BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: WALTERS LAW FIRM
AS # 4573

ORDER

This matter came before the Elevator Safety Board on Thursday, August 11, 2005. The petitioner, Walters Law Firm seeks a variance to retain existing electrical equipment in the machine room at Walters Law Firm, 1405 W. Center, Greenwood, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. AS #4573 is a passenger elevator installed in 1998. It is located at 1405 W. Center, Greenwood, Arkansas, and is owned by Walters Law Firm. The elevator is maintained by Otis.

2. The petitioner seeks a variance to retain existing electrical equipment in the machine room.

3. The electrical equipment does not pose a significant safety risk, and the petitioner will incur significant cost to remove the equipment in question.

4. Chief Elevator Inspector Larry Smothers recommended the variance be granted on condition that no additional equipment may be added to this area.

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 existing conditions prevent literal compliance with the standards adopted by the board and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Walters Law Firm, 1405 W. Center, Greenwood, Arkansas, allowing petitioner to retain existing electrical equipment in the machine room on condition that no new equipment is added to this area.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: _____
James L. Salkeld, Chairman

Date: 8-11-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD

IN RE: ARKANSAS STATE UNIVERSITY

**ORDER**

This matter comes before the Elevator Safety Board on Thursday, August 11, 2005 on a request for a number of variances with respect to seven (7) elevators located on the campus of Arkansas State University (ASU), Jonesboro, Arkansas. There was no representative of the university at the hearing.

**FINDINGS OF FACT:** ASU requests a number of variances. The facts with respect to each are set out below with the action of the board.

**CONCLUSIONS OF LAW:**

1. Ark. Code Ann. § 20-24-106(d) authorizes the board "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. The board concludes that the cumulative amount of construction necessary for ASU to complete on these seven elevators is sufficient to establish an undue hardship. The board concludes reasonable safety will be secured with respect to the variances granted, but not with respect to those denied.

THEREFORE, the board finds and orders as follows:

**Elevator AS #1492**

This is an elevator installed in 1961 and is located in University Hall. ASU requests a variance from ASME A17.1 Rule 102.2 requiring petitioner to separate building utility lines from elevator equipment in the machine room. The lines in question have been in place since original construction. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevator AS # 1493**

This elevator was installed in 1961 and is located in the Wilson Building. ASU requests a variance from ASME A17.1 Rule 102.2 requiring petitioner to separate building utility lines from elevator equipment in the machine room. The lines in question have been in place since original construction. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevators AS # 1334**

This elevator was installed in 1966 and are located in Kay's Hall. ASU requests a variance from ASME A17.1 Rule 102.2 requiring petitioner to separate overhead roof drain from elevator equipment in the machine room. This has been in place since original construction. The board grants this variance until such a time as the elevator undergoes a modification on condition that pans are installed under the water lines.

**Elevator AS # 2597**

This elevator was installed in 1976 and are located in International Student Center. ASU requests a variance from ASME A17.1 Rule 102.2 requiring petitioner to separate vertical utility in corner of machine room from elevator equipment. This has been in place since original construction. The board grants this variance until such a time as the elevator undergoes a modification.

**Elevator AS # 1929**

This elevator was installed in 1995 and are located in Arkansas Service Center. ASU requests a variance from ASME A17.1 Rule 210.4 to eliminate the requirement to relocate mainline disconnect from behind oil line. This has been in place since original construction. The board denies this variance.

**Elevator AS # 3789**

This elevator was installed in 1990 and are located in Smith Center. ASU requests a variance from ASME A17.1 Rule 102.2 requiring removal of copper line, cable, and wires from the machine room. This has been in place since original construction. The board grants this variance until such a time as the elevator undergoes a modification.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: _____
James L. Salkeld, Chairman

Date: 8-1-05

Approved:

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Chief Legal Counsel
Arkansas Department of Labor
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Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ROSS ELEVATOR
LAKESIDE UNITED METHODIST CHURCH
LAKE VILLAGE, ARKANSAS

ORDER

This matter came before the Elevator Safety Board on Thursday, August 11, 2005. The petitioner, Ross Elevator, seeks a variance with respect to the installation of an vertical platform lift to be installed at Lakeside United Methodist Church, 324 South Lakeshore Drive, Lake Village, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Ross Elevator, 1200 Westpark Drive Suite 405, Little Rock, Arkansas 72204 is registered with the Department of Labor as an installer of such lifts.

