



Recreational Devices Statutes and Regulations

December 2012

**Labor Standards and Safety Division
Mechanical Inspection**



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

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Anchorage.LLS-MI@alaska.gov

Note to Readers: The statutes and administrative regulations listed in this publication were taken from the official codes, as of the effective date of the publication. However, there may be errors or omissions that have not been identified and changes that occurred after the publication was printed. **This publication is intended as an informational guide only and is not intended to serve as a precise statement of the statutes and regulations of the State of Alaska. To be certain of the current laws and regulations, please refer to the official codes.**

ALASKA ADMINISTRATIVE CODE

Chapter 78 Amusement Rides and Tramways

Article

1. Amusement Rides. (8 AAC 78.010 - 8 AAC 78.180)
2. Tramways. (8 AAC 78.250 - 8 AAC 78.340)
3. General Provisions. (8 AAC 78.900)

Editor's note: Executive Order No. 49, which took effect July 1, 1981, transferred the responsibility for regulating amusement rides and tramways from the Department of Public Safety to the Department of Labor. The Department of Labor subsequently adopted regulations regarding amusement rides and tramways (8 AAC 78) ; the regulations took effect 11/30/89, Register 112. The Department of Public Safety regulations in 13 AAC 15 are obsolete, and were deleted, as of Register 112, at the instruction of the regulations attorney.

Article 1 Amusement Rides

Section

10. Purpose.
20. Notification and inspection.
30. Structure and foundation.
40. Access and egress.
50. Passenger loading platforms, inclined walkways, stairways, and standard railings.
60. (Repealed).
70. Electrical safety requirements.
80. Passenger-carrying equipment.
85. Safety standards for water slides.
90. Safety equipment.
100. Signal systems.
110. Debris and obstructions.
120. Attendants.
130. Signs.
140. Extraordinary hazards.
150. Accidents and injuries.
160. Inspection, maintenance, and repair.
170. Variances.
180. Appeals.

8 AAC 78.010. Purpose

The purpose of 8 AAC 78.010 - 8 AAC 78.180 is to prescribe minimum safety requirements for the installation, assembly, repair, maintenance, operation, and inspection of amusement rides. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

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

8 AAC 78.020. Notification and inspection

(a) An amusement ride may not be operated unless the operator or the operator's designee submits notification to the department at least 30 days before the ride operates in the state for the first time. The notification must

- (1) be in writing;
- (2) identify the ride or structure;
- (3) specify the intended dates of operation and location of use; and
- (4) be mailed, faxed or hand delivered to the department's mechanical inspection section.

(b) The department will inspect the ride or will designate a National Association of Amusement Ride Safety Officials (NAARSO) Level II Inspector to inspect the ride. An inspector designated under this subsection shall file a copy of the inspection report with the department for review. Upon review, the department will accept, reject, or modify that report. The ride may not be placed in service to the public until the department certifies the ride as being in compliance with the requirements of this chapter.

(c) After a ride is certified under (b) of this section, the operator of an amusement ride or the operator's designee shall ensure that an amusement ride is inspected at least annually by the department or a NAARSO Level II Inspector designated by the department. An inspector designated under this subsection shall file a copy of the inspection report with the department for review. Upon review, the department will accept, reject, or modify that report. Any condition found during an inspection that poses a present danger or is not in compliance with the ride manufacturer's specifications must be corrected before a passenger is permitted to ride.

(d) At any reasonable time, the department may inspect an amusement ride, and the operator shall assist with the inspection upon request.

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

(f) An inspector who is designated under (b) or (c) of this section may not condemn equipment under AS 05.20.050. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.030 AS 05.20.040 AS 05.20.060 AS 05.20.070

Editor's note: The address for the mechanical inspection section is: Department of Labor and Workforce Development, Mechanical Inspection Section, 3301 Eagle Street, Suite 302, Anchorage, AK 99503.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 78.030. Structure and foundation

If during an inspection the structure or foundation of a building, piece of equipment, or appurtenance used for an amusement ride 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. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.040. Access and egress

(a) Means of access to and egress from an amusement ride must

- (1) provide protection from adjacent hazards as required for the safety of passengers;
- (2) provide secure footing and support for safe passage; and
- (3) repealed 6/15/2001
- (4) have adequate natural or artificial lighting to render clear visibility.

