

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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Attachment No. 2

INITIAL STATEMENT OF REASONS

ELEVATOR SAFETY ORDERS

Chapter 4, Subchapter 6, Article 1, Section 3000; Article 2, Section 3001; Article 6, Section 3009; Article 15, Sections 3093 through 3093.60; and Article 36, Section 3136

TITLE 24: CALIFORNIA ELEVATOR SAFETY CONSTRUCTION CODE

Part 7, Article 7-6, Section 7-3009; Article 7-15,
Sections 7-3093 through 7-3093.60; and Article 7-36, Section 7-3136

Special Access Elevators and Lifts

PROBLEM ADDRESSED BY PROPOSED ACTION

This proposal contains revisions to existing regulations applicable to private residence elevators for use by the physically disabled and installed in places under the jurisdiction of the Division of Occupational Safety and Health (Division). The proposal changes the term "private residence elevator" to "special access elevator" in Sections 3093 through 3093.60 in Article 15. This proposal also permits new or improved special access elevator equipment to be incorporated into existing elevator installations, and will require the new/improved equipment on special access elevators installed after the effective date of these proposed regulations.

The proposed rulemaking action is the result of a general consensus opinion reached at advisory committee meetings held on February 4, 1999 and April 6, 1999.

The Initial Statement of Reasons contains occupational safety and health regulations which are building standards for codification in Title 24, Part 7, California Elevator Safety Construction Code. The building standards, herein, will be identified by their Title 24 section number in bold type following the corresponding Title 8 statement of reasons.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

This proposal replaces the term "private residence elevator" with the term "special access elevator" in Title 8, Article 6, Section 3009, Definitions, throughout Article 15, and in Article 36, Section 3136; and Title 24, Part 7, Section 7-3009, Definitions, throughout Article 7-15, and in Article 7-36. Renaming and modifying the definition is necessary to improve clarity and to provide a technically correct term. The proposal also deletes the bracketed cross references to the corresponding American National Standards Institute/American Society for Mechanical Engineers (ANSI/ASME) A.17.1-1981 National Consensus Standard Rules throughout Article 15. Removal of the existing cross references is necessary, as the 1981 standard is outdated. The

current national consensus standard for existing special access elevators is already incorporated by reference in Section 3001(b)(5) of the Elevator Safety Orders.

This proposed rulemaking action also contains numerous editorial, formatting, and grammatical revisions. These non-substantive revisions are not all discussed in this Specific Purpose and Factual Basis of Proposed Action. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to the above noted proposed amendments and these non-substantive revisions, the following actions are proposed:

Section 3000. Application.

Section 3000(a)

The proposal modifies the application of the Elevator Safety Orders to all elevators in the State of California except: (1) Elevators under the jurisdiction of the United States government, (2) Elevators located in a single-unit private home and not accessible to the public and, (3) Elevators located in a multiunit residential building serving no more than two dwelling units and not accessible to the public.

The revision is necessary to clarify the Division's jurisdiction as defined by the Labor Code.

Section 3001. Permit to Operate.

Section 3001(b)(5)

The proposal adds the phrase "and not accessible to the public" to further clarify the inspection criteria for elevators that fall under the Division's jurisdiction as defined by the Labor Code. The proposal also specifies that elevators installed after the effective date of this regulation will be inspected for safety and compliance with applicable provisions in either ASME A17.1-1996, Part 5, or ASME A18.1-1999, Sections 5, 6, and 7, proposed for incorporation by reference. ASME A17.1-1996, Safety Code for Elevators and Escalators, Part 5, covers the requirements for private residence elevators, and ASME A18.1-1999, Safety Standard for Platform Lifts and Stairway Chairlifts, Sections 5, 6, and 7, cover the requirements for private residence vertical platform lifts, inclined platform lifts, and inclined stairway chairlifts, respectively.

The proposed amendment is necessary to update the regulation to include those private-use elevators currently available for installation in multiunit residential buildings.

New Section (b)(6)

The proposal adds new Section 3001(b)(6) which specifies that special access elevators installed after the effective date of this regulation shall be inspected for safety and compliance with Article 15, Special Access Elevators and Special Access Lifts, Sections 3093-3093.60 of the Elevator Safety Orders.

