

# Queens Chapter

New York State Society of Professional Engineers

## The Drawingboard

June 2013

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### President's Message

**By George Tavoulareas, P.E.**  
President [gltp@msn.com](mailto:gltp@msn.com)

At our last meeting Prof. **Ke Park** from Queensborough CC was awarded a plaque and a check for \$1,000 from **Rudi Sherbanski**,



*Richard Berkenfeld, PE; Professor Kee Park; Giancarlos Llanos; George Tavoulareas, PE and Rudi Sherbanski, PE*

PE NYSSPE President of Engineers in Construction for their Fuel Cell Go-Cart Project. Back in March Queensborough won 1st Prize in the Mechanical Engineering Technology Project Category at the NSPE Westchester Engineering Expo. Professor Kee will start a NSPE chapter at Queensborough CC. At this month's meeting Rudi will give a plaque and stipend for 2<sup>nd</sup>

prize to Prof. **Marandi** of NYC Technology for their electric monitoring device that controls the number of people in a building as well as a temperature monitoring unit. This system could prevent over occupation of people by setting a maximum amount of people to be in the building at any given time.



*Tim Lynch, PE; Executive Director NYCDOB receives NYSSPE 2013 Government Engineer of the Year Award*

Our June Conference at Lake Placid was well attended. Due to personal reasons I was unable to attend. Past President **Brian Flynn**, PE attended and Brian will give us a summary at Thursday's meeting. **Tim Lynch**, PE of the NYC Dept. of Buildings received an award for NYSSPE 2013 Government Engineer of the Year award, which recognizes a professional engineer who is

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employed in the public sector. Tim has given numerous seminars over the years to the Chapter and was one of the engineers who inspected the dangling crane ON 57<sup>TH</sup> Street in Manhattan after super storm Sandy. You can read more about Tim by going to:

<http://nysspe.wordpress.com/2013/06/17/the-new-york-state-society-of-professional-engineers-awards-timothy-lynch-pe-government-engineer-of-the-year/>

The number 7 subway extension project won the 2013 construction project of the year. [The No. 7 Subway Line Extension](#) will provide transit access to the West Side of Manhattan, including the Jacob Javits Convention Center, by extending the No. 7 Line westward from its current terminus at Times Square to a new station being constructed at 34<sup>th</sup> Street and Eleventh Avenue. It will help to stimulate economic growth and continuing development of the area. The Hudson Yards Development Corporation is overseeing the program. This is a significant award for the No. 7 Line Extension Project." said Dr. **Michael Horodniceanu, PE**, President of MTA Capital Construction and a member of our Chapter. "It recognizes the aptitude of our contractors and construction management team in the face of complex challenges." You can read more about the project by going to: <http://nysspe.wordpress.com/2013/05/23/the-new-york-state-society-of-professional-engineers-to-award-the-2013-construction-project-of-the-year-to-mtas-7-subway-line-extension-project/>

The Good Samaritan Act A 4380-A (Englebright), S 3942 (Hannon) will help shield license design professional from lawsuits for volunteering and assisting the public in a declared emergency or catastrophe. The American Institute of Architects (AIA) has taken the lead and has sponsored legislation in both the assembly and senate. The legislation is on the table and we hope we can get it passed as the legislative session comes to an end. You can read more about the legislation by going to <http://open.nysenate.gov/legislation/bill/S3942-2013>. We need you to write the governor, your NY State assemblyman and NYS senator and tell them to pass the bill.

Mayor **Mike Bloomberg** has compiled a report on how NYC can become A More Stronger Resilient New York. You can read the 445 page report by going to <http://www.nyc.gov/html/sirr/html/report/report.shtml>

**Paul Vallone** is running in the 19<sup>th</sup> City Council district and will be at our meeting to discuss his candidacy. We urge all members to come to our meeting to meet the candidate. We need to be politically involved. I urge you to attend our general membership meeting on June 27, 2013.

## Next General Membership Meeting

The next general membership meeting will be held on Thursday June 27,2013 at 6:00pm. at 422 Weaver Ave in Ft. Totten, NY. 1PDH  
6:00pm-6:45pm dinner  
6:45pm-7:00 general membership meeting including award ceremony  
7:00pm-7:55pm roundtable discussion with Peter Vallone  
8:00pm- 8:55pm

Admission is free

### **Speaker: Jacinda Collins, PE**

Mid-Atlantic Regional Engineer  
American Institute of Steel Construction  
1020 16th Street, NW - Suite 320  
Washington, DC 20036

### **Topic: Harnessing the Power of AISC Design Guides**

Structural Engineers are called upon to tackle tough analytical problems every day and AISC has many resources available to make that job a little bit easier. This one hour presentation will familiarize you with the great technical resources available in the AISC Design Guide Series. We will review the Design Guide Series paying particular attention to the Design Guides that cover floor vibrations (DG#11), serviceability (DG#3), retrofit and rehabilitation of existing structures (DG#15), and design of industrial buildings (DG#7). The session will also include a general review of all AISC Design Guides, including the newest ones on column base plates, steel plate shear walls, welding, and fire.