(b) If during an inspection a means of access or egress is found not to comply with 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.

(c) Repealed 6/15/2001. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.050. Passenger loading platforms, inclined walkways, stairways, and standard Railings

Passenger loading platforms, inclined walkways, stairways, and standard railings must conform to standards listed in 8 AAC 61.1010. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158; am 10/6/2002, Register 164)

Authority: AS 05.20.070

8 AAC 78.060. Standard railings

Repealed. (Eff. 11/30/89, Register 112; repealed 6/15/2001, Register 158)

8 AAC 78.070. Electrical safety requirements

(a) An amusement ride's electrical equipment must conform to the *National Electrical Code* and *National Electrical Safety Code* standards adopted by reference in 8 AAC 70.025.

(b) Each electrical transformer substation and electrical distribution box must be completely enclosed and locked.

(c) Except as provided in (e) of this section, each amusement ride must have a listed or labeled disconnect switch within reach of the attendant.

(d) A momentary contact or "deadman" switch that controls the operation of the ride is required on each ride except a ride that is solely passenger operated. A momentary contact or "deadman" switch may not be overridden.

(e) For arcade-type amusement rides, the operator may comply with (c) of this section by using a central disconnect switch that shuts off power to all amusement rides. The central disconnect switch must be visible from each amusement ride and must be supervised by an attendant when an amusement ride is operating.

(f) Notwithstanding (a) of this section, protective mats required by Article 525 of the edition of the *National Electrical Code* adopted by reference in 8 AAC 70.025 must be used for any setup over five days' duration. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.080. Passenger-carrying equipment

(a) The interior and exterior parts of passenger-carrying amusement rides that a passenger might come in contact with must be free from sharp, rough, or splintered edges and from corners with projections that could cause injury.

(b) The area beneath and around amusement rides, including rides such as airplane rides,

ferris wheels, and merry-go-rounds, that is less than seven feet from the ground or other surface, must be fenced or barricaded in a manner that prevents unauthorized persons from entering the area.

(c) All amusement ride driving motors and mechanical power transmission equipment must be guarded in a manner that prevents persons from coming into contact with the equipment. Entrance to areas containing such equipment must be secured in a manner that prevents unauthorized persons from entering the area.

(d) A ride that is self-powered and operated by a passenger must have the driving mechanism guarded, and guards locked in place, to prevent passengers from gaining access to the equipment.

(e) In addition to meeting the other requirements of 8 AAC 78.010 - 8 AAC 78.180, a go-cart area operator shall ensure that

(1) all tracks are enclosed in a manner that prevents foot or motorized traffic from encountering the go-carts;

(2) a buffer zone is installed between the track and enclosure;

(3) a buffer zone is installed in the center of the track to prevent carts from crossing over the center;

(4) the go-cart has a roll bar or roll bar seat, safety belt, chain guard, hot exhaust guard, bumpers on the frame, and speed governor set at a safe operating speed;

(5) the refueling area is away from the public;

(6) signs are installed designating direction of travel and operating instructions;

(7) signs are posted with age and height requirements for persons who wish to ride;

(8) a sound or public address system is installed to inform drivers to stop operation; and

(9) a fire extinguisher is installed at the attendant station and refueling station. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

8 AAC 78.085. Safety standards for water slides

(a) Both the owner and operator of water slides shall ensure that their facilities comply with the following safety standards:

- (1) water slides that allow a mix of adult and small children as riders must use a dispatch procedure that will establish spacing between riders to reduce the possibility of collision between riders while on the slide or while landing in the catch pool;
- (2) a lifeguard must be stationed with a clear view and rapid access to the catch pool;
- (3) an attendant must be stationed at the dispatch point of the water slide and must remain in continual visual or verbal contact with the lifeguard stationed at the catch pool;
- (4) the lifeguard supervising the catch pool shall require patrons to exit immediately upon arrival;
- (5) a water slide's exit height requirements must at least conform to the manufacturer's recommendation; if the manufacturer does not provide a recommendation, the exit height must be no more than six inches above the static water level in the catch pool;
- (6) an attendant may not allow patrons to stop, change positions, or form chains on a water slide;
- (7) an attendant may not allow patrons to ride a water slide with small children on their laps;
- (8) an attendant may not allow patrons to wear life jackets or other personal flotation devices on a water slide unless recommended by the manufacturer of the water slide;
- (9) an attendant shall require patrons to ride all water slides in a feet-first position unless the manufacturer's design specifications specifically permit other safe riding positions;
- (10) in the absence of manufacturer guidelines, an attendant shall instruct patrons riding speed slides to
 - (A) ride lying down in a feet-first position;
 - (B) keep their legs crossed and to cross their arms; and
 - (C) keep their arms and legs close to their body for the entire ride; and
- (11) signage describing the requirements, prohibitions, and responsibilities for use of the water slide must be clearly posted so that patrons may see them before they are committed to the ride.

