Minnesota Department of Labor and Industry

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing Elevators and Related Devices, Minnesota Rules, Chapter 1307; Revisor's ID Number R-04143: OAH Docket Number 82-1900-30854

INTRODUCTION

On January 29, 2007, the Department adopted the current Minnesota Elevator Code. In February 2009, the Department decided to skip the 2009 code adoption cycle because of a drastic slowdown in the construction economy. As a result, certain editions of the codes and standards that would have been incorporated into this rule chapter were skipped.

The Commissioner of the Minnesota Department of Labor and Industry now proposes to adopt amendments to chapter 1307 entitled *Elevators and Related Devices* to incorporate the most recent editions of the codes and standards included in this rule chapter. In addition to substantive changes, reorganization and grammatical changes are proposed to improve clarity and to conform to current style requirements.

The proposed rules contain certain amendments in Chapter 1307 of the Minnesota State Building Code and incorporates by reference the following American Society of Mechanical Engineers ("ASME") standards: *ASME A17.1/CSAB44-2010, Safety Code for Elevators and Related Equipment ("ASME A17.1"); ASME A17.3-2011, Safety Code For Existing Elevators and Escalators ("ASME A17.3"); ASME A17.5-2011, Elevator and Escalator Electrical Equipment ("ASME A17.5"); ASME A18.1-2011, Safety Standard for Platform Lifts and Stairway Chairlifts ("ASME A18.1"); ASME A90.1–2009, Safety Standard for Belt Manlifts ("ASME A90.1"); and ASME B20.1-2009, Safety Standard for Conveyors and Related Equipment ("ASME B20.1").* This rule chapter also incorporates Chapter 30 of the *2012 International Building Code,* published by the International Codes Council, Washington, D.C., copyright 2012, reproduced with permission, all rights reserved.

The Department used an Advisory Committee comprised of small and large elevator companies, the Building Owners and Managers Association, representatives from the Elevator Union Local 9, the Minnesota Housing Association, the City of Minneapolis, the City of St. Paul, the Association of Minnesota Building Officials, and the Fire Marshals Association of Minnesota. A complete listing of those members can be found in Exhibit A. The committee met several times and reviewed numerous proposals from committee members, as well as changed identified by the Department. Pursuant to Minnesota Statutes, section 326B.106, subdivision 1, the Department also consulted with the Construction Codes Advisory Council in establishing the proposed adoption of the proposed rules governing Elevators and Related Devices.

ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Colleen Clayton at the Department of Labor and

Industry, 443 Lafayette Road N., St. Paul, Minnesota 551555, phone: 651-284-5867, and fax: 651-284-5749. TTY users may call the Department at 651-297-4198.

STATUTORY AUTHORITY

The Department's statutory authority to adopt these rules is stated in the following Minnesota Statutes:

326B.02, Subdivision 5, General rulemaking authority. The commissioner may, under the rulemaking provisions of chapter 14 and as otherwise provided by this chapter, adopt, amend, suspend, and repeal rules relating to the commissioner's responsibilities under this chapter, except for rules for which the rulemaking authority is expressly transferred to the Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems.

326B.101 Policy and purpose. The State Building Code governs the construction, reconstruction, alteration, and repair of buildings and other structures to which the code is applicable. The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.

326B.106, Subdivision 1. Adoption of code. Subject to sections 326B.101 to 326B.194, the commissioner shall by rule and in consultation with the Construction Codes Advisory Council establish a code of standards for the construction, reconstruction, alteration, and repair of buildings, governing matters of structural materials, design and construction, fire protection, health, sanitation, and safety, including design and construction standards regarding heat loss control, illumination, and climate control. The code must also include duties and responsibilities for code administration, including procedures for administrative action, penalties, and suspension and revocation of certification. The code must conform insofar as practicable to model building codes generally accepted and in use throughout the United States, including a code for building conservation. In the preparation of the code, consideration must be given to the existing statewide specialty codes presently in use in the state. Model codes with necessary modifications and statewide specialty codes may be adopted by reference. The code must be based on the application of scientific principles, approved tests, and professional judgment. To the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials. To that end the code must encourage the use of new methods and new materials. Except as otherwise provided in sections 326B.101 to 326B.194, the commissioner shall administer and enforce the provisions of those sections.

