

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: A.S. #4608
 A.S. #4762
 NELDA PINNER/CHATEAU RENTAL PROPERTIES

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, March 27, 2008. The petitioner, Nelda Pinner, owner/manager of Chateau Rental Properties, seeks a variance for the above referenced wheelchair lifts.

FINDINGS OF FACT:

1. The petitioner, Nelda Pinner, owner/manager of Chateau Rental Properties, seeks a variance from ASME A17.3-2005 Section 3.11.1(a) concerning two-way communication. In the event the variance request was denied, Pinner requested "time to move these three residents downstairs, as apartments are vacated."
2. Pinner did not appear at the hearing. The Board considered Pinner's variance request letter as the only evidence presented in support of the variance.
3. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance. Smothers also testified at the hearing that two-way communication a common requirement and the fact that the residents are elderly increases the importance of two way communication.

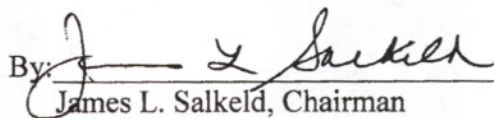
In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the Board concludes that an undue hardship exists to UALR if the elevator is not allowed to operate due to: (1) the physical constraints of the building, (2) the campus disruption construction would cause, and (3) cost involved in any alternate plan. Further, the Board concludes there is no safety risk present in granting this request. The Board concludes that UALR shall receive a variance from ANSI A117.1, 2003 407.1 provided UALR posts signage that the elevator is not ADA accessible.

THEREFORE, the board grants a variance to UALR from the above referenced Code requirements provided UALR posts signage that the elevator is not ADA accessible.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-11-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

INRE: OTIS ELEVATOR
GEN2ELEVATOR

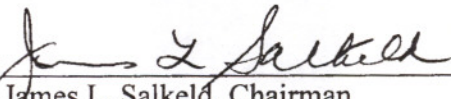
ORDER

This matter comes before the Elevator Safety Board on Thursday, March 27, 2008. The petitioner, Otis Elevator Company, seeks a second extension to a general variance granted by the Elevator Safety Board on June 5, 2003 and amended on October 13, 2005 and issued on January 17, 2006. The Board adopts the Findings of Fact and Conclusions of Law previously adopted in its order signed January 17, 2006.

THEREFORE, the Board grants a second extension of the general variance granted on or about June 5, 2003, to allow the Gen2 elevator to be installed in Arkansas. Such extension shall expire on March 27, 2010.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-11-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: A.S. #2984
 SOUTHERN DEVELOPMENT CORPORATION

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, January 17, 2008. The petitioner, James Michael Hood, President, Southern Development Corporation, seeks a variance for the above referenced elevator.

FINDINGS OF FACT:

1. The petitioner, James Michael Hood, President, Southern Development Corporation seeks a variance from ASME A17.3-2005 Section 2.7.5 concerning door restrictors for A.S. #2984, a passenger elevator located at 104 Main Street #B, Pine Bluff, Arkansas 71601.

2. Mr. Hood presented evidence in the form of two pieces of correspondence dated September 20 and 21, 2007. Mr. Hood also testified to the Board that door restrictors actually are more likely to cause injury than prevent it.

3. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance. Smothers testified that door restrictors are a common requirement adopted by a national Code Committee of elevator industry experts.

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

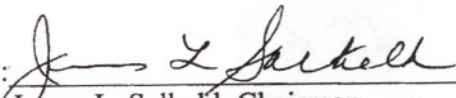
where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the Board concludes that, based on the facts presented, no undue hardship exists to justify granting the variance request.

THEREFORE, the board denies the variance request from James Michael Hood, President, Southern Development Corporation.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-11-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: EVERGREEN PACKAGING, INC.
 A.S #805 and #3000

AMENDED ORDER

This matter comes before the Elevator Safety Board on Wednesday, September 20, 2007. The petitioner, Evergreen Packaging, Inc., 5201 Fairfield Road, Pine Bluff Arkansas, seeks a variance to reclassify the above referenced elevators to operate as material lifts. Both devices are currently licensed and inspected as freight elevators.

FINDINGS OF FACT:

1. The petitioner, Evergreen Packaging, Inc., 5201 Fairfield Road, Pine Bluff Arkansas, seeks a variance for the above referenced elevators to operate as material lifts.
2. Leroy Moore, Acting Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance with the following conditions:
 - a. warning lights and mechanical locks be installed on each landing to ensure doors are locked when the conveyance is located on another landing; and
 - b. that existing warnings signs also be printed in multiple languages.
3. The variance request does not pose a significant safety risk if the above referenced conditions are implemented.

