testing in order to ensure satisfactory performance by licensed persons, sole proprietors, firms or corporations; and assist in development of public awareness programs.

**19.2** Any person may make a request for an investigation into alleged violation of this chapter by giving notice to the director of such violation or danger. Such notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice and shall be signed by the person making the request. Upon the request of any person signing the notice, such person's name shall not appear on any copy of such notice or any record published, released or made available.

**19.3** If upon receipt of such notification the director determines that there are reasonable grounds to believe that such violation or danger exists, the director shall cause to be made an investigation in accordance with the provisions of this chapter as soon as practicable to determine if such violation or danger exists. If the director determines that there are no reasonable grounds to believe that a violation or danger exists, the director shall notify the party in writing of such determination.

### **§20 Liability**

**20.1** This chapter shall not be construed to relieve or lessen the responsibility or liability of any person, firm or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing or repairing any elevator or other related mechanisms covered by this chapter for damages to person or property caused by any defect therein, nor does the State assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts or omissions arising hereunder.

### **§21 Civil Penalties for Offenses**

**21.1** Any owner or lessee who shall violate any of the provisions of this chapter, upon conviction thereof, shall be fined in an amount not to exceed one thousand, five hundred dollars or be imprisoned for a period not exceeding thirty days or both fined and imprisonment.

### **§22 Provisions not Retroactive**

**22.1** The provisions of this chapter are not retroactive unless otherwise stated and equipment shall be required to comply with the applicable code at the date of its installation or within the period

## **MODEL ELEVATOR LAW**

determined by the Board for compliance with ASME A17.3, whichever is more stringent. If upon the inspection of any device covered by this chapter, the equipment is found in dangerous condition or there is an immediate hazard to those riding or using such equipment, or if the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the director, he/she shall notify the owner of the condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

### **§23 Inspection and Testing**

**23.1** Annual Inspections: [Certificate of Operation required.] It shall be the responsibility of the owner of all new and existing conveyances located in any building or structure to have the conveyance inspected annually (ASME A17.1/CSA B44, category one) by a licensed Elevator Inspector. Subsequent to inspection, said licensed elevator inspector shall supply the property owner [s] or lessee and the director with a written inspection report describing any and all code violations. It shall be the responsibility of the director to gain code compliance. Property owners shall have thirty days from the date of the published inspection report to be in full compliance with correcting the violations.

**23.2** It shall be the responsibility of the owner of all conveyances to have an Elevator Contractor, as described herein this chapter, insure that the required tests are performed at intervals in compliance with the ASME A17.1/CSA B44 Appendix N, ASME A18.1 and ASCE 21.

**23.3** All tests shall be performed by a licensed Elevator Mechanic.

### **§24 State Law, Code or Regulation**

**24.1.** Whenever a provision in this chapter is found to be inconsistent with any provision of the applicable state law, code or regulation, the state law shall prevail. This chapter, unless specifically stated otherwise, is not intended to establish more stringent or more restrictive standards than standards set forth in the applicable state law.

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NYC – Council Meeting – April 16, 2012 Page 1 Of 2

Licensing:

I support licensing, and submit the following and I believe it is critical that the following be incorporated in any licensing law. I have been involved in testimony before many State Legislative Committees, where the restrictive language in this proposed Elevator Law has been introduced. The restrictive language and requirements of this proposed licensing law make it very difficult for highly qualified individual's to obtain licenses:

1 - For the protection of the riding public the elevator license requirement should include all work associated with elevators including, installation, maintenance and repair. The present law as written excludes the Licensing of "Installation Journeyman".

2 - A Drug and Alcohol screening certificate by a 3<sup>rd</sup> party approved provider should be submitted before the issuing of a license or license renewal.

3 - Continuing Education Credits "CEU's" approved by the issuing authority equal to 8 hours annually must be provided before issuing of a license or license renewal.