(b) For the purposes of this section, "attendant" means an individual responsible for the control of patrons using a particular water slide. (Eff. 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.090. Safety equipment

- (a) An amusement ride must have grab bars, foot rests, and other equipment necessary for safe entrance, exit, and support of passengers while the ride is in operation.
- (b) A safety belt or safety bar on an amusement ride must be of sufficient strength to restrain the passenger, but may not have an ultimate strength of less than 3,000 pounds. The anchor provided for a safety belt or safety bar must have a strength at least equal to that of the safety belt or safety bar.
- (c) A restraining belt or bar used to confine passengers within an amusement ride where shock loads cannot be generated must be adequate to restrain the passengers within the amusement ride when it is in motion.
- (d) A safety belt snap must be of the type that cannot be released without manual manipulation.
- (e) The means for locking a safety bar in a closed position must meet the manufacturer's requirements or be located or guarded in a manner that will not permit a passenger to release the safety bar while the ride is in motion.
- (f) All safeguards recommended by the manufacturer must be provided to prevent physical injury, including injury that might occur from contact with a person's hair. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

8 AAC 78.100. Signal systems

- (a) A signal system must be provided on all amusement rides if the lack of such a system might permit rear end collision or possible injury of passenger.
- (b) A signal system for the starting and stopping of an amusement ride must be provided if the attendant does not have a clear view of the point at which passengers are loaded or unloaded.
- (c) If there is a need for coded signals, the code must be posted at both the attendant's and signalman's stations. Signals must be thoroughly understood by all persons who use them.
- (d) A signal for the movement of a ride may not be given until all passengers are safely within the ride and all other persons are in the clear.
- (e) Repealed 6/15/2001. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.110. Debris and obstructions

- (a) The area around an amusement ride, including passenger loading and unloading platforms and ramps, must be kept clear of debris, obstructions, and slippery conditions. Emergency escape ways must be kept clear.
- (b) The passenger section of an amusement ride must be maintained in a sanitary condition.
- (c) Flammable waste must be placed in a closed metal container. The container must be kept in a location where it is easily accessible in event of fire and where it will not block exits should its contents ignite. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

8 AAC 78.120. Attendants

- (a) No person under the age of 18 may handle the operating controls of an amusement ride. This provision does not apply to an amusement ride designed to be operated or controlled by a passenger.
- (b) An amusement ride attendant with a known physical impairment may not operate a ride if the impairment affects the attendant's ability to operate the ride, thereby endangering the attendant, a person riding, or a bystander. A person under the influence of intoxicating liquor or any controlled substance listed in AS 11.71.140 - 11.71.190 may not operate an amusement ride.
- (c) An attendant shall be familiar with all operating controls, signal systems, and safety devices for the amusement ride, and with the proper use, function, capacity, and speed of the particular amusement ride being operated. An attendant shall be in the immediate vicinity of the operating control during operation and shall have complete control of the amusement ride at all times when it is being operated for public use. When the amusement ride is shut down, provisions must be made to prevent operation by an unauthorized person.
- (d) Other than the attendant, no person may handle the controls of an amusement ride during operation. This provision does not apply to an amusement ride designed to be operated or controlled by a passenger. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

8 AAC 78.130. Signs

Both the owner and operator of an amusement ride are responsible for the posting of necessary warning or danger signs. Each sign must be located where it will render the most effective protection and must be legible at a distance of not less than six feet. Signs must have adequate natural or artificial lighting to render clear visibility. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.140. Extraordinary hazards

(a) When conditions arise, such as lightning or wind storms, that cause unusual or extraordinary hazards to persons, additional means and precautions shall be taken to assure safe operation of an amusement ride. If the operation cannot be made safe, the ride shall be discontinued while the unusual or extraordinary conditions exist or until adequate safety is insured.