Under these statutes, the Department has the necessary statutory authority to adopt these proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

The classes of persons who will probably be affected by the proposed rule include: municipal elevator inspectors who must become familiar with and enforce the rule and code; elevator contractors and installers who must become familiar with and incorporate the provisions of the rule and code; elevator equipment manufacturers and suppliers who must become familiar with and apply the rule and code to the manufacture and assembly of products; and the general public that uses elevators and related devices in buildings and other structures.

The classes of persons who will probably bear the costs of the proposed rule include: building owners and managers who pay for the initial installation costs and maintenance costs for elevators and related devices; elevator contractors and installers who bear short term costs associated with estimating and purchasing equipment and labor; and equipment manufacturers and suppliers who will bear short term costs of any provisions that affect costs for manufacture of elevators and related devices. Many of these costs, however, are passed on to the building owners who ultimately bear the costs, then pass them on to consumers.

The classes of persons who will probably benefit from the proposed rule include: elevator inspectors who need the most current available standards to provide the most current technologies and methodologies and to provide more uniform application and enforcement; elevator contractors and installers who need to use the most current standards available to remain consistent with requirements in use throughout the nation; elevator equipment manufacturers and suppliers who use and apply the most current standards available; building owners and managers who require updated and uniform rules and codes to ensure safe equipment at the lowest cost; and the general public who will be protected physically and financially with current codes and standards.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

The probable additional costs to the agency to implement and enforce the proposed rule are negligible. The agency must purchase and review the newest codes and standards incorporated into the rule. The agency utilized advisory committees to provide technical advice about needed amendments, and while these committee members are not paid for their time, they are provided the materials and resources necessary to review the codes and standards. The agency may provide updates or minor training to the industry regarding some of the new elevator provisions in the code. This would likely be accomplished by sending out an update or by including a small segment of elevator education within a larger training program for that target audience.

There are no costs to any other agency for implementation and enforcement of the proposed rule. Any agency costs associated with the proposed rule would be borne by this agency as explained above.

There would be no anticipated effects on state revenue associated with the proposed rule.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

The agency's statutory authority requires the code to conform insofar as practicable to model codes generally accepted and in use throughout the United States. The best way to achieve this result is to incorporate by reference those recognized national model codes and standards into rule. Given this requirement, there would be no more efficient or less intrusive means to adopt an elevator code for Minnesota. Drafting an elevator code from scratch would be far more costly and would increase the risk of inconsistent application and enforcement when compared to the rest of the Midwest region and the nation. Much of the construction industry conducts business on a national scale and for that reason, requires the use of nationally recognized standards to conduct business.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

The agency's statutory authority requires the code to conform insofar as practicable to model codes generally accepted and in use throughout the United States. The best way to achieve this result is to incorporate by reference those recognized national model codes into rule. There are no alternative elevator codes or standards available to consider for adoption. The ASME standards are the only standards available for use in the United States. As a result, the ASME standards were the only standards considered, reviewed and amended in this proposed rule.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

Costs involved to the Department would include the individual costs per inspector to provide the Standards. – Roughly $800 per inspector for all standards.

Costs involved for contractors would be minimal. In some cases costs could actually be less because the standards recognize new methods and materials where technological advancements have occurred over the past several years.

There were no notable changes to individuals in this adoption where additional costs are recognized, however any additional costs will likely be passed on to building owners.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

If the agency does not adopt the proposed rule, which incorporates updates of all the standards in the rule, it will have to fall back on older standards. The current referenced standards are outdated and contain provisions that are difficult to comply with, either because the equipment or materials are unavailable or methods and processes are no longer used. New technologies and methodologies help decrease costs by using less expensive materials or processes. Maintaining older standards may result in keeping costs higher than necessary. Some of the new provisions also address increased life safety protections. Some of the new provisions incorporate life safety protections where none actually existed before, and are, therefore, very necessary to adequately protect the public and industry personnel.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

There are no applicable federal regulations that address elevator safety in the construction of non-federally owned buildings. The federal government does prescribe standards for persons with disabilities in all public use buildings, including those with elevators. These proposed rules, however, refer to the Minnesota Accessibility Code for accessibility issues, which mirror federal regulations with regard to accessibility.

