

**OCCUPATIONAL SAFETY
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Attachment No. 2

INITIAL STATEMENT OF REASONS

CALIFORNIA CODE OF REGULATIONS

TITLE 8: Chapter 4, Subchapter 6.2, Articles 1-12, Sections 3195.1-3195.15
of the Permanent Amusement Ride Safety Orders

Inspection of Permanent Amusement Rides, Including Aquatic Devices**SUMMARY**

The Legislature recently enacted Part 8.1, Sections 7920 through 7932, of the California Labor Code. Labor Code, Part 8.1 established the Permanent Amusement Ride Safety Inspection Program which is a state system of inspections for permanent amusement rides.

Pursuant to Labor Code Section 7923, the Division of Occupational Safety and Health (Division) is granted regulatory authority to formulate and propose regulations for adoption by the Occupational Safety and Health Standards Board (Board) for the safe installation, repair, maintenance, use, operation, and inspection of permanent amusement rides, as the Division finds necessary for the protection of the general public using permanent amusement rides. The Division's proposed regulations shall be in addition to existing applicable safety orders and shall address engineering force stresses, safety devices, and preventative maintenance.

This proposal contains the regulations formulated by the Division pursuant to the Labor Code, Part 8.1. The proposed regulations apply to permanent amusement rides, including aquatic devices, currently in service and those placed in service after the effective date of these regulations.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION**Article 1. Application.****Section 3195.1**

Proposed Section 3195.1 specifies these safety orders apply to permanent amusement rides, defined in Division 5, Part 8.1, Section 7921 of the California Labor Code, operated anywhere in California. A note indicating that administrative regulations for permanent amusement rides are

contained in Title 8, California Code of Regulations, Chapter 3.2, Subchapter 2, Article 6, Regulations of the Division of Occupational Safety and Health is included.

Proposed Section 3195.1 is necessary to ensure permanent amusement rides are installed, operated, and maintained according to applicable standards prescribed in these regulations, developed pursuant to the Permanent Amusement Ride Safety Inspection Program specified in Part 8.1 of California Labor Code, to provide for the safety of the general public using permanent amusement rides. The note referring to Article 6, Regulations of the Division of Occupational Safety and Health, is necessary to inform permanent amusement ride owners and operators that administrative requirements also apply to permanent amusement rides.

Article 2. Definitions

Section 3195.2. Definitions.

Proposed Section 3195.2 provides the definition of "authorized personnel" and "incident" used in Articles 1 through 9 of Subchapter 6.2 and specifies that all other definitions are contained in Title 8, California Code of Regulations, Subchapter 2, Regulations of the Division of Occupational Safety and Health, Article 6, Section 344.6.

Proposed Section 3195.2 is necessary to explain the meaning of terminology used in these regulations.

Article 3. Design and Manufacture of Permanent Amusement Rides

Section 3195.3. General Design and Maintenance.

Subsection (a)

Proposed subsection (a) specifies the design and manufacture of permanent amusement rides placed in service after (insert effective date of this regulation) shall comply with the American Society for Testing and Materials (ASTM) F 1159-97a "Standard Practice for the Design and Manufacture of Amusement Rides and Devices," which is incorporated by reference.

Proposed subsection (a) is necessary to ensure permanent amusement rides placed in service after the effective date of these regulations comply with the minimum standards formulated and recognized by the industry with respect to design and manufacture of amusement rides. The incorporation by reference of ASTM F 1159-97a is necessary to identify for the owners/operators the standard on design and manufacture of amusement rides recognized and enforced by the Division.

Subsection (b)

Proposed subsection (b) specifies that the owner/operator shall ensure that the manufacturer's design and calculation documents specified in Section 4.1 of ASTM F 1159-97a, the drawings and records specified in Section 4.2, and the documents and testing performance specified in

Section 4.3, are available for review by the Division during any of the inspections conducted by the Division pursuant to Section 344.8, Article 6, Regulations of the Division of Occupational Safety and Health.

