

RULE ADOPTIONS

COMMUNITY AFFAIRS

(a)

DIVISION OF CODES AND STANDARDS

Carnival-Amusement Rides Aerial Adventure Courses

Adopted Amendment: N.J.A.C. 5:14A-1.3

Adopted New Rules: N.J.A.C. 5:14A-15

Proposed: January 21, 2020, at 52 N.J.R. 93(a).

Adopted: December 7, 2020, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Filed: January 11, 2021, as R.2021 d.012, **without change**.

Authority: N.J.S.A. 5:3-31.

Effective Date: February 16, 2021.

Expiration Date: March 15, 2022.

Summary of Public Comments and Agency Responses:

Comments were received from Mitch Malec, a retired former employee of the Department of Community Affairs (Department).

1. COMMENT: The commenter referred to the September 20, 2018 Carnival and Amusement Ride Safety Advisory Board (CARSAB) meeting minutes, which state that “the Department has used other regulations and means to enforce requirements on operators of aerial adventure courses,” and inquired how the Department has been able to enforce provisions that were not “legally adopted or promulgated.” The commenter asked what the “regulations and means” referred to in the meeting minutes are and why the proposed rules are necessary if there are already regulations and means that apply to aerial adventure courses.

RESPONSE: The Department’s intent, in adopting regulations for Aerial Adventure Courses, is to better facilitate and promote consistency in regulatory interpretation, enforcement, and compliance. Rope courses were already defined as a ride at N.J.A.C. 5:14A; thus, the Department was able to enforce provisions within the chapter prior to this adoption. However, as the Department has done with other amusement rides (including the adoption of rock wall standards, soft play standards, go kart standards, and inflatable standards), adopting nationally promulgated standards specific to one area of amusement allows for precise and consistent enforcement that is the same throughout the State; this also simplifies the process for both code users and inspectors who can easily reference one specific section of the code to find what regulations apply.

2. COMMENT: The commenter forwarded his opinion that aerial adventure courses should not be understood as carnival-amusement rides per the N.J.S.A. 5:3-32 definition of carnival-amusement ride, and that the Carnival-Amusement Rides Act must be modified if the law is to apply to aerial adventure courses.

RESPONSE: The Department notes the definition cited by the commenter reads, “‘Carnival-amusement ride’ or ‘ride’ means any mechanical device or devices, including but not limited to water slides exceeding 15 feet in height, which carry or convey passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills or excitement; and any passenger or gravity propelled ride when located in an amusement area or park in which there are other rides covered by P.L. 1975, c. 105 (C. 5:3-31 et seq.); provided, however, that this shall not include locomotives weighing more than seven tons, operating on a track the length of which is one-half mile or greater, the gauge of which is three feet or greater, and the weight of which is at least 60 pounds per yard. Any facility exempted pursuant to this subsection shall be under the jurisdiction of the Department of Transportation for the purpose of safety inspection.”

Aerial adventure courses fit under this definition in that mechanical devices are used to convey passengers along a course for the purpose of excitement.

3. COMMENT: The commenter stated that he does not have a copy of ASTM F 2959-16, which is the standard the Department proposes to adopt

for aerial adventure courses, and recommends that the Department provide “free access to all standards that are or are to be adopted.”

RESPONSE: ASTM standards are copyrighted; the Department has no authority to reprint and distribute it. Owners of aerial adventure courses have already been referencing ASTM F 2959-16 prior to this adoption. Additionally, when an inspector cites a violation at an aerial adventure course, they are required to have a copy of the standard should the owner wish to see it.

4. COMMENT: The commenter stated that, to his memory, “the scope of [ASTM F 2959-16] only applies to devices [...] when operated for concession or commercial recreation.” The commenter asked whether aerial adventure courses would be within the scope of carnival-amusement rides regulations if they are not operated for concession or commercial recreation, and if they are not, what regulations (if any) would apply.

RESPONSE: N.J.A.C. 5:14A states that where there is any conflict between a referenced standard and N.J.A.C. 5:14A, the Administrative Code shall govern. This is because ASTM is a standard and not a regulatory agency; thus, any language included in an ASTM standard about intent of use for a ride that already falls under the jurisdiction of N.J.A.C. 5:14A is not applicable. However, in this specific instance, the ASTM standard and the Administrative Code align. These standards apply only to aerial adventure courses constructed for commercial recreation.