CONCLUSIONS OF LAW:

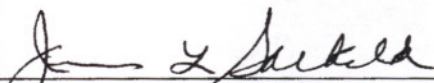
In the present case, the board concludes that due to the conditions presented, the conveyances should be reclassified as material lifts and that reasonable safety will be secured with the granting of the variance with the following conditions:

- a. warning lights and mechanical locks be installed on each landing to ensure doors are locked when the conveyance is located on another landing; and
- b. that existing warnings signs also be printed in multiple languages.

THEREFORE, the board grants the variance to Evergreen Packaging, Inc., to operate these conveyances as material lifts.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-11-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: FIRST PRESBYTERIAN CHURCH
 A.S #3641

AMENDED ORDER

This matter comes before the Arkansas Elevator Safety Board on Wednesday, September 20, 2007. The petitioner, First Presbyterian Church, seeks a variance for the above referenced elevator.

FINDINGS OF FACT:

1. The petitioner, First Presbyterian Church (FPC), seeks a variance from ASME A17.3-2005 2.1 and 2.1.5, concerning the elevator hoistway and window.

2. The elevator was installed in 1954 and was not discovered and properly licensed by the Arkansas Department of Labor Elevator Division (ADL) until 1980.

3. That in November 1988, the Arkansas Elevator Safety Board (Board) denied a variance request concerning this elevator, but allowed continued operation provided the hoistway window was covered with eighteen gauge expanded metal. FPC complied with this request in December 1988.

4. The elevator has been inspected by a private inspector and the ADL has issued operating permits since 1980.

5. The ADL has witnessed at least three (3) required load tests since 1980.

6. That ADL required FPC to install two-way communication in February 2004. FPC complied with this requirement by August 2004.

7. That Acting Chief Elevator Inspector Leroy Moore (Moore) "red-tagged" the elevator upon inspection July 24, 2007. His report cited "[h]oistway made out of wood," "no machine room," and "windows in hoistway." These violations had never been cited to date.

8. That FPC requested a variance from ASME A17.3-2005 2.1 and 2.1.5, concerning the elevator hoistway and window in correspondence dated August 27, 2007. FPC orally added the machine room citation to the variance request at the hearing through Charles Halbert (Halbert).

9. That the church congregation is small and only a limited number of elderly members use the elevator to access the church sanctuary, which is on the second floor.

10. That Halbert testified the church would comply with the cited violations, but requested to operate the elevator until such corrections could be made.

12. Moore made a report to the board and recommended denial of the variance. Additionally, Moore testified that the elevator is generally in good condition but does not meet the code requirements for the three areas cited in his report.

CONCLUSIONS OF LAW:

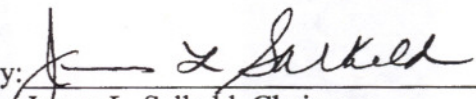
1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance 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 exists to FPC if the elevator is not allowed to operate due to: (1) the small number of passengers using the elevator, (2) that the church sanctuary is elevated, and (3) the fact that the elevator is in generally good condition. Further, the Board concludes that reasonable safety will be secured with the granting of the variance. The Board concludes that FPC shall receive a variance from the above referenced requirements until January 1, 2009, at which time the elevator will conform to all applicable Code requirements.

THEREFORE, the board grants a variance to First Presbyterian Church to operate the elevator until January 1, 2009, at which time the elevator shall be Code compliant.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-11-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
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10421 West Markham Street
Little Rock, AR 72205
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**BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS**

**IN RE: UNIVERSITY OF ARKANSAS AT LITTLE ROCK (UALR)
 A.S #1850**

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, March 27, 2008. The petitioner, Vince Rodgers, EHC Supervisor, on behalf of UALR, seeks a variance for the above referenced elevator.

FINDINGS OF FACT:

1. The petitioner, Vince Rodgers (Rodgers), EHC Supervisor, seeks a variance on behalf of UALR, Little Rock, Arkansas, from ANSI A117.1, 2003 407.1 for the above-referenced elevator located in Student Union B.

2. Rodgers presented evidence that compliance with this A117.1 Code requirements is problematic based on (1) the physical constraints of the building, (2) the campus disruption construction would cause, and (3) cost involved in any alternate plan.

3. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance with respect to ANSI A117.1, 2003 407.1.

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.

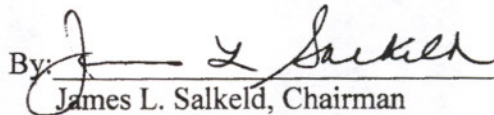
In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the Board concludes that an undue hardship exists to UALR if the elevator is not allowed to operate due to: (1) the physical constraints of the building, (2) the campus disruption construction would cause, and (3) cost involved in any alternate plan. Further, the Board concludes there is no safety risk present in granting this request. The Board concludes that UALR shall receive a variance from ANSI A117.1, 2003 407.1 provided UALR posts signage that the elevator is not ADA accessible.

THEREFORE, the board grants a variance to UALR from the above referenced Code requirements provided UALR posts signage that the elevator is not ADA accessible.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-11-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
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**BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS**

**IN RE: EVERGREEN PROFESSIONAL BUILDING
 A.S. #4310**

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, May 15, 2008. The petitioner, William C. Goolsby, owner of Evergreen Professional Building, seeks a variance for the above-referenced wheelchair lift.

FINDINGS OF FACT:

1. The petitioner, William C. Goolsby, 21 Hickory Hills Circle, Little Rock, Arkansas 72212, seeks a variance from ASME A17.3-2005 Section 3.11.1 concerning two-way communication at Evergreen Professional Building, 2 Van Circle, Little Rock, Arkansas 72207.

2. Goolsby testified at the hearing that the wheelchair lift is not covered by the two-way communication requirement language of A17.3-2005 Section 3.11.1 or Agency Regulations. He further testified that he could lose his current tenant if the two-way communication is required.

3. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance.

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. Ark. Code Ann. § 20-24-101(4) and corresponding Regulation 010.05-005(D) provide that “[c]onveyance” means an “elevator, dumbwaiter, escalator, moving sidewalk, automatic people mover, platform lift or stairway chair lift.”

3. Ark. Code Ann. § 20-24-101(9)(D) and corresponding Regulation 010.05-005(I)(4) provide that “[t]he term ‘elevator’ shall include vertical wheelchair lifts, inclined wheelchair lifts, and inclined stairway chairlifts installed in any location, including a private, single-family dwelling for use by individuals with physical disabilities.”

4. Regulation 010.05-013(A)(1) provides that “[a]ll conveyances shall be maintained by the owner or lessee in a condition that conforms to the standards established by the board which were in effect on the date of installation or the provisions of ASME A17.3-2005, whichever are more stringent.”

5. Based on the above-referenced statutes and regulations, the Code applicable to this conveyance is the standards established by the board which were in effect on the date of installation or the provisions of ASME A17.3-2005, whichever are more stringent. In this case, the provisions of ASME A17.3-2005 apply.

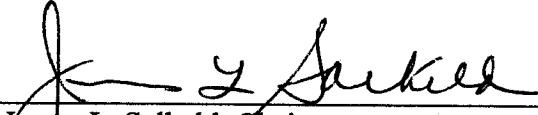
6. ASME A17.3-2005 Section 3.11.1 requires that certain signaling devices be provided. Section 3.11.1 is attached for reference.

7. In the present case, the Board concludes that, based on the facts presented, no undue hardship exists to justify granting the variance request.

THEREFORE, the board denies the variance request from William C. Goolsby, owner of
Evergreen Professional Building.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 5-27-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

the car to start or run if any hoistway door interlock is unlocked or if any hoistway door or car door or gate electric contact is not in the closed position.

3.10.10 Absorption of Regenerated Power

When a power source is used which, in itself, is incapable of absorbing the energy generated by an overhauling load, means for absorbing sufficient energy to prevent the elevator from attaining governor tripping speed or a speed in excess of 125% of rated speed, whichever is lesser, shall be provided on the load side of each elevator power supply line disconnecting means.

SECTION 3.11

EMERGENCY OPERATION AND SIGNALING DEVICES

3.11.1 Car Emergency Signaling Devices

Elevators shall be provided with the following signaling devices.

