

8 AAC 77.005 is amended to read:

8 AAC 77.005. Elevator safety standards code. The minimum elevator safety standards applicable to elevators, escalators, and similar devices in the state are set out in the following editions of safety codes for elevators, escalators, platform lifts and stairway chairlifts, published by the American Society of Mechanical Engineers (ASME), and are adopted by reference:

(1) the *Safety Code for Elevators and Escalators*, **2016** [2013] edition (**ASME A17.1-2016**) [(ASME A17.1-2013)],

(A) with the following revisions:

(i) Section 2.2.2.3 is amended by replacing the existing language to read:

“**2.2.2.3.** For pits subject to the periodic accumulation of ground water, a permanent drain or sump pump shall be installed. For pits not subject to the periodic accumulation of ground water, **as determined by the authority having jurisdiction**, the permanent installation of a drain or sump pump is not required, unless required by section 2.2.2.5.”;

8 AAC 77.005(1)(A)(ix) is amended to read:

(ix) Section 8.11.1.1.2 is revised by replacing existing subparagraphs (a) and (b) to read:

(a) Periodic tests shall be witnessed by an inspector employed by the authority having jurisdiction, or **certified as completed, by the elevator mechanic in charge, on a form provided by the department** [BY PERSONS AUTHORIZED BY THE AUTHORITY

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

HAVING JURISDICTION].

8 AAC 77.005(3) is amended to read:

(3) the *Safety Standard for Platform Lifts and Stairway Chairlifts*, **2017** [2014] edition (**ASME A18.1-2017**) [(ASME A18.1-2014)],

(A) with the following revisions:

(i) Section 10.1.2.1 is revised by replacing the existing language to read:

"Periodic inspections and tests shall be witnessed by an inspector employed by the authority having jurisdiction or **certified as completed, by the elevator mechanic in charge, on a form provided by the department** [BY PERSONS AUTHORIZED BY THE AUTHORITY HAVING JURISDICTION].";

8 AAC 77.005(4) is amended to read:

(4) the *Guide for Inspection of Elevators, Escalators, and Moving Walks*, **2017** [2012] edition (**ASME A17.2-2017**) [(ASME A17.2-2012)];

8 AAC 77.005(5) is amended to read:

(5) the *Standard for Elevator Suspension, Compensation, and Governor Systems*, **2017 edition (ASME A17.6-2017)** [(ASME A17.6-2010)];

8 AAC 77.005(6) is amended to read:

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

(6) the *Performance-Based Safety Code for Elevators and Escalators*, **2007 edition** (ASME A17.7-2007). (Eff. 10/21/79, Register 72; am 10/21/92, Register 124; am 12/17/99, Register 152; am 9/25/2002, Register 163; am 6/14/2006, Register 178; am 2/23/2011, Register 197 am 10/16/2012, Register 204; am 10/23/2014, Register 212; am 3/6/2016, Register 217; am ___/___/____, Register _____)

Authority: AS 18.60.800

8 AAC 78 is amended by adding a new section to read:

Article 3. Zip lines.

8 AAC 78 is amended by adding new sections to read:

8 AAC 78.510. Purpose. (a) The purpose of 8 AAC 78.510 – 8 AAC 78.610 is to prescribe minimum safety requirements for the installation, assembly, repair, maintenance, operation, and inspection of zip lines. (Eff. ___/___/____, Register _____)

Authority: AS 05.20.010 AS 05.20.060 AS 05.20.120
AS 05.20.020 AS 05.20.070

8 AAC 78.520. Minimum zip line standards. (a) The department adopts by reference the following documents as the minimum operating and construction standards for zip lines operating in the state:

(1) Sections 1.A – 1.A.4.1, 1.A.4.3 – 1.E.2.6.1, 1.E.2.7 – 1.I.3.1.3, 1.I.3.2 – 1.I.3.13.2, and Chapters 2 – 4, of the 2016 Edition of ANSI/ACCT 03 - 2016, *Challenge Courses*

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

and Canopy/Zip Line Tours Standards, issued by the Association of Challenge Course Technology, and approved by the American National Standards institute;