1PDH certificate will be given at the lecture.

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## New Edition of the Energy Conservation Construction Code of NYS - July 2013

Sometime in July 2013 (the official date has not yet been determined), the next edition of the Energy Conservation Construction Code of NYS will become effective. It will be based on the 2012 IECC, and ASHRAE 90.1-2010 will be a reference standard and alternative compliance method. It will be applicable to commercial buildings, which includes residential buildings beyond the definition of Residential Building in the Energy Code (e.g. - 4 stories or greater, dormitories, hotels/motels, etc.). The New York State Energy Code will be divided in two parts: an energy code for residential buildings (New York State Residential Energy Code) and an energy code for commercial buildings (New York State Commercial Energy Code).

There is a draft rule that is open to public comment right now. The draft rule summary is as follows... The NYS Residential Energy Code will consist of: Chapters 1-4 & 6 of the 2010 ECCCNY, as amended by Chapter 1 of the publication entitled the "2013 Supplement to the NYS Energy Conservation Construction Code" ("2013 Supplement"); and the reference standards in 19 NYCCR section 1240.3(b). The NYS Commercial Energy Code will include Chapters C2, C3, and C4 of the 2012 IECC; Chapter 1 of the 2010 ECCCNY, as amended

by the "2013 Supplement"; ASHRAE 90.1-2010, as amended by Chapter 3 of the "2013 Supplement"; and the reference standards in 19 NYCCR section 1240.3(c). NOTE: The draft rule has not yet been proposed or adopted, and the Energy Code has not yet been amended in the manner described above. The following are the links to the draft rule text and the draft 2013 Supplement:

[www.dos.ny.gov/DCEA/pdf/EnergyRuText\\_SUPP04152013\\_draft.pdf](http://www.dos.ny.gov/DCEA/pdf/EnergyRuText_SUPP04152013_draft.pdf) and  
[www.dos.ny.gov/DCEA/pdf/RuleText03052013\\_Part1240draft.pdf](http://www.dos.ny.gov/DCEA/pdf/RuleText03052013_Part1240draft.pdf).

The proposed edition is still subject to a public comment period, on which everyone is able to and is encouraged to comment. The announcement of the public comment period will hopefully be out soon. After such comments, approval, and adoption, the new edition will then be provided with an effective date.

If you have suggestions on how the draft rule could be improved or suggested alternatives that DOS could consider, or any other comments on the draft rule, please contact **Mark Blanke**, PE, Assistant Director for Code Development, at (518)-474-4073 or at [Mark.Blanke@dos.ny.gov](mailto:Mark.Blanke@dos.ny.gov). The NYS Department of State Code Enforcement & Administration has advised that because of the many corrections needed to be made to the IECC and the tight timeframe to the effective date, any projects that are slated to be permitted around July 2013 and soon after, architects and engineers might want to consider utilizing the ASHRAE-90.1-2010 standard as an alternative to compliance.

New editions of the remaining NYS Code documents: While there is no official adoption or effective date given yet for the remainder of the next editions of the NYS Codes, it is anticipated that those will most likely become effective by May 2014. More information will follow on the update of the other code documents. These editions will be based on the 2009 and 2012 I-Codes, with NYS enhancements.

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## NYC RULES UPDATE

**Proposed Rules Governing the City of New York can be viewed at:**

<http://www.nyc.gov/html/nycrules/html/proposed/proposed.shtml>

Proposed NYC rules can be read at the above address. Please email me your comments regarding any of the rules.

Several years ago the NYC DOB allowed tradespeople to perform special inspections for fire alarm, emergency power systems, drywell, and sprinkler/standpipe. NYSSPE has filed a complaint with the State Education Department for illegal practice.

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## Website of the Month

<http://www.mta.info/capital/future/extension.php>

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May 15, 2013

Mr. Donald Dawson  
Director of Inspections  
New York State Education Department  
Office of Professional Discipline  
250 Veterans Memorial Highway  
Room 3A-15  
Hauppauge, New York 11788

VIA FIRST CLASS MAIL AND  
ELECTRONICALLY TRANSMITTED  
[conduct@mail.nysed.gov](mailto:conduct@mail.nysed.gov)

**Re: NYC Special Inspection Agencies**

Dear Mr. Dawson:

I am writing to you on behalf of the New York State Society of Professional Engineers, Inc. (NYSSPE) and its more than 1,500 member professional engineers with respect to allegations of illegal practice of professional engineering by numerous entities in the City of New York as detailed below. NYSSPE represents professional engineers (totaling more than 25,000 licensees in New York State) practicing in all disciplines (civil, structural, mechanical, electrical, geotechnical, environmental, etc.) and practicing in all practice settings (private sector consulting, industry, government, and education).

