

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

IN RE: TK ELEVATOR

ORDER

This matter came before the Elevator Safety Board (the “Board”) on Tuesday, July 25, 2023. The petitioner, TK Elevator (“TK”), seeks a variance to modernize a Montgomery Service Elevator located in St. Bernard’s Medical Center in Jonesboro, Arkansas. Adam Newlin appeared before the Board via zoom on behalf of TK.

FINDINGS OF FACT:

1. TK is seeking a variance for an exception to ASME 17.1 Section 2.8.1 which states that there is nothing to be placed in the hoistway that does not directly relate to the operation of the elevator.
2. The report of Chief Elevator Inspector, Greg Tipton (“Tipton”), dated June 13, 2023, reflects that the location of the electrical feeder conduit side the elevator hoistway poses no clearance, operations or safety concerns as they are placed in a corner, out of the way of any operational functions of the elevator.
3. Furthermore, Tipton testified that requiring St. Bernard Health Care center to comply the Rules of the Elevator Safety Board without the variance would cause an undue hardship as a large portion of the facility including the emergency rooms and surgical areas would be closed while the main electrical feeder is moved.

CONCLUSIONS OF LAW:

1. The Board has authority to adopt administrative rules establishing minimum standards for installation, construction, maintenance, and operations of elevators pursuant to Ark. Code Ann. § 20-24-106(c).

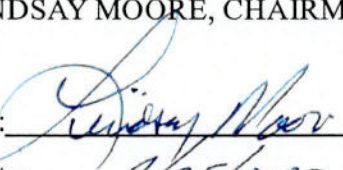
2. The Board also has the power to grant a variance from minimum standards when it is clearly evident that it is necessary in order to prevent undue hardship or when the existing conditions prevent compliance with the literal requirements of the rules. In no case, shall a variance be granted unless in the opinion of the Board, reasonable safety will be secured. Ark. Code Ann. § 20-24-106(d).

3. Tipton testified that there are minimal safety concerns with the current electrical feeder's location in the hoistway and an undue hardship would be imposed on St. Bernard Health Care if the variance is not granted.

THEREFORE, the Board grants TK Elevator's variance request.

IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
LINDSAY MOORE, CHAIRMAN

By: 
Date: 7/25/2023

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