"(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time."

The Minnesota State Building Code is a single set of coordinated building construction regulations that apply throughout the state of Minnesota. There are no other building codes that can be used or enforced in this state. When the Department adopts the individual rules that make up the State Building Code, it works with other state agencies that may also have an effect on certain buildings to ensure that the requirements that are parallel or that cover the same building type, are not cumulative.

For example, portions of Minnesota Rules, Chapter 1305, Adoption of the International Building Code, regulates the planning and construction of care facilities in Minnesota. The Department utilized an advisory committee to review the 2012 International Building Code. The committee members included technical expertise from other state agency personnel to ensure the rule would coordinate with any other state regulations that may be affected by the rule.

The Department also develops the Minnesota Accessibility Code so that it incorporates the federal accessibility requirements to the extent they are applicable. In certain accessibility areas that are not required in Minnesota, our accessibility experts inform code users that although something is not required by the Minnesota Code, it may still be required federally and must be complied with.

The adoption cycle for both the national model codes and the Minnesota State Building Code generally occurs every three years so they are current and reflect the most recent changes that occur federally and with other state agencies. For example, the federal Department of Energy

implements federal requirements for energy in construction by working through the model code process; by basing Minnesota's rules on the same model codes, the cumulative effect is thereby eliminated. Department staff also monitor any regulatory changes that occur federally and on a state level. The Department also has staff that monitor code changes being proposed to the model building codes at the national level to ensure that the Minnesota State Building Code will not conflict with other building code regulations.

PERFORMANCE-BASED RULES

Minnesota Statutes, section 326B.106, subdivision 1, authorizes the Department to establish by rule a code of standards for construction. This statute requires the code to "conform insofar as practicable to model building codes generally accepted and in use throughout the United States." At the same time, this statute mandates that, "to the extent possible, the code must be adopted in terms of desired results instead of the means of achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials." The Minnesota State Building Code establishes minimum regulations for building systems using prescriptive and performance-based provisions with emphasis on performance. This rule chapter not only defines the composition of the State Building Code, but it also provides direction for its administration and enforcement, utilizing the philosophy established in this statute.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a November 25, 2013 Order issued by Administrative Law Judge Barbara J. Case.

Our Notice Plan also includes giving notice required by statute. We will mail or email the Notice of Intent/Dual Notice to everyone who has registered to be on the Department's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a.

We will also give notice to the Legislature per Minnesota Statutes, section 14.116. We will also send by United States mail the Dual Notice to the following interested parties:

a. All municipal code officials and others involved in code administration. This list includes all municipal building officials responsible for administration of the Minnesota State Building Code.
b. Elevator Association of Minnesota
c. National Association of Elevator Contractors
d. National Elevator Industry, Inc.
e. Building Owners and Managers Association
f. American Institute of Architects - Minnesota
g. State Fire Marshal Division

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department consulted with the Commissioner of Minnesota Management and Budget ("MMB") concerning the fiscal impact and benefits the proposed rules may have on units of local government. This was done on May 15, 2013, by providing MMB with copies of the Governor's Office Proposed Rule and SONAR Form, the proposed rules, and the near-final SONAR. On June 25, 2013, the Department received a memorandum dated June 24, 2013, from MMB Executive Budget Officer Elisabeth Hammer which provided general comments and concluded that:

> [b]ased upon the information provided to me by the Department of Labor and Industry, there does not appear to be significant costs to local units of government that are not recoverable through local fees as a result of this proposed rule.

The Department will submit a copy of its correspondence with MMB and the June 24, 2013 response received from that agency to OAH at the hearing or with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

Pursuant to Minn. Stat. § 14.128, the Department has determined that a local government will not be required to adopt or amend an ordinance or other regulation to comply with these proposed rules. The State Building Code is the standard that applies statewide. Minn. Stat. § 326B.121, subdivision 1, mandates compliance with the State Building Code whether or not a local government adopts or amends an ordinance. As a result, an ordinance or other regulation is not required for compliance. If a city wishes that its ordinances accurately reflect legal requirements in a situation in which the Code has superseded the ordinances, then the city may want to amend or update its ordinances.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Department has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed $25,000 for any small business or small city. The Department has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed $25,000 for any small business or small city because the proposed rules do not require any construction to occur within the first year after the rules take effect. Any small business or city contemplating new construction or remodeling will decide whether or not to undertake the construction or remodeling project and when that construction or remodeling will occur. Because no new construction or remodeling is required by the proposed rules within the first year after the rules take effect, no new construction or remodeling need be undertaken within the first year.