Proposed subsection (b) is necessary to ensure owners/operators maintain documentation and records on the design, calculations, drawings, records, and tests developed by the manufacturer and required by Section 4. The documentation and records are necessary to enable the Division inspectors to become familiar with the engineering data, ride characteristics, and performance history of the permanent amusement rides. Proposed subsection 3195.3(b) is also necessary to enable the Division to verify compliance by the owners/operators on manufacturer recommended practices when the Division conducts its inspections pursuant to Title 8, Section 344.8.

Subsection (c)

Proposed subsection (c) specifies that owners/operators of permanent amusement rides may be required to provide a stress analysis, signed and stamped by a licensed engineer, if after an inspection for which there are no engineering calculations available from the manufacturer or fabricator for a particular ride, and the ride was involved in prior accidents/incidents, or other problematic operational performance. When such data on a particular ride is accepted by the Division, it shall be deemed to apply to all rides of the same make and model where there has been no major modification.

Proposed subsection (c) is necessary to ensure the integrity and safe operation of the permanent amusement ride by requiring licensed professionals to complete a stress analysis if the ride has a record of problematic operational performance.

Article 4. Testing Performance of Permanent Amusement Rides

Section 3195.4. Required Testing.

Subsection (a)

Proposed subsection (a) specifies owners/operators of permanent amusement rides shall comply with the amusement ride testing requirements specified in ASTM F 846-92 "Standard Guide for Testing Performance of Amusement Rides and Devices." The proposal incorporates by reference ASTM F 846-92.

Proposed subsection (a) is necessary to ensure permanent amusement rides are tested for compliance with manufacturer design criteria during operational assembly, installation, erection, or following major modifications, and during normal operation. The incorporation by reference of ASTM F 846-92 is necessary to identify for the owners/operators the testing standard recognized and enforced by the Division.

Subsection (b)

Proposed subsection (b) specifies the owner/operator shall ensure that the documentation on test procedures developed and performed pursuant to the manufacturer's developmental testing, specified in Sections 5, 6, 7, and 8 of ASTM F 846-92, are documented and available for review by the Division during any of the inspections conducted by the Division pursuant to Section 344.8.

Proposed subsection (b) is necessary to enable the Division to verify that the owner/operator has obtained the documentation from the manufacturer, has implemented and complies with the testing specified in Sections 5, 6, 7, and 8 of ASTM F 846-92.

Article 5. Maintenance Procedures for Permanent Amusement Rides

Section 3195.5. Maintenance.

Subsection (a)

Proposed subsection (a) specifies owners/operators of permanent amusement rides shall comply with the maintenance procedures in ASTM F 853-98 "Standard Practice for Maintenance Procedures for Amusement Rides and Devices." The proposal incorporates by reference ASTM F 853-98.

Proposed subsection (a) is necessary to ensure that maintenance provided by the owners/operators for permanent amusement rides complies with minimum maintenance standards established by the amusement ride industry. Proposed subsection (a) is also necessary to ensure employees are provided training on maintenance procedures indicated in the ASTM and in compliance with Labor Code Section 7927. The incorporation by reference of ASTM F 853-98 is necessary to identify for the owners/operators the standard on maintenance procedures recognized and enforced by the Division.

Subsection (b)

Proposed subsection (b) specifies that the owner/operator shall ensure that the documented maintenance instructions specified in Section 4 of ASTM F 853-98, and the documentation for the maintenance performed according to the manufacturer's maintenance instructions are available for review by the Division during any of the inspections conducted by the Division pursuant to Section 344.8.

Proposed subsection (b) is necessary to ensure the owners/operators have obtained the manufacturers' maintenance instructions, and to enable the Division to verify compliance with the instructions.

Article 6. Inspection of Permanent Amusement Rides

Section 3195.6. Inspection Procedures.

