

**BEFORE THE ELEVATOR SAFETY BOARD
DEPARTMENT OF LABOR AND LICENSING
STATE OF ARKANSAS**

**IN RE: CENTRE PLACE MODERNIZATION 212 CENTER STREET, Little Rock,
 ARKANSAS**

CONSENT ORDER

This matter comes before the Elevator Safety Board on Thursday, November 21, 2019.

The petitioner, through Otis Elevator Company on behalf of the owner Centre Place Horizontal Property Regime, seeks a variance with respect to the non-elevator related material in the elevator hoistway.

FINDINGS OF FACT:

1. The petitioner is modernizing an existing building at 212 Center Street, Little Rock, Arkansas. As part of the modernization, the elevator will be improved to increase efficiency and reliability.
2. The existing elevator is presently situated in the building and there are significant non-elevator related materials in the hoistway.
3. There were certain items within the hoistway that are important to the operation of the building and their removal would create a significant hardship on the operation of the building if they were removed consistent with ASME A17.1-2007.
4. The proposed plan for modernization and elevator improvement required the removal of a substantial amount of non-elevator items in the hoistway. While significant materials have been removed, the removal of conduit will greatly impact building operations.

Though contemplated, the Closure of the conduit would not allow the maintenance of proper running clearance for the cars.

5. The Chief Elevator Inspector, Department of Labor and Licensing, recommends, and the petitioner agrees to the following conditions to ensure reasonable safety:

- a. The material will be left in the hoistway of the building;
- b. The material in question is the conduit that if removed, would greatly impact the continued operation of the building;
- c. The petitioner agrees to attach warning signage in a prominent and obvious place painted in bright red and clear warning language of the presence of the conduit; and
- d. The proposed plan will keep the elevator in code compliance in the safest, least restrictive manner.

CONCLUSIONS OF LAW:

6. 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).

7. 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).

8. In the present case, the board concludes that an undue hardship exists since literal compliance may compromise the structural integrity of the building, as well as being an expensive solution.

9. The board also concludes that reasonable safety will be secured by the conditions placed upon granting the variance.

THEREFORE, the board grants a variance to Centre Place Horizontal Property Regime by and through their representative, Otis Elevator Company for authorization to leave certain conduit in the hoistway.


IT IS SO ORDERED.

ELEVATOR SAFETY BOARD


By: 
Ralph T. Hudson, Chairman

Date: 11/21/19

Approved:



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