Additionally, any small business in the construction industry will likely pass through any additional costs that occur resulting from code changes, so the costs would not be borne by the small business, but by the building owner. A small city would likely need to purchase new code books and attend training to learn about new code changes, but this cost would not exceed $25,000 for the small city.

The costs of construction are subject to many variables, including the current construction economy, material costs, and local labor costs. The cost of life-safety provisions that change in the rule are part of the base costs upon which the cost of the other features are added. Other features may be reduced that will, in turn, adjust the cost.

Small businesses and cities will never build the exact same building under the existing code and under the proposed rules. The number of variables and the fact that the new rule will provide for cost savings as well as costs, makes it unlikely the specific set of provisions that apply to a specific building on a specific site will increase the cost by more than $25,000.

LIST OF WITNESSES

If these rules go to a public hearing, the Department anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Staff from the Department of Labor and Industry, if necessary; and
2. Members of the 1307 Advisory Committee, if necessary.

RULE-BY-RULE ANALYSIS

GENERAL. In numerous locations throughout the proposed rule chapter, references to the editions of the various incorporated codes or standards are modified to reflect the most current editions of the code or standard that is proposed for incorporation. These changes are necessary to ensure the proper edition of the code is being referenced and incorporated into the rule. Additionally, incorporated IBC subsection headings throughout the proposed rule chapter are now separated by alphanumeric characters. These formatting modifications are necessary to assist in the overall ease of use, reading, and citation to the rule.

The following are the codes or standards proposed for incorporation:

Chapter 30, Elevators and Conveying Systems, of the 2006 edition of the International Building Code is being replaced with chapter 30 of the 2012 edition of the International Building Code. The International Building Code is published by the International Code Council, Inc., Washington, D.C., copyright 2012, portions reproduced with permission, all rights reserved;

Safety Code for Elevators and Escalators, ASME A17.1-2004 with 2005 A17.1A addenda and the supplement ASME A17.1S-2005 is being replaced with ASME A17.1/CSA B44-2010;

Safety Code for Existing Elevators and Escalators, ASME A17.3-2002 is being replaced with ASME A17.3-2011;

Elevator and Escalator Electrical Equipment, ASME A17.5-2004 is being replaced with ASME A17.5-2011;

Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1-2005 is being replaced with ASME A18.1-2011;

Safety Standard for Belt Manlifts, ASME A90.1-2003 is being replaced with ASME A90.1-2009; and

Safety Standard for Conveyors and Related Equipment, ASME B20.1-2003 is being replaced with ASME B20.1-2009.

The ASME Codes and Standards are published by the American Society of Mechanical Engineers, New York, New York.

Modifications are made throughout the rule chapter to reflect the most current editions of the codes and standards referenced in the rule.

1307.0010 PURPOSE AND SCOPE.

The statutory subdivision addressing permissive municipal enforcement was renumbered by the Legislature in 2010, so it is necessary to change it in the proposed rule to coordinate the rule with the most current referenced statute.

1307.0020 CODES ADOPTED BY REFERENCE.

This rule part is modified to change the address for the ICC and to incorporate the publisher's copyright information. Additional changes are made to reflect the latest edition of the incorporated code or standard for elevators and related devices and the name and address of the publisher of the code or standard that is referenced throughout the rule chapter. These changes are necessary to ensure the proper codes and standards are incorporated into and referenced throughout the proposed rule.

1307.0027 DEFINITIONS.

Subpart 1a. This new subpart is added to provide a definition for the word "approved." This definition is needed in this chapter to coordinate the definition of "approved" with the other chapters of the Minnesota State Building Code to address all situations similarly where the building official is authorized to take formal action to indicate whether or not proposed construction methods have been determined to be in compliance with the state building code. It is reasonable to provide coordinated definitions of frequently used terms throughout the building code to avoid conflicts between terms from one chapter to another.