Subsection (a)

Proposed subsection (a) specifies owners/operators of amusement rides shall comply with the inspection requirements in ASTM F 893-87 "Standard Guide for Inspection of Amusement Rides and Devices." The proposal incorporates by reference ASTM F 893-87.

Proposed subsection (a) is necessary to ensure that inspections for permanent amusement rides provided by owners/operators comply with inspection standards established by the amusement ride industry. The incorporation by reference of ASTM F 893-87 is necessary to identify for the owners/operators the standard on inspection procedures recognized and enforced by the Division.

Subsection (b)

Proposed subsection (b) specifies that the owner/operator shall ensure that the document(s) denoting the manufacturer's quality assurance program specified in Section 5.1 of ASTM F 893-87 are available for review by the Division during any of the inspections conducted by the Division pursuant to Section 344.8.

Proposed subsection (b) is necessary to ensure owners/operators obtained the manufacturer's written quality assurance program for use in conjunction with design, manufacture, construction, modification, and/or reconditioning of the amusement rides. Proposed subsection (b) is also necessary to enable the Division to review, become familiar with, and verify compliance with the manufacturers' quality assurance program.

Subsection (c)

Proposed subsection (c) specifies owners/operators are to ensure that the inspection and testing shall be made by or under the direct supervision of authorized personnel.

Proposed subsection (c) is necessary to ensure that inspection and testing is conducted by competent personnel.

Article 7. Operation Procedures for Permanent Amusement Rides

Section 3195.7. Control of Operations.

Subsection (a)

Proposed subsection (a) specifies owners/operators of permanent amusement rides shall comply with the operating procedures in ASTM F 770-93 "Standard Practice for Operation Procedures for Amusement Rides and Devices." Proposed subsection (a) incorporates by reference ASTM F 770-93, except Section 5.

Proposed subsection (a) is necessary to ensure that owners/operators of permanent amusement rides apply operation procedures that comply with minimum industry consensus standards. Proposed subsection (a) is also necessary to ensure employees are provided training on operation

of the amusement rides pursuant to Labor Code Section 7927. The incorporation by reference of ASTM F 770-93 except Section 5 is necessary to identify for the owners/operators the standard on operation procedures recognized and enforced by the Division.

Subsection (b)

Proposed subsection (b) specifies that the owner/operator shall ensure that the document denoting the manufacturer's recommended operating instructions, specified in Section 3 of ASTM F 770-93, is available for inspection by the Division during any of the inspections conducted by the Division pursuant to Section 344.8.

Proposed subsection (b) is necessary to ensure the owners/operators obtain and implement the manufacturer's recommended operating instructions. Proposed subsection (b) is also necessary to enable the Division to review and ensure compliance with the manufacturer's operating instructions.

Article 8. Information Provided for Permanent Amusement Rides

Section 3195.8. Physical Information.

Subsection (a)

Proposed subsection (a) specifies owners/operators of permanent amusement rides shall comply with the physical information requirements in ASTM F 698-94 "Standard Specification for Physical Information to be Provided for Amusement Rides and Devices" for permanent amusement rides installed and operated after the effective date of this regulation. The proposal incorporates by reference ASTM F 698-94.

Proposed subsection (a) is necessary to ensure owners/operators provide the necessary information for proper identification, placement, erection, and operation of each permanent amusement ride. The incorporation by reference is necessary to inform the owners/operators of the standard recognized and enforced by the Division.

Subsection (b)

Proposed subsection (b) specifies that the owner/operator shall ensure that the information provided by the manufacturer, pursuant to ASTM F 698-94, on the proper identification, placement, erection, and operation of each amusement ride, is available for review by the Division during any of the inspections conducted by the Division pursuant to Section 344.8.

Proposed subsection (b) is necessary to ensure owners/operators obtain the information from the manufacturer and the information is available to the Division for review during inspections.