(2) The 2014 Edition ANSI/PRCA 1.0 -3 – 2014, *Safety Standards for Challenge Courses, Adventure Parks, Canopy Tours and Zip Lines: Design, Performance, Inspection, Installation, Equipment, Operations, Training and Certifications*, issued by the Professional Ropes Course Association, and approved by the American National Standards institute; and

(3) Sections 1.1 – 1.2.5, 2.1, 5.1 – 5.9.4, 5.10.3 – 5.12.1, and 6 – 13 of the 2016 edition of ASTM F2959 – 16, *Standard practice for Aerial Adventure Courses*, issued by the American Society for Testing and materials (ASTM) F24 Committee.

(b) Nothing in this article exempts employers from the requirements of AS 18.60.010 - 18.60.105. (Eff. ___/___/___, Register _____)

8 AAC 78.530. Notification and inspection. (a) A zip line may not be operated unless the operator or the operator's designee submits notification to the department at least 30 days before the zip line operates in the state. The notification must

- (1) be in writing;
- (2) specify the zip line name and location;
- (3) specify the intended dates of operation, if seasonal, and the location;
- (4) state that the zip line conforms to one of the codes referenced in 8 AAC

78.520 and identify which code the zip line conforms to; or include plans or drawings stamped by a Professional Engineer, with experience in the zip line industry, licensed in the State of Alaska, certifying that the zip line and associated structures substantially meet one of the codes

adopted under 8 AAC 78.520;

(5) state that fixed structures have been approved by the Plan Review Office of the Division of Fire and Life Safety, and conform with the requirements of the building code standards adopted by the Department of Public Safety under AS 18.70.080 and 13 AAC 50.020;

(6) be mailed, faxed, sent by electronic mail, or hand delivered to the department's mechanical inspection section.

(b) In addition to submitting the notification in (a) of this section, an operator or owner shall obtain a certificate of operation for the zip line before the zip line is placed in service to the public. To obtain a certificate of operation, the operator or owner shall ask the department or a third party inspector designated by the department to inspect the zip line. An inspector designated under this subsection shall file not later than 15 days after the inspection, a copy of the inspection report with the department on a form provided by the department. Upon review of the inspection report, if the department determines that the zip line complies with this chapter and AS 05.20.010, the department will issue to the owner or operator a certificate of operation that is valid for one year after issuance. The operator may not operate the zip line without a certificate of operation.

(1) The department will approve inspectors upon application in writing, when the inspector holds current certification through one of the following:

(A) NAARSO Level 2;

(B) ACCT Level 2; or

(C) another nationally recognized organization approved by the

department;

(2) The department may approve inspectors without current certification through evaluation of training and experience.

(3) A person's designation as an inspector shall remain valid for a period of one year.

(4) The inspection will be recorded on a form provided by the department, and the report will include:

(A) A statement from the operator and inspector certifying the zip line conforms to the construction and operation standards listed in one of the codes listed in 8 AAC 78.520.

(B) A statement from the operator and inspector certifying that any violations noted at the time of inspection will be corrected prior to public operation.

(c) At any reasonable time, the department may inspect a zip line and review inspection reports and other materials related to the operation of the zip line. The operator shall assist with the inspections upon request.

(d) If the department issues an order under AS 05.20.030(2) to prohibit the operation of a zip line, the operator shall immediately stop operation of the zip line. The operator may not re-open the zip line to public use until the repairs or corrections are made and the department approves its operation.

(e) An inspector who is designated under (b) of this section may not condemn equipment under AS 05.20.050. (Eff. ___/___/___, Register _____)

Authority: AS 05.20.030 AS 05.20.060 AS 05.20.070
AS 05.20.040

8 AAC 78.540. Annual operating schedule. Each operator of a temporary zip line shall submit an annual operating schedule of every zip line the operator intends to operate in a calendar year, on a form provided by the department, on or before January 1 of that year. The schedule must be mailed, faxed, sent by electronic mail, or hand delivered to the department's mechanical inspection section. The schedule must identify each zip line the operator intends to operate, and specify the intended dates of operation and locations of use. An operator shall notify the department's mechanical inspection section in writing of any change to the annual operating schedule at least 15 days in advance of the intended change. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.020 AS 05.20.060 AS 05.20.070
AS 05.20.030