4 - Virginia and Georgia, as well as other states have rejected the 5/7 year experience requirement as too restrictive and have accepted a 3 year experience requirement. It is suggested that this language be changed to require three years of elevator experience and/or one year of mandatory elevator experience and certifiable associated experience such as an associate's degree or higher in an associated discipline such as Electrical Engineering or Electrical Industrial Maintenance; Associated Military Training in Mechanical or Electrical Disciplines; or completion of a related trade apprentice program such as the IBEW - Electrician Apprenticeship Program; Heating and Air Systems Apprenticeship Program; or a Millwright Apprenticeship Program. All certifications must be reviewed and approved by the License Ned Elevator Contractor who must also certify the applicant is qualifications.

Once the certificates substantiating this training and experience are accepted by the license authority then the individual is permitted to set for a test covering code, safety, and practical issues administered by a third party administrator. These tests are presently being administered as part of the law in other states. Upon successful completion of the test, which normally takes about 6 hours to accomplish and is very comprehensive, then the successful individual is granted a license.



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NYC Council Meeting - April 16,2012 – Licensing Page 2 Of 2

This process along with the additional processes which include completion of the Certified Elevator Technician Program as sponsored by the National Association of Elevator Contractors, and/or the completion of the International Union of Elevator Constructors "IUEC" - Union Apprenticeship Program both of which are covered in the present proposed law are needed to assure we have qualified licensed personnel available to work on elevator systems.

Another reason this "TESTING IN" process is so critical is that presently, because of the economy, the International Union of Elevator Constructors has suspended their Apprenticeship training program, once the economy returns everyone will be forced to move people to the work force very quickly and there must be a way to screen and test these people and get the most qualified individuals available licensed to work and maintain the safety of the elevator systems.

5. Reciprocity – I believe the following or Similar Language should be in any law that is considered to enable the licensed elevator contractor the ability to provide the most qualified licensed journeyman available to them to install, service and maintain elevator systems.

Example – An Elevator Mechanic License from another jurisdictional authority will be recognized if the jurisdictional authority qualification requirement standards are substantially equal to those of NYC Elevator Jouryman Licensing Requiremenst/ State of New York Elevator Journeyman Licensing Requirements.

Finally I would recommend that the Council Members appoint a Committee to prepare recommendations to the Council for their review and approval and/or consider the State Elevator Licensing Law presently in process which already covers many of the items I have mentioned and the Committee should work with the State to make sure all the Councils concerns are addressed in the State Elevator Licensing law.

I commend the Commissioners for their concerns and due diligence in moving forward with this law and feel sure that your concerns to provide safety to the riding public while allowing qualified individuals access to the elevator industry will be addressed.

Thank you for the opportunity of presenting this to the Council.



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NYC - Council Meeting – April 16, 2012 Safety Devices Page 1 Of 2

Honorable Council Members – My name is Kent S. Lloyd Jr. CETS, CATS, CEIS and I am Chairman of Abell Elevator International and Abell Lift Systems. Our equipment is presently and has been installed in NYC.

Proposed Items for Discussions:

**Unintended Car Movement:**

The American Society of Mechanical Engineers – ANSI Code A17.1- 2010 for Elevators and Escalators defines Unintended Car Movement as follows:

Any movement of an elevator that is not intended car movement resulting from a component or system failure.

**Ascending Car Protection**

ANSI Code A17.1 2010 Item 2.19.1.1

Ascending car over speed protection shall be provided to prevent the car from striking the hoistway overhead structure as a result of a failure in:

- (a) The electric during – machine, motor, brake coupling shaft, or gearing;
- (b) The control system;
- (c) Any component upon which the speed of the car depends, except the suspension ropes and the drive sheave of the traction machine.

Both safety features were written in to the code so they could be engineered in to all new equipment and were never intended to be retroactive to existing equipment. To try to make these features retroactive would be impossible on older equipment without a major and extremely expensive upgrade to the equipment. If enacted the building owners would be looking for someone to hang.

