

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

**IN RE: ARKANSAS CONVERSION CENTER
 FULTON COUNTY COURTHOUSE
 SALEM, ARKANSAS**

ORDER

This matter came before the Elevator Safety Board on Thursday, October 13, 2005. The petitioner, Arkansas Conversion Center, seeks a variance with respect to the installation of a vertical wheelchair lift to be installed in the Fulton County Courthouse in Salem, Arkansas. The Petitioner was not present. 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 vertical wheel chair lift in the Fulton County Courthouse in Salem, Arkansas and requests a variance to penetrate an existing floor with a lifting height of not more than 168".
3. Fulton County 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.

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 allowing the wheelchair lift to penetrate a floor would alleviate an undue hardship and would not compromise safety.

THEREFORE, the board grants a variance to Arkansas Conversion Center to install the wheelchair lift in the Fulton County Courthouse, P. O. Box 278, Salem, Arkansas to penetrate a floor with a lifting height of not more than 168 inches.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By 
James L. Salkeld, Chairman

Date: 1-17-06

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
STATE OF ARKANSAS

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IN RE: ARKANSAS CONVERSION CENTER
 FIRST BAPTIST CHURCH
 GREENWOOD, ARKANSAS

ORDER

This matter came before the Elevator Safety Board on Thursday, October 13, 2005. The petitioner, Arkansas Conversion Center, seeks a variance with respect to the installation of a vertical wheelchair lift to be installed in the First Baptist Church, 19 North Adair Street, Greenwood, Arkansas 72936. The Petitioner was not present. 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 vertical wheel chair lift in the First Baptist Church, 19 North Adair Street, Greenwood, Arkansas and requests a variance to penetrate an existing floor with a lifting height of not more than 156".
3. The church 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.

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 allowing the wheelchair lift to penetrate a floor would alleviate an undue hardship and would not compromise safety.

THEREFORE, the board grants a variance to Arkansas Conversion Center to install the wheelchair lift in the First Baptist Church, 19 North Adair Street, Greenwood, Arkansas 72936 to penetrate a floor with a lifting height of not more than 156 inches.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By 
James L. Salkeld, Chairman

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Date: 1-17-06

1/17/06

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

**IN RE: SECRETARY OF STATE
 CAPITOL HILL APARTMENT BUILDING
 AS NOS. 296 and 301**

ORDER

This matter came before the Elevator Safety Board on Friday, October 13, 2005. The petitioner, the Honorable Charlie Daniels, Secretary of State, seeks a variance with respect to the alteration or modernization of two elevators located in the Capitol Hill Apartment Building on the State Capitol grounds in Little Rock, Arkansas. Mr. Daniels was present and represented by counsel, Tim Humphries. Reed Myers recused from consideration of the variance request. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The petitioner is currently modernizing or renovating the Capitol Hill building, including two elevators, AS Nos. 296 and 301.
2. The petitioner has exhausted funds and/appropriation for this project for the current biennium.
3. The petitioner seeks a variance with respect to four (4) items until after the next legislative session. Specifically, petitioner seeks a variance with respect to the following:
 - a. Water pipes in the elevator hoistway and the elevator equipment room;
 - b. electrical conduits and electrical wiring in the elevator hoistway that are not associated with the elevator;

- c. beveling ledges inside the elevator hoistway; and
- d. covering the underside of the machine room floor (the very top of the elevator shaft).

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. The four (4) items in paragraph 3 in the above findings of fact violate the provisions of A17.1, sections 102.2; 100.6 and 100.1a.

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.

THEREFORE, the board grants the variance to the Secretary of State for AS Nos. 295 and 301 for a period of time to expire on July 31, 2007.

IT IS SO ORDERED.

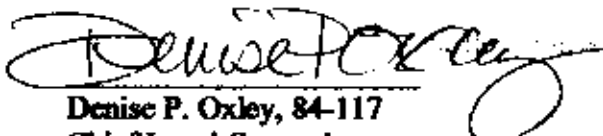
ELEVATOR SAFETY BOARD

STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 1-17-06

Approved as to form:



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

**IN RE: OTIS ELEVATOR
 GEN2 ELEVATOR**

ORDER

This matter comes before the Elevator Safety Board on Thursday, October 13, 2005. The petitioner, Otis Elevator Company, seeks a an amendment to a general variance granted by the Elevator Safety Board on June 5, 2003. The Board makes the following findings of fact and conclusions of law.

FINDINGS OF FACT:

1. The Gen2 is an elevator manufactured by Otis Elevator Company which operates without a machine room.

2. Because the Gen2 is new technology, it does not meet the literal requirements of the Board's current safety standards, which are the ASME A17.1-1990 and Addendas 1991 and 1992.

3. On or about June 5, 2003, the Elevator Safety Board approved a general variance for the installation of the Gen2 in Arkansas, with certain conditions. Specifically, the following conditions were imposed:

 a. access door with signage CAUTION ELEVATOR HOISTWAY to Hoistway access;

 b. all callbacks and repair work orders be reported within five days to the Arkansas Department of Labor;

 c. allow installations of the Gen II elevator without requesting a [specific] variance for a period of three years and the performance of the Gen II unit be reevaluated at that time;

 d. all other applicable codes be met;

 e. install a stop switch at the access door. Elevator cannot run on automatic; and

f. all spaces will comply with current codes.

4. Otis requests that the general variance for the Gen2 be amended to eliminate the requirement of an access door.

5. Larry Smothers, Chief Elevator Inspector, advised the Board that the current ASME A17.1 Code, the adoption of which is proposed and anticipated, would allow for the operation of the Gen2 without the access door and without a variance. He recommended granting 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 in that the petitioner, Otis Elevator Company, is requesting that the latest edition of the American Society of Mechanical Engineers Safety Code for Elevators and Escalators, ASME A17.1-2004 be applied to this conveyance, as opposed to the more expensive compliance required by the general variance granted by the Board in 2003.

3. The Board determines that reasonable safety will be secured with the amending of the variance.

THEREFORE, the Board amends its general variance granted on or about June 5, 2003, to allow the Gen2 elevator to be installed in Arkansas subject to the following conditions:

a. all callbacks and repair work orders be reported within five days to the Arkansas Department of Labor;

b. allow installations of the Gen II elevator without requesting a site-specific variance for a period ending June 5, 2006, and the performance of the Gen II unit be reevaluated at that time;

c. all other applicable codes be met; and

d. elevator cannot run on automatic during the governor reset operation only.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
James L. Salkeld, Chairman

Date: 4-17-06

Approved:
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