

Chapter 352-44 WAC

RECREATIONAL CONVEYANCES—CERTIFICATION—INSPECTIONS— OPERATOR QUALIFICATIONS—VIOLATIONS, ETC.

WAC

352-44-010	Recreational conveyances—Definitions.
352-44-020	Recreational conveyances—Certification.
352-44-030	Recreational conveyances—Conditional certificate.
352-44-040	Recreational conveyances—Access to certificate.
352-44-050	Recreational conveyances—Safety inspections.
352-44-060	Recreational conveyances—Standards.
352-44-070	Recreational conveyances—Construction of new conveyances.
352-44-080	Recreational conveyances—Simulated load test.
352-44-090	Recreational conveyances—Operators and operator qualifications.
352-44-100	Recreational conveyances—Notice of malfunctions.
352-44-110	Recreational conveyances—Nonliability of the state and personnel.
352-44-120	Recreational conveyances—Violation constitutes a misdemeanor.

WAC 352-44-010 Recreational conveyances—Definitions. Whenever used in this chapter, the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

- (1) "Commission" shall mean the Washington state parks and recreation commission.
- (2) "Director" shall mean the director of the Washington state parks and recreation commission or his designee.
- (3) "Certificate" shall mean either the certificate to operate or the conditional certificate to operate.
- (4) "Qualified engineer" shall mean an engineer meeting the requirements of the state of Washington Professional Engineers Registration Act (chapter 18.43 RCW).
- (5) "Lift signing" shall mean all signs required to meet applicable codes as determined in WAC 352-44-060.

[Statutory Authority: RCW 43.51.040, WSR 91-19-068, § 352-44-010, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-010, filed 7/31/74.]

WAC 352-44-020 Recreational conveyances—Certification. Each conveyance for persons generally engaging in winter sports recreational activities, as described in RCW 70.88.010, shall have a current annual certificate to operate on a form approved and provided by the commission. Said certificate shall be for an annual term of one year beginning January 1 of each year. No conveyance shall be operated for use by the public unless a valid current certificate has been issued by the director. The certificate shall be:

- (1) Signed by the director.
- (2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
- (3) Adequately protected from the elements.

[Order 20, § 352-44-020, filed 7/31/74.]

WAC 352-44-030 Recreational conveyances—Conditional certificate. The director may, if deemed necessary, issue a conditional certificate to operate for a specified period

(9/16/91)

of time. Operation during the period that the conditional certificate is in effect shall be in strict compliance with the conditions stated in the conditional certificate. The conditional certificate shall be:

- (1) Signed by the director.
- (2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
- (3) Adequately protected from the elements.

[Order 20, § 352-44-030, filed 7/31/74.]

WAC 352-44-040 Recreational conveyances—Access to certificate. The director shall have access to the certificate at all times and the authority to revoke the certificate at any time that he determines the conveyance is not safe for public use.

[Order 20, § 352-44-040, filed 7/31/74.]

WAC 352-44-050 Recreational conveyances—Safety inspections. The director shall carry out a minimum of one safety inspection on each conveyance each calendar year. Additional inspections may be made as deemed necessary by the director. Costs accrued by the commission for inspection of conveyance facilities shall be charged to the owner or operator of the conveyance inspected and shall become a lien upon said equipment.

[Order 20, § 352-44-050, filed 7/31/74.]

WAC 352-44-060 Recreational conveyances—Standards. The current *American National Standards Safety Requirements for Aerial Passenger Tramways* shall apply to the design, inspection, signing, and operation of all conveyances as interpreted by the director unless a request for waiver is submitted by the operator and a waiver is granted by the director.

[Statutory Authority: RCW 43.51.040, WSR 91-19-068, § 352-44-060, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-060, filed 7/31/74.]

WAC 352-44-070 Recreational conveyances—Construction of new conveyances. All new conveyances which are to be constructed after the effective date of these regulations shall:

- (1) Require approval of the director prior to commencement of construction.
- (2) Be designed by a qualified engineer.
- (3) Be certified by a qualified engineer that the conveyance has been installed in accordance with the plans and specifications.
- (4) Be subjected to an acceptance test and inspection as specified in the current *American National Standards Safety*

[Ch. 352-44 WAC p. 1]

Requirements for Aerial Passenger Tramways before certification by the director. The director shall be given a minimum of seven days notice of the schedule for the final load test.

[Statutory Authority: RCW 43.51.040, WSR 91-19-068, § 352-44-070, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-070, filed 7/31/74.]

WAC 352-44-080 Recreational conveyances—Simulated load test. All aerial conveyances (those which carry passengers above ground) shall be subject to an annual simulated load test to specifically demonstrate the braking capabilities of each braking system on the lift. Additional load testing may be required when requested by the director.

(1) Simulated loads shall be in the amount recommended by a qualified engineer and approved by the director.

(2) The simulated load may be a static load and shall be imposed in any manner recommended by the design engineer or be acceptable to a qualified engineer and/or the director.

(3) All brakes recommended by the design engineer and/or designated by the director shall be required to hold the test load independent of all other brakes.

(4) The load test(s) shall be performed in the presence of an individual designated by the director.

(5) All aerial conveyances shall be in full compliance with this section by December 31, 1975.

[Statutory Authority: RCW 43.51.040, WSR 91-19-068, § 352-44-080, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-080, filed 7/31/74.]

WAC 352-44-090 Recreational conveyances—Operators and operator qualifications. The director may require minimum operator qualifications, ski lift signing standards, and operational procedures to assure a reasonable degree of safety to the using public. The director shall adopt standards and the operation of all conveyances shall be in full compliance with said approved standards.

[Statutory Authority: RCW 43.51.040, WSR 91-19-068, § 352-44-090, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-090, filed 7/31/74.]

WAC 352-44-100 Recreational conveyances—Notice of malfunctions. Operators shall be required to notify the commission of incidents or malfunctions which occur, wherein public safety either has been or could have been in jeopardy on forms and according to instructions provided by the commission.

[Order 20, § 352-44-100, filed 7/31/74.]

WAC 352-44-110 Recreational conveyances—Nonliability of the state and personnel. Inspections, rules and orders of the commission resulting from the exercise of any provision of this chapter shall not in any manner be deemed to impose liability upon the state of Washington and its personnel for any injury or damage resulting from the operation of the facilities regulated, and all actions of the commission and its personnel shall be deemed to be an exercise of the police power of the state.

[Order 20, § 352-44-110, filed 7/31/74.]

WAC 352-44-120 Recreational conveyances—Violation constitutes a misdemeanor. In accordance with the provisions of RCW 70.88.040 the violation of any provision of

[Ch. 352-44 WAC p. 2]

this chapter shall constitute a misdemeanor and shall be punished as such.

[Order 20, § 352-44-120, filed 7/31/74.]