Subparts 2 through 7. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subparts 8 through 11 remain unchanged.

Subparts 12 and 13. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 14. This subpart is modified to clarify language in the first portion of the sentence. The subpart is also modified by deleting an old effective date and replacing it with language that

will not require the Department to amend this subpart with each new code adoption. This modification does not change the meaning or intent of the requirement.

Subpart 15. This subpart is modified to reflect a change of address for the International Code Council, Inc., to accurately reflect the address for the code publisher.

Subparts 16 and 17 remain unchanged.

Subpart 18. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

1307.0030 PERMITS.

Subpart 1. Permits required. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. Changes are made to section number references because the standard renumbered the sections. This change is necessary to ensure the user has correct references to sections in the standard.

Subparts 2 and 3 remain unchanged.

Subparts 4 and 5. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

1307.0035 INSPECTION, TESTS, AND APPROVALS.

Subpart 1. Approval of plans. This subpart is modified to add language allowing for electronic submission of PDF files for the plan approval process and so that electronic submissions may be received and utilized through the Department's online electronic permitting program.

Subpart 2 remains unchanged.

Subpart 3. Approval. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 4 remains unchanged.

1307.0047 SPECIAL PROVISIONS.

Subparts 1 through 4. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. (Subpart 3 remains unchanged.)

Subparts 5 through 7 remain unchanged.

Subparts 8 through 15. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. Changes are made to section number references because the standard renumbered the sections. This change is necessary to ensure the user has correct references to sections in the standard.

Subpart 16. Newly constructed parking ramps or new construction in an existing parking ramp. The existing language in this subpart pertaining to elevators in parking ramps is deleted and replaced with new language requiring newly constructed and altered elevator hoistways in parking ramps to maintain a conditioned temperature between 50 and 90 degrees Fahrenheit. This change is necessary to provide an actual temperature range because "safe operating temperature for people" is too subjective and not separately defined. Additionally, the language is revised to clarify that the requirement applies to new hoistway construction or a hoistway alteration because the existing language does not clearly state that the requirement applies to hoistways and not the entire parking ramp.

1307.0067 AMENDMENTS TO ASME A17.1/CSA B44-2010.

Subparts 1 and 2. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 3. ASME A17.1/CSA B44-2010 2.7.3.1 General requirements. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. The subpart is also modified by adding two sections from the ASME A17.1 document to identify specific areas of access to elevator equipment space that cannot be through a toilet room. This requirement is not new. The requirement was renumbered so it is necessary to add the new section numbers to provide correct references.

Subparts 4 through 7. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 8. ASME A17.1/CSA B44-2010 2.14.7.1.4. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. This subpart is also modified to delete the word "approved" and replace it with the word "recognized." This change is necessary to clarify that OSHA does not approve equipment.

Subparts 9 through 13. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 14. ASME A17.1/CSA B44-2010 8.10.1.1.3. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. This subpart is also modified by deleting the existing language regarding certification requirements and replacing it with new certification language requiring the certifying organization to be recognized by the commissioner. This change is necessary because the existing language describes the certifiers as being accredited by the ASME. ASME no longer accredits organizations. Organizations are now being certified to the QEI-1 standard by a third party organization using an ISO standard for accrediting organizations.

Subpart 15. ASME A17.1/CSA B44-2010 8.11.1.3 Periodic inspection and test frequency. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. No additional requirements are added to the table in this subpart. The table was relocated in the standard and the changes in this table reflect the new locations of these requirements.

1307.0090 EXISTING INSTALLATIONS.

Subpart 2. Conditions for continued operation. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. Changes are made to section number references because the standard renumbered the sections. This change is necessary to ensure the user has correct references to sections in the standard.

Subparts 3 and 4 remain unchanged.

Subpart 6. Other requirements. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 7 remains unchanged.

