

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**FINAL STATEMENT OF REASONS**

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 7, Article 98, Section 5006.1
of the General Industry Safety Orders

Mobile and Tower Crane Operator Certification, Exception No. 2-Electric Line TrucksMODIFICATIONS AND RESPONSE TO COMMENTS RESULTING FROM
THE 45-DAY PUBLIC COMMENT PERIOD

There are no modifications to the information contained in the Initial Statement of Reasons.

Summary and Response to Oral and Written Comments:I. Written Comments

Mr. Jules Weaver, Chapter Manager, Western Line Constructors (WLI), by letter dated August 14, 2006.

Comment:

Mr. Weaver referred to a June 13, 2005, response letter from the Division of Occupational Safety and Health (Division) clarifying WLI questions regarding implementation of Section 5006.1. One question in particular pertained to the exemption of truck based cranes under the definition of electric line trucks and notes that per the Division's letter, such trucks are exempt from the requirements of Section 5006.1. This resulted in a change in the manner in which WLI handled its crane operator certification program. Mr. Weaver requested that if Section 5006.1, Exception No. 2 is amended as proposed, WLI be given one year to comply with the amended standard in order to implement the training required by the standard.

Response:

The Board wishes to clarify that Section 5006.1 pertains to the certification of crane operators via competency testing and physical examinations, not training. Operators of mobile truck cranes are to be trained under the provisions of existing General Industry Safety Orders (GISO), Sections 5006 and 3203. Therefore, the Board declines to modify the proposal as suggested by Mr. Weaver.

Mr. Jay A. Weir, CSP, Senior Manager-Safety Operations, AT&T Corporate Safety and Health, by letter dated August 17, 2006.

Comment:

Mr. Weir stated that AT&T's operations are similar to those of the electric industry and are regulated by the Public Utilities Commission (PUC). Mr. Weir proposed modifications to the proposal to specifically reference telecommunication line trucks (digger derrick trucks) defined in Section 8601 of the Telecommunication Safety Orders (TCO) and regulated by Section 8600 of the TCO.

Response:

The Board and Division staffs have not had the opportunity to discuss this issue with stakeholders or evaluate any documentation pertinent to telecommunication line trucks. The subject of telecommunication operations and equipment is technically outside the scope of this rulemaking (which is specific to the electric utility industry). Consequently, the Board declines to modify the proposal as suggested.

The Board staff will evaluate the inclusion of Telecommunication Line Trucks as part of Exception No. 2 by discussing the issue with telecommunication industry stakeholders, equipment manufacturers, labor, the Division and other stakeholders.

Mr. Larry Pena Manager, Corporate Safety, Policy and Regulations, Southern California Edison (SCE), by letter dated August 17, 2006.

Comment:

Mr. Pena stated that electric line trucks are designed and built to more than one national consensus standard, which include the American Society of Mechanical Engineers (ASME) B30.5 standard. Mr. Pena referred to an attached photograph to illustrate the appearance of this type of truck. He stated that the proposed exception was not intended to rule out equipment that has been used in the electric line industry for decades. Mr. Pena speaking on behalf of SCE offered the following modifications to the proposed language:

1. Remove the parenthesis around the term "digger derrick trucks" in the first sentence, and
2. Delete the last sentence.

Mr. Pena stated that these two modifications are necessary to ensure that the employer understands that electric line trucks, as depicted in his attached photograph, will continue to be exempt from the operator certification requirements contained in Section 5006.1 and ensure consistency with the existing High Voltage Electrical Safety Order (HVESO) definition of electric line truck.

Response:

The Board notes that HVESO Section 2940.7, Mechanical Equipment uses the term “aerial lift/digger derricks” interchangeably and Section 2940.7(c), which pertains to derrick trucks, cranes and other lifting equipment, exempts derrick trucks (which are parenthetically referred to as electric line trucks) from having to comply with the mobile crane design and construction standards contained in ANSI B30.5 and B30.6 standards referenced in GISO Section 4884. The Board believes that given the interchangeability and intent of HVESO language, the terms digger derrick and electric line truck are referring to the same vehicle which is not a B30.5 crane for the purpose of Exception 2 to Section 5006.1. Regardless of which standard the vehicle may have been designed to, the vehicle pictured in the attachment is designed solely as a crane for lifting service and is fundamentally a B30.5 telescopic boom, mobile truck crane. The mobile crane pictured in Mr. Pena’s attachment is exempt from the provisions of Section 5006.1 if the boom length or lifting capacity thresholds specified in Exception No.1 to Section 5006.1 are not exceeded, as specified.

There are mobile, telescopic boom truck crane manufacturers that design and build ASME B30.5 mobile cranes for use in the electric utility industry. However, the same hazard potential faces other telescopic boom mobile truck cranes that exceed the thresholds specified in Section 5006.1 Exception No. 1. The Board believes that when such cranes exceed the lifting capacity or boom length thresholds specified in Exception No. 1, the operator must be certified in order to assure safe operation.

The Board believes no modification to the proposal is necessary.

II. Oral Comments

Oral comments received at the August 17, 2006, Public Hearing in Costa Mesa, California.

Mr. Tom Brown, International Brotherhood of Electrical Workers (IBEW), Local 47

Comment:

Mr. Brown stated that IBEW Local 47 supports the proposed language to the extent that electric line trucks should remain exempt from the provisions of GISO Section 5006.1, but mobile truck cranes designed and built to American Society of Mechanical Engineers (ASME) standards (B30.5 mobile cranes) should be operated by trained (certified) employees. Mr. Brown, on behalf of the Cal-Nevada Apprenticeship for Line Apprentices, requested that the Board grant a reasonable amount of time, perhaps one year, for the pool of trained employees to expand.

Response:

It is important to clarify that Section 5006.1 pertains to certification of operators not training. Operators of such equipment are to be trained under the provisions of GISO Sections 5006.1 and 3203. Therefore, the Board declines to make modifications to the proposal.

The Board thanks Mr. Brown and IBEW Local 47 for their comments, support and participation in the Board's rulemaking process.

Mr. Larry Pena, Manager of Corporate Safety Policy and Regulations for Southern California Edison (SCE)

Comment:

Mr. Pena summarized his written comments, submitted on August 17, 2006.

Response:

Please see the Board's response under the "written comments" section.

The Board thanks Mr. Pena and SCE for their participation in the Board's rulemaking process.

Mr. William Lewis, Business Representative, IBEW, Local 18

Comment:

Mr. Lewis represents a number of municipalities in Southern California, most notably the Los Angeles County Department of Water and Power who utilize certified crane operators and utility linemen. He stated that IBEW, Local 18 supports the proposed amendments and noted that it eliminates confusion and provides clarification and a safer workplace.

Response:

The Board thanks Mr. Lewis and IBEW Local 18 for their support and participation in the Board's rulemaking process.

ADDITIONAL DOCUMENTS RELIED UPON

None.

ADDITIONAL DOCUMENTS INCORPORATED BY REFERENCE

None.

DETERMINATION OF MANDATE

This standard does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed standard. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the adopted action.