

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION**

Teleconference Locations:

2nd Floor, Conference Room A
2501 Woodlake Circle, Okemos, Michigan 48864-5955

AND

1504 West Washington Street, Suite B, Marquette, Michigan 49855

**SKI AREA SAFETY BOARD
BOARD MEETING MINUTES**

April 28, 2006, 1:00 p.m.

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Ski Area Safety Board met in Regular Session on April 28, 2006 at the Department of Labor & Economic Growth, Bureau of Commercial Services, 2nd Floor, Conference Room A, 2501 Woodlake Circle, Okemos, Michigan, 48864; and by teleconference at the Department of Labor & Economic Growth, Bureau of Commercial Services, 1504 West Washington, Suite B, Marquette, Michigan, 49855 by teleconference.

CALL TO ORDER

The meeting was called to order by Mr. Kiefer at 1:05 p.m.

Present:	Michael S. Call	Chairperson
	William C. Topham	Vice-Chairperson
	James P. Kiefer	Member
	Joel Woods	Member
	Vernon S. Barber	Member
	Richard D. Starkey	Member
Staff:	Archie Millben	Director of Enforcement
	Ann Millben	Licensing Administrator
	Michele Riddering	Assistant Administrator
	Rita Burnett	Secretary
	D. Mark Doman, P.E.	Inspection Manager
	Tim Slattery	Inspector
	Amy A. Shell	Policy Analyst
Guest:	Jim Vander Spoel	Gogebic Community College

ADDITIONS TO OR DELETIONS FROM AGENDA

None.

ELECTION OF OFFICERS

MOTION: Mr. Topham moved to nominate Mr. Call as Chairperson and that the nominations be closed and a unanimous ballot be cast. Mr. Starkey seconded and the motion passed unanimously.

MOTION: Mr. Woods moved to nominate Mr. Topham as Vice-Chairperson and that the nominations be closed and a unanimous ballot be cast. Mr. Starkey seconded and the motion passed unanimously.

APPROVAL OF MINUTES FROM MEETING HELD APRIL 22, 2005

MOTION: After discussion, Mr. Kiefer moved to approve the minutes from the April 22, 2005 meeting. Mr. Woods seconded and the motion passed unanimously.

PUBLIC COMMENT

None.

STAFF REPORTS

Licensing

Ms. Riddering supplied board members with statistics for last year. There were permits issued for 142 active chair lifts, 153 active rope tows, and 24 active surface lifts, including conveyors. There were 53 active ski areas.

She also noted that a different staff member, Christine Pioszak, had been assigned to handle the board paperwork, including new applications, phone calls, renewals, mailings of permits, and issuance of permits. Ms. Millben added that some board members would remember Michelle Stevens, who was responsible for these areas before Michele Riddering took over.

Enforcement

Statistics

Mr. Doman stated that there were three new lifts in Michigan, all conveyors. Where two of the conveyors were installed, they eliminated fiber rope tows. There were two variable-speed drives on older fixed-grip chair lifts which were retrofitted last year. Mt. Zion had a new PLC Control. Boyne Mountain had a major washout requiring repairs last year. One chairlift was removed from Boyne Mountain.

He noted that there are two new chair lifts scheduled for this year. Both are relocations. Mr. Barber will have a Riblet Triple at Mount Marquette. The other will be at Mount Ripley in the UP, a Riblet Double, which will be done in two stages. Both are relocated from the western United States. There is another variable speed drive scheduled at Boyne Highlands, opening for summer work. Mount Holiday is working to convert their Blue Lift to accommodate mountain bikes and Department staff is working with them on that.

Mr. Doman stated that there were 53 ski areas with 316 lifts inspected. Thirty-six load tests were conducted. There were eight Safety Orders written; four have been compiled with and four are pending. He mentioned that the Department staff had created a lift database and are expanding it. About five percent of Michigan ski areas have two or fewer lifts. Five percent have nine or more lifts. Ninety percent have three to eight lifts. Michigan has more ski areas than any other state.

He noted that there are different types of ski lifts. In Michigan there are no aerial tramways, but there are thirteen conveyors, four detachable chairlifts, 116 fiber rope tows, 142 fixed-grip chairlifts, thirteen fixed surface lifts, and 41 wire rope tows, for a total of 329 lifts in Michigan. Some of these lifts are not operating. Mr. Doman is logging them as a device which exists, whether or not they are currently operating. The total number is fifteen more than have permits to operate.