(b) Repealed 6/15/2001. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.070

8 AAC 78.150. Accidents and injuries

(a) The owner or operator of an amusement ride must have at least \$1,000,000 liability insurance. Evidence of the insurance must be mailed to the department's mechanical inspection section at least 10 days before planned operation, and must be available at the location where the amusement ride is operated.

(b) In the absence of a medical facility in the immediate proximity of an amusement ride, 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 cashier's booth and at the office.

(c) The operator of an amusement ride shall immediately, by telephone, report to the department's mechanical inspection section any accident involving the amusement ride that results in a fatality or injury that requires a person to receive a doctor's care. If the section's office is closed, the local police or local office of the Department of Public Safety, division of state troopers, shall be notified. Within 48 hours, a written report of the accident shall be mailed to the department's mechanical inspection section. The scene of an accident must be secured and not disturbed to any greater extent than is necessary to prevent additional injuries and to remove the deceased or injured person. If, in order to secure the area, the amusement ride is removed from service, the department will conduct an immediate investigation. The ride may not be repaired or operated until the investigation is completed. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

Editor's note: The address for the mechanical inspection section is: Department of Labor and Workforce Development, Mechanical Inspection Section, 3301 Eagle Street, Suite 302, Anchorage, Alaska 99503; telephone: (907) 269-4825

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS

44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 78.160. Inspection, maintenance, and repair

- (a) The operator of an amusement ride or the operator's designee shall
 - (1) inspect the foundations and supports of the amusement ride daily; and
 - (2) repair or replace any weakened foundations and supports before operation.
- (b) The operator of an amusement ride or the operator's designee shall give the amusement ride a daily operating inspection and test before a passenger is permitted to ride. The test must include the operation of controls, speed-governing devices, braking equipment, and other safety devices. 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 an amusement ride and shall make the record available to the department or inspector upon request. Each manufacturer recommended non-destructive examination shall be performed as specified. All welding on steel components of a ride shall be done according to the manufacturer's recommendations. The worker performing the welding must be certified in writing by an independent testing laboratory to be qualified to perform the required procedure to the standards contained in the American Welding Society Structural Welding Code.
- (d) An amusement ride's mechanical or electrical signal system must be tested at least once each day before the operation of the ride. A ride may not be operated if the signal system does not function properly. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.020 AS 05.20.030 AS 05.20.060 AS 05.20.070

8 AAC 78.170. Variances

- (a) The owner or operator of an amusement ride 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 the amusement ride 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
- (6) a statement of the effect a grant of a variance will have on the safety of persons in or around the amusement ride.

(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 78.180. (Eff. 11/30/89, Register 112)

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.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 78.180. Appeals

(a) A notice issued under AS 05.20.050 for a violation of AS 05.20 or 8 AAC 78.010 - 8 AAC 78.180, based upon inspection under AS 05.20.060 , is final unless the owner or operator of the amusement ride 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 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. 11/30/89, Register 112)

Authority: AS 05.20.070 AS 05.20.080 AS 44.62.450

Article 2 Tramways

Section

- 250. Minimum tramway standards.
- 260. Registration.
- 270. New construction and modifications.
- 275. Designation as tramway specialist.
- 280. Inspection and certification.
- 285. Violations.
- 290. Accidents and injuries.
- 300. Inspection, maintenance, and repair.
- 310. (Repealed).
- 320. Attendants.
- 330. Variances.
- 340. Appeals.

8 AAC 78.250. Minimum tramway standards

The department adopts by reference the 2006 edition of the American National Standards Institute document B77.1-2006, Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158; am 10/16/2012, Register 204)

Authority: AS 05.20.070

Editor's note: Copies of Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements, adopted by reference in 8 AAC 78.250 are available from the American National Standards Institute, Inc., 25 West 43rd Street, New York, New York 10036.

