

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240

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DECISION

AV 77

Dated: June 6, 1986

In the Matter of
Part 23 of Title 12 of the Official Compilation
of Codes, Rules and Regulations
of the State of New York

(Cited as 12NYCRR 23)
(As Amended Effective February 1, 1975)

Code Rule Paragraph 23-5.1(c)
Self-Propelled Elevating Work Platform
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The Commissioner of Labor has reviewed the provisions of Paragraph 21.9(a) of Industrial Code Rule 21 and of Subdivision 23-5.1(c) of Industrial Code Rule 23; and

In conjunction with this review, the Commissioner of Labor has also reviewed ANSI A92.6-1979 "American National Standard for Self-Propelled Elevating Work Platforms" and has reviewed previous approvals as issued by the former Board of Standards and Appeals for elevating; or telescoping; work platforms; and

In conjunction with this review, the Commissioner of Labor has also reviewed established requirements for electrical interlocks in Approvals issued by the former Board of Standards and Appeals to insure that outriggers are in place prior to use of an elevating; or telescoping; work platform; and

Upon these collective records, the Commissioner of Labor finds that the issuance of an applicable variance from the requirements of Industrial Code Rule Subdivision 21.9(a) and Paragraph 23-5.1(c) would not violate the spirit and purpose of said rules

and would insure proper design and thereby enhance the public safety as contemplated by said rules.

APPLICABLE VARIANCE

A variance from Subdivision 21.9(a) of Part 21 and Paragraph 23-5.1(c) of Part 23 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (cited as 12NYCRR 21 and 12NYCRR 23) as amended effective October 1, 1966 and February 1, 1975 respectively, is hereby GRANTED permitting Self-Propelled Elevating Work Platforms to be considered for approval without being able to bear four times the maximum weight required to be dependent therefrom or placed thereon when in use subject to the following Conditions:

CONDITIONS

1. Each manufacturer of Self-Propelled Elevating Work Platforms shall secure approval of such devices as required by Code Rule Subdivision 23-5.2.
2. In application for approval of such devices, the manufacturer shall submit certification by a Professional Engineer licensed to practice in the State of New York to the effect that the following sections and subdivisions of ANSI A92.6-1979 are complied with and the design of the equipment provides for the indicated safety factors:

- a. Section 3 - Subdivision 3.2.2 - Structural Safety Factor
- b. Section 3 - Subdivision 3.2.3 - Production Load Test
- c. Section 4 - Subdivision 4.1 - Stability Tests
- d. Section 6 - Subdivision 6.1.1 - Safety Factors
- e. Section 6 - Subdivision 6.1.2 - Safety Factors

3. In application for approval of such devices, the manufacturer shall submit certification by a Professional Engineer licensed to practice in the State of New York to the effect that the following requirements are complied with and that the provisions of ANSI A92.6 - 1979, Section 4, Subdivision 4.4. regarding interlocks are complied with -

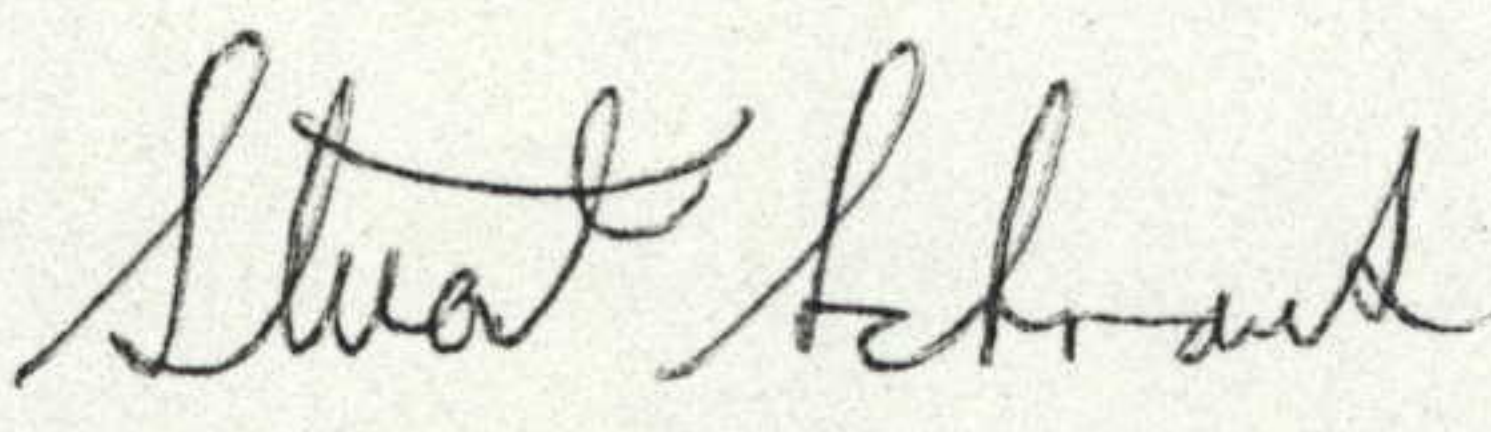
- a. The platform shall be stable against overturning in a 25 mile per hour wind with the platform in its most elevated position on level ground; and with the live load located in its most adverse position.
- b. The platform shall be stable against overturning with the platform in its most elevated position; on level ground; and with the live load in its most adverse position when subjected to a horizontal force of 150 pounds or 15 per cent of the rated platform load (which ever is greater) applied to the platform in the direction of least overturning stability.

4. For elevating; or telescoping; work platforms presently bearing New York State Approval, such approval will be amended by the Commissioner of Labor upon receipt of data by a licensed Professional Engineer licensed to practice in the State of New York confirming compliance with Conditions 2 and 3 above.

The variance shall apply and shall be applied by all enforcement officials to all persons and in all places to which Industrial Code Rule Subdivision 21.9(a) and Paragraph 23-5.1(c) apply to Self-Propelled Elevating Work Platforms with the

same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by said Paragraph.

LILLIAN ROBERTS
COMMISSIONER OF LABOR

BY 
STUART SCHRANK, DIRECTOR
DIVISION OF SAFETY AND HEALTH

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