Subsection (c)

Proposed subsection (c) specifies that the owner/operator of existing permanent amusement rides must permanently affix to each permanent ride the name and address of the manufacturer (if known), a trade or description name, model or serial number (if any), the maximum number of passengers, and the maximum safe speed. The required information shall be legibly impressed on a metal plate or equivalent and readily visible and legible at all times.

Proposed subsection (c) is necessary to enable the Division to identify and cross-reference permanent amusement ride information in the field with records on file for administration of registration, certification, and inspection of the amusement rides.

Subsection (d)

Proposed subsection (d) specifies that owners/operators must identify all permanent amusement rides with a registration number provided by the Division. This registration number shall be kept with other pertinent records for the amusement ride or device and shall be permanently attached to the ride.

Proposed subsection (d) is necessary to enable the Division to maintain records on identification, registration, certification, and inspection of permanent amusement rides.

Article 9. Mechanical Requirements for Permanent Amusement Rides

The proposed regulations in Article 9 are from Article 35 of the General Industry Safety Orders, which apply to portable/traveling amusement rides. The Division determined these regulations are also applicable to permanent amusement rides. The incorporation of these regulations is consistent with Labor Code Section 7923, which indicates that existing applicable safety orders shall be used, to the extent that those regulations are found to be appropriate.

Some of the regulations from Article 35 included in Article 9 have been reformatted and/or modified editorially for clarity without changing the intent or effect.

Section 3195.9. Mechanical Requirements

Subsection (a) Emergency Brakes.

Proposed subsection (a) specifies that cars or other components shall be provided with emergency brakes when collisions are likely to cause injury or damage if normal controls fail. Ride systems designed for controlled collisions, such as bumper cars, do not require emergency brakes.

Proposed subsection (a) is necessary to ensure the ride can be stopped in case the normal brake system fails.

Subsection (b) Anti Rollback Devices.

Proposed subsection (b) specifies that rides that use inclined tracks shall be provided with automatic anti-rollback devices.

Proposed subsection (b) is necessary to ensure the ride does not roll back down the incline track in case the normal controls fail.

Subsection (c) Speed Limiting Device.

Proposed subsection (c) specifies that a permanent amusement ride capable of exceeding its maximum safe operating speed shall be provided with a maximum speed-limiting device. All mechanical governors with an adjustable speed setting shall be sealed so that the adjustment cannot be changed without breaking the seal. If the seal is broken, the mechanical governor shall be readjusted and resealed per manufacturer specifications prior to placing the ride into service.\

Proposed subsection (c) is necessary to provide a means of maintaining a safe operating speed if the ride is capable of exceeding the safe operating speed. The proposal is also necessary to guard governors against unauthorized tampering.

Subsection (d) Signal Systems.

Proposed subsection (d) specifies that all manually controlled signal systems shall comply with the following:

Subsection (d)(1)

Proposed subsection (d)(1) specifies that a signal system to warn operators against dispatching other passenger-carrying units shall be provided on all amusement rides where the lack of such system could result in collision and/or injury to passengers.

Proposed subsection (d)(1) is necessary to prevent collision or contact with previously dispatched units that have not cleared an automatic stop.

Subsection (d)(2)

Proposed subsection (d)(2) specifies that a signal system to start and stop amusement rides shall be provided where the operator does not have a clear view of passengers loading or unloading.

Proposed subsection (d)(2) is necessary to prevent motion of the ride until loading and unloading of passengers is complete.

Subsection (d)(3)

Proposed subsection (d)(3) specifies that signal codes for operation of permanent amusement rides shall be posted at the operator and signaler's stations. Ride operators shall be trained in the use of the signal codes.

Proposed subsection (d)(3) is necessary to facilitate uniform communication between the operator and signaler.

Subsection (d)(4)

Proposed subsection (d)(4) specifies that signals to place the ride in motion shall not be given until all passengers are safely secured within the conveyance and all other persons are a safe distance from the ride.