The revision is necessary to ensure that special access elevators installed after the effective date of this regulation comply with the applicable requirements of Article 15 before a permit to operate is issued.

Section 3009. Definitions.

The proposal replaces the existing definition for "Elevator, Private Residence" with a reference to "Elevator, Special Access". The proposal adds a definition for "Elevator, Special Access" to read "A passenger elevator that is limited in size, capacity, rise, and speed; installed as a means of access for persons with disabilities." The proposal also deletes the reference to "in or at work places" regarding special access elevator locations for consistency with the proposed changes to Section 3000(a) regarding the Division's jurisdiction.

The revision is necessary to clarify that private residence type elevators will be known as "special access elevators", installed to facilitate access for the physically disabled according to Title 24, and to clarify the Division's jurisdiction.

Title 24, Part 7, Section 7-3009

Article 15. Special Access Lifts (Group II. Existing Elevator Installations)

The proposal adds special access elevators to the Article 15 title to read "Special Access Elevators and Special Access Lifts".

The revision is necessary because Article 15 applies to special access elevators.

Section 3093. Private Residence Type Elevators

The proposal revises the title of Section 3093 to read "Special Access Elevators" for consistency with the proposed amendments to the definition of "Elevator, Private Residence".

Section 3093(a)

The proposal revises the scope of Sections 3093 through 3093.59 to specify that the scope of Sections 3093 through 3093.60 applies to special access elevators in all places under the jurisdiction of the Division.

Section 3093(b)

The proposal replaces the reference to "private residence type elevators" with "special access elevators" and deletes the first exception to this section pertaining to the 3-year compliance period.

The revision is necessary for consistency with the proposed amendments to the definition of private residence type elevators and because the 3-year grace period for compliance has expired.

Title 24, Part 7, Section 7-3093

Section 3093(d)

The proposal provides an editorial revision specifying that use of the elevator shall serve disabled individual(s) only and shall not be used to transport materials and equipment.

Title 24, Part 7, Section 7-3093

Section 3093.4. Protection of Hoistway Openings.

New Section 3093.4(c)

The proposal adds new Section 3093.4(c) to specify that hoistway doors shall be power-operated for special access elevators installed after the effective date of this regulation. The power-operated hoistway doors shall be either horizontally sliding doors or swing type doors. Horizontally sliding doors shall have a power opening that complies with Section 3022(b)(2) and power closing that complies with Sections 3022(c) and (e). Power-operated doors shall remain open for 20 seconds minimum when activated. Automatic swing type doors when provided, shall be low energy power-operated and shall comply with ANSI/BHMA A156.19-1990, except section 3, which is incorporated by reference. A "Note" is provided which states, "A low energy power operated door is a door with power mechanisms that opens and closes the door upon receipt of an actuating signal and does not generate more kinetic energy than specified in ANSI/BHMA A156.19-1990."

The revision is necessary to ensure that doors on special access elevators allow those with limited physical abilities to open or close doors.

Title 24, Part 7, Section 7-3093.4

Section 3093.11. Car Door and Gates.

Section 3093.11(a)

The proposal deletes from Section 3093.11(a) the exception which indicates that other materials may be approved by the Division. The deletion is necessary because the Division will no longer provide approval for other materials used on car doors or gates.

The proposal adds Sections 3093.11(a)(1), which states that material shall be non-perforated, and 3093.11(a)(2), which prohibits scissor gates. The proposed revisions are necessary to ensure car doors or gates are fully enclosed and to eliminate pinch points between the moving elevator and hoistway.

Section 3093.11(b)

The proposal replaces the reference to Section 3022(a) for power openings with Section 3022(b)(1) and deletes the reference to Section 3022(b)(1) for power closings.

The proposed revision is necessary to accurately identify the applicable cross-referenced requirements.

Section 3093.11(c)

The proposal re-letters existing subsection (c) as (d) and adds a new subsection (c) which specifies that power opening and power closing car doors or gates shall be required for special access elevators installed after the effective date of this regulation. The remaining subsections in Section 3093.11 are renumbered consistent with Title 8 format.

