

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: BUDGETEL INN & SUITES
 EV/AS #100

ORDER

This matter comes before the Elevator Safety Board on Thursday, May 19, 2011. The petitioner, Budgetel Inn and Suites, 111 West Pershing Boulevard, North Little Rock, Arkansas 72114, requests a variance for EV/AS #100, located at the same address.

FINDINGS OF FACT:

1. The petitioner, Budgetel Inn and Suites, 111 West Pershing Boulevard, North Little Rock, Arkansas 72114, seeks a variance from ASME A117.1-2003, Section 401.4.1 Car Dimensions, since the existing structure of the building prevents literal compliance with the Code.
2. Budgetel did not appear at the Board meeting. Petitioner's Exhibit #1 describes difficulties with literal compliance with A117.1-2004 401.4.1, primarily due to the existing structure of the building. Budgetel also informed the Board that loss of use of the elevator would restrict occupancy and inconvenience guests of the hotel.
3. Larry Smothers, Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval 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. In the present case, the Board concludes that an undue hardship exists to Budgetel due to: (1) the existing structure of the building prevents space requirements from being met; (2) loss of use of the elevator would restrict occupancy; (3) inconvenience to guests of the hotel; and (4) cost involved in any alternate plan. Further, the Board concludes there is no safety risk present in granting this request. The Board concludes that Budgetel Inn and Suites shall receive a variance from ASME A117.1-2003, Section 401.4.1 Car Dimensions.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 7-18-11

Approved:
Daniel Knox Faulkner, 2002168
Staff Attorney
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: DILLARD STORE SERVICES, INC.
 AS/EV #3709, 3710

ORDER

This matter comes before the Elevator Safety Board on Thursday, May 19, 2011. The petitioner, Dillard Store Services, Inc. (DSCI) requests a variance for AS/EV #3709 and 3710.

FINDINGS OF FACT:

1. DSCI, 1600 Cantrell Road, Little Rock, Arkansas 72205-2190, requests a variance for AS/EV #3709 and 3710, located at 600 Carnahan Drive, Maumelle, Arkansas 72113.

2. Specifically, DSCI submitted a request on March 9, 2011 seeking a variance from Regulation 010.05-013(B) which requires that:

Any conveyance which is out of operation or without an operating permit for twelve (12) months or more shall have a safety test or leak down test and a pressure test performed in the presence of a licensed elevator inspector in the employ of the department or its authorized representative before a new operating permit can be issued or before such can operate. Additionally, such conveyance shall conform to the standards established by Rule 010.05-011 or have a variance issued pursuant to Rule 010.05-016 before an operating permit can be issued or before it can operate.

3. The current standard established by Rule 010.05-011 is the American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1 - 2007.

4. There is no dispute that the conveyance has been out of service longer than the twelve (12) months referenced in Regulation 010.05-013(B); or that DCSI purchased the building with the conveyance already past the twelve (12) month period.

5. That the applicable Code had the conveyance been properly permitted would be the standards for existing elevators found in Regulation 010.05-013(A):

All 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.

6. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board on March 31, 2011 and recommended denial of the variance since the elevator had been out of service longer than the twelve (12) months referenced in Regulation 010.05-013(B).

7. That Thomas Goetz, Senior Corporate Director, Technical Operations and Engineering, appeared on behalf of DSCI and testified that DSCI has no knowledge that the conveyances in question had not been properly permitted and inspected under the prior owners.

8. Smothers testified that the conveyances would be compliant with Regulation 010.05-013(A) and its referenced elevator Codes in Paragraph 5 if this variance is 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.

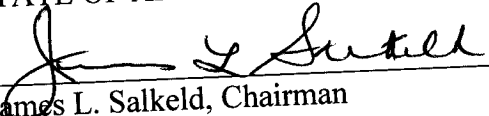
In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby.”

2. In the present case, the Board concludes that an undue hardship exists to DSCI since: (1) DSCI purchased the conveyance that was already past the twelve (12) month period and (2) cost involved in updating the conveyance to the standard for new elevators due to the conveyance's status at the time of the building purchase. Further, the Board concludes there is no safety risk present in granting this request. The Board concludes that DSCI shall receive a variance from Regulation 010.05-013(B).