- (a) In all buildings, the elevator shall be provided with the following:
- (05) (1) an audible signaling device, operable from the emergency stop switch, when provided, and from a switch marked "ALARM" that is located in or adjacent to each car operating panel. The signaling device shall be located inside the building and audible inside the car and outside the hoistway. One signaling device shall be permitted to be used for a group of elevators.
- (2) means of two-way conversation between the car and a readily accessible point outside the hoistway that is available to emergency personnel (telephone, intercom, etc.). The means to activate the two-way conversation system does not have to be provided in the car.
- (3) if the audible signaling device, or the means of two-way conversation, or both, are normally connected to the building power supply, they shall automatically transfer to a source of emergency power within 10 s after the normal power supply fails. The power source shall be capable of providing for the operation of the audible signaling device for at least 1 h, and the means of two-way conversation for at least 4 h.
- (b) In buildings in which a building attendant (building employee, watchman, etc.) is not continuously available to take action when the required emergency signal is operated, the elevators shall be provided with a means within the car for communicating with or signaling to a service which is capable of taking appropriate action when a building attendant is not available.

An emergency power system shall be provided conforming to the requirements of 3.11.1(a)(3).

(05) 3.11.2 Operations of Elevators Under Standby (Emergency) Power

An elevator shall be permitted to be powered by a standby (emergency) power system, provided that, when operating on such standby power, there is conformance to the requirements of 3.10.10.

3.11.3 Firefighters' Service

Elevators shall conform to the requirements of ASME/ANSI A17.1-1987 Rules 211.3 through 211.8 (see Non-mandatory Appendix C) unless at the time of installation or alteration it was required to comply with a later edition of A17.1.

All elevators that are a part of a group shall conform to identical firefighters' service operation requirements regardless of which edition of A17.1 they complied with at the time of their installation or alteration.

The Phase I and Phase II switches for all elevators in a building shall be operable by the same key.

SECTION 3.12

SUSPENSION MEANS AND THEIR CONNECTIONS

3.12.1 Suspension Means

Cars shall be suspended by steel wire ropes attached to the car frame or passing around sheaves attached to the car frame. Only iron (low-carbon steel) or steel wire ropes, having the commercial classification "Elevator Wire Rope," or wire rope specifically constructed for elevator use shall be used for the suspension of elevator cars and for the suspension of counterweights. The wire material for ropes shall be manufactured by the open-hearth or electric furnace process or their equivalent.

3.12.2 Rope Data Tag

(ED)

At each rope renewal a new metal data tag shall be securely attached to one of the wire rope fastenings. This data tag shall bear the following wire rope data:

- (a) the diameter in inches
- (b) the manufacturer's rated breaking strength
- (c) the grade of material used
- (d) the month and year the ropes were installed
- (e) whether nonpreformed or preformed
- (f) construction classification
- (g) name of the person or firm who installed ropes
- (h) name of the manufacturer of the rope
- (i) the number of ropes
- (j) the date on which the rope was resocketed or other types of fastening changed

Rope data tags shall be durable and readily legible. The height of letters and figures shall be not less than 0.0625 in. (1.6 mm).

3.12.3 Factor of Safety

The factor of safety of the suspension wire ropes shall be not less than shown in Table 3.12.3. The factor of safety shall be based on the actual rope speed corresponding to the rated speed of the car. The factor of safety shall be calculated by the following formula:

$$f = \frac{S \times N}{W}$$

**BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS**

**IN RE: UNIVERSITY OF ARKANSAS FOR MEDICAL SCIENCES (UAMS)
 A.S. #311
 A.S. #314**

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, May 15, 2008. The petitioner, Brian Cotten, Director, UAMS Construction Management, on behalf of UAMS, seeks a variance for the above referenced elevators.

FINDINGS OF FACT:

1. The petitioner, Brian Cotten, Director, UAMS Construction Management, 4301 West Markham Street #605, Little Rock, Arkansas 72205 seeks a variance on behalf of UAMS, Little Rock, Arkansas, from ANSI A117.1, 2003 407.1 for the above-referenced elevators located in the Arkansas State Hospital Living Units I (#311) and II(#314). UAMS is converting these Units to house the College of Health Related Professions.

2. Cotton and Architect Larry Kirchner presented evidence that compliance with this A117.1 Code requirements is problematic based on (1) the age and physical construction of the building, (2) space constraints due to the intended location of the College of Health Related Professions, and (3) cost involved in any alternate plan.

3. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance with respect to ANSI A117.1, 2003 407.1.

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

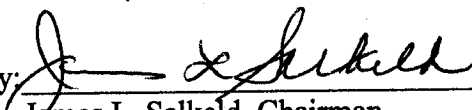
where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the Board concludes that an undue hardship exists to UAMS if the elevator is not allowed to operate due to: (1) the age and physical construction of the building, (2) space constraints due to the intended location of the College of Health Related Professions, and (3) cost involved in any alternate plan. Further, the Board concludes there is no safety risk present in granting this request. The Board concludes that UALR shall receive a variance from ANSI A117.1, 2003 407.1.