8 AAC 78.260. Registration

An owner or operator shall register a new or modified tramway with the department at least 30 days before installation. The registration must provide the name and mailing address of the area operator, the location of the tramway, basic design data, a profile of the lift line showing terrain features and proximity of power lines, and other related information that might be requested by the department. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

8 AAC 78.270. New construction and modifications

- (a) To ensure that a new tramway does not pose a danger to employees of the owner or

operator or to the public, plans for new tramway construction must be

- (1) approved and sealed by an engineer who is registered under AS 08.48 and who is competent in tramway design;
 - (2) approved in writing by the department before the equipment is ordered; and
 - (3) in compliance with the safety requirements adopted by reference in 8 AAC 78.250.
- (b) Within 15 working days after receipt of an engineer's approval under (a) of this section, the department will complete its review and notify the operator that the design is approved or notify the owner or operator of any deficiencies found
- (c) To ensure that the modification does not pose a danger to employees of the owner or operator or the public, a modification to a tramway must be
- (1) approved and sealed by an engineer who is registered under AS 08.48 and who is competent in tramway design;
 - (2) approved in writing by the department before the modification begins; and
 - (3) in compliance with 8 AAC 78.250.
- (d) The department will complete the modification design review, and will notify the operator of any deficiencies within 15 working days after receipt of an engineer's approval under (c) of this section;
- (e) Before it is used by the public, a newly constructed tramway or a modification to a tramway must be subjected to an acceptance inspection. Acceptance inspections shall be witnessed by
- (1) an inspector or a tramway specialist and
 - (2) the engineer that approved and sealed the plans provided to the department under (a) or (c) of this section.
- (f) For an acceptance inspection under (e) of this section, the inspector or tramway specialist shall submit the inspection report to the department. Upon review of the report, if the department determines that the tramway complies with 8 AAC 78.250 - 8 AAC 78.900, the department will issue to the owner or operator a certificate of operation. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.050 AS 05.20.070

8 AAC 78.275. Designation as tramway specialist

A person's designation by the department as a tramway specialist is valid for one year from the

date of issuance. (Eff. 9/25/2002, Register 163)

Authority: AS 05.20.040 AS 05.20.070

8 AAC 78.280. Inspection and certification

(a) A tramway used or proposed to be used in the state must be inspected annually by an inspector or tramway specialist before access to the tramway is made available to the public. The inspector or tramway specialist shall submit the inspection report to the department within 15 days after the inspection.

(b) Upon review of the report submitted under (a) of this section, if the department determines that the tramway complies with 8 AAC 78.250 - 8 AAC 78.900, the department will issue to the owner or operator a new certificate of operation. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158; am 9/25/2002, Register 163)

Authority: AS 05.20.060 AS 05.20.070

8 AAC 78.285. Violations

(a) During an inspection, the inspector or tramway specialist shall make a written report of any violations that were observed of the safety requirements adopted by reference in 8 AAC 78.250.

(b) At the close of an inspection, the inspector or tramway specialist shall review the inspection report with the owner and operator of the tramway and provide the owner and operator with a copy of the inspection report and a compliance card. If the owner and operator of the tramway are not present, the inspector or tramway specialist shall deliver or send a copy of the inspection report and a compliance card by certified mail, return receipt requested, to the owner and operator.

(c) Upon review of the report submitted under 8 AAC 78.280(a) , if the department concurs with the inspector or tramway specialist, the department will deliver or send, by certified mail, return receipt requested, a written notice of violation to the owner and operator of a tramway. In the notice of violation, the department will advise the owner and operator of the

- (1) period of time within which the violations must be remedied;
- (2) owner's and operator's responsibility to return the compliance card to the department when the violations are corrected; and
- (3) owner's and operator's right under 8 AAC 78.340 to appeal both the findings and the period of time allowed to remedy the violation.

(d) A tramway specialist may not condemn equipment under AS 05.20.050. (Eff. 6/15/2001, Register 158)

Authority: AS 05.20.050 AS 05.20.070

8 AAC 78.290. Accidents and injuries

(a) The owner or operator of a tramway must have at least \$1,000,000 liability insurance. If the owner or operator of a tramway is a municipality, the municipality is not required to post a liability insurance binder if it can provide proof of self insurance satisfactory to the department. Evidence of the insurance or proof of self insurance must be received by the department at least 10 days before planned operation of the tramway, and must be available at the tramway site.

(b) Repealed 6/15/2001.

(c) Repealed 6/15/2001.

