

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: UNION PACIFIC CORPORATION
AS/EV #1320

CONSENT ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, November 20, 2014. The petitioner, Union Pacific Corporation, seeks a variance for the above-referenced conveyance.

FINDINGS OF FACT:

1. The petitioner, Union Pacific Corporation (UP), submitted a variance request to the Arkansas Department of Labor on September 19, 2014 for AS/EV #1320, located at 3200 Bethany Road, North Little Rock, Arkansas 72117.

2. UP 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 since the conveyance is contained within a metal tower with no combustible material.

3. Cody Wagoner, 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."

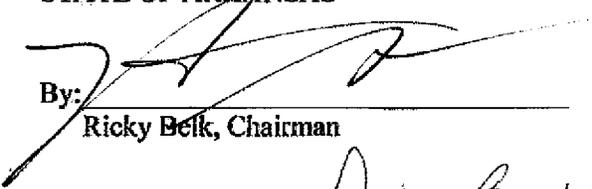
2. In the present case, the Board concludes that compliance with ASME A17.3-2005, Section 3.11.3 and Arkansas Elevator Rules and Regulations Section 010.05-013 requiring the installation of Firefighter's Phase I and Phase II Service would be an undue hardship because compliance would be impractical since the conveyance is contained within a metal tower with no combustible material. 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 reasonable safety will be assured for the same reasons 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.

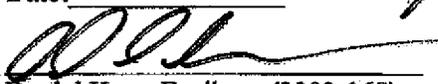
IT IS SO ORDERED.

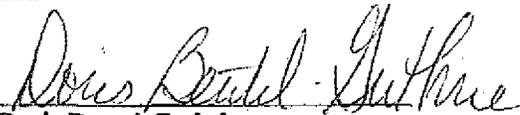
ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 

Ricky Belk, Chairman

Date: 11.20.14


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