

**North Carolina Department of Labor  
Occupational Safety and Health Division**

**Raleigh, NC**

Chapter 7  
Subchapter 7F

CFR Revision 178F

Field Information System  
**Cranes and Derricks in Construction: Railroad Roadway Work**  
**29 CFR 1926 Subpart CC**

Final Rule

**A. Discussion.**


On August 9, 2010, Occupational Safety and Health Administration (OSHA) issued a final rule to revise the Cranes and Derricks in Construction standard and related sections of the construction standard to update and specify industry work practices necessary to protect employees during the use of cranes and derricks in construction. This final standard also addressed advances in the designs of cranes and derricks, related hazards, and the qualifications of employees needed to operate them safely.

On October 7, 2010, the Association of American Railroads and a number of individual railroads (hereafter collectively referred to as AAR) filed a petition challenging the rule. That petition remains before the United States Court of Appeals for the District of Columbia Circuit (Case No. 10-1386), but after AAR provided more background and additional information about existing practices in the railroad industry, the parties reached a settlement in which OSHA agreed to issue an interpretation of the standard as it relates to railroads and to propose revisions to the regulatory text of the crane and derricks standard.

On September 15, 2020, OSHA published a final rule revising the standard for cranes and derricks in construction to provide specific exemptions and clarifications with regard to the application of the standard to cranes and derricks used for railroad roadway work.

**B. Action.**

The N.C. Commissioner of Labor adopted this final rule verbatim with an effective date of March 8, 2021. Refer to the [September 15, 2020 Federal Register \(Vol. 85, No. 179\)](#) for the details related to these requirements.

  
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Kevin Beauregard  
Director

3/11/2021  
Date of Signature

N.C. Effective Date: March 8, 2021

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