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: _____


James L. Salkeld, Chairman

Date: 7-18-11

Prepared by:
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BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: THYSSENKRUPP ELEVATOR CORPORATION
PMD and SYNERGY PRODUCT LINES

ORDER

This matter came before the Elevator Safety Board on Thursday, May 19, 2011. ThyssenKrupp Elevator Corporation (“Petitioner”) was represented by Matthew Wilson (“Wilson”). The Arkansas Department of Labor was represented by counsel, Daniel Faulkner, and by Larry Smothers, Chief Elevator Inspector. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. On May 19, 2011, an Order was entered by this Board granting a limited variance to ThyssenKrupp to install three (3) conveyances within the State of Arkansas from the following product lines: PMD77, PMD21, Synergy 85S, 100R, 100S, 300R, and 300S. The specific variance request is for 8mm suspension cables and 6mm or ¼” governor cables (Synergy model 85S only).
2. Wilson appeared at the regularly scheduled Elevator Board meeting on May 19, 2011 and orally requested amendment of the Order to allow five (5) additional conveyances to correspond with variances granted to Kone and Schindler elevator companies earlier during the May 19, 2011 meeting.

3. That the Agency has no objection to the oral request and waived the \$100.00 variance fee, since this request stems from the original variance request.

4. That Wilson orally waived variance hearing notice and staff recommendation requirements at this meeting.

5. That Chief Elevator Inspector Larry Smothers orally recommended that ThyssenKrupp be allowed the same number of conveyances within the state as Kone and Schindler.

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 extends the previously granted variance to allow ThyssenKrupp to install five (5) additional conveyances under the same conditions as the prior Order.

THEREFORE, the Board grants a limited variance to ThyssenKrupp to install five (5) additional conveyances within the State of Arkansas from the following product lines:

PMD77, PMD21, Synergy 85S, 100R, 100S, 300R, and 300S. The specific variance request is for 8mm suspension cables and 6mm or 1/4" governor cables (Synergy model 85S only). The total number shall not exceed eight (8) conveyances within the State. The Board has the authority to revoke this variance if there is a material change in condition upon proper notice and opportunity for hearing.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

DATE: 7-18-11

Approved as to Form:

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BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: THYSSENKRUPP ELEVATOR CORPORATION
 PMD and SYNERGY PRODUCT LINES

ORDER

This matter came before the Elevator Safety Board on Thursday, February 24, 2011.

ThyssenKrupp Elevator Corporation (“Petitioner”) was represented by Matthew Wilson (“Wilson”), Branch Manager, and Phillip Hampton (“Hampton”), Chief Engineer. The Arkansas Department of Labor was represented by counsel, Daniel Faulkner, and by Larry Smothers, Chief Elevator Inspector. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. On October 22, 2010 Petitioner requested a blanket variance within the state of Arkansas to install the full product line for the “PMD” and “Synergy” series of elevators. The specific products are as follows: PMD77, PMD21, Synergy 85S, 100R, 100S, 300R, and 300S. The specific variance request is for 8mm suspension cables (Deviation 1), synthetic deflector sheaves (Deviation 2), and 6mm or ¼” governor cables (Deviation 3). The request and applicable code sections are outlined in the October 22, 2010. This forty-one (41) page request is attached as Petitioner’s Exhibit #1.

2. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board on October 27, 2010 and recommended denial of the variance since the rope and sheave diameters do not meet the requirements of ASME A17.1-2007. This recommendation is attached as Agency Exhibit #1.

3. Petitioner appeared at the regularly scheduled Elevator Board meeting on November 18, 2010. The Board did not have a quorum to conduct business on that date.

4. Petitioner appeared at the next regularly scheduled Elevator Board meeting January 20, 2011. Hampton testified that the products had been subjected to rigorous testing and that A17.1-2010 (scheduled for publication in December 2010) and recently published A17.6-2010 allows these types of ropes and sheaves. A three (3) page supplementary document dated January 20, 2011 is attached as Petitioner's Exhibit #2. The Board lost its quorum during the meeting when Reed Myers decided to recuse himself from voting.

5. Petitioner appeared at a special Board meeting February 24, 2011. Hampton testified again to further explain the variance request.

6. Petitioner orally amended its request during the February 24, 2011 Board meeting to limit the request only to three (3) future conveyances within the state and withdrawing its request found in "Deviation 2" for a variance for synthetic deflector sheaves.

STEEL WIRE ROPES

7. On June 1, 2008, the board adopted ASME A17.1-2007 for new construction. Standard 2.20.4 provides:

2.20.4 Minimum Number and Diameter of Suspension Ropes. The minimum number of hoisting ropes used shall be three for traction elevators and two for drum-type elevators.