8 AAC 78.550. Structure and foundation. (a) If during an inspection the structure or foundation of a building, piece of equipment, or appurtenance used for a zip line is found not to comply with the building code standards adopted by the Department of Public Safety under AS 18.70.080 and 13 AAC 50.020, the department will notify the Department of Public Safety regarding the violation. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.070

8 AAC 78.560. Electrical safety requirements. Any electrical equipment associated with the operation of a zip line must conform to the National Electrical Code and National Electrical Safety Code standards adopted by reference in 8 AAC 70.025. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.070

8 AAC 78.570. Extraordinary hazards. When conditions arise, such as lightning or wind storms, that cause unusual or extraordinary hazards to persons, an operator shall take precautions to assure safe operation of a zip line. If the operation cannot be made safe, the zip line, towers, and platforms shall be evacuated while the unusual or extraordinary conditions exist or until adequate safety is insured. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.070

8 AAC 78.580. Accidents and injuries. (a) The owner or operator of a zip line shall have at least \$1,000,000 liability insurance. Evidence of the insurance must be submitted to the department's mechanical inspection section at least 10 days before planned operation each season, and must be available at the location where the zip line is operated.

(b) In the absence of a medical facility in the immediate proximity of a zip line, a person who has a valid first aid card must be available to render first aid. At least two persons on site, other than the owner, must have immediate access to telephone numbers for a doctor, hospital, and ambulance service. The emergency numbers must be posted at the office on-site.

(c) The owner or operator of a zip line shall immediately notify the department's mechanical inspection section, by telephone, of any occurrence involving a zip line, if the occurrence results in

- (1) the death of a person;

(2) injury to a person that requires ambulance or emergency vehicle transport to a hospital or clinic, and the injury is the result of a mechanical or structural failure of the zip line;

or

(3) a mechanical or structural failure of the zip line that affects the safe operation of the zip line.

(d) The owner or operator of a zip line shall, within 24 hours, notify the department's mechanical inspection section, by telephone, facsimile, or electronic mail, of an injury to a person involving a zip line, other than a death or injury that is reportable under (d)(1) or (2) of this section.

(e) If an occurrence described in (c) of this section occurs after ordinary business hours of the department's mechanical inspection section, the owner or operator of an amusement zip line shall immediately notify the local police or local office of the Department of Public Safety, division of state troopers, in addition to the notification required in (c) of this section.

(f) The owner or operator of a zip line shall prepare a written report of an occurrence described in (d) of this section and mail, fax, send by electronic mail, or hand deliver the written report to the department's mechanical inspection section not later than 48 hours after the occurrence. The written report must include:

(1) the date of the occurrence;

(2) the name, manufacturer, and serial number of the zip line involved;

(3) the name, age, address, and telephone number of the injured or deceased person, if any;

(4) a description of the injury, and medical treatment administered to the injured

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

or deceased person, if any; and

(5) a narrative description of the occurrence.

(g) The owner or operator of a zip line involved in an occurrence described in (c)(1) or (2) of this section shall, after securing the scene to prevent additional injuries and to remove any injured or deceased persons, immediately remove the zip line from service, and cease all operations. The department will conduct a prompt investigation of a zip line removed from service under this subsection. The zip line may not be repaired or operated until the department completes its investigation. (Eff. ___/___/___, Register ____)

Authority: AS 05.20.030 AS 05.20.070

Editor's note: The contact information for the mechanical inspection section is:
Department of Labor and Workforce Development, Mechanical Inspection Section, 1251
Muldoon Road, Suite 113, Anchorage, Alaska 99504; phone: (907) 269-4925; fax: (907) 269-
4932; e-mail address: Anchorage.LSS-MI@alaska.gov.

8 AAC 78.590. Inspection, maintenance, and repair. (a) The operator of a zip line or the operator's designee shall

(1) complete an annual inspection of the zip line in accordance with 8 AAC 78.530(b); and

(2) repair or replace any components identified as hazardous before operation.