Proposed subsection (d)(4) is necessary to ensure the ride remains stationary until passengers and other persons are in the conveyance or a safe distance from the ride.

Subsection (d)(5)

Proposed subsection (d)(5) specifies that signal systems be tested at least once each day prior to the operation of the ride. Rides shall not be operated if the signal system is not working properly.

Proposed subsection (d)(5) is necessary to ensure proper function of the signal systems when rides are operating.

Subsection (e) Passenger-Carrying Rides.

Subsection (e)(1)

Proposed subsection (e)(1) specifies that parts of permanent amusement rides in which passengers may come in contact shall be smooth, free from sharp, rough, or splintered edges and corners. Those parts shall also be free of protruding studs, bolts, screws, or other projections. Interior parts where a passenger may be forcibly thrown into by the action of the ride shall be adequately padded.

Proposed subsection (e)(1) is necessary to provide permanent amusement rides with ride interiors that are free from hazards that may injure patrons.

Subsection (e)(2)

Proposed subsection (e)(2) specifies that self-operated rides operated by passengers shall have the driving mechanism guarded to prevent passengers from gaining access to the mechanism. The overhead screen in bumper car types of rides shall not have holes.

Proposed subsection (e)(2) is necessary to safely guard against passengers tampering with the driving mechanism and to protect passengers from power conducting devices.

Subsection (f) Passengers Restraining and Containing Safety Devices.

Subsection (f)(1)

Proposed subsection (f)(1) specifies that restraining or containing devices shall be installed in or on tubs, cars, chairs, seats, gondolas, or other carriers if a restraining or containing device is deemed necessary after an inspection by an authorized Division representative.

Proposed subsection (f)(1) is necessary to provide adequate restraint when it is noted that existing restraining or containing devices are not adequate.

Subsection (f)(2)

Proposed subsection (f)(2) specifies that passenger restraining or containing devices used on or in tubs, cars, chairs, seats, gondolas, and other carriers shall be designed, constructed, installed, and maintained to retain, restrain or support the passenger safely. The fastenings shall be of a type that cannot be released inadvertently by the passenger or by other accidental means.

Proposed subsection (f)(2) is necessary to provide adequate restraints for passengers, and to provide fastenings not prone to inadvertent release by passengers or by accidental means.

Subsection (f)(3)

Proposed subsection (f)(3) specifies that belts, bars, footrests, and other equipment used to enter, exit, or support passengers shall be provided and maintained in a safe condition. The equipment, anchorage, and fastening shall be of sufficient strength to restrain the passengers.

Proposed subsection (f)(3) is necessary to assure the equipment provided for patron safety is adequate and maintained in a safe condition.

Subsection (g) Control of Operations.

Subsection (g)(1)

Proposed subsection (g)(1) specifies that permanent amusement rides shall be operated and controlled only by authorized personnel. The authorized personnel shall be in the immediate vicinity of the operating controls during operation, even if automatic devices are used to control the time cycle of the ride.

Proposed subsection (g)(1) is necessary to provide that only knowledgeable and authorized persons operate the rides, and to ensure the authorized personnel is in control of the ride operation.

Subsection (g)(2)

Proposed subsection (g)(2) specifies that permanent amusement rides shall have a stopping device within reach of the authorized personnel.

Proposes subsection (g)(2) is necessary to provide an immediate means to stop the ride in an emergency.

Subsection (g)(3)

Proposed subsection (g)(3) specifies that, in addition to the stop switch required by subsection (g)(2), each electrically driven amusement ride shall have a disconnect switch within reach of the authorized personnel for use in case of emergency. In lieu of this disconnect switch, a stopping device may be used that requires this device to be manually reset before the ride can be operated after the switch is activated.

Proposed subsection (g)(3) is necessary to provide an immediate means to stop the ride in an emergency and to allow a substitute stopping device.

