

# MINUTES

## Amusement Ride Safety Committee

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DATE | TIME: November 17, 2020 | 9:00 AM – 12:00 PM

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### BOARD MEMBERS

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Andre' Meacham | Benjamin Sheldon | Larry Mullenax | Johnnie Miller | Pam Zoeller | Robert Miles (Non-voting Member)

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### BOARD MEMBERS IN ATTENDANCE AT THIS MEETING

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Andre' Meacham | Benjamin Sheldon | Larry Mullenax | Johnnie Miller | Robert Miles (Non-voting Member)

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### OTHER ATTENDEES

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Jesse Sweeten (UDOT Director of Amusement Ride Safety Committee)

Micah Richins (UDOT Consultant)

Cara Sherlock (Senior Manager, Park City Mountain)

Scott Andrews (Policy Director, Association for Challenge Course Technology (ACCT))

### WELCOME & INTRODUCTIONS (JOHNNIE)

- Johnnie Miller called the meeting to order at 9:00 AM.

### APPROVAL OF MINUTES FOR OCTOBER 20TH AND 26TH MEETING (JOHNNIE)

- Johnnie asked the committee for any suggestions or corrections for the October 20th and 26th, 2020 Amusement Ride Safety Committee meetings. No other committee members had corrections or suggestions.
- Andre' Meacham made the motion to approve and Ben Sheldon seconded the motion to approve the minutes for both meetings. Voting was unanimous to accept the minutes.

### UPDATE ON FILING OF DRAFT ADMINISTRATIVE RULES

- Jesse gave an update on the draft Administrative Rules. He said that he had taken the current draft to the Technical Committee at UDOT. They didn't have a lot of feedback, and they also said that because these rules are committee rules and not department rules, they do not need to be taken to the Transportation Commission. Jesse said he would work with Jim Palmer to format the numbering of the sections throughout the rules. Jesse stated that these changes will be submitted within the next two weeks after the committee meetings in November.
- Johnnie asked about how to set the minimum and maximum amount of days for the public comment period. Jesse said he would check with Jim Palmer. Jesse suggested the public comment period be as long as the maximum allowed. Robert Miles said the minimum is 30 days. Jesse reminded the committee that if substantial changes are made to the administrative rules within the public comment period, it resets the comment period. Jesse informed the committee that the maximum number of days is 113. The committee agreed that they would want to allow the maximum number of days for the public comment period.

#### DISCUSS ADDITIONAL COMMENTS/CHANGES TO ADMIN RULES

- The committee reviewed together the administrative rules as reformatted by Jim Palmer's team. Andre' pointed out that the content of the rules was somehow changed when the reformatting occurred and that he felt the committee should throw out those changes and use the administrative rules as they were from the previous meeting. Jesse and Micah said that the committee is going to take the numbering and formatting of the revision from Jim Palmer, but not the content.

#### Discuss Recommended Changes to Statute

- The committee reviewed Andre's comments via an email about changes he felt needed to be made to the administrative rules.
- The first item on Andre's list was to change the word "ride" to "amusement ride" throughout the document. Motion was made by Andre' to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- Next item was to change the word "operator" to "owner-operator" throughout the document. Motion was made by Andre' to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- Next item was to change the word "registration application" to "operating permit application" in the "Permit Year" definition. Motion was made by Andre' to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- Next item was to add the phrase "of an annual amusement ride permit" between the words "application" and "with" to the "Operating Permit" definition, which would then

read as “The document received after the filing of a properly completed application of an annual amusement ride permit with the Department and approval of the application by the Department.” Motion was made by Andre’ to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.

- The next item was to change the definition title of “Registration” and replace it with “Operating Permit”. Motion was made by Andre’ to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- The next item was to add a new definition of “Service Proven Practice” to the list of definitions. The definition would read “As defined in ASTM F2291-20, a policy or procedure used in association with an amusement ride or device, which (1) has been in service to the public for a minimum of five years, and (2) has done so without any significant safety related issues that have not been mitigated.” Opinions were expressed by various members of the committee that the definition should reference ASTM. Initially, the definition for “Service Proven” and “Service Proven Practice” were added while referencing the 2018 version of ASTM F2291. Motion was made by Andre’ to approve this change and seconded by Ben. Andre’ and Johnnie voted “yes”, while Larry and Ben voted “no”. With a tie, the definition will continue to reference the 2018 version of ASTM F2291. Johnnie wanted to let the record show that the committee intends at a later date to review these definitions more closely and discuss how to apply them.
- The next item was to remove the definitions of “Trackless Train” and “Simulator” because they were not used in any other part of the rules. Other justifications given by committee members for removing these definitions were that simulators are already covered under the definition of “amusement ride” and trackless trains were already exempted in the scope section of the rules. Motion was made by Andre’ to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- The next item was to change the term “register” to “permit” in section “R920-60-7. Application for Operating Permit” subsections 3(f) and 4(e). Motion was made by Andre’ to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- The next item was to add the phrase “submittal of an application for” in section “R920-60-8. Safety Inspection Certification” subsection “Permit Application Inspection”. This sentence would now read as “Each amusement ride intending to operate in the State of Utah must be inspected by a qualified safety inspector (QSI) no more than 30 days prior to the submittal of an application for an operating permit in the State of Utah.” Motion was made by Andre’ to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.
- The next item was to change the section reference from “R920-60-11” to “this section” within “R920-60-9. Qualified Safety Inspector Requirements” in subsection 4(a). This would read as “Satisfies the requirements described in subsection (1) of this section; and”. Motion was made by Andre’ to approve this change seconded by Larry. The committee unanimously voted in the affirmative.
- The next item was to remove the phrase “on an amusement ride” in section “R920-60-12. Reporting of Injuries” subsection (1). This sentence would read as “Every reportable