(b) The operator of a zip line or the operator's designee shall perform a daily operating inspection and test before a passenger is permitted to ride. The test must include the operation of all safety devices, connections, speed controls, and structural and mechanical components at a

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

minimum. Any condition discovered that poses a present danger must be corrected before a passenger is permitted to ride.

(c) The operator shall maintain a permanent record of each inspection or repair made to a zip line and shall make the record available to the department upon request. Each manufacturer recommended non-destructive examination shall be performed as specified. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.020 AS 05.20.060 AS 05.20.070
AS 05.20.030

8 AAC 78.600. Variances. (a) The owner or operator of a zip line who desires a variance from a safety standard adopted in or under AS 05.20 may file a written request with the director of the department's division of labor standards and safety.

(b) A request filed under (a) of this section must include

- (1) the name and address of the applicant;
- (2) the name and address of the place where zip line is located;
- (3) specification of the standard or portion of it from which the applicant seeks a variance;
- (4) an explanation of why the applicant is unable to comply with that standard or portion of it;
- (5) a description of the alternative measures that the applicant has taken or will take, with specific dates, to adequately safeguard persons from the hazards covered by the standard; and

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

(6) a statement of the effect a grant of a variance will have on the safety of persons in or around the zip line.

(c) After the director's review of the variance request and the inspector's recommendations, the director will make a final determination on the variance request. A variance will be granted only if the applicant has demonstrated that he or she will provide safety protection equal to or better than the standard from which the variance is sought.

(d) The department's denial of a variance from a safety standard may be appealed to the commissioner in the manner set out in 8 AAC 78.610. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.070 AS 05.20.080

Editor's note: The address for the division of labor standards and safety is: Department of Labor and Workforce Development, Division of Labor Standards and Safety, P.O. Box 111149, Juneau, Alaska 99811-1149.

8 AAC 78.610. Appeals. (a) A notice issued under AS 05.20.050 for a violation of AS 05.20 or 8 AAC 78.520 - 8 AAC 78.590, based upon inspection under AS 05.20.060, is final unless the owner or operator of zip line files an appeal with the commissioner within 15 days after receipt of the inspector's report. The appeal must be in writing and must include

(1) a specification of objections to the department's findings, and a concise summary of facts in support of each objection; and

(2) a description of the relief sought.

(b) As required by AS 05.20.080, a hearing held under this section will be conducted in

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

accordance with AS 44.62.330 - 44.62.630. The commissioner, or his or her designee, will hear the case with the hearing officer assigned to the matter. (Eff. ___/___/___, Register ___)

Authority: AS 05.20.070 AS 05.20.080 AS 44.62.450

8 AAC 78.900(a) is amended by adding a new paragraph to read:

(23) "zip line"

(A) means a ride that, if safety of the patrons, employees, and the public are within the department's jurisdiction, carries or conveys passengers or participants; and

(i) uses a cable suspended above an incline to which a pulley and harness are attached for a rider,

(ii) or a combination of devices, along, around, over, or through a fixed or restricted course, or within a defined area for the purpose of giving its passengers or participants amusement, pleasure, or excitement where cables or ropes and pulleys or other mechanical devices are used to prevent falls from the course;

(B) includes zip line courses, challenge courses, Aerial adventure courses, and other commercial activities of similar design, of either a permanent or temporary nature;

8 AAC 78.900(b) is amended to read:

(b) In this chapter and in AS 05.20, unless the context requires otherwise,

(1) "inspector" means a person employed by the department to inspect and review

Register _____, _____ 2019 LABOR AND WORKFORCE DEV.

the installation, maintenance, or operation of a tramway, **zip line**, or amusement ride;

(2) "operator" means a person or persons who lease or otherwise control the operation of an amusement ride, **zip line**, amusement park, carnival, or tramway;

(3) "owner" means a person or persons who own or have financial interest in the operation of an amusement ride, **zip line**, amusement park, carnival, or tramway. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158; am 9/25/2002, Register 163, am ___/___/___, Register ___)

Authority: AS 05.20.070 AS 05.20.120

The article heading for Article 3 is amended to read:

Article 4 [3]. General Provisions.

(Eff. ___/___/___, Register ___)