Subsection (g)(4)

Proposed subsection (g)(4) specifies that an amusement ride shall not be used or operated in such a way as to endanger any person.

Proposed subsection (g)(4) is necessary to assure the areas around the rides are safe and do not endanger patrons.

Subsection (g)(5)

Proposed subsection (g)(5) specifies that areas in which persons may be endangered shall be fenced, barricaded, or otherwise guarded against public intrusion. Fences installed or replaced after the effective date of the regulation shall comply with ASTM F 1159-97a.

Proposed subsection (g)(5) is necessary to provide security and safety for the public in the vicinity of the rides.

Article 10. Water Parks

Section 3195.10. Application.

Proposed Section 3195.10 specifies that in addition to the applicable requirements in Subchapter 6.2, water parks operating in California shall comply with the requirements in Section 3195.11 through Section 3195.15.

Proposed section 3195.10 is necessary to ensure water park/aquatic device rides are installed, operated, inspected, used, and maintained according to applicable standards prescribed in these regulations, formulated pursuant to the Permanent Amusement Ride Safety Inspection Program, Part 8.1, California Labor Code. The Division, pursuant to its regulatory authority in Labor Code Section 7923, finds that compliance with these proposed regulations is necessary to provide for the safety of the general public using water parks/aquatic devices.

Section 3195.11. Definitions.

Proposed Section 3195.11 provides definitions of terms used throughout the proposed regulations in Article 10.

Proposed Section 3195.11 is necessary to provide clarity for interpretation, implementation, and compliance with these regulations.

Section 3195.12. Plans.

Subsection (a)

Proposed subsection (a) specifies the owner/operator of an aquatic device(s) shall make available to the Division at the Division's initial inspection a complete set of the plans indicating design, placement, erection, operation, etc. The plans for water slides shall include, but are not limited to, detailed drawings of the slide entrance, the water slide, exit from the water slide, and associated structural calculations.

Proposed subsection (a) is necessary to avail the Division of plans of aquatic devices to verify compliance with plans during the Division's inspections conducted pursuant to Section 344.8. The plans are also necessary to evaluate and determine if adequate provisions have been made for use, entry, and exit of patrons, dependent upon patron capacity and available control and supervisory staff of the owner/operator.

Subsection (a)(1)

Proposed subsection (a)(1) specifies that the plans specified in (a) shall be certified by a licensed engineer indicating they comply with the requirements of this subchapter and that the plans were developed in accordance with accepted engineering practices.

Proposed subsection (a)(1) is necessary to enable the Division to verify that the aquatic devices are erected/constructed according to plans prepared by licensed engineers and that the aquatic devices comply with the requirements of this subchapter.

Subsection (a)(2)

Proposed subsection (a)(2) specifies an "as-built document" shall be submitted to the Division upon completion of the installation and prior to public usage.

Proposed subsection (a)(2) is necessary to familiarize the Division with the final erection/construction of the devices, and to provide a record file for use during inspections or incident/accident investigations.

Section 3195.13. Operation and Maintenance.

Subsection (a)

Proposed subsection (a) specifies aquatic device owners/operators shall maintain an operations manual or other document with written instructions for the operation and maintenance of the aquatic device(s). The manual or written instructions shall be readily available at the water park and shall include at least the following:

- (1) General maintenance procedures;
- (2) Equipment operation instructions;
- (3) A written emergency plan including at least the following:
 - (A) A procedure for cessation of operations, where required, when the water supply is cutoff or a power outage occurs during operation;
 - (B) Procedures for evacuating patrons from all aquatic devices including the estimated evacuation time; and
 - (C) Crowd control methods during emergency situations.
- (4) Number of attendants necessary to provide surveillance of all areas where patrons may be conveyed by the aquatic device, and to properly control patrons entering and exiting the aquatic device. When determining the proper staffing level for an aquatic device, the following shall be considered:
 - (A) Design and type of aquatic device including but not limited to:
 1. Number of entrances to the loading platform;
 2. Number of flumes or tubes;
 3. Length and/or duration of the ride;
 4. Passenger capacity of the ride by weight; and
 5. Maximum number of patrons the ride can accommodate.
 - (B) Proximity of channels that carry water to convey patrons down the device;
 - (C) Controlling crowds and patrons starting from the top of the water slide;
 - (D) Controlling the timing of each patron on the slide;
 - (E) Supervising all visible portions of the flume;
 - (F) The orderly control of patrons entering the splash pool;
 - (G) Preventing unsafe behavior in and around the splash pool; and
 - (H) The manufacturer's recommended staffing requirements.
- (5) Maintenance instructions for the aquatic device.