(d) A tramway operator shall immediately, by telephone, report to the department's mechanical inspection section, any accident involving the tramway that results in a fatality or an injury that requires a person to receive a doctor's care. If that office is closed, the local police, or the local office of the Department of Public Safety, division of state troopers, shall be notified. Within 48 hours, a written report of the accident shall be mailed to the department's mechanical inspection section. If a mechanical or structural failure causes a fatality or an injury that requires a person to receive a doctor's care, the scene of the accident must be secured and not disturbed to any greater extent than is necessary to prevent additional injuries and to remove the deceased or

injured person. If the tramway must be removed from service, the department will conduct an immediate investigation and the tramway may not be repaired or operated until the investigation is completed. (Eff. 11/30/89, Register 112; em am 1/16/90 - 5/15/90, Register 113; am 6/15/2001, Register 158)

Authority: AS 05.20.070

Editor's note: The address for the mechanical inspection section is: Department of Labor and Workforce Development, Mechanical Inspection Section, 3301 Eagle Street, Suite 302, Anchorage, Alaska 99503; telephone: (907) 269-4925.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 78.300. Inspection, maintenance, and repair

(a) The operator of a tramway or the operator's designee shall give the tramway a daily operating test before a passenger is permitted to ride. The test must include the operation of controls, speed--governing devices, braking equipment, and other safety devices. Any condition discovered that poses a present danger must be corrected before a passenger is permitted to ride.

(b) Any condition found during an inspection that poses a present danger or is not in compliance with the manufacturer's specifications 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 tramway and shall make the record available to the department, inspector, or tramway specialist upon request. Each manufacturer recommended non-destructive examination shall be performed as specified. All welding on steel components of a tramway shall be done according to the manufacturer's recommendations. The worker performing the welding must be certified in writing by an independent testing laboratory to be qualified to perform the required procedure to the standards contained in the American Welding Society Structural Welding Code.

(d) At any reasonable time, the department may inspect a tramway, and the operator shall assist with the inspection upon request. If the department issues an order under AS 05.20.030 (2) to prohibit the operation of a tramway, the operator shall immediately stop operation of the tramway. The department will issue a report to the owner or operator identifying the specific reason for closure and will tag the tramway as being out of service. The operator may not reopen the tramway to public use until the repairs or corrections are made and the department has approved its operation in writing.

(e) After accidental activation of a tramway's safety stop or gate, the operator or the operator's designee shall inspect the tramway to determine the cause. An unsafe condition identified during the inspection must be corrected before a passenger is permitted to ride, except that operation of a tramway is permitted in order to unload passengers. A safety or automatic stopping device that allows an automatic restart of a tramway may not be installed. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158)

Authority: AS 05.20.020 AS 05.20.030 AS 05.20.060 AS 05.20.070

8 AAC 78.310. Miscellaneous provisions

Repealed. (Eff. 11/30/89, Register 112; repealed 6/15/2001, Register 158)

8 AAC 78.320. Attendants

(a) An attendant may not act as a ticket seller or receive money while the tramway is in operation.

(b) An attendant of a fiber rope tow is exempt from the provisions of this section. (Eff. 11/30/89, Register 112)

Authority: AS 05.20.070

8 AAC 78.330. Variances

- (a) The owner or operator of a tramway who desires a variance from a safety standard adopted in or under AS 05.20 may file a written request for variance 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 the tramway 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
 - (6) a statement of the effect a grant of a variance will have on the safety of persons in or around the tramway.
- (c) After the director's review of the variance request and the tramway inspector's final 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 78.340. (Eff. 11/30/89, Register 112)

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 & Safety, P.O. Box 111149, Juneau, Alaska 99811-1149.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

8 AAC 78.340. Appeals

- (a) A notice issued under AS 05.20.050 for a violation of AS 05.20 or 8 AAC 78.250 - 8 AAC 78.340, based upon inspection under AS 05.20.060 , is final unless the owner or operator

of the tramway 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 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. 11/30/89, Register 112)