The Department received twenty-one incident reports, ten failure reports and eleven injury reports. One incident was both. Two people were injured, but not seriously. All of the injuries were minor except for one person, who was an employee. The operators at this ski lift would often take the lift down to take their break at the bottom. One operator misdownloaded. He ended up hanging on to the lift, but fell off and broke both legs. Employees are no longer permitted to ride the lift down for breaks at that ski area.

All of the injuries occurred on chair lifts. Seven injuries and six incidents involved falls from chair lifts. Three were specifically young children and all were on one lift. One was a parent who dropped the child they were holding on the lift. There were four mis-unloading incidents. There were three deropements; two from mis-loads and one from a bearing failure where a bolt broke at Crystal Mountain. Nearly half, 45%, of the reports came from Crystal or the Boyne Resorts, which indicated that other ski areas are not using the same standards to report as Crystal. He noted that the percent of incidents reported by Crystal does not reflect in any way on the quality of Crystal's operations.

Incident Reporting Forms

Mr. Doman discussed the new forms and standards for reporting incidents. He developed the new forms to use the terminology that is used in the ANSI Standards and the Michigan statute and to use references to try to get a better definition of what needs to be reported. Since the forms were created, the State of Michigan has become more sensitive about the use of social security numbers, and they will be eliminated from the forms. He noted that he used some terminology from the Carnival-Amusement industry's ASTM Standards as they have some classifications of degree of injury and location of the incident that could be applied to ski areas, but he had neglected to delete the term "ride" and insert "lift" and would be sure to change those before the forms are finalized. Areas of loading and unloading onto rides and lifts are a major area of accidents for both industries.

He also noted that he had been using the amusement industry definitions for "minor" and "serious." He asked board members if they knew of a simple classification of injuries that would be more useful and descriptive. He added that on the Carnival-Amusement side they are required to report anything that needs attention from a trained medical professional, which on the ski side could include the ski patrol if the patrol is EMT certified. On the Carnival side there normally are not many EMT-certified people on the premises, so the person must be sent to a doctor or hospital. He suggested that could be the classification in this case also, where the person must be treated by a medical professional not employed by the ski area. Mr. Woods agreed that "minor" and "serious" leaves too much to interpretation. Mr. Doman stated that he would change it and noted that on the Carnival-Amusement side "serious" can be anything that is permanent damage or death. Mr. Woods suggested that the designation could be whether the injury could be treated or resolved at the resort rather than requiring a trip to a medical facility. He considered that anything that is broken or requiring stitches would not be treated at the resort.

Mr. Kiefer asked whether injuries other than those which occurred on ski lifts were reported to the Department, such as if two skiers collide. Mr. Doman responded that he does not want those injuries reported, unless they happen within 60 feet on either side of the ski lift, or if they had anything at all to do with the lift, which is as ANSI requires it. The reports should be filed with the Department. He and the inspectors look at them to see if there is a problem that the ski area is unaware of that the Department can help them with or if the incident relates to a series of incidents from a number of lifts with similar equipment. He noted that some other jurisdictions are more stringent and require much more detail with incident reporting.

Ms. Millben noted that the Carnival-Amusement Safety Board members debated the definitions for "injury" and "accident" for a long time. Mr. Doman responded that the Carnival-Amusement industry keeps records for things that do not require treatment by a medical professional. It is somewhat different for ski areas, as they have some medical professionals on site. He considered that the ski areas would have records in their own files regarding incidents that don't require medical professionals. If the need arises for the Department to answer questions regarding those incidents, the staff could ask to see the records, but otherwise the Department would not need to have them reported.

Ms. Millben suggested that the term could be "outside medical professional," which would be someone other than ski area personnel. However, some ski areas have an orthopedic surgeon on their patrol, but they wouldn't be setting bones in the patrol room. They would take the patient to a medical facility.

Mr. Millben added that from an internal viewpoint, both his and Mr. Doman's responsibilities include making sure that the Department as a whole is aware of any situations developing in any of the regulated areas. The executive office and media staff need to know the details and severity of any injury and be able to answer questions regarding the injury and how the Department will handle it. When an injury occurs, Department staff need to know the details about it as soon as possible in order to prepare a statement for the media.