Subpart 8. Removal of existing elevators, dumbwaiters, escalators and moving walks. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. This subpart is also modified by adding new subitems C and D to subpart 8. The existing subitems C and D were relettered to incorporate the new subitems C and D. The new subitem C pertains to the removal of existing dumbwaiters and the new subitem D pertains to the removal of existing escalators and moving walks. The advisory committee believed these requirements were necessary to prevent unintentional injury to persons not trained in the removal of dumbwaiters, escalators and moving walks. The actual costs associated with these requirements will be borne by the contractor removing the device, but likely passed on to the building owner.

1307.0095 CHAPTER 30 OF THE INTERNATIONAL BUILDING CODE; ELEVATORS AND CONVEYING SYSTEMS.

Subpart 1. IBC Section 3001, General. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 2. IBC Section 3002, Hoistway enclosures. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subitem C, 3002.3, Emergency signs. This subitem is modified by deleting the reference to Appendix O and relocating the exception for the emergency signs for elevators complying with Section 1007.4 and replacing it with a reference to ASME A17.1-2010, figure 2.27.9. This subitem is also modified by adding two new exceptions, one of which is the exception for emergency signs that was relocated from the body of the requirement. The second exception exempts emergency signs for elevators that are used for occupant self-evacuation. These changes are necessary because occupant evacuation elevators in high rise buildings are now being used under special conditions to evacuate occupants in the event of a fire.

Subitem D, 3002.4, Elevator car to accommodate ambulance stretcher. This subitem is modified by rephrasing the requirement for ambulance stretchers. This change is necessary because the IBC was changed to clarify that most stretchers have radius corners which will allow designers to use smaller elevators and still be able to accommodate an ambulance stretcher.

Subpart 3. IBC Section 3003, Emergency operations. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. A new subitem C is added to the subpart pertaining to standardized fire service elevator keys. This new requirement is necessary because almost every installer has their own specific key. Emergency personnel recognized that having a single key would allow them to have access to all elevators. This provision is for new and altered elevators only.

Subpart 4. IBC Section 3004, Hoistway venting. Subitem A, Vents required, is amended by adding two more exceptions to the subitem. The two additional exceptions are added because they were added to the 2012 IBC. This change is necessary to coordinate this rule with the 2012 IBC.

Subpart 5. IBC Section 3005, Conveying systems. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 6. IBC Section 3006, Machine rooms. This subpart is modified by deleting language pertaining to the fire-resistance rating in a hoistway enclosure in subitem D and replacing it with new language pertaining to the same circumstance, including two new exceptions. This change is necessary because the IBC changed this language in the 2012 edition and this will ensure the rule is coordinated with the 2012 IBC.

Subpart 7. IBC Section 3007, Fire Service Access Elevator. This subpart is new to the rule. IBC section 3007 was added to Chapter 30 after the September 11, 2001 attack on New York's World Trade Center buildings. This section of the IBC applies to high rise applications with occupied floors more than 120 feet above the lowest level of fire department vehicle access. This requirement is being incorporated into the elevator code to recognize the changes in the building code that are not yet recognized in the elevator safety code standards. It will not impact the cost of elevator equipment, but it may have some impact costs on the building design.

Subpart 8. Occupant Evacuation Elevators. This subpart is new to the rule. IBC section 3008 was added to Chapter 30 after the September 11, 2001 attack on New York's World Trade Center buildings. Section 3008 is only applicable where occupant evacuation elevators are installed. Unlike section 3007, section 3008 is optional. This requirement is being incorporated into the elevator code to recognize the changes in the building code that are not yet recognized in the elevator safety code standards. The building code does not require occupant evacuation elevators, but states what is required if they are installed.

1307.0110 MINNESOTA AMENDMENTS TO ASME A18.1-2011.

Subpart 1. ASME A18.1-2011 Section 2.1 Runways. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. This subpart is also modified by changing some section number references because the code renumbered the sections and changed the referenced dimensions from American to metric and metric to American. The previous edition referenced the imperial numbering as the hard number and the metric as the soft conversion. This hard number is now the metric number. This change is necessary to coordinate the rule with the new edition of the standard.

Subpart 2. ASME A18.1-2011 Section 2.7.1 Limitation of load, speed, and travel. This subpart is being repealed because the amendment is no longer needed. The A18.1 standard now incorporates the travel distance criteria language.

