

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONS**CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 7, Subchapter 7, Article 98, Section 5006.1, Exception No. 2
of the General Industry Safety Orders (GISO)

Mobile and Tower Crane Operator Certification, Exception No. 2-Electric Line Trucks**SUMMARY**

This proposal is in response to a Division of Occupational Safety and Health (Division) Request for New or Change in Existing Safety Order (Form 9-048) to amend Exceptions No. 1 and No. 2 to Section 5006.1 of the General Industry Safety Orders (GISO). Board staff intends to convene an advisory committee at a later date to consider the proposed amendments to Exception No. 1 regarding mobile crane boom length and lifting capacity. This proposal addresses Exception No. 2 which pertains to the applicability of the mobile and tower crane certification standards for operators of electric line trucks (a highly specialized vehicle) used by the electric utility industry to (1) transport workers, tools, and materials and (2) serve as a traveling workshop for electric power line construction and maintenance work.

Electric line trucks are usually equipped with a boom and auxiliary equipment for setting poles, digging holes, and elevating material or workers. This type of vehicle is also known as a digger derrick or derrick truck and is regulated by Section 2940.7 of the High Voltage Electrical Safety Orders (HVESO). Electric line trucks are designed and built to meet American National Standard (ANSI) A10.31 which applies to digger derrick trucks, whereas mobile and locomotive cranes are built to the American Society of Mechanical Engineer (ASME) B30.5 standard.

Since Section 5006.1 became enforceable on June 1, 2005, there has been some confusion over whether hydraulic, telescopic, mobile truck cranes used by utility companies to perform electric line work (e.g. tower construction) are exempt from Section 5006.1 crane operator certification standards. This proposed rulemaking makes it clear that mobile truck cranes manufactured to the ASME B30.5 standards are not exempt from crane operator certification. Only electric line/digger derrick trucks manufactured to the ANSI A10.31 standard are exempt.

During advisory committee deliberations, it was determined that electric line trucks with lifting capacities below 3 tons (typical for a digger derrick truck) should be exempt from the operator certification requirements. The committee also concluded that electric line trucks as defined in Section 2700 of the Electric Safety Orders and regulated by HVESO Section 2940.7 should be excluded from the requirements of Section 5006.1 since they are not mobile cranes designed and

built to conform to ASME B30.5 mobile crane standards and do not present the same degree of risk posed by mobile cranes. These cranes are unique as they are exclusively used for specialized functions, such as placement and removal of poles.

The rulemaking documentation both implicitly and explicitly identified electric line trucks as “derrick trucks” or “digger derrick trucks,” not ASME B30.5 cranes. For example, a response to comment in the rulemaking’s Final Statement of Reasons states, “there is no good reason not to afford private utility contractors the same exception with regard to the use of electric line trucks (also known as digger derrick trucks)...”

Throughout HVESO Section 2940.7 the terms electric line and digger derrick or derrick truck are used interchangeably confirming that the intent of Section 2940.7 is to pertain to electric line/digger derrick trucks used in electric line maintenance, construction and repair.

The following amendments are proposed:

Section 5006.1. Mobile Crane and Tower Crane-Operator Qualifications and Certification.

This section contains standards pertaining to the qualifications of operators of mobile and tower cranes. Employers are required to only permit crane operators to operate a crane covered by this section who have a valid certificate of competency for the type of crane to be used. This standard also contains three exceptions which address applicability of the standard to (1) mobile cranes according to their rated load capacity and boom length, (2) exemption of all electric line trucks, and (3) cranes used in marine terminal operations.

Exception No. 2 exempts all electric line trucks as defined and regulated in HVESO Sections 2700 and 2940.7. An amendment is proposed to clarify that electric line/digger derrick trucks are exempt from the requirements of Section 5006.1, but not mobile cranes designed and built in accordance with the ASME B30.5.

The proposed amendment is necessary is to clarify the intent of the term “electric line trucks” and that mobile cranes designed and built in conformance with ASME B30.5 standards are not exempt from Section 5006.1’s certification requirements. It is necessary to ensure employers understand that mobile truck cranes manufactured to meet ASME B30.5 standards and used to perform electric line work are not electric line trucks but mobile cranes and are subject to Section 5006.1 operator certification requirements.

DOCUMENTS RELIED UPON

1. Division of Occupational Safety and Health (Division), Request for New or Change In Existing Safety Order, Form 9-048, dated January 25, 2006.
2. E-mail transmission from Mr. Joshua T. Chard, Ph.D., Manager of Prevention and Product Safety, Altec Industries Inc. to the Board Staff dated September 20, 2005, regarding crane vs. digger derrick standards (ANSI A10.31).
3. American National Standard (ANSI) A10.31, For Construction and Demolition Digger Derricks, Safety Requirements, Definitions, and Specifications, dated February 27, 2004.

4. American Society of Mechanical Engineers (ASME) B30.5-2000 Standard for Mobile and Locomotive Cranes.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. There are no state agencies identified that conduct electric line work using hydraulic, telescopic mobile truck cranes.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendment to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.