

# **The New York State Society of Professional Engineers, Inc.**

*The Founding Society of the National Society of Professional Engineers*

January 17, 2017

Gerard Hathaway, R.A.  
Assistant Director of Code Development  
New York State Department of State Division of Building Standards and Codes  
One Commerce Plaza, 99 Washington Avenue, Suite 1160, Albany, NY 12231

Re: Structural Inspections of Garages in New York State

Dear Mr. Hathaway,

We understand that pursuant to a request from Governor Cuomo the Code Council will be reviewing the need for regulatory or statutory changes respecting the inspection of garages in New York. We would like to take the opportunity to present our views regarding this important topic. The following recommendations are submitted on behalf of the New York State Society of Professional Engineers (NYSSPE) in furtherance of public health, safety and welfare. NYSSPE is a professional trade association representing the interests of all professional engineers (totaling more than 25,000 licensees in New York State) practicing in all disciplines (civil, structural, mechanical, electrical, geological, environmental, etc.) and practicing in all practice settings (private sector consulting, industry, government, and education.)

In early 2016, the Society, together with key lawmakers in Albany, proposed legislation to address deficiencies in the law regarding safety inspections of garages located throughout New York State. See **A9614A (S7669) M. of A. Lupardo (Senator O'Mara) (2016)**.

Garages, like other man-made structures, such as highway bridges, deteriorate with the passage of time. They are also subject to geological and other environmental forces which can undermine structural integrity. The degree of deterioration can rise to a level where public safety is threatened.

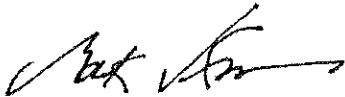
For example, in July 2015 a two level parking structure in Johnson City, New York suffered a major collapse. By virtue of just good fortune, no one was killed or injured. On November 9<sup>th</sup>, 2015 the City of Binghamton closed the five-level Collier Street garage in downtown Binghamton due to severe deterioration. As these two incidents demonstrate, the current approach to inspections of such facilities, which requires local building officials to periodically review parking structures as a low hazard occupancy basically checking for fire safety and general upkeep, is inadequate.

The above referenced bill, which was loosely modeled after inspection programs pertaining to bridges located in New York State, required periodic inspections at least once every five years and more frequently in the event conditions are identified which threaten the structural integrity of the facility. The proposed legislation would have required that structural evaluations be conducted by properly credentialed licensed Professional Engineers. Such inspections are the province of Professional Engineers under New York State Education Law. (See NYS Education Law Section 7201.) Specifically, under the legislation inspections and structural condition reports would have been required to be conducted and prepared by NYS licensed Professional Engineers who satisfied professional qualifications as prescribed by the NYS Fire Prevention and Building Code Council.

Unfortunately, the bill was vetoed in late 2016 due to technical deficiencies. However, the veto was accompanied by Governor Cuomo's recommendation that the matter be revisited by the Code Council. The Society concurs with the view that the Code Council has the expertise and can provide guidance to both the legislature and the executive in this area. Further, we recommend that the proposed legislation serve as a starting point for its review and ultimate recommendations. We concur with the suggestion set forth in the Governor's veto message that the entire state, including New York City, be included in any proposal moving forward to the extent that a one step process is practicable.

Representatives from the Society stand ready to answer any question raised herein. Due to the danger inherent in any delay in the implementation of a comprehensive structural inspection program, we urge that recommendations be forthcoming as expeditiously as possible.

Respectfully submitted,



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



Laura Pellizzi, PE; President 2016-2018  
New York State Society of Professional Engineers