Also it would not have prevented the tragedy which I believe has caused the Council justified concerns.

However there is circuitry that is already used on new control systems and could be added to existing systems which if installed would add a layer of redundancy and protection in the safety circuit which is directly related to the issue of your concerns.

This would be relative inexpensive as compared to the Unintended Car Movement and Ascending Car Protection.



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NYC Council Meeting – April 16, 2012 – Page 2 Of 2

### Door Monitoring Safety Circuit

I would recommend that a Door Monitoring Safety Circuit as presently being reviewed by the NYC Building Department be requirement on all Elevators under your jurisdiction within the next 36 to 48 months.

This feature monitors the status and position of the car and hall doors and if for any reason the safety interlocking systems are compromised either electrically, mechanically, or by human error, then the system will not operate until the condition is corrected.

As a member of the American Society of Mechanical Engineers, A17.3 Existing Installation Committee, while I cannot speak on the Committee's behalf I can recommend to the Committee at its next meeting in September that it investigates NYC's requirements and if the Committee approves incorporate similar requirements as part of the A17.3 ASME Elevator Safety Code for existing elevators.

I would like to thank the Council for giving me the opportunity to present my position.



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*For the Record*

P.O. Box 5301  
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info@mecaa.org

My name is Karen Kennedy; I am the Executive Director for the Merit Elevator Contractors Association of America (MECAA). We are an organization comprised of elevator contractors throughout the nation that support the free enterprise business model. Many of our members currently live and/or work within New York City, NY.

My purpose today is to go on record that the Merit Elevator Contractors Association of America strongly suggests that the council table the proposed amendment in reference to licensure requirements for elevator technicians. MECAA, as an organization, does not oppose elevator mechanic licensing. Licensure requirements for elevator and lift mechanics are an attempt to improve the safety of the public invitee. As long as these requirements are written without bias to all contractors, it is possible for most contractors to conduct business as they have in the past. The requirements in these amendments have raised concern for many contractors and mechanics, both union and non-union.

We are currently asking that these amendments are tabled for the following reasons:

- ➔ There is no definition of "elevator". As written, these amendments would include both commercial elevator technicians as well as accessibility technicians. Although, both technicians are working with vertical transportation, they are essentially considered two different trades. They are separated by code, different educational programs, and different product. If accessibility companies and technicians had to comply with these proposed regulations it could possibly put them out of work and/or business. We ask that a clear definition of "elevator" be included.
- ➔ Section 28-401.3 definition of "Personal Supervision" is vague and can be left to interpretation. We suggest this definition be edited with more detail and specify what "reasonable control" is considered.
- ➔ These amendments do not include elevator installer. Is it the council's intention to omit elevator installers? MECAA strongly suggests that these mechanics be included in the elevator technician license amendments.



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Thank you for taking the time to consider our suggestion to table the amendments for elevator technician licensing. The interest of all stakeholders will best be served by not voting on these amendments so that all stakeholders have access and an opportunity to represent their respective positions. We hope to produce a revised version that can help increase the safety of the riding public and negotiate terms that will not critically affect companies that have been in business for generations.



*For the Record*

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RENT STABILIZATION ASSOCIATION • 123 William Street • New York, NY 10038

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## **Memorandum in Opposition**

### **Intro. 407**

The Rent Stabilization Association (RSA) of New York represents over 25,000 owners that collectively own or manage a million units of housing in New York. RSA supports the concept of using new technologies to make buildings safer as these technologies evolve, however, these new devices must be evaluated in the context of overall cost and the effect it has on the building. Because of the high cost associated with the implementation of Intro. 407 RSA is opposed to it at this time.