Mr. Barber suggested that the form have a check-box regarding whether the person needed off-premise medical care directing that if this box is checked, this form must be faxed to the Department within 24 hours of the injury. At that point in filling out the form, it would be clarified whether they were treated and released by the ski patrol or recommended for transport to a medical facility for off-site treatment. Mr. Doman stated that he would draft an email to the board members and they could email their comments back to him.

Mr. Doman then discussed failure reporting. He preferred to call them failure reports rather than mechanical failure reports, as there are many things that can cause a failure which are not mechanical. He rearranged items on the report to give people more room to describe what happened, as there hadn't been much room for description on the old reports and there hadn't been much written. Not much else had changed on the report.

Mountain Bikes on Lifts

Mr. Doman considered that Michigan should encourage the use of lifts for devices other than skis. Despite what was anticipated in 1962, there are good ways to use ski lifts and he noted that snowboards are a good example and mountain bikes are another. In Colorado they have changed their requirements and laws to allow mountain bikes and similar devices to be transported on lifts as long as there is a program in place to do it. He considered Colorado to have a reasonable approach and intended to work in that direction unless the board had a different recommendation.

Seat Belts

Mr. Doman stated that there are some old lifts in Michigan that aren't equipped with restraint systems. Some of these areas want to transport mountain bikes, which would require them to operate the lift as is done for foot passengers, which requires restraints. The actual stipulation in the ANSI-B77.1-1999 standards of what a restraint is says: "For aerial lifts operating primarily for foot passengers, each chair shall be equipped with a restraining device that will not open with forward pressure." It does not specify how much forward pressure.

Mount Holiday in Traverse City contacted Sam Geise in Massachusetts to attempt to retrofit and design something. Mr. Geise replied that some years ago at Copper Mountain they used seat belts on a temporary basis. Larry Smith with the Colorado Passenger Safety Board reported that two lifts there have used seat belts also. Mr. Doman also contacted Sid Roslund, the ANSI B77 coordinator, who responded that he and other lift designers thought that seatbelts were a good solution. Mr. Doman was researching types of seatbelts and showed some possibilities, including using webbing clips which are lightweight and inexpensive.

Mr. Call asked whether there had been any discussion about the practical operational issues with the various people Mr. Doman had contacted. He questioned whether the lift was stopped until the seat belts were fastened or whether seatbelts are fastened on the way up the hill. Mr. Doman replied that even though the seatbelts were there, it was not possible to force people to use them. However, Mr. Roslund surveyed amusement parks and noted that they are increasingly retrofitting amusement rides with seatbelts. He noticed that it is second nature to the kids to see a seatbelt there and automatically fasten it. He considered it a very good thing to add to ski lifts.

Unfortunately, the operators who dealt with seatbelts routinely at Copper Mountain did not recommend their use. However, that may have been because they used fixed belts that bounced and banged on the loading platforms. Now there are seatbelts with retractors, but which might require some maintenance. Mr. Doman wanted to be sure that the belts couldn't hang more than 18" from the chair, no lower than the skis would hang.

Mr. Kiefer asked whether Michigan ski areas are now using lifts to take mountain bikes up in the summer or whether this is an issue that will be coming up eventually. Mr. Doman replied that currently any time a lift is operated to take a foot passenger up, the lift must be slowed down quite a bit in order not to injure the foot passenger. It is already part of the ANSI Standard that a lift operating for foot passengers must be slowed down and must have a restraint. Crystal Mountain and Boyne Mountain both operate a lift in the summer. The Ski Area Safety Act does not require restraints except that the ANSI Standard requires them and the State statute adopted the ANSI Standard. He noted that this would apply for those areas transporting bikes on lifts in the summer or the winter.

Mr. Woods expressed his appreciation for the Department's flexibility in researching the issue and asking for input from the industry. Mr. Doman responded that there are stipulations in the ANSI Standard that give the owner/operator an opportunity to demonstrate another way to resolve an issue, and they should present their ideas for consideration. Mr. Call added that this will become more of an issue as ski areas are looking for ways to make better use of their assets all year. If they can find another use for the expensive chair lifts in the off season, they will continue to do so in the future.