Authority: AS 05.20.070 AS 05.20.080 AS 44.62.450

Article 3 General Provisions

Section

900. Definitions.

8 AAC 78.900. Definitions

- (a) In this chapter, unless the context requires otherwise,
 - (1) "amusement ride"
 - (A) means a mechanical device, aquatic device, or combination of devices, if safety of the patrons, employees, and the public are within the department's jurisdiction, that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of giving its passengers amusement, pleasure, or excitement;
 - (B) includes carnival rides, fair rides, water park facilities, bumper boats, go carts, or other commercial activities, of either a permanent or temporary nature;
 - (2) "attendant" means a person who acts as an engine or motor operator, a person stationed at a dispatch, loading, or unloading area, or other person whose duties pertain specifically to the mechanical operation of a device;
 - (3) "automatic restart" means a mechanism designed to restart equipment without human intervention;

- (4) "buffer zone" means a clear area designed to cushion against shock;
- (5) "commissioner" means the commissioner of the Alaska Department of Labor and Workforce Development;
- (6) "department" means the Alaska Department of Labor and Workforce Development;
- (7) "director" means the director of the division of labor standards and safety in the Department of Labor and Workforce Development;
- (8) "disassembly" means the dismantling of equipment to the extent that concealed shafts, bearings, or struts may be visually examined;
- (9) "division" means the division of labor standards and safety in the Department of Workforce Development;
- (10) "enclosure" means a visible barrier surrounding an amusement ride;
- (11) "equipment" includes all types of amusement rides and tramways, as well as the machinery, safeguards, and protective facilities used in conjunction with the operation and maintenance of amusement rides and tramways;
- (12) "modification" means a change in the original manufacturer's engineering, design, or installation requirements;
- (13) "portable tramway" means a tramway that, by design, is movable to a new location without installation of permanent apparatus such as poles, towers, and anchors;
- (14) "safety gate" means a device that, due to the passenger's weight or contact, will top a tramway;
- (15) "tramway" means a device that is a passenger tramway, aerial or surface lift, ski lift, or rope tow;
- (16) "tramway specialist" means a person authorized in writing by the department to inspect and review the installation, maintenance, or operation of a tramway;
- (17) "independent testing laboratory" means a laboratory that is not affiliated with an owner or operator, the worker performing the welding, or the worker's employer;
- (18) "NAARSO" means the National Association of Amusement Ride Safety Officials;
- (19) "present danger" means a danger that is near at hand, related to the present time, or as likely to happen within a period of immediate time as distinguished from a future time;

(20) "speed slide" means a water slide designed for an exit speed of 25 miles per hour or more;

(21) "water slide"

(A) means an amusement ride utilizing a straight or twisting slide

(i) along which a continuous stream of water passes;

(ii) on which patrons rapidly slide down independently or riding on a sled, mat or inflatable device; and

(iii) that empties into a pool of water or a run-out;

(B) includes the receiving pool of water and the run-out described in (A)(iii) of this paragraph; and

(C) does not include a slide with less than a 10-foot vertical drop from the launch platform to the water surface;

(22) "working day" means a day other than Saturday, Sunday, or a state holiday.

(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 the installation, maintenance, or operation of a tramway or amusement ride;

(2) "operator" means a person or persons who lease or otherwise control the operation of an amusement ride, 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, amusement park, carnival, or tramway. (Eff. 11/30/89, Register 112; am 6/15/2001, Register 158; am 9/25/2002, Register 163)

Authority: AS 05.20.070 AS 05.20.120

Editor's note: As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Labor to the Department of Labor and Workforce Development made by ch. 58, SLA 1999 and the corresponding title change of the commissioner of labor.

ALASKA STATUTES

Chapter 05.20.

RECREATIONAL DEVICES

Sec. 05.20.010. Owners or operators to provide safe equipment.

An owner or operator of a device as defined in AS 05.20.120 shall construct, furnish, maintain, and provide safe and adequate facilities and equipment with which to safely and properly receive and carry all persons offered to and received by the owner or operator of the device, and to promote the safety of the patrons, employees, and the public. The owner or operator of ski equipment and devices is not considered a common carrier.

Sec. 05.20.012. Liability for accidents in skiing areas. [Repealed, Sec. 4 ch 80 SLA 1980. For current law, see AS 05.45].

Repealed or Renumbered

Sec. 05.20.020. Department of Labor and Workforce Development to inspect devices.

The Department of Labor and Workforce Development is responsible for the inspection of devices.

Sec. 05.20.030. Powers and duties of department.