Intro. 407 would require owners to retrofit elevators with ascending overspeed protection devices. The cost of these devices ranges from \$2,000 to \$3,000 per device. The cost of installation ranges from \$10,000 to \$15,000 per device. The cost issues don't end there. Consultants reached by RSA estimate that 90% of all elevators installed before 2009/2010 do not have the circuitry necessary to accommodate these devices. Therefore a complete elevator upgrade would be necessary which could add tens of thousands to the cost.

RSA is opposed to Intro. 407 for the above stated reasons.

**Testimony Before  
the NYC Council Housing & Buildings Committee**

**Monday, April 16, 2012 1:00 p.m.**

**Steve Rakowski  
on behalf of  
Local 237, International Brotherhood of Teamsters**

Good afternoon.

I am Steve Rakowski, and I am here today on behalf of Teamsters Local 237.

I hold the Civil Service title of Supervisor of Elevator Mechanics for the Department of Citywide Administrative Services. Since January 1, 2012, I have been on leave pending retirement.

Local 237 represents approximately 24,000 city and local government employees, including employees of the New York City Housing Authority.

Among our members are approximately 450 Elevator Mechanics, Elevator Mechanic Supervisors and Elevator Mechanic Helpers who work for various City agencies and for NYCHA.

I currently serve as a Chapter Chairman and Grievance Officer for Local 237 for the elevator group in DCAS. That group includes approximately 50 employees in the titles of Elevator Mechanic Supervisors, Elevator Mechanics and Helpers.

I myself come from the ranks of the Elevator Mechanics. During my 38-year career in City employment I have been an Elevator Mechanic Helper, Elevator Mechanic, Elevator Mechanic Supervisor, Deputy Director of Elevator Mechanics for DCAS, and Director of the DCAS elevator repair unit. I oversaw all DCAS employees performing maintenance and repair of elevators in the City. I also oversaw contractors who install new elevator devices and controls on City-owned properties.

I have also served as a Special Examiner for DCAS testing. In that role, I have assisted in the creation, monitoring, and scoring of the Elevator Mechanic series of exams, which includes exams for all three civil service titles: Helpers, Mechanics and Supervisors. Those tests are required of applicants for employment both by NYCHA and by Citywide agencies in the elevator series.

First and foremost, Local 237 supports the City Council's desire to see that those who repair and maintain this City's thousands of elevators have the necessary skills and qualifications.

The requirements of the City positions already demand both sufficient experience and the passage of the Elevator Mechanic exams given by DCAS, which the City accepts as certification of the applicant's skills and qualifications.

Local 237 does not wish to obstruct the City Council's goal of insuring that private sector tradesmen in the elevator industry meet appropriate standards.

We do have some concerns about this bill.

**First: The bill in its current form does not seem to recognize that Elevator Mechanics and Elevator Mechanic Supervisors must already meet sufficient standards for licensure in order to be employed by the City or by NYCHA.**

The bill would establish two criteria for licensure as a technician.

The first can be met by prior experience: Five years of experience within the previous seven years. But to be hired as an Elevator Mechanic for the City of New York, one must have five years of full time experience in the prior ten years (or 4 ½ years of experience plus six months or 600 hours of training).

Local 237 is concerned that if the bill is not conformed to the current experience requirement for the Elevator Mechanic position, then current, qualified employees may be required to complete an apprenticeship or to undergo an educational program in order to keep their jobs.

The second criteria is a testing requirement: The bill would require passage of a mechanic exam given by certain accredited institutions. But to be hired as an Elevator Mechanic for the City of New York or for NYCHA, one must pass the civil service exam for Elevator Mechanics that is administered by DCAS.

By law, the civil service exam must fairly test the person's fitness to serve in the position. Therefore, the test administered by DCAS is already recognized by the City and by the State as a sufficient demonstration of qualification. It should also satisfy any new licensure requirement.

In short, if incumbent Elevator Mechanics and Elevator Mechanic Supervisors employed by the City or by NYCHA are going to have to be licensed, then the qualifications applicable to their civil service positions should qualify them for that license.

