

COMMUNITY AFFAIRS

Division Of Codes And Standards

Ski Lifts

Proposed Readoption: N.J.A.C. 5:12

Authorized By: Joseph V. Doria, Jr., Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 34:4A-4 and Reorganization Plan No. 002-1998.

Proposal Number: PRN 2008-

Calendar: Reference: See Summary below for explanation of exception to calendar requirement.

Submit written comments by December 5, 2008 to:

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JOSEPH V. DORIA, JR., Commissioner

The agency proposal follows.

Summary

Pursuant to N.J.S.A. 52:14B-5.1, the Ski Lift Safety Act rules, N.J.A.C. 5:12, are scheduled to expire on October 13, 2009. The Department has reviewed these rules and finds that they continue to be necessary for the purpose for which they were promulgated and is therefore proposing that they be readopted without change.

The purpose of these rules is to ensure the safe installation, repair, maintenance, use, operation and inspection of all ski lifts, tows and tramways. The rules include applicable referenced consensus standards.

Subchapter 1 sets forth the general purpose of the chapter and contains rules related to purpose, scope and validity of the chapter.

Subchapter 2 provides definitions.

Subchapter 3 describes requirements for compliance, registration, inspection fees, filing of notices of intent to operate, maintenance and inspection of records, reporting of accidents and submission of plans and specifications for approval.

Subchapter 4 sets forth design, construction, installation, operation and maintenance standards.

Subchapter 5 concerns evacuation of passengers from tramways.

Subchapter 6 lists standards and publications referenced in the chapter.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a) 5.

Social Impact

Readoption of these rules will enable the Department to continue to protect the safety of members of the public who use ski lifts, tows and tramways. The rules benefit both the public and the operators by setting forth minimum standards for safe operation. Failure to readopt the rules would eliminate the standards needed to provide this protection.

Economic Impact

The rules proposed for readoption impose compliance costs that are necessary to ensure the safe design and operation of all ski tows, lifts and tramways, including design, maintenance and reporting expenses. The rules impose, for each passenger tramway, an annual registration fee of \$150.00 and a plan review fee of \$250.00. Liability insurance in the amount of \$1,000,000 per occurrence is required for each facility, as is a surety bond in the amount of \$1,000,000.

The inspection program is necessary in order to maintain public confidence in the safety of ski lifts, tows and tramways, and it thus has a positive economic effect on the industry. Compliance with applicable code requirements reduces both the likelihood of accidents and consequent liability.

Federal Standards Statement

No Federal standards analysis is required because this rule is not being readopted under the authority of, or in order to implement, comply with or participate in any program established under, Federal law or a State law that incorporates or refers to Federal law, standards or requirements.

Jobs Impact

The Department does not anticipate any net creation or loss of jobs as a result of the readoption of this chapter. Failure to readopt this chapter might well result in reduced public confidence in the safety of ski lifts, tows and tramways and thus a reduced use by the public of ski facilities, with a consequent loss of jobs.

Agricultural Industry Impact

The Department does not anticipate any impact upon the agricultural industry as a result of the readoption of this chapter.

Regulatory Flexibility Statement

These rules currently apply to three facilities in the State of New Jersey. At least two of these would qualify as "small businesses," as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Compliance requirements imposed by the rules are discussed in the Summary and Economic Impact statement above. Recordkeeping and reporting requirements must be complied with by all facilities so that there may be adequate documentation of compliance with safety requirements.

There would, however, be no basis for imposing lesser requirements for any “small business” providers, since the rules are necessary for the protection of those members of the public who ride on ski lifts, tows and tramways. These devices must be safe regardless of the size or form of organization of the entity that owns the facility and no differential requirements would therefore be appropriate for “small businesses.”

Businesses regulated under these rules may be required to hire design professionals for the preparation of technical plans and specifications. The costs involved would depend upon the size and complexity of the facility and equipment. rules do not require providers, “small business” or otherwise, to secure any professional services, or incur any costs, that they would not have to secure or incur in the ordinary course of business or that are not imposed by the Act itself.

Smart Growth Impact

Readoption of this chapter would not have any consequences for the achievement of smart growth or the implementation of the State Development and Redevelopment Plan. Since the proposed readoption only affects ski lifts, there is an extreme unlikelihood that it would evoke a change in housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

The proposed readoption only affects ski lifts. Since it has nothing to do with housing, there is an extreme unlikelihood that it would evoke a change in the average costs associated with housing.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:12.