The revision is necessary to provide access for the physically disabled by requiring special access elevators to be equipped with power operated doors or gates.

Section 3093.11(d)

The proposal re-letters existing subsection (d) as (e) and revises the conditional phrase that permits the distance between the hoistway enclosure and the car gate to exceed five inches to now specify that the distance shall not exceed five inches.

The revision is necessary to ensure passengers are not exposed to a hazardous opening between the car and hoistway should the car not stop at a landing and door contact lock fails.

Title 24, Part 7, Section 7-3093.11

Section 3093.33. Driving-Machine Roller Chains and Sprockets.

The proposal updates the referenced national consensus standard from ANSI B29.1-1975 to ASME B29.1M-1993, Precision Power Transmission Roller Chains, Attachments, and Sprockets, and incorporates the standard by reference.

The revision is necessary to ensure that the equipment complies with the latest edition of the industry standard.

Title 24, Part 7, Section 7-3093.33

Section 3093.37. Type of Operation.

Section 3093.37(b)

The proposal deletes the requirement that the operation of the car be key locked. Instead, the proposal specifies that existing special access elevators may be locked for security reasons, but shall remain unlocked during business hours.

The revision is necessary to provide unhindered access for the physically disabled during business hours.

Title 24, Part 7, Section 7-3093.37

Section 3093.39. Key-Operated Switches.

The proposal deletes Section 3093.39.

Deletion of Section 3093.39 is necessary to provide consistency with Section 3093.37, which provides access without keys.

Title 24, Part 7, Section 7-3093.39

Section 3093.44. Slack-Rope and Slack-Chain Devices for Winding Drum and Roller-Chain Type Driving Machines.

The proposal deletes from the title the text regarding the winding drum and roller-chain type driving machines. This revision is necessary because the requirements in Section 3093.44 also apply to elevators that may not be winding drum or roller-chain driving machines.

Title 24, Part 7, Section 7-3093.44

New Section 3093.44(c)

The proposal adds a new requirement which specifies that roped and chain hydraulic elevators shall be provided with a slack device which will remove power from the motor and the brake if the car is obstructed in its descent and the suspension means slacken. This revision is necessary to provide a means of stopping the elevator descent if suspension means slacken.

Title 24, Part 7, Section 7-3093.44

Section 3093.46. Capacity.

The proposal designates the first sentence of existing Section 3093.46 as subsection (a) and specifies that the requirements of this subsection apply to existing special access elevators. This revision is necessary because other requirements will be imposed in proposed new Section 3093.46(b) for new elevator installations.

Title 24, Part 7, Section 7-3093.46

New Section 3093.46(b)

The proposal adds a new Section 3093.46(b) to specify the following:

(b) The load capacity for special access elevators installed after the effective date of this regulation shall be not less than 750 lb., and have a minimum 32 in. x 54 in. clear inside platform dimensions.

(1) Special access elevators without a front and rear opening that facilitate a straight through ingress/egress shall have a load capacity of not less than 750 lb., and a maximum 18 sq. ft. clear inside net platform area. The clear inside platform width dimensions may range from 42 inches minimum to 48 inches maximum on one side by 60 inches maximum to 54 inches minimum length on the other side.

(A) When the platform minimum width of 42 inches is increased, the platform maximum 60 inch length shall be decreased by the number of inches the width has been increased (see table below).

Table 3093.46(b)
Varying Platform Size
Width x Length
42" x 60"
43" x 59"
44" x 58"
45" x 57"
46" x 56"
47" x 55"
48" x 54"

(2) The platform/car shall be equipped with handrail(s) complying with Title 24, Section 3003. The clear inside net platform area shall be calculated by multiplying the platform width by the platform length without consideration of the space occupied by the handrails.

(3) The opening and closing of car doors shall not encroach on the car platform inside clear space.

The addition is necessary to permit upgrade of load and area capacity to accommodate wheelchairs and related equipment that weigh more and require more area to improve egress and in-car restraint for the physically disabled on special access elevators installed after the effective date of this proposed regulation.