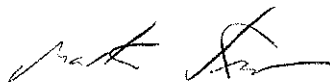
Pursuant to New York State Education Law (with the limited exception of some grandfathered general business corporations - see NYS Education Law § 7209 (6)), general business corporations and other business entities, such as limited liability companies, cannot offer to provide or provide professional engineering services – see NYS Education Law § 6512. Notwithstanding the clear import of § 6512, a local New York City rule for special inspections (1 RCNY§101-06 (c) (6)) is regularly misconstrued to suggest that general business corporations can qualify as Special Inspection Agencies simply by having a full time registered design professional in charge. In fact, it is our understanding that a special inspection agency must possess either a Certificate of Authorization issued pursuant to NYS Education Law § 7210 or be a professional engineer doing business as a sole proprietor. Please advise as to OPD's view on this matter.

Notwithstanding the foregoing requirement, the language of the local rule fails to afford adequate warning respecting the inability of general business corporations and limited liability companies (excluding grandfathered corporations) to offer to provide special inspections. In fact the first sentence, with its reference to a full time "registered design professional" in charge, is quite misleading. While registered architects and architectural firms can perform special inspections, with some exceptions, other design professionals such as landscape architects and land surveyors cannot. Moreover and more importantly, assuming our understanding is accurate, except for a limited number of grandfathered entities, under no circumstances can a general business corporation, or other business entity, qualify as a special inspection agency. The first sentence can easily be misconstrued to suggest that general business corporations can qualify as Special Inspections Agencies by having a full time registered design professional in responsible charge.

It is important to note that the Office of the Professions has already issued a letter opinion dated August 20, 2009, which unequivocally substantiates that all of the special inspections embraced by the New York City Rule should be performed by appropriately licensed design professionals. A copy of said letter signed by the Jane Blair, PE, Executive Secretary for the State Board for Engineering and Land Surveying and Robert Lopez, RA, Executive Secretary for the State Board for Architecture is enclosed herein. Also herewith is a partial compilation of special inspection agencies which warrant investigation and possible remedial action based on the forgoing analysis.

Finally, for your convenience, I have enclosed a copy of the 1 RCNY § 101-06. In light of the breath of the problem outlined above, NYSSPE urges your prompt investigation.

Respectfully submitted,



Mark C. Kriss  
Legislative and Legal Counsel  
**New York State Society of Professional  
Engineers, Inc.**

MCK:tlm

Encls.

ccs: (w/encls – via electronic transmission only)

- Jane Blair, PE
- Robert Lopez, RA
- Anthony Fasano, PE
- Rudi Sherbansky, PE





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August 20, 2009

Mr. Constadino "Gus" Sirakis  
Acting Director of Engineering Technical Affairs  
New York City Department of Buildings  
280 Broadway, 7<sup>th</sup> Floor  
New York, New York 10007

RE: Special Inspections

Dear Mr. Sirakis:

We write as a follow-up to our May 2009 conference call where we discussed the Department of Buildings' adoption of new Section 101-06 to Subchapter A of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding special inspections and the qualification of these special inspectors.

The New York State Education Department - Office of Professions (Department) and the State Boards for Engineering & Land Surveying and Architecture have reviewed Section 101-06 and also Chapter 17 - Structural Tests and Special Inspections from the 2008 New York City Building Code provided by you subsequent to our conference call in May.

After a careful review of the above documents and lengthy discussion, the State Board of Engineering and Land Surveying at their June 2009 Board meeting, voted unanimously to recommend to the Department that the Special Inspections as defined in Chapter 17 and Section 101-06 of the Rules on the City of New York fall within the scope of practice for engineers as defined in Education Law, Articles 145. Likewise, the State Board for Architecture at their July 2009 Board meeting, also voted unanimously to recommend to the Department that the Special Inspections as defined in Chapter 17 and Section 101-06 of the Rules on the City of New York fall within the scope of practice for architects as defined in Education Law, Articles 147. With unanimous support from the Boards, and consultation with our attorneys and senior management within the Department, we believe that all special inspections as currently defined should be performed by the appropriate licensed (and currently registered) design professional.

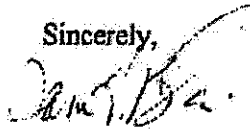
We applaud the efforts of the NYC Department of Buildings to put in place consistent standards for the qualification of Special Inspectors that will enhance public safety and the integrity of the

construction process. Specific qualifications will help to ensure that the Special Inspectors have the appropriate knowledge, expertise, and experience, to perform this very critical step in the design and construction process and support the requirement that they sign and seal the Technical Report – Statement of Responsibility document.

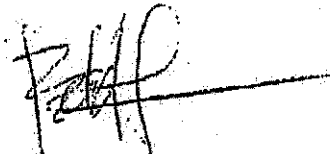
We appreciate the opportunity to discuss this very important scope of practice issue related to the design professions and look forward to future discussions on issues where we may work together to further enhance the protection of the public.

If you have any questions, please do not hesitate to contact me or Robert Lopez at the contact information provided above.

Sincerely,



Jane Blair, PE  
Executive Secretary



Robert Lopez, RA  
Executive Secretary

C: Frank Munoz – Associate Commissioner



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