

**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**

May 9, 2008, 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 May 9, 2008 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.

CALL TO ORDER

The meeting was called to order by Chairperson Call at 1:10 p.m.

Present:	Michael S. Call	Chairperson
	James P. Kiefer	Member
	Richard D. Starkey	Member
	A. James Vander Spoel	Member
	Joel Woods	Member
Absent:	William C. Topham	Vice-Chairperson
	Vernon S. Barber	Member
Staff:	Archie Millben	Director of Enforcement
	Jean M. Boven	Director of Licensing
	Ann Millben	Licensing Administrator
	Lori Porubsky	Assistant Administrator
	Angela Diro	Secretary
	Christine Pioszak	Departmental Technician
	D. Mark Doman, P.E.	Inspection Manager
	Gilbert Townsend	Inspector
	Davey Pier	Inspector
	Amy A. Shell	Policy Analyst

Visitors:	Tammy St. Pierre	Skki Trikke
	Kevin St. Pierre	Skki Trikke
	Timothy Cypher	Skki Trikke

ADDITIONS TO OR DELETIONS FROM AGENDA

None.

APPROVAL OF MINUTES FROM MEETING HELD OCTOBER 5, 2007

MOTION: After discussion, Mr. Kiefer moved to approve the minutes from the October 5, 2007 meeting. Mr. Starkey seconded and the motion passed unanimously.

PUBLIC COMMENT

Mr. Cypher presented the Skki Trikke device and an information packet to the board. It was also indicated by Mr. Cypher that board members Vernon Barber and Joel Woods along with Mark Doman and inspector Kirby Pettyjohn have had experience with the Skki Trikke and wrote a report on their experience [*this report was given to the board, Licensing and the other inspectors on February 22nd.*] After discussion Mr. Kiefer asked what role is being asked of the board. Is it to approve the device and what is the jurisdiction of the board in that role? Ms. Millben responded that in the past it was the consensus that the board would not approve nor disapprove a device but would give their input as to whether or not it appears to meet the requirements of the statute. Mr. Doman stated that this new device puts equipment and areas to different tests on how they could be used within the existing wording of the statute. That it is both a safety issue and a legal issue. The device could be used now with the lifts running at lower speeds as a foot passenger just carrying it with them. The issue is whether its user is considered a skier so that the lift could go at full speed or is it used as a foot passenger with the lift going at slower speeds. Mr. Doman feels that is the underlying issue. Mr. Kiefer stated that it is not the board's decision as to whether or not to use this device it's up to the individual areas, the only jurisdiction is to whether it is used as a ski or foot passenger. Mr. Doman agreed with that statement. Ms. Millben asked Mr. Doman if he had used the device and what determination of speed of lift had been made at that time. Mr. Doman responded that he had used the device and that safety in loading and unloading is largely subjective, that they had tried it on lifts measured at up to 375 feet per minute and that double lifts in Michigan may be as fast as 500 feet per minute. Because this is faster than the speeds tried, there is still a question but he does not expect a problem.

Mr. Call stated that with Mr. Doman's opinion that there is no issue of getting on and off the lift, the question becomes a legal one and if there is no binding or attachment to the lower torso, that lifts would be required to run as they do with foot passengers by the way the statute reads. If they are considered a foot passenger, then the lift must be slowed. If the ski areas are willing to do that then they meet the standard. Mr. Cypher respectfully disagreed and stated that they do qualify as a skier. The statute does not say it needs to be attached to a foot but to foot or lower torso claiming that a leash attached to the waist is an attachment to the lower torso. Mr. Kiefer asked whether there is a demand at ski resorts for these. Mr. Call and Mr. Woods stated at their locations there is not and they do not expect to allow them. Mr. Doman stated that the smaller areas are more inclined to accept this to expand their markets. Mr. Kiefer asked who should decide as to whether these devices are foot passenger. Mr. Doman would like to have the board's input.

Mr. Townsend asked what is the length of the tether. Mr. Cypher responded that it will not allow the Trikke to hang below the five feet level and has a 300 pound weight restriction. Mr. Townsend asked at what weight the passenger could be propelled out of the chair? Mr. St. Pierre stated that it is attached to the waist and that it would pull the passenger down into the chair instead of propelling out. Mr. Pier asked about unloading. Mr. St Pierre stated that you would stay on the lift a little longer until it slopes down, then exit.