Proposed subsection (a) is necessary to ensure the aquatic device owners establish written procedures for the safe operation of aquatic devices. The items required in the procedures are necessary to provide attendants that are knowledgeable on the patron capacity of the device, on control of the entrance, loading, and exiting of the device, including procedures for evacuation and control during emergency situations. Proposed subsection (a) is also necessary to prevent unsafe behavior in the flumes and splash pools by providing vigil and surveillance of the areas in and adjacent to the splash pools. The proposal also ensures general maintenance is provided, including specific equipment maintenance of the device, and that records are maintained to enable the Division to verify during inspections that the owner has established and complies with the written procedures.

Subsection (b)

Proposed subsection (b) specifies that the owner/operator maintain records including, but not limited to, maintenance records, repair records, water quality records, training records, accident/incident records, records demonstrating how proper staffing levels were determined, etc.

See necessity statement for subsection (a) above.

Subsection (c)

Proposed subsection (c) specifies owners/operators shall maintain staffing levels in compliance with the written operational instructions they develop pursuant to subsection (a)(4).

The proposal is necessary to provide adequate staff personnel to control, oversee, and supervise patron activities in aquatic devices.

Subsection (c)(1)

Proposed subsection (c)(1) specifies at least one attendant selected per subsection (a)(4) shall be located in the immediate vicinity of the water slide splash pool. The attendant shall be trained in first aid and certified by a recognized certification organization in life saving techniques.

Proposed subsection (c)(1) is necessary to provide supervision by attendant(s) knowledgeable in life saving techniques.

Subsection (d)

Proposed subsection (d) specifies the surfaces and edges of the aquatic device that may come in contact with patrons shall be free from cutting or pinching hazards or any other hazards that may cause injury.

Proposed subsection (d) is necessary to prevent injuries from the cutting or pinching hazards on parts, surfaces, and edges on aquatic devices.

Subsection (e)

Proposed subsection (e) specifies the water park shall be fenced or otherwise guarded to prevent unauthorized entry by patrons. Individual aquatic devices need not be fenced or guarded unless the lack of fencing and/or guarding exposes the patrons to injury.

The proposal is necessary to provide protective barriers between the patrons and aquatic devices.

Subsection (f)

Proposed subsection (f) specifies wave pools shall have a buoy line or otherwise warn patrons away from the wave generating equipment when recommended by the manufacturer. Also, at least one attendant at a wave pool shall have access to a stopping device, which will remove power from the wave-making machine. Further, the main drain(s) shall be visible from the wave pool deck, and public access to any wave pool shall be from the zero depth end only.

Proposed subsection (f) is necessary to provide protection for patrons around wave generating equipment, drains, and access areas.

Subsection (g)

Proposed subsection (g) specifies ingress, egress and walking surfaces in water parks shall be maintained so that they are slip resistant and do not retain standing water.

The proposal is necessary to guard against falls due to slippery surfaces.

Subsection (h)

Proposed subsection (h) specifies durable signs with lettering on a contrasting background shall be permanently and conspicuously posted at each ride indicating the manufacturer's recommended ride patron capacity.

The proposal is necessary to preclude overcrowding of aquatic devices.

Subsection (i)

Proposed subsection (i) specifies equipment room(s) shall be locked to prevent unauthorized access.