The department has the following powers and duties:

- (1) whenever the department, after hearing called upon its own motion or upon complaint, finds that additional apparatus, equipment, facilities, or devices for use or in connection with a device should reasonably be provided, or repairs or improvements to, or changes in, a device in use should reasonably be made, or additions or changes in construction should reasonably be made, in order to promote the security and safety of the public or employees, it may make and serve an order directing the repairs, improvements, changes, or additions to be made;
- (2) if the department finds that the equipment, appliances, apparatus, or other structures of the device are defective, and that the operation of the device is dangerous to the employees of the owner or operator of it or to the public, it shall immediately give notice to the owner or operator of the repairs or reconstruction necessary to place the device in a safe condition, and may prescribe the time within which they shall be made;

if, in its opinion, it is necessary or proper, the department may prohibit the operation of the device until the device is repaired and placed in a safe condition.

Sec. 05.20.040. Personnel to inspect devices.

The department shall designate a person qualified in experience and training as the inspector of devices. The department may employ additional employees as are necessary to administer this chapter. The inspector and the employees may be hired on a temporary basis or borrowed from other state departments or political subdivisions of the state, or the department may contract with individuals or firms for the inspecting service on an independent basis. The department shall prescribe the salary or other remuneration for this service. Contracting under this section is governed by AS 36.30 (State Procurement Code).

Sec. 05.20.050. Duties of inspector; condemnation.

The inspector of devices and the inspector's assistants shall inspect all equipment and appliances connected with devices and make reports of inspection to the department. The inspector shall, on discovering defective equipment or appliances, making the use of the equipment dangerous, immediately report this to the owner or operator of the device, and to the department. If in the opinion of the inspector the continued operation of the defective equipment constitutes an immediate danger to the safety of the persons operating or being conveyed by the equipment, the inspector may condemn the equipment and shall immediately notify the department of the action.

Sec. 05.20.060. Annual inspections; fees.

- (a) The inspector of devices and the inspector's assistants shall inspect each device at least once each year.
- (b) Upon inspection of a device under this section, the owner or operator of the device shall pay the department a fee of \$200 for the inspection of that device. The department shall waive the inspection fee if the owner or operator of the device uses a private inspector who is certified by a national organization to inspect devices and provides the inspection report to the department.
- (c) Fees collected under this section shall be deposited in the building safety account created by AS 44.31.025.

Sec. 05.20.070. Regulations.

The department may adopt reasonable regulations and codes relating to public safety in the construction, operation, and maintenance of devices. The regulations and codes must be in accordance with established standards, if any, and may not be discriminatory in their application.

Sec. 05.20.080. Application of Administrative Procedure Act.

The procedure for review of the orders or actions of the department, its agents or employees, is the same as that contained in AS 44.62 (Administrative Procedure Act). Administrative hearings on contested cases shall be conducted by the office of administrative hearings (AS 44.64.010).

Sec. 05.20.090. State not liable for injury or damage.

Inspections, regulations, and orders of the department do not impose liability upon the state for injury or damage resulting from the operation of the facilities regulated by this chapter. An action of the department and its personnel is an exercise of the police power of the state.

Sec. 05.20.100. Authority of political subdivisions to regulate devices.

This chapter does not impair the authority or responsibility of a political subdivision with regard to the local enforcement of licensing, safety, or police regulations authorized by local ordinance or state law if the department determines that the standards employed by the political subdivision are at least equal to those adopted by the department. The authority of a political subdivision for the licensing, safety, or police regulation of devices extends to a point five miles outside the territorial limits of the political subdivision if no other political subdivision of the state is exercising similar authority over the same devices.

Sec. 05.20.110. Exclusion of transportation devices under jurisdiction of other agencies from chapter.

This chapter does not extend to the department or to political subdivisions authority to adopt regulations pertaining to transportation facilities or devices subject to the regulatory jurisdiction of other state or local agencies.

Sec. 05.20.120. Definitions.

In this chapter, unless the context otherwise requires,

- (1) "department" means the Department of Labor and Workforce Development;
- (2) "device" means a device that is designed and operated for the conveyance or movement of persons and that is used as a source of or aids in the promoting of entertainment, pleasure, play, relaxation or instruction, including but not limited to ski tows, roller coasters, merry-go-rounds, and Ferris wheels