

BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

IN RE: HEBER SPRINGS PUBLIC SCHOOLS
 AS/EV #4253

ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, November 20, 2014. The petitioner, Heber Springs Public Schools (HSPS), seeks a variance for the above-referenced conveyance.

FINDINGS OF FACT:

1. The petitioner, HSPS, submitted a variance request to the Arkansas Department of Labor on September 8, 2014 for AS/EV #4253, located at 800 West Moore Street, Heber Springs Arkansas 72543.
2. HSPS seeks variance from the overhead clearance requirement (60") contained in A18.1-2005 Section 3.1.2.2.
3. That the clearance on this conveyance is approximately 52"; below the 60" requirement contained in A18.1-2005 Section 3.1.2.2.
4. That the agency cleared this conveyance for operation on September 20, 1995; and that no overhead clearance violations have been noted until an inspection performed April 22, 2014.

5. Cody Wagoner (Wagoner), Chief Elevator Inspector, Arkansas Department of Labor, made a report to the board and recommended denial of the variance since the conveyance does not meet the overhead requirements of A18.1-2005 Section 3.1.2.2. Wagoner testified before the Board that reasonable safety could be increased if signage is added on the rider lap bar to indicate low clearance.

6. That the Board made two (2) additional recommendations to increase reasonable safety: a "kill switch" to ensure the conveyance will not operate if the rider is not in a sitting position; and limit key access to certain school personnel.

CONCLUSIONS OF LAW:

1. Ark. Code Ann. § 20-24-106(d) provides that "[t]he board shall also have the power in any particular case to grant exceptions and variations which shall only be granted where it is clearly evident that they are necessary in order to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the board, reasonable safety will be secured thereby."

2. In the present case, the Board concludes that an undue hardship is present in this matter due to the fact that the Arkansas Department of Labor allowed the installation and use of the conveyance since 1995, and the potential cost of altering the structure of the building to accommodate the overheard clearance requirement.

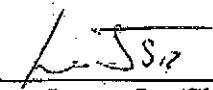
3. Further, the Board concludes that reasonable safety will be secured if this request is granted pursuant to these conditions: addition of signage on the rider lap bar to indicate low clearance; addition of a "kill switch" to ensure the conveyance will not

operate if the rider is not in a sitting position; and limited key access to certain school personnel.


THEREFORE, the board grants the variance request from Heber Springs Public Schools with the above-referenced conditions. The conditions shall be completed by May 20, 2015.


IT IS SO ORDERED.

ELEVATOR SAFETY BOARD
STATE OF ARKANSAS

By: 
Leon Jones, Jr., Chairman

Date: 5/21/15

Approved:  5/19/15
Daniel Knox Faulkner, 2002-168 DATE
Staff Attorney
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 4.20.15
Russell Hester DATE
Superintendent
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