Subpart 3. ASME A18.1-2011 Section 2.10 Operating devices and control equipment. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. This subpart is also modified by changing the referenced dimensions from American to metric and metric to American. The previous code referenced the imperial numbering as the hard number and the metric as the soft conversion. This hard number is now the metric number. This change is necessary to coordinate the rule with the new edition of the standard.

Subpart 4. ASME A18.1-2011 Section 2.11 Emergency signals. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 5. ASME A18.1-2011 Section 2.12 Standby power. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. The section numbers in this subpart have been changed to coordinate with numbering changes made in the standard. Additionally, the language in section 2.12 regarding standby power for vertical lifts is revised to clarify the requirements for vertical lifts. The changes do not affect the use of the lift. The existing language caused confusion for industry personnel. These changes clarify the intent of the existing provision.

Subpart 6. ASME A18.1-2011 Section 3.6.8 Platform guarding. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 7. ASME A18.1-2011 Section 3.10.1 Operation. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. Additionally, this subpart is modified by adding a sentence pertaining to the location of controls as defined in A117.1. This sentence is added to clarify the reach requirements to access the controls. This subpart is also modified by deleting the phrase "UP and DOWN" from the section. The requirement for both "UP" and "DOWN" buttons at each landing for both vertical platform lifts and inclined platform lifts is language from the A18.1-2005 code edition. It was subsequently dropped in the 2008 and 2011 editions of the A18.1. The A18.1 advisory committee believed that a requirement for UP and DOWN controls did not enhance end user safety as opposed to alternative methods (such as "CALL" controls). The "CALL" control is currently permitted in the adopted standards. Regardless of whether the lift is above or below the floor a person is on when the call button is held, the lift will approach the floor where the "CALL" button was pressed.

Deleting the phrase "UP and DOWN" will also coordinate the rule with the current A18.1 standard. It does not affect the use of the lift and will reduce the costs because lifts are generally sent out with a single call button for each floor. Requiring two buttons ("UP" and "DOWN") would increase the cost of the lift by having to install two buttons.

Subpart 8. ASME A18.1--2011 Section 3.11 Emergency signals. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR.

Subpart 9. ASME A18.1--2011 Section 3.12 Standby power. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. Changes were made to section number references because the standard renumbered the sections. This change is necessary to ensure the user has correct references to sections in the standard.

The language in section 3.12 regarding standby power for vertical lifts is revised is this subpart to clarify the requirements for vertical lifts. The change does not affect the use of the lift. The existing language caused confusion for industry personnel. These changes clarify the existing intent of the provision.

Subpart 10. ASME A18.1--2011 Section 6.1.1 Clearances. See the "GENERAL" statement at the beginning of the Rule-by-Rule Analysis section of this SONAR. This subpart is also modified by changing the referenced dimensions from American to metric and metric to American. The previous code referenced the imperial numbering as the hard number and the metric as the soft conversion. This hard number is now the metric number. This change is necessary to coordinate the rule with the new edition of the standard.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

11/27/13
Date

Ken B. Peterson, Commissioner
Department of Labor and Industry

EXHIBIT A

1307 ADVISORY COMMITTEE MEMBERS

Tim Warren, DLI, Committee Chair

Todd King, DLI, Committee Co-chair

Pat Riley, Metro Elevator
Kevin Whaley; All City Elevator (Alternate)

Jim Weaver, Kone Elevator
Jeff Loberg; Thyssen Krupp Elevator (Alternate)

Tom Grad, Building Owners and Managers Association
Bill Gooding; Building Owners and Managers Association (Alternate)

Darren Dejoy, Elevator Advisory Group
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Dave Aaserud, Local 9
Tim Fletcher; Local 9 (Alternate)

Laura Hartmann, Access Lifts

Todd Liljenquist, Minnesota Housing Association

Rick Tack, City of Minneapolis
Omar Magana; City of Minneapolis (Alternate)

Dale Gronberg, Association of Minnesota Building Officials
Steve Goemer; Association of Minnesota Building Officials (Alternate)

John Roche, City of St. Paul

Kris Skow-Fiske, Fire Marshals Association of Minnesota