THEREFORE, the board grants a variance to UAMS from the above referenced Code requirements.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 5-27-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

**BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS**

IN RE: DREW COUNTY HISTORICAL MUSEUM

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, May 15, 2008. The petitioner, Rhonda Bryant, President, Drew County Historical Society, on behalf of Drew County Historical Museum, seeks an extension of a previously granted variance.

FINDINGS OF FACT:

1. The petitioner, Rhonda Bryant, President, Drew County Historical Society President, on behalf of Drew County Historical Museum, 404 South Main Street, Monticello, Arkansas 71655 seeks a extension of a variance granted May 18, 2006. The previous variance order is attached for reference.

2. The Petitioner did not appear at the hearing. Rhonda Bryant's variance request letter dated April 29, 2008 was presented to the Board.

3. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended that this extension be granted for a period of ninety (90) days at which time documentation of a contract on the elevator is submitted to the Elevator Division of the Arkansas Department of Labor. The Elevator Division will help the contract company in bringing this elevator into compliance.

4. Mr. Smothers also testified that the extension of this variance poses no risk to safety.

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 the previously granted variance shall be extended pursuant to Mr. Smothers' recommendation.

THEREFORE, the board orders that an extension be granted for a period of ninety (90) days at which time documentation of a contract on the elevator shall be submitted to the Elevator Division of the Arkansas Department of Labor.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 5-27-08

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
Arkansas Department of Labor
10421 West Markham Street
Little Rock, AR 72205
(501) 682-4504

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: DREW COUNTY HISTORICAL MUSEUM
 404 South Main Street
 Monticello, AR 71655

ORDER

This matter came before the Elevator Safety Board on Tuesday, January 17, 2006. The petitioner, Damon Lampkin, Drew County Judge, seeks a variance with respect to an elevator installed in the Drew County Museum located at 404 South Main Street in Monticello, Arkansas. Drew County was represented at the meeting by the Honorable Johnnie Bolin, State Representative. The board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner hired a Louisiana contractor to install the elevator approximately two (2) years ago. No installation permit and no operating permit were sought or obtained. No safety inspections were performed.
2. The conveyance is a residential elevator and does not meet the standards of ASME 17.1, as adopted by the board for new construction.
3. The petitioner has no funds for removal and replacement of this elevator. Representative Bolin stated his intent to seek funding during the next legislative session.
4. The conveyance was "red-tagged" or its use prohibited by the Elevator Safety Division.

5. Handicapped citizens of Drew County have been unable to access the facilities since the conveyance has been out of operation

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. Applicable to this project is the provisions of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1-1990 and Addendas 1991 and 1992, as adopted by board.

3. In the present case, the board concludes that granting the variance for a limited time would alleviate an undue hardship and would not compromise safety, provided the following conditions are met:

a. the conveyance is to be limited for use by disabled or handicapped persons only and shall be key-operated by an employee or official of the county;

b. the conveyance shall be inspected by the state every six (6) months and comply with every other condition established by law for the operation of passenger elevators.

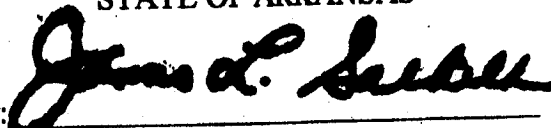
THEREFORE, the board grants the variance to Drew County to operate the conveyance located in the Drew County Historical Museum at 404 South Main Street, Monticello, Arkansas for a period of time to expire on July 31, 2007, provided such conveyance is operated only by

means of a key by a county employee or official for the sole use of handicapped or disabled persons and such conveyance is inspected and meets other requirements established by law for the operation of a passenger elevator.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By:

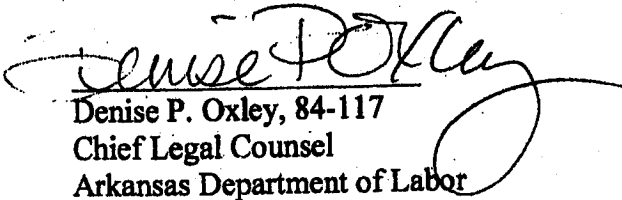


James L. Salkeld, Chairman

Date:

5/18/06

Approved as to form:



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