Title 24, Part 7, Section 7-3093.46

Section 3093.49. Capacity Plate.

The proposal deletes the requirement that manufacturers shall furnish the plate containing capacity data.

The proposal is necessary because the Division cannot require manufacturers to comply with Title 8 regulations.

Title 24, Part 7, Section 7-3093.49

Section 3093.50. Data Plates.

The proposal deletes the requirement that manufacturers shall furnish data plates indicating weight, speed, suspension means, etc. The proposal is necessary because the Division cannot require manufacturers to comply with Title 8 regulations.

Title 24, Part 7, Section 7-3093.50

Section 3093.52. Suspension Ropes.

The proposal designates the first sentence of existing Section 3093.52 as subsection (a) and deletes the last sentence which states that the suspension rope shall be not less than 3/8 in. diameter when the rated load exceeds 450 lb. This is necessary because load capacity and rope diameter will be indicated in proposed new subsections (b) and (c).

New Section 3093.52(b)

The proposal adds new Section 3093.52(b) to indicate that suspension ropes shall be not less than 3/8 in. in diameter on elevators having a rated load of less than 750 lb. and operating at a rated speed of 30 fpm or less. The revision is necessary to ensure suspension ropes are capable of sustaining the rated loads.

New Section 3093.52(c)

The proposal adds new Section 3093.52(c) indicating that where the rated load is more than 750 lb., or the rated speed exceeds 30 fpm, each suspension rope shall have a safety factor of not less than 7.5.

The addition is necessary to ensure suspension ropes, having an adequate safety margin, can sustain the rated load.

Title 24, Part 7, Section 7-3093.52

New Section 3093.60. Maintenance for Special Access Elevators.

The proposal adds new Section 3093.60 to specify the following maintenance requirements for special access elevators:

- (a) The owner shall develop, implement, and maintain a written maintenance program in accordance with the manufacturer's recommendations.
- (b) The written maintenance program shall be available to the Division during the inspection for issuance of the permit to operate.
- (c) Maintenance shall be performed by person(s) deemed qualified by the California Contractor's License Board.

Title 24, Part 7, Section 7-3093.60

The new section is necessary to ensure a maintenance program exists for the safe operation of special access elevators. It is also necessary to ensure maintenance is performed by personnel skilled in elevator maintenance.

Article 36. Special Access Lifts (Group III. New Elevator Installations)

The proposal adds special access elevators to the Article 36 title to read "Special Access Elevators and Special Access Lifts".

Section 3136. Special Access Lifts.

The proposal revises the title of Section 3136, and the reference to special access elevators in this section, to read "Special Access Elevators and Special Access Lifts".

The revision is necessary because Article 36 applies to special access elevators in addition to special access lifts.

DOCUMENTS INCORPORATED BY REFERENCE

- ASME A17.1-1996, Safety Code for Elevators and Escalators, Part V, Private Residence Elevators.
- ASME A18.1-1999, Safety Standard for Platform Lifts and Stairway Chairlifts, Section 5, Private Residence Vertical Platform Lifts, Section 6, Private Residence Inclined Platform Lifts, and Section 7, Private Residence Inclined Stairway Chairlifts.
- ANSI/BHMA A 156.19-1990, American National Standard for power assist and low energy power operated doors, except section 3.
- ASME B29.1M-1993, Precision Power Transmission Roller Chains, Attachments, and Sprockets, An American National Standard.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. A copy of these documents is available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

IDENTIFIED ALTERNATIVES THAT WOULD LESSEN ADVERSE IMPACT ON SMALL BUSINESSES

No adverse impact on small businesses is anticipated from the implementation of the proposed amendments. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The proposal will not significantly affect housing costs.

Impact on Businesses

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Entities

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate".

Other Nondiscretionary Costs or Saving Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution".

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local government and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal .3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational

Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal. App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employees - state, local and private - will be required to comply with the prescribed standards.

PLAIN ENGLISH STATEMENT

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Section 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English summary.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

ALTERNATIVES TO THE REGULATIONS

No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.