

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

**IN RE:       CROW PAVING, INC.  
              AS 8427**

**CONSENT ORDER**

This matter comes before the Elevator Safety Board on Thursday, September 19, 2019. The petitioner, through its elevator contractor, Ross Elevator, seeks a variance from the requirement to install a drain or sump pump in the pit of a LU/LA installation in an existing, older building.

**FINDINGS OF FACT:**

1.       The petitioner is installing a new LU/LA elevator in an older, existing building located at 210 N. Moose Street, Morrilton, Arkansas 72110. The building is known as Crow Corporate Building.
2.       ASME A17.1-2007, Section 2.2.2.5, requires a drain or sump pump in elevators installed with Firefighters' Operation.
3.       The Chief Elevator Inspector, Department of Labor and Licensing, recommends that the variance be granted. He specifically states in his recommendation that: a) there is no viable way to run a discharge line; b) there are no fire sprinklers in close proximity to the elevator; and c) due to the location and construction of the elevator, ground water is very unlikely to enter the pit.

4. The elevator contractor notes in the request for variance that the thickness of the concrete walls and floor increase the difficulty of installing a drain or sump pump, as does that fact that there is not an efficient area to locate the drain water reservoir.

**CONCLUSIONS OF LAW:**

5. 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).

6. 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).

7. In the present case, the board concludes that an undue hardship exists since literal compliance would be both difficult and expensive due existing structural issues.

8. The board also concludes that reasonable safety will be secured as there are no fire sprinklers near the elevator and there is unlikely any danger from ground water.

THEREFORE, the board grants a variance to Crow Paving, Inc., eliminating the requirement to install a drain or sump pump with the elevator AS 8427.


IT IS SO ORDERED.

**ELEVATOR SAFETY BOARD**

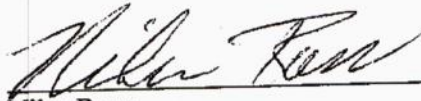
By:   
Ralph T. Hudson, Chairman

Date: 9/19/19

Approved:



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