2. The petitioner seeks to install a WOV 355, manufactured by National Wheel-O-Vator Company in the Lakeside United Methodist Church, 324 South Lakeshore Drive, Lake Village, Arkansas and requests a variance from two Code requirements. Petitioner requests to be able to penetrate an existing floor and requests to increase the height restriction from twelve (12) feet to eighteen (18) feet.

3. The penetration would be of an existing floor in space where a current lift exists. The petitioner will incur great cost if it is required to install a passenger elevator instead of the proposed lift.

4. Chief Elevator Inspector Larry Smothers recommended the variance be granted.

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 existing conditions prevent literal compliance with the standards adopted by the board and that reasonable safety will be secured with the granting of the variance.

THEREFORE, the board grants the variance to Accessibility Specialties, Inc. to install the Lakeside United Methodist Church, 324 South Lakeshore Drive, Lake Village, Arkansas, allowing 1) the penetration of one existing floor; and 2) an increase in height restriction to eighteen feet.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: James L. Salkeld
James L. Salkeld, Chairman

Date: 8-11-05

Approved:
Denise P. Oxley, 84-117
Chief Legal Counsel
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
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BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ARKANSAS CONVERSION CENTER
LITTLE ROCK FUNERAL HOME
LITTLE ROCK, ARKANSAS

ORDER

This matter came before the Elevator Safety Board on Thursday, August 11, 2005. The petitioner, Arkansas Conversion Center, seeks a variance with respect to the installation of a vertical wheelchair lift to be installed at Little Rock Funeral Home, 8801 Knoedle Court, Little Rock, Arkansas. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner, Arkansas Conversion Center, 712 Hwy 5 North, Benton, Arkansas 72015 is registered with the Department of Labor as an installer of wheelchair lifts.

2. The petitioner seeks to install a wheel chair lift manufactured National Wheel-O-Vator Company in the Little Rock Funeral Home, 8801 Knoedle Court, Little Rock, Arkansas and requests a variance from two Code requirements. Specifically, the Petitioner requests:

   a. To penetrate an existing floor with a lifting height of 144"; and

   b. To increase the platform size to 42 x 60.

3. The penetration would be of an existing floor. The petitioner will incur great cost if it is required to install a passenger elevator instead of the proposed lift to gain wheelchair access to the second floor.

4. Chief Elevator Inspector Larry Smothers recommended that the variance be granted to penetrate a floor, but be denied with respect to the increased platform size, as there would be no corresponding increase in the lift capacity of the unit.

5. The lift capacity of the unit is 750 pounds. The proposed platform size would be 17.5 square feet.

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. The Board has adopted Part XX of ASME A17.1-1990 and Addendas 1992 and 1992 for the construction and installation of vertical wheelchair lifts. Rule 2000.7a provides, in pertinent part: "The lift shall be capable of sustaining and lowering a load as specified in Rule 207.1". The referenced Rule provides in part:

| Rated Load (pounds) | Maximum Inside Net Platform Area (square feet) |
|---|---|
| 700 | 9.6 |
| 1000 | 13.25 |
| 1200 | 15.6 |
| 1500 | 18.9 |

3. In the present case, the board concludes that allowing the wheelchair lift to penetrate a floor would alleviate an undue hardship and would not compromise safety.

4. In the present case, the board concludes that there is no undue hardship which necessitates a wheelchair lift with an increased platform size with an underrated load, and that further, reasonable safety can not be secured with such a platform size without an increase in the rated load.

THEREFORE, the board grants a variance to Arkansas Conversion Center to install the wheelchair lift at Little Rock Funeral Home, 8801 Knoedle Court, Little Rock, Arkansas to penetrate a floor. The remainder of the Petitioner's request is denied.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: James L. Salkeld
James L. Salkeld, Chairman

Date: 10-13-05

Approved:
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