

STATE OF NEW YORK
DEPARTMENT OF LABOR
TWO WORLD TRADE CENTER
NEW YORK, NEW YORK 10047

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DECISION
In the Matter Of : AV 78
Part 32 of Title 12 of the Official Compilation :
of Codes, Rules and Regulations : DATED: APRIL 30, 1985
of the State of New York :
(cited as 12NYCRR 32) :
Code Rule 32.62 :
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The Commissioner of Labor, pursuant to Section 30 of the Labor Law, has reviewed the provisions of Section 32.59 and Section 32.62 of Industrial Code Rule 32; and

In conjunction with the review, the Commissioner of Labor has also reviewed the case histories of several appeals relative to Code requirements for minimum clearance between towers and carriers; and

Upon these collective records, the Commissioner of Labor finds that the issuance of an applicable variance would not violate the spirit and purpose of Industrial Code Rule 32 and would secure a safe condition as contemplated by said sections.

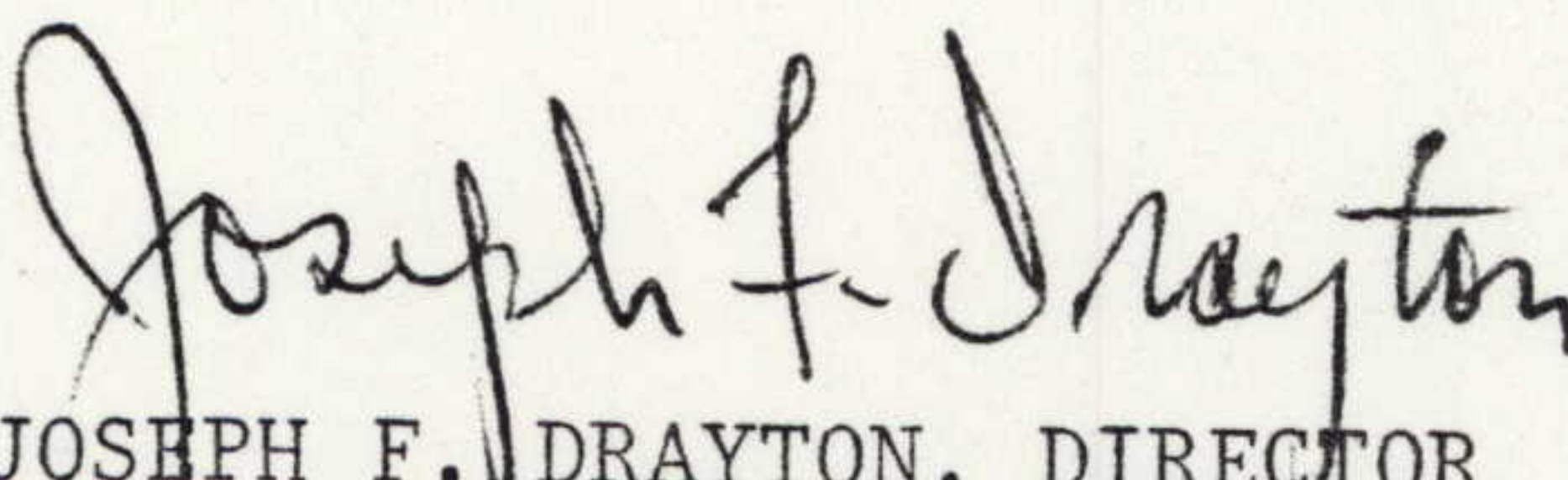
APPLICABLE VARIANCE

A variance from Section 32.62 of Part 32 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (cited as 12NYCRR32) as amended effective July 1, 1982 is hereby granted ACCEPTING compliance with Code Rule 32.59 as adequate subject to the following
Conditions:

THE CONDITIONS

1. Carriers which do not contact the tower structure when swung laterally 15 degrees from the vertical position are acceptable on condition that ski tip guards are provided to prevent skis from being caught in the tower structure as required by Code Rule Subdivision 32.59(d).
2. Where carriers contact the tower structure when swung laterally less than 15 degrees, the provisions of Code Rule Paragraphs 32.59(a)(2) through 32.59(a)(6) shall apply. In addition, ski tip guards shall be provided in accordance with Code Rule Subdivision 32.59(d).
3. Code Rule Paragraph 32.59(a)(7) shall apply in any case.

LILLIAN ROBERTS
COMMISSIONER OF LABOR

BY 
JOSEPH F. DRAYTON, DIRECTOR
DIVISION OF SAFETY AND HEALTH