Aerial adventure courses that are privately owned and operated for non-public use are exempt from these requirements. As stated at N.J.A.C. 5:14A-1.1, Title; scope; intent, specifically subsection (b) and paragraph (d)2, this code is intended for the regulation of amusement rides commissioned for use by the general public.

5. COMMENT: The commenter recommended that the Department refrain from the proposed deletion of the following: “which occur(s) after the effective date of publication of this document except as noted in 1.3 from section 1.1 of the standard along with all of section 1.3 of the standard that results in retroactive enforcement of this standard and no provision for qualification to be ‘previously compliant’ or ‘service proven.’” The commenter suggested that the proposed deletion muddies the scope of the rule by including superfluous iterations of aerial adventure courses, for example, “educational curriculum, physical fitness purposes, organized competitive events, therapeutic programs, training purposes, team and confidence building, playground equipment covered by Consumer Safety Performance Specification F 1487, and more.” The commenter further recommended that the regulations explicitly state that they are not to apply to aerial adventure courses at private residences, operated by government agencies, etc.

RESPONSE: The Department has the authority to review and amend, as necessary, any standard considered for adoption, to mitigate potential conflicts between the adopted standard as written and the Department’s established rules. The Department deems aerial adventure courses to be amusement rides subject to the requirements at N.J.A.C. 5:14A, as defined at N.J.A.C. 5:14A, regardless of their intended usage, when commissioned for use by the general public. However, the Department disagrees that this deletion disqualifies an aerial adventure course from being considered previously compliant or service proven, because the provisions of N.J.A.C. 5:14A, specifically N.J.A.C. 5:14A-2.5(c), provide a permit process for amusement rides that are deemed by the owner or manufacturer to be “service proven,” as defined by the Department at Chapter 14A.

Aerial adventure courses that are privately owned and operated for non-public use are exempt from these requirements. As stated at N.J.A.C. 5:14A-1.1, Title; scope; intent, specifically subsection (b) and paragraph (d)2, this code is intended for the regulation of amusement rides commissioned for use by the general public.

6. COMMENT: The commenter expressed disagreement with the Department’s intent to amend the titles of the referenced documents of ASTM F 2959-16 to the edition currently used by the Department, on the grounds that this might necessitate conformance to outdated editions in the event that the most recent edition is not yet in use by the Department. The commenter raised a number of concerns on this topic:

As an example: UIAA 105 - 2004. (This almost seems like a typo. Should the edition be 2014 not 2004 for the listed UIAA standards?) It is recommended that the Department review ASTM F 1772, EN 12277, and others and compare to N.J.A.C. 5:14A-1.3 and correct as needed. Or is the Department currently using different editions than what has been adopted? Or as stated above, using standards that have not been adopted? It is also my understanding that ASTM F 2959-16 references the ANSI Z359 Fall Protection Code. Understanding this is a 'Code' made up of a package of standards, what standards and editions of this Code is the Department adopting? As examples: ANSI Z359.1, Z359.2, Z359.3, Z359.4, Z359.6, Z359.7, Z359.11, Z359.12, Z359.13, Z359.14, Z359.15, Z359.16,...

Again, I would suggest the Department utilize the latest available editions of the standards available at time of publication for this NEW subchapter. It is also recommended that the Department pursue having the Law changed so that the technical provisions of the latest edition of an adopted standard goes into effect a year after it is available (published).

RESPONSE: The Department has the authority to review and amend, as necessary, any standard considered for adoption, to mitigate potential conflicts between the adopted standard as written, and the Department's established rules. This process is applied to every standard adopted by the Department and is often time consuming. The Department understands the value in timely review and approval as standards are updated; however, every standard must undergo careful technical review by the Department before a draft update is made, including review and approval by the Carnival and Amusement Ride Safety Advisory Board. Following approval by the Carnival and Amusement Ride Safety Advisory Board, any change must then follow the Administrative Procedures Act. Nonetheless, updates to the numerous ASTM standards occur annually. Because the process is painstaking and lengthy, the Department makes important decisions in determining which standards are prioritized based on the needs of the industry.

7. COMMENT: The commenter stated that the fees applicable to aerial adventure courses should be reviewed and modified. The commenter also made a series of inquiries to the following effect: "Please explain how is it that the Department can spend time and energy on aerial adventure courses but is unable to perform inspection of portable electrical distribution systems serving carnivals and fairs? If the aerial adventure course (mobile or permanent) is open or operating during evening hours is the lighting (electrical power supplied by portable or permanent means) considered part of the ride or does it require a separate permit? If there are multiple zip lines or rope courses from one platform going to another platform or different platforms, is the fee based on the number of zip lines or rope courses or is it just one course regardless of possible routes or activities if within a confined area? If a 40foot electric or hydraulic scissor lift or 40 foot extension ladder or ladder fire truck or escape stairway truck is used to access a zip line or rope course platform is that device considered part of the ride?"