Where a car counterweight is used, the number of counterweight ropes used shall be not less than two

The term "diameter" when used in reference to ropes, shall refer to the nominal diameter as given by the rope manufacturer.

The minimum diameter of hoisting and counterweight ropes shall be 9.5 mm (0.375 in.). Outer wires of ropes shall not be less than 0.56 mm (0.024 in.) in diameter.

8. Petitioner requests approval for the use of small diameter ropes (8mm) based on language in A17.1-2010 (scheduled for publication in December 2010) and recently published A17.6-2010.

GOVERNOR CABLES

9. On June 1, 2008, the board adopted ASME A17.1-2007 for new construction. Standard 2.18.5 provides:

2.18.5 Governor Ropes

2.18.5.1 Material and Factor of Safety. Governor ropes shall be of iron, steel, monel metal, phosphor bronze, or stainless steel. They shall be of a regular-lay construction and not less than 9.5 mm (0.375 in.) in diameter. The factor of safety of governor ropes shall be not less than 5. Tiller-rope construction shall not be used.

10. Petitioner requests approval for the use of small diameter governor cables (6mm or 1/4" governor cable) based on language in A17.1-2010 (scheduled for publication in December 2010) and recently published A17.6-2010. This request only applies to Synergy model 85S.

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 due to the fact that the new unadopted Codes allow the size of ropes and governor cables found in the Synergy/PMD devices; and that literal compliance would prohibit the operation of these devices. The Board finds that reasonable safety will be secured since these ropes and cables are permitted under newer Codes.

THEREFORE, the Board grants a limited variance to ThyssenKrupp to install three (3) conveyances within the State of Arkansas from the following product lines: PMD77, PMD21, Synergy 85S, 100R, 100S, 300R, and 300S. The specific variance request is for 8mm suspension cables and 6mm or ¼" governor cables (Synergy model 85S only).

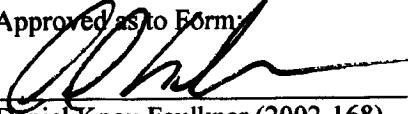
IT IS SO ORDERED.

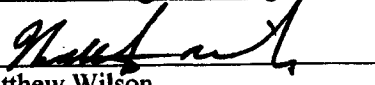
ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

DATE: 5-19-11

Approved as to Form:


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BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: ENTERGY ARKANSAS, INC.
 AS/EV #1112

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, May 19, 2011. The petitioner, Entergy Arkansas, Inc. (Entergy), seeks a variance for the above-referenced conveyance.

FINDINGS OF FACT:

1. The petitioner, Entergy, submitted a variance request to the Arkansas Department of Labor on December 16, 2010 for AS/EV #1112, located at 1398 Carpenter Dam Road, Hot Springs, Arkansas.
2. Entergy seeks a variance for the above-referenced conveyance from ASME A17.3-2005, Section 3.11.3 and Arkansas Elevator Rules and Regulations Section 010.05-013 requiring the installation of Firefighter's Phase I and Phase II Service.
3. Entergy did not appear at the Board meeting. The variance request describes the issues with installing fire service on this conveyance: all levels are open to outside lobbies; the conveyance construction character; and the conveyance location.

4. Larry Smothers (Smothers), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended approval of the variance. Smothers also testified at the hearing that Firefighter's Phase I and Phase II Service is impractical at this location due to the factors described in the variance request. He further stated that some components required by Firefighter's Phase I and Phase II Service simply cannot be installed in this type of conveyance.

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 compliance with ASME A17.3-2005, Section 3.11.3 and Arkansas Elevator Rules and Regulations Section 010.05-013 requiring the installation of Firefighter's Phase I and Phase II Service would be an undue hardship because compliance would be impractical considering that all levels of the conveyance are open to outside lobbies; the dam is primarily constructed of steel and concrete; the conveyance is a free standing steel structure in a wet area. This

conveyance does not have the same risk factors as a conveyance located in a building which makes Firefighter's Phase I and Phase II Service vital.

3. The Board further concludes that, based on the facts presented and the opinion of the board, reasonable safety will be assured for the same reason in paragraph 2 above.

THEREFORE, the board grants a variance from ASME A17.3-2005, Section 3.11.3 and Arkansas Elevator Rules and Regulations Section 010.05-013 requiring the installation of Firefighter's Phase I and Phase II Service. The Board has the authority to revoke this variance if there is a material change in condition upon proper notice and opportunity for hearing.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 7-18-11

Approved:
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