Our proposed amendments:

- (a) Adjust §28-421.4.1.2 to conform to the current civil service requirement of five years full time experience in the last 10 years.

- (b) Add language to §28-421.4.2 recognizing that passage of the Elevator Mechanics exam administered by DCAS will satisfy the requirement.

**Second: We want to make sure that this bill would allow current City and NYCHA employees to continue working. This bill should not put qualified employees on the street.**

For Elevator Mechanics and Supervisors, the legislation would make it “unlawful” to continue performing the job unless the person is an “Elevator Agency Director” or “employed by” either an Elevator Agency Director or the Department of Buildings.

Most of the City’s or NYCHA’s Elevator Mechanics are not “directors” and none is employed by a “director” or by the Department of Buildings. They do work under the general supervision of a director, but they are not employed by a director.

Since under this bill, the mechanics could only continue working if they are “employed by” an elevator agency director, it seems that this could be read to disqualify the hundreds of City and NYCHA employees who do this work every day without incident.

*We trust this is a technical matter that is easily adjusted.*

**This bill would also disqualify the Elevator Mechanic Helpers currently employed by the City and by NYCHA.**

Under this bill, someone who is not a director or a technician can perform elevator repair or maintenance only as part of a state-approved apprenticeship program. If adopted as is, the bill would put the City’s and NYCHA’s qualified helpers on the street.

Like apprentices, the hundreds of currently employed Elevator Mechanic Helpers are required to work under the direct supervision of Mechanics, as is stated in the job specification. In addition, before one can even be hired as a Helper, the person must have (i) three years of experience, (ii) two years of experience plus 600 hours of training or (iii) complete a training program sponsored by NYCHA.

Applicants for the Elevator Mechanic Helper position must also take and pass a civil service exam sponsored by DCAS.

The bill should be amended to allow the current Helpers to continue in employment.

Our proposed amendment:

Add a paragraph to §28-421.3 that would authorize people currently employed by the City and by NYCHA as Elevator Mechanic Helpers to perform the work at issue under the direct supervision of the Elevator Mechanics.

**Third: City employees should not be required to pay a licensing fee to continue in their positions.**

The bill includes a waiver of the application fee for persons certified as private elevator agency inspectors and as directors. It should also include a waiver for persons currently employed by the City and by NYCHA in the Elevator Mechanic titles.

**Fourth: The bill potentially requires additional training and/or certifications.**

If this bill ultimately requires any current City or NYCHA employees to obtain any kind of additional training or certification, the employees should be allowed sufficient duty time to obtain it. And where it will cost employees money to obtain any additional training or certifications just to keep their job, the City should cover that cost and not demand it out the employees' pockets.

**Fifth: The bill's provision regarding qualification by past experience is too rigid.**

It states that one must have 1750 hours of experience in each of the five years that would qualify the person. That is 35 hours per week for 50 weeks. It does not even contemplate a sick day here or there. Rather than establish 1750 hours per year as the legal minimum, we suggest adopting the requirement as stated in the Elevator Mechanic specifications: "five years of full time satisfactory experience."

On behalf Local 237, thank you for the opportunity to address this legislation.



# Examining Elevator Safety In New York City

Jim Duffy  
President of Richmond Elevator  
17 Rector St  
Staten Island NY 10314

RE: INT No. 407 *In relation to requiring existing elevators in residential buildings and other buildings with residential occupants to be equipped with additional safety devices*

*Preconsidered INT No. In relation to Elevator Agency Director's and Elevator Technicians Licenses*

*It is my personal opinion that I welcome all proposals that improve the Safety of Elevator Riding Public and Elevator Industry Service Personnel.*

## INT No.407

*The proposed additional safety devices is a good idea but due to the age and obsolescence of the technology used in the design of older Elevator Controllers, Traction Machines, and Door Equipment the most logical decision would be to replace them entirely. The alternative would be long lines applying for Waivers.*