Mr. Barber questioned the ANSI Standard regarding "forward pressure" on the lifts and how it would be possible to attach seat belts to the chair lift seats without compromising the integrity of the chair. Mr. Doman replied that if attaching seat belts modifies the chair, he considered that an engineer must oversee the change, unless it is looped around or clamped on, which may or may not require an engineer's oversight. On some of the lighter chairs, it might be possible to loop or attach a belt and not increase the susceptibility for fatigue. Regarding the load question, he had been thinking that twice a passenger's weight would work. He stated that it is not difficult to get a seat belt that will handle 350 pounds in a static situation. He added that even the waist belt on his day-pack was good for up to 1,000 pounds. He thought having one seat belt for each position on the chair lift would work very well.

Mid-Western Ski Area Association (MSAA) Summer Meeting

Mr. Doman stated that the Mid-Western Ski Area Association summer meeting would be held in August at Crystal Mountain and the sponsors of the meeting have offered a room for the Department staff to meet with Michigan ski area operators. Mr. Doman considered this an excellent opportunity to discuss the new issues facing the ski industry with the owners and operators of ski areas to see what works and what doesn't work from the point of view of the operators. MSAA had also indicated that operators who are not members of MSAA would be welcome to come to this meeting room to discuss issues with the Department staff, which he considered very generous of MSAA.

Mr. Doman noted that one of the issues discussed will be load testing, which Michigan has required for 25 years, but is new to other states. MSAA asked if Michigan staff could help other areas in learning how to conduct them. Mr. Call replied that Crystal doesn't have any load tests scheduled for a few years, so whether they are able to help MSAA is not clear yet, as it takes a lot of work, material and staff to do a load test.

ANSI B77.1

Mr. Doman noted that there is some preliminary work being done to adopt this standard, but he added that the process did not happen as quickly as he had previously thought it would. Mr. Sid Roslund was reviewing the drafts and they would be available to download from ANSI the week after the board meeting for the full cost of \$120, and would not be available for another two weeks for about \$50, as he was still negotiating the cost with NSAA. Since the draft was not yet available, Mr. Doman asked board members how they would like to go about discussing it. He suggested that they could go ahead and discuss the changes at the meeting without the draft, or they might wish to have another meeting during the summer, or just postpone it until the fall board meeting when the Standard will be available.

Mr. Kiefer noted that with regard to the timing of the process those standards must be adopted by ANSI before Michigan's administrative rules can be amended to adopt them. Mr. Doman agreed and added that the Carnival-Amusement rules are being updated to reflect the ASTM rules and those rules specify the ANSI rules, because there are ropeways in the amusement industry also. Department staff are working on both at the same time and may end up with something passed on the amusement side before the ski side.

Mr. Kiefer suggested that this be put on the agenda for the October meeting. When the revised draft becomes available, Mr. Doman could send it on to board members to review over the summer and be ready to discuss it in October. Mr. Doman noted that there have not been any major changes from what Mr. Call and he have been working on, except for a few minor things that slipped by the committee members that needed correcting.

Ms. Millben asked whether the Department should go forward with a request for rule-making so that the process is in place in October for them to be enacted in Michigan and ready to be voted on. She considered that action should be taken to get the process started as it takes almost a year to promulgate rules. Mr. Doman asked if the board would like to review the changes personally rather than accept his and Mr. Call's summary of the changes.

Mr. Kiefer asked that the staff refresh the memories of the board members as to the timing of the process for rule-promulgation and Ms. Millben complied. She noted that the adoption of national standards is normally not controversial, but draft rules must be published and there must be a public hearing, with certain timelines built into the process so that a state agency could not push through any rules that would negatively impact an industry. She suggested that if the board endorses these standards, then the board should request the Department to go ahead with a request for rule-making. The board members would still have the opportunity to see them at another board meeting, in publications and at a public hearing, so there would still be an opportunity to modify the wording.

Mr. Call noted that he is a member of the ANSI Committee and very familiar with the changes. He stated that there are some that will affect all of the ski areas. The major changes involve grandfathering and the monitoring of acceleration and deceleration on small lifts, which has never been monitored on small lifts. That will be an added expense to any new installation or relocated installation. He confirmed that the new rules have been adopted by the ANSI Committee and it is only a matter of publication now. Ms. Millben added that the Michigan rules will establish the effective date of when Michigan requires the ANSI Standard. Mr. Doman added that the Forest Service is scheduling theirs to be effective next year at about this time of year. He also noted that if anyone has reservations after seeing the actual ANSI Standard, there is still time to address the concerns.

