

**BEFORE THE ELEVATOR SAFETY BOARD
STATE OF ARKANSAS**

**IN RE: I-40 KERR, LLC
 AS # 5194**

CONSENT ORDER

This matter comes before the Arkansas Elevator Safety Board on Thursday, July 19, 2018, at 1:00 p.m. in the offices of the Arkansas Department of Labor. The petitioner, I-40 Kerr, LLC seeks a variance with respect to the elevator permitted as AS#5194 and located at 3801 John F. Kennedy Blvd., North Little Rock, Arkansas (formerly known as Park Hill Elementary School).

FINDINGS OF FACT:

1. The elevator permitted as AS#5194 and located at 3801 John F. Kennedy Blvd., North Little Rock, Arkansas, was installed in 2001. It was owned and operated by the North Little Rock School District.

2. The last permit issued to the North Little Rock School District expired in 2016. The elevator has not been permitted since 2016.

3. The current owner, I-40 Kerr, LLC has requested a variance from the “flashing hat” requirement of the fire service provisions in the ASME Code A17.1 as adopted by the board. The Code requires that upon activation of a fire alarm initiation device located within the hoistway or mechanical room, in addition to recall of the elevator to the appropriate floor, there will be an intermittently illuminated visual signal inside the car. ASME A17.1, section 2.27.3.2.6 (2007). This is commonly referred to as the “flashing hat” and is designed to signal a responding firefighter that the fire is located in the hoistway or mechanical room.

4. This elevator has not been inspected by a state elevator inspector to determine if there are any other Code compliance issues. The only issue before the board is the “flashing hat” requirement.

5. Greg Tipton, Chief Elevator Inspector, State of Arkansas, testified that this elevator does have phase 1 and phase 2 fire service, but there is no provision in the control circuitry for the “flashing hat.” The signal does illuminate, but it does not flash.

6. Chief Inspector Tipton also testified that this is only a 2-story building and that the machine room is in close proximity to the elevator.

CONCLUSIONS OF LAW:

7. 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).

8. The board’s administrative rules provide:

Any conveyance which is out of operation or without an operating permit for twelve (12) months or more shall . . . shall conform to the standards established by Rule 010.05-011 [ASME A17.1-2007] or have a variance issued. . . before an operating permit can be issued or before it can operate.

Rules of the Elevator Safety Board, Rule 010.05-013(B)(1).

9. The ASME Code as adopted by the board requires that upon activation of a fire alarm initiation device located within the hoistway or mechanical room, in addition to recall of the elevator to the appropriate floor, there will be an intermittently illuminated visual signal inside the car. ASME A17.1, section 2.27.3.2.6 (2007).

10. 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).


11. The board recognizes that the owner will have some cost-savings if the variance is granted. That alone, however, is not sufficient to establish an undue hardship. See Rule 010.05-016(D)(3). In this case, however, the board also notes that this is a 2-story building and that the elevator is in close proximity to the machine room. The board concludes that there is an undue hardship.

12. The board concludes that reasonable safety will be secured by granting the variance, noting that this is a fire service issue, and not a general public safety issue.

13. The board also notes that the granting of this variance request does not indicate or suggest or determine that this elevator is otherwise in compliance with A17.1 (2007). When this elevator is inspected by a state inspector prior to permitting, there may or may not be other compliance issues that must be corrected prior permitting.

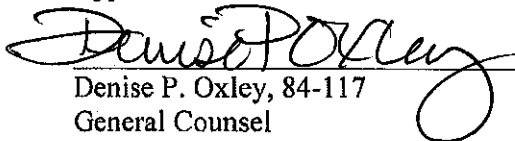
14. The board concludes that the variance requested in this matter should be granted.


IT IS SO ORDERED.

By: 
Leon Jones, Jr., Chairman

Date: 7.19.18

Approved:


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