serious injury as defined in section 72-16-102 shall be reported to the Director within eight hours after the owner-operator learns of the reportable serious injury.” Motion was made by Andre’ to approve this change and seconded by Larry. The committee unanimously voted in the affirmative.

- Andre’ asked the committee how it was possible for an owner-operator to not have a current safety inspection report in section “R920-60-14. Penalty for Violation” subsection 3(d) if you don’t have an operating permit as defined in subsection 3(a). Andre’ felt that subsection 3(a) would cover 3(d) and that it was duplicative. The committee agreed that it was possible to commit one violation while not violating the other and therefore both should be kept unless concern is expressed during the public comment period.
- The next item was to remove the “per day” part of the violation fee schedule for “R920-60-14. Penalty for Violation” subsection 3(f) that reads “Failure to report a reportable injury to the Director within eight hours after the owner-operator learns of the reportable serious injury (per violation, per ride, per day).” Andre’ questioned how the committee would know how long it took for an owner-operator to report the injury. The committee felt that it should stay for now until the public comment period.
- The next item was a question about what a “(un)qualified person” is for part of the violation fee schedule in “R920-60-14. Penalty for Violation” subsection 3(g). Ben suggested referencing what the committee has adopted in ASTM F770 for the content regarding training. Andre’ agreed that ASTM F770 section 8 should be cited rather than just saying “unqualified person”, but that this should be reviewed at a later date.
- The next item was a question about what a “proper record” is for part of the violation fee schedule in “R920-60-14. Penalty for Violation” subsection 3(h). Andre’ felt that proper records could be an endless list of documentation. Ben suggested that they start by referencing the adopted ASTM F770 required documents for annual inspection. Larry had a concern that the QSI is going to have to review too many records and that it would be impossible to go over every record. Ben and Andre’ stated that according to F770 the QSI would only make sure that proper processes and documentation record keeping was in place and not that the QSI would have to review every document specifically. Larry said if that was the case, he was fine with it. A motion was made by Andre’ to change subsection 3(h) to read as “Failure to maintain records of an amusement ride in accordance with these rules.” The motion was seconded by Ben. The committee unanimously voted in the affirmative. Johnnie wanted to let the record show that the committee intends to list the proper documents throughout the administrative rules.
- The committee reviewed the comments from Ben’s email next.
- The first item was to add an “AIMS, International” definition to section “R920-60-4. Definitions.” The definition would read as “Amusement Industry Manufacturers & Suppliers, International.” Motion was made by Andre’ to approve this change and seconded by Ben. The committee unanimously voted in the affirmative.

### **Action Item Log (All)**

Item	Owner	Deadline	Status
Establish inspector resource list (priority item)	Committee		In progress
Develop an initial communication plan to disseminate information to owners/operators and the public	Jesse	May 2020	In progress
Solicit assistance with Utah Association of Fairs and Events (UAFE) to distribute information to owners/operators	Larry		In progress
Send white paper to Committee members to capture other states' practices with regard to program revenues and expenditures	Jesse	May 2020	In progress
Decide what elements to include in a cover letter for the Safety Inspection Certification.	Committee	November 2020	In Progress
Discuss bulletins and major modifications as additional content to the administrative rules.	Committee		In Progress

#### **DISCUSS AGENDA FOR NEXT MEETING (JOHNNIE)**

- Next meeting is scheduled for November 23th, 2020 from 8:00am - 10:00am.
- Ben said he was going to gather all of the ASTM standards that are currently referenced in the rules as agreed upon by the committee to review in the next committee meeting.
- The committee agreed to spend the majority of the next meeting going over the changes as prescribed in Ben's email.
- Johnnie asked Jesse to create a list of changes to the statute that the committee has already discussed. Jesse said he would do that, but that the list is short so far.

#### **ROUNDTABLE (ALL)**

- Johnnie asked Micah to make all the necessary updates to the Administrative Rules so that the committee members can have the most up to date draft to review before the following meeting.

### **MEETING ADJOURNMENT**

Motion was made by Larry at 12:18 PM to adjourn the meeting. Andre' seconded the motion. The vote was unanimous in the affirmative and the meeting adjourned.