*I believe INT No.407 should be referred back to a Elevator Technical Committee for a Safety Value Review so the Council can make an informed decision.*

*Preconsidered INT No.*

*The Licensing of Elevator Technicians is an important step to ensure the safety of the Elevator Riding Public. There are too many questions from ECNY membership of which I don't have answers. There are various versions (INT No.) floating around causing angst.*

*I urge the NYC Council to refer Preconsidered INT No. to an Elevator Technical Safety Committee for a thorough analysis so the Council can make an informed decision.*

*Note: The Committees Representatives I refer to should reflect the diversity of the Industry.*

Richmond Elevator  
Elevator Conference Of New York

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. P10-considered Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: KEVIN FULLINGTON

Address: 2 PARK AVE NYC

I represent: ELEVATOR INDUSTRIES ASSOCIATION

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Kent Lloyd

Address: 1256 Logan St. Louisville KY

I represent: Abell Elevator Int'l

Address: Sale Elevators in the City

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4-16-2012

(PLEASE PRINT)

Name: George Nyborg

Address: \_\_\_\_\_

I represent: Tri-State Elevator

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/16/2012

(PLEASE PRINT)

Name: NICHOLAS R. LAGUARDIA

Address: \_\_\_\_\_

I represent: IATC Elec Industry #943

Address: IBEW

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: STEVEN RAKOWSKI

Address: \_\_\_\_\_

I represent: Teamsters Local 237

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: VINCENT MONTALBANO

Address: \_\_\_\_\_

I represent: Teamsters Local 237

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4-16-12

(PLEASE PRINT)

Name: TRAVIS MASTRODDI

Address: 330 W 42d St 25th Fl NY 10036

I represent: TEAMSTERS LOCAL 237

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 407 Res. No. PRE

in favor  in opposition

Date: 4/16/12

(PLEASE PRINT)

Name: Jim Duffy

Address: 61 Todt Hill Rd

I represent: Richmond Elevator / ECNY

Address: 17 Rector St SINY 10314

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 12012-4539 Res. No. \_\_\_\_\_

in favor  in opposition

*w/ modification*

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Elizabeth "Betsy" Ceriello

Address: \_\_\_\_\_

I represent: NEIL CHAT. Elevator Industry Inc

Address: 100th Elevator, One Farm Springs,  
Farmington, CT 06032

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ROBERT OLENICK

Address: 158-11 HVA JR AVE

I represent: LOCAL #3 IBEW

Address: 158-11 HVA JR AVE FLUSHING NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 407 Res. No. \_\_\_\_\_

in favor  in opposition

Date: April 15, 2012

(PLEASE PRINT)

Name: Mary Ann Rothman

Address: \_\_\_\_\_

I represent: Council of NY Cooperatives + Condominiums

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition LICENSING

Date: 4/16/12

(PLEASE PRINT)

Name: DOUG BAYASTON

Address: 257 BROWN AV. BRASLET PK NY

I represent: HANDI-LIFT, INC

Address: 730 GARDEN ST. CARLSTADT, NY 13512

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Louis Coletti

Address: 1430 Broadway

I represent: Building Trades Employers' Ass.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4-16-12

(PLEASE PRINT)

Name: GARY RIEFENHAUSER

Address: \_\_\_\_\_

I represent: LOCAL ONE T. U. E. C

Address: 41-4 27th St 100 11101

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Harry Uyas

Address: Executive Director Elevators

I represent: Dept of Buildings

Address: 200 Broadway

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Christopher SANTULLI

Address: Assistant Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Robert LIMANDRE

Address: Commissioner

I represent: Dept of Buildings

Address: 280 Broadway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sylvester Giustino

Address: 11 Penn Plaza, NYC, NY 10001

I represent: B&MA/NY

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: James Walker

Address: 362 Cedar Lane Teaneck NJ

I represent: Elevator Manufacturers Assn of NY

Address: same

Please complete this card and return to the Sergeant-at-Arms