

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

**IN RE: OTIS ELEVATOR COMPANY for the benefit of
CENTRE PLACE HORIZONTAL PROPERTY REGIME, INC.
AS #425 AND #426**

CONSENT ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, July 19, 2018, at 1:00 p.m. in the offices of the Arkansas Department of Labor. The petitioner, Otis Elevator Company, seeks a variance for the benefit of Centre Place Horizontal Property Regime, Inc. Otis is the elevator contractor on a modernization project involving two conveyances, AS #425 and #426, at Centre Place, 212 Center Street, Little Rock, Arkansas.

FINDINGS OF FACT:

1. Otis Elevator is the contractor modernizing the elevators at 212 Center Street, Little Rock, which are permitted as AS #425 and #426.
2. Currently, access to the elevator machine room is gained by entering a stairwell on the 12th floor and ascending a vertical ladder to a mechanical room containing equipment necessary for the operation of the building. One then walks approximately 50 feet to a spiral staircase that leads up to the elevator machine room.
3. Both the petitioner and the Chief Elevator Inspector, Greg Tipton, agree that literal compliance with the Code's access requirements is not feasible due to the fact that this building is a condo-style setup with each floor being privately owned. There is limited common space.
4. Both the petitioner and the Chief Elevator Inspector agree that reasonable safety for the mechanics and inspectors can be achieved with the following modifications:

- a. The ship's ladder to the mechanical room will be replaced with a new ladder that:
 - i. is ANSI A14.3 compliant;
 - ii. is set back from the wall;
 - iii. has 3-inch wide rungs;
 - iv. has a cage around it;
 - v. has a platform at the top to ensure both feet are at the same level while transferring onto the mechanical room floor; and
 - vi. has handles that will extend above the hatch.
- b. The spiral staircase to the elevator machine room will have:
 - i. a self-closing, self-locking machine room door set back into the machine room to provide a landing; and
 - ii. no-slip covering added to each step.

CONCLUSIONS OF LAW:

5. The board has authority to adopt administrative rules establishing minimum standards for the installation, construction, maintenance and operation of elevators pursuant to Ark. Code Ann. § 20-24-106(c).
6. The board's administrative rules provide that all alterations and major repairs to conveyances shall comply with the rules for new construction, which for elevators means The American Society of Mechanical Engineer's Safety Code for Elevators and Escalators, ASME A17.1-2007. Rule 010.05-012(A)(Elevator Safety Board, March 1, 2017).
7. ASME A17.1, section 2.7.3.3.2 (2007) provides that "[a] permanent noncombustible stair shall be provided where the floor of the room or the space above or below

the floor or roof from which the means of access leads is 900 mm (35in.) or more. Vertical ladders with handgrips shall be permitted to be used in lieu of stairs for access to overhead machinery spaces, except those containing controllers and motor generators.”

8. ASME A17.1, section 2.7.3.3.4 and 2.7.3.3.5 require that stairs shall have a maximum angle of 60 degrees and that a platform be located at the top of the stairs for safe entrance into the machine room.

9. Access to the machine room in the present case is not compliant with the minimum standards adopted by the board.

10. The board has the power to grant a variance from minimum standards when it is clearly evident that: 1) it is necessary to prevent undue hardship or existing conditions prevent compliance with the literal requirement of the standards; and 2) in the opinion of the board, reasonable safety will be secured. Ark. Code Ann. § 20-24-106(d).

11. In the present case, the board concludes that there is an undue hardship due to the limited common space available to modify existing access to the machine room.

12. The board concludes that reasonable safety will be secured by compliance with the conditions agreed upon between the petitioner and the Chief Elevator Inspector.

13. The board concludes that the variance requested in this matter should be granted condition upon the following:

a. The ship's ladder to the mechanical room will be replaced with a new ladder that:

- i. is ANSI A14.3 compliant;
- ii. is set back from the wall;
- iii. has 3-inch wide rungs;