After discussion regarding vertical clearance and the different lifts for its use Mr. Kiefer requested a conclusion. Mr. Call asked for comments or suggestions. Mr. Kiefer stated he would like this to be referred back to staff. Mr. Doman stated that from a technical standpoint just looking at what is here, he is comfortable with it operating with the provisions that were discussed about the tether so it won't extend more than five feet below the top of the chair seat after if. Also an alternative is to attach a brake like an old fashioned ski brake. Mr. Cypher stated that the manufacturer does not feel a brake is appropriate but that they are willing to comply with the provisions. Mr. Doman stated that one thing he will do is to check with the ANSI B77.1 committee and make sure this is not treading on ground that will make life difficult for anyone else. Mr. Call stated that they will make it a point to discuss this with the committee to see what they feel about the tether standards

STAFF REPORTS

Legislative Update

Mr. Call stated that he checked with the legislative aides and that they are not aware of any movement on the snowmobile bill that was put into Committee last fall. He asked Ms. Shell to advise the board on the next steps to our rulemaking and the timeline.

Ms. Shell stated that she will prepare a final report for the Public Hearing just held and that the public comment is still open until Monday. The final report will go to our Governmental Affairs office on Tuesday and hopefully by the end of the week they will get it to JCAR the Joint Committee on Administrative Rules. They then have 15 session days to reject them if they are not rejected they get filed with the Secretary of State. From a timing standpoint the Legislature goes on break in June and the 15 days depends on the end of month. Both House and Senate need to be in session. JCAR may waive session day if no controversy and if other interest groups request it. The Department cannot request a waiver. It may be late summer or fall. Ms. Shell stated she will make it clear that due to the break schedule if they can move quickly it would be appreciated.

Mr. Call inquired about the helmet legislation. Ms. Shell responded that it has not moved.

Enforcement

Mr. Doman stated that Mr. Call's name is being balloted for a position on the National Tramway Standards Board.

Statistics

Mr. Doman discussed the season summary. He noted that there were currently 51 ski areas operating in Michigan. He added that Hiawatha Slopes did not open but expects to next year and that Sugarloaf did not re-open.

Mr. Doman stated that there were 15 lifts that were not operated but that had permits. He reported that 297 lifts were operated, that there were 6 new lifts and 1 modified lift. Also mentioned were two amusement rides, one ZipRider at Boyne Mountain and two Alpine Slides at Crystal Mountain. Discussion of new lifts at Nubs Nob, Mulligan's Hollow and others and some modifications to lifts at Boyne Highlands, the Norway Sneller lifts, the Porkies Double and Copper Peak.

Mr. Doman discussed incident reports. He noted that there were 6 injury reports and 22 mechanical failure reports. Half of these reports came from board member areas. Of the six injuries reported one was from failure, two were from falls from chairs and three from misleads. There were two non-lift related fatalities Mr. Doman discussed the circumstances. One other non-lift related incident was with a groomer. During the season there were 22 failures, three resulted in evacuations, two by rope. Two were the result of adjustment/wear, three brake problems, three chair swing/misleod/unloads, one drive motor, three fatigue failures, two haul ropes, four line circuits and four from wind.

Mr. Call asked about the previously discussed private ropeways. Mr. Doman stated that the project is cancelled. Mr. Call asked about Copperpeak rollback evacuation. Mr. Doman stated that they operate in the summer, fall and for a snowmobile hill climb. There was discussion about their consideration of evacuation by rollback using a hydraulic valve release.

Mr. Kiefer thanked the department for all the work on the administrative rules. The board concurred.

NEXT MEETING DATE

The next meeting of the Ski Area Safety board will be on October 3, 2008 at 1:00 pm.

ADJOURNMENT

MOTION: Mr. Woods moved to adjourn the meeting. Mr. Starkey 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 2:40 p.m.

_____/s/_____
Michael S. Call, Chairperson

____10/3/08_____
Date

_____/s/_____
Ann Millben, Licensing Administrator

____10/3/08_____
Date