

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: BARTON BUILDING
ROBERT R. BROWN, JR.
AS/EV #140

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, November 20, 2014. The petitioner, Robert R. Brown, Jr., seeks a variance for the above referenced conveyance.

FINDINGS OF FACT:

1. The petitioner, Robert R. Brown, Jr. (Brown), submitted a variance request on July 24, 2014 for this conveyance located at 110 West Elm Street, El Dorado, Arkansas.
2. The request sought a variance from the "requirement to bring this elevator up to the standards of Code ASME A17.1 2007." It is undisputed that the conveyance has been out of service longer than one (1) year. The building has been dormant since 1997.
3. Brown testified before the Board that he had received a service and repair proposal from OTIS Elevator to update the conveyance to code standards for new installations (ASME A17.1-2007) at a cost of \$33,850. This proposal was presented to the Board at the hearing.
4. Brown testified that the amount of this proposal is cost-prohibitive; that the building has not been used for profit since 1997; and that the primary future use for the conveyance would be to allow his wife access to personal belongings and access to a personal office for himself. He further testified to the Board that his specific request is for OTIS Elevator

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: SOL ALMAN COMPANY
AS/EV #1323

CONSENT ORDER

This matter comes before the Elevator Safety Board on Thursday, May 21, 2015 at the request of the Agency and Sol Alman Company to classify AS/EV #1323 as a material lift and remove it from the requirements of the Arkansas Elevator Safety Law (Ark. Code Ann. § 20-24-101 through 120) and the Arkansas Elevator Safety Board Rules and Regulations. The parties agree that this conveyance should be classified as a material lift.

THEREFORE, the Board reclassifies AS/EV #1323 as a material lift and removes it from the requirements of the Arkansas Elevator Safety Law (Ark. Code Ann. § 20-24-101 through 120) and the Arkansas Elevator Safety Board Rules and Regulations.

IT IS SO ORDERED

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: LSJ
Leon Jones, Jr., Chairman

Date: 5/21/15

Approved:

DK 5/19/15
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BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: CITY OF SHERWOOD PARKS AND RECREATION

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, February 19, 2015. City of Sherwood Parks and Recreation (CSPR) was represented in person by Parks Director Sonny Janssen and Darren Austin. The Arkansas Department of Labor (agency) was represented by staff attorney Daniel Faulkner.

FINDINGS OF FACT:

1. The petitioner, CSPR, submitted a variance request to the agency on January 20, 2015 for a passenger lift located at 7400 Highway 107, Sherwood Arkansas 72120. The lift is located at The Greens at North Hills, which contains an event center.
2. CSPR intends to replace the conveyance with a ramp, and seeks a temporary variance to operate this conveyance until its completion.
3. The conveyance was installed in 2008 without an installation permit as required by Ark. Code Ann. § 20-24-115(a)(1). The conveyance has never been permitted or inspected by the agency. There is no dispute that the conveyance should have been properly permitted and installed since 2008.

4. CSPR presented drawings of the ramp, and is currently in the planning stage on construction. CSPR also indicated that several events are scheduled to occur in the coming months, and there are concerns that some of these events could be cancelled without permission to temporarily use this lift. The building is not accessible to an individual with a disability without use of the lift.

5. Cody Wagoner (Wagoner), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance since the conveyance does not meet the requirements of several A18.1-2005 sections. Wagoner testified reading these code violations. He ultimately testified before the Board that reasonable safety could be increased if certain additions are made to the conveyance. The Board also made safety-enhancing recommendations.

6. That CSPR orally amended its request during the meeting to incorporate Wagoner's and the Board's recommendations into a conditional temporary variance request.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. That the applicable code is ASME A18.1-2005.

3. In the present case, the Board concludes that an undue hardship is present in this matter due to the fact that accessibility to the building is limited without temporary use of the lift.

4. Further, the Board concludes that reasonable safety will be secured if this request is granted pursuant to these conditions: addition of fencing around the entire concrete pad on lower landing; installation of a key lock and automatic closing mechanism for top and bottom landings; and CSFR attendant-only operation. These conditions shall be performed before Wagoner will release the elevator for temporary operation.

THEREFORE, the board grants a temporary variance until August 19, 2015 to operate this lift once these conditions are met and the conveyance is properly inspected and permitted by the agency.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: Leon S. Jones, Jr.
Leon Jones, Jr., Chairman

Date: 5/21/15

Approved: [Signature] 5/19/15

Daniel Knox Faulkner, 2002-168. DATE
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501)-682-4504

[Signature]
Steve Cobb DATE
City Attorney
City of Sherwood
7506 Highway 107
Sherwood, AR 72120

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: HEBER SPRINGS PUBLIC SCHOOLS
 AS/EV #4253

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, November 20, 2014. The petitioner, Heber Springs Public Schools (HSPS), seeks a variance for the above-referenced conveyance.

FINDINGS OF FACT:

1. The petitioner, HSPS, submitted a variance request to the Arkansas Department of Labor on September 8, 2014 for AS/EV #4253, located at 800 West Moore Street, Heber Springs Arkansas 72543.
2. HSPS seeks variance from the overhead clearance requirement (60") contained in A18.1-2005 Section 3.1.2.2.
3. That the clearance on this conveyance is approximately 52"; below the 60" requirement contained in A18.1-2005 Section 3.1.2.2.
4. That the agency cleared this conveyance for operation on September 20, 1995; and that no overhead clearance violations have been noted until an inspection performed April 22, 2014.

5. Cody Wagoner (Wagoner), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance since the conveyance does not meet the overhead requirements of A18.1-2005 Section 3.1.2.2. Wagoner testified before the Board that reasonable safety could be increased if signage is added on the rider lap bar to indicate low clearance.

6. That the Board made two (2) additional recommendations to increase reasonable safety: a "kill switch" to ensure the conveyance will not operate if the rider is not in a sitting position; and limit key access to certain school personnel.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the Board concludes that an undue hardship is present in this matter due to the fact that the Arkansas Department of Labor allowed the installation and use of the conveyance since 1995, and the potential cost of altering the structure of the building to accommodate the overheard clearance requirement.

3. Further, the Board concludes that reasonable safety will be secured if this request is granted pursuant to these conditions: addition of signage on the rider lap bar to indicate low clearance; addition of a "kill switch" to ensure the conveyance will not

operate if the rider is not in a sitting position; and limited key access to certain school personnel.

THEREFORE, the board grants the variance request from Heber Springs Public Schools with the above-referenced conditions. The conditions shall be completed by May 20, 2015.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: Leon Jones, Jr.
Leon Jones, Jr., Chairman

Date: 5/21/15

Approved: [Signature] 5/19/15
Daniel Knox Faulkner, 2002-168 DATE
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[Signature] 4.20.15
Russell Hester DATE
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