Proposed subsection (i) is necessary to prevent unauthorized entry into equipment room(s) where patrons may be exposed to hazards.

Article 11. Record Keeping and Accident/Incident Information Recorded on Permanent Amusement Rides

Section 3195.14. Record Keeping and Accident/Incident Recorded Information.

Subsection (a)

Proposed subsection (a) specifies that owners/operators of permanent amusement rides shall maintain records including but not limited to: employee training records; maintenance, repair, and inspection records for each permanent amusement ride; records of accidents covered by subsection 344.15(a); records of accidents associated with the failure, malfunction, operation, or use of the ride resulting in any injury not covered in subsection 3195.14(a)(3); and records of incidents associated with the failure, malfunction, use, or operation of the ride resulting in no injury. These records shall be available for review by the Division during the annual records audit and inspection conducted by the Division pursuant to Section 344.8(d) as long as the ride is in operation.

The proposal is necessary to ensure that owners/operators of permanent amusement rides provide the required accident/incident records pursuant to the Permanent Amusement Ride Safety Inspection Program, Part 8.1, Section 7924(f) and Section 7925 of the California Labor Code. Further, the data provided by the records will enable the Division and the amusement ride industry to analyze the data to improve and provide a safer ride and environment necessary for the protection of the general public.

Subsection (b)

Proposed subsection (b) specifies that owners/operators of permanent amusement rides shall provide information on accidents/incidents recorded including but not limited to the date the accident/incident occurred and events causing or related to the accident/incident; name, address, age, and telephone number of person(s) involved and events causing or related to the accident/incident; name of the ride and manufacturer of the ride where or on which the accident/incident occurred; description of accident/incident and events causing, and related to, the accident/incident; and, description of injury and treatment provided.

See necessity statement in subsection 3195.14(a).

Subsection (c)

Proposed subsection (c) specifies the accident/incident record shall be classified according to the following categories based on the reported or observed reliable information:

- (1) "On ride accident/incident" - accident/incident occurred while patron was riding the amusement ride during the operation of the ride;
- (2) "Loading and unloading accident/incident" - accident/incident occurred while patron was within the area designated for loading and unloading of the amusement ride;
- (3) "Queue line accident/incident" - accident/incident occurred while patron was in line for the amusement ride;
- (4) "Other" - accident/incident occurred in a location other than described in (c)(1) through (c)(3) above.

See necessity statement in subsection 3195.14(a).

Article 12. Electrical

Section 3195.15. Electrical Wiring Affecting Permanent Amusement Rides.

Proposed Section 3195.15 specifies the installation of all new electrical wiring for permanent amusement rides shall conform to the applicable requirements of the California Code of Regulations, Title 24, Part 3, California Electrical Code, 1998.

The proposal is necessary to provide minimum standards for electrical wiring for all permanent amusement rides.

DOCUMENTS RELIED UPON

Labor Code, Part 8.1, Section 7921-32, Permanent Amusement Ride Safety Inspection Program. This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

DOCUMENTS INCORPORATED BY REFERENCE

1. American Society for Testing and Materials (ASTM) F 1159-97a Standard Practice for the Design and Manufacture of Amusement Rides and Devices.
2. ASTM F 846-92 (Reapproved 1998) Standard Guide for Testing Performance of Amusement Rides and Devices.
3. ASTM F 853-98 Standard Practice for Maintenance Procedures for Amusement Rides and Devices.
4. ASTM F 893-87 Standard Guide for Inspection of Amusement Rides and Devices.
5. ASTM F 770-93 Standard Practice for Operation Procedures for Amusement Rides and Devices, except Section 5.
6. ASTM F 698-94 Standard Specification for Physical Information to be Provided for Amusement Rides and Devices.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

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 Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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 Savings 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 the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, 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 governments 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.)

The 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, the 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.)

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

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 THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that 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.