Mr. Kiefer asked if the insurance companies require compliance with the ANSI Standard regardless of what rules Michigan might adopt. Mr. Call replied that they do not, but they strongly encourage compliance by rate control.

Mr. Woods asked why there was a loading feet per minute of the chair in the ANSI Standard. He didn't believe it was currently in the Michigan rules and he had not ever received any Safety Orders regarding it. He asked what safety aspect would be gained for the skier by that change. It was in the degrandfathering section that Mr. Doman had sent to board members for review. It was one of the requirements for signage at the bottom of the lift.

Mr. Woods added that ski areas have an abundance of signs already and he considered more signs to be less effective. Mr. Call replied that he would investigate the reasons for that change with other ANSI Committee members. He noted that the ANSI Standards had been adopted by the Committee and they would not choose to change a section unless there was very strong opposition to it, and Michigan would need to adopt the entire set of Standards. Mr. Doman agreed and added that he was not aware of any other jurisdictions that only adopted part of the Standards. Some did incorporate them into their own rules piece by piece, but that is a huge amount of work. Mr. Topham suggested that during the year that the new Standards are being adopted by Michigan, the operators would become aware of what changes will impact their area. Mr. Doman added that Mr. Roslund discussed the bulk of these changes at Boyne Highlands two years ago. Mr. Call noted that the revision of the ANSI Standards is an ongoing process that takes five to six years from the publication of a set of adopted Standards until the next set is adopted.

MOTION: After discussion, Mr. Kiefer moved that the board encourage the Department to go forward with the rule-making process to adopt the new ANSI Standards. Mr. Topham seconded and the motion passed unanimously.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS

Mr. Kiefer noted that the Department always prepared a resolution to recognize and thank previous board members who have served the citizens of the State on this board. He stated that the Department had prepared resolutions for the four board members who had recently been replaced: Arthur Tebo, Nicholas Sirdenis, James MacInnes, and Jeffrey Deacon. The resolutions were ready for the new chairperson to sign.

Mr. Slattery stated that there is concern in the industry regarding the changes and the difference in the signs. He suggested that it would be more reasonable to implement the changes in the spring rather than in the fall. He stated that there would be some areas that would be dramatically affected by the changes and the degrandfathering, and he considered that they would need some time to react appropriately.

Mr. Doman suggested that he could send out a letter to the ski areas, referencing the board, letting them know that the ANSI Standards are in the process of being adopted by Michigan, that there would be a public hearing, and asking that they send their comments and opinions in to the Department. The letter would let them know that these Standards would be in place by the ski season of 2007 and at that point the ski areas would be required to comply with them.

Mr. Slattery noted that he was working as an inspector when the Department was using a code from 1976 while the insurance companies were using a code from the '80's, and it was not a good situation. There was enough subtle distinction between the two codes for the operators to have major problems. The insurance companies claimed that their code took precedence over Michigan code, leaving the operators in limbo. He expressed concern that Michigan requirements not lag too far behind.

Mr. Call suggested that Mr. Slattery could encourage operators to come to the MSAA meeting in August where he and Mr. Doman could answer their questions. Mr. Slattery agreed to suggest that to the ski areas he normally inspected and would encourage the other inspectors to do the same with the ski areas they deal with.

Mr. Doman noted that at one point there was a comment that the Department might be able to distribute copies of the ANSI Standards to the board members without charge. Ms. Millben was unclear as to whether it was ANSI or ASTM. She had inquired about them and they were not to be duplicated except for official purposes. For board members the Department was granted permission to copy them internally. She agreed to inquire again as to whether the standards could be copied for board members free of charge. Mr. Doman added that what he had excerpted and sent out to board members was from the final draft, but there could be some minor changes. Once he received the final version he could distribute copies to board members if it were approved to do so.

NEXT MEETING DATE

The next meeting of the Ski Area Safety Board will be on October 6, 2006 at 1:00 pm.

ADJOURNMENT

MOTION: Mr. Kiefer moved to adjourn the meeting. Mr. Woods seconded and the motion passed unanimously.

They're being no further business to be brought before the board at this time, the meeting was adjourned at 2:20 p.m.

/s/
Michael S. Call, Chairperson

10-20-06
Date

/s/
Ann Millben, Licensing Administrator

10-20-06
Date