RESPONSE: The Department has determined aerial adventure courses to be amusement rides, as defined at N.J.A.C. 5:14A, and, therefore, fees applied to aerial adventure courses should be in line with the fees currently established for amusement rides. With respect to the commenter's inference that the Department will no longer be inspecting portable electrical equipment, clarification is provided: The Department's new rule requirements for portable electrical equipment requires the owner to obtain an annual certification by a third party for verification of compliance with NFPA 70 - Article 525, which primarily addresses proper set up and installation of said equipment. It does not eliminate established periodic inspections performed by the Department for code compliance, as it pertains to proper installation at each set up. The commenter's example referencing the use of auxiliary portable electrical equipment being provided for lighting deemed necessary to maintain safe operation of the ride would be subject to inspection by the Department for compliance of the requirements at N.J.A.C. 5:14A-9.18(g) and (h) and 9.30. No additional permit would be required by the Department for the portable electrical equipment in this scenario, provided it is separately derived from any portable electrical equipment being used to supply service to a ride(s).

Responding to the commenter's question regarding the number of permits required for activities installed on an aerial adventure course: Taking into consideration the uniqueness of design configurations with each aerial adventure course manufacturer, the number of permits required by the Department will be determined on a case-by-case basis.

Regarding the use of auxiliary equipment used in conjunction with an amusement ride: With regard to auxiliary equipment not considered part of the original ride design by the manufacturer, whether it is permanent or portable, if the equipment will be used for accessing, loading, or operating a ride, the equipment will be considered part of the ride and, therefore, subject to design review and approval by the Department in accordance with all applicable codes and standards used to regulate amusement rides, prior to it being commissioned for use in the State.

8. COMMENT: The commenter recommended that the Department expand the standards that aerial adventure courses may conform to and not limit them to ASTM F 2959-16. The commenter listed a multitude of standards that could be acceptable and advised the Department to review North Carolina's relevant laws. The commenter further recommended that, if the Department is unwilling to allow for conformance to multiple standards, the Department adopt ANSI/ACCT 03-2016, which "encompasses the entire spectrum of the challenge course industry."

RESPONSE: The Department's intent with the adoption of ASTM F2959-16 is to provide reference to a national standard, specific to aerial adventure courses, that would complement the use of existing amusement ride regulations. The use of multiple similar standards could potentially create "gray areas" of interpretation among regulatory enforcement agents through the various stages of the amusement ride design review, approval, and inspections process within the Department.

9. COMMENT: The commenter took issue with the placement of sections of the proposed rule, stating that subsection 13.8, Patron Safety Restraint, would better fit into Section 6, Patron Restraint, Clearance Envelope, and Containment Design Criteria, of the ASTM F 2291, than Section 13, Mechanical Systems and Components.

RESPONSE: The creation of subsection 13.8 is to better address the uniqueness of patron restraint systems provided on aerial adventure courses that incorporate a means of patron containment through the use of a body harness in conjunction with a safety cable and continuous attachment system and a mechanical device(s) for the conveyance of the patron. Because the restraint system includes mechanical devices, the Department found that the subsection was more appropriate in Section 13, Mechanical Systems and Components.

10. COMMENT: The commenter had specific questions about the Patron Safety Restraint provision and about the interfacing of the proposed regulations and designer/engineer discretion more generally: "[T]his provision assumes that a patron safety restraint system is always provided which may not be the case (low ropes course for children with spotters or safety nets). It also appears that the intent is to require a continuous belay system or auto (smart) belay system which may not be possible in all cases (example - self-belayed climbing ascending the staples on a pole with lobster claws). But, since the section only states that once connected - all patrons shall remain in constant connection with the system, if the patron is properly traversing (continuous self belay) with a double-ended lanyard that would meet the proposed requirement. (Please confirm.) I would be more concerned with the rescue or evacuation of someone that chickened out or gets stuck in a high ropes course or zip line that has a continuous connection. What design provisions does the Department require for that? As I have mentioned above, it appears the Department is requiring (mandating to be included) something that should be determined by the designer/engineer as to whether it is needed as stated in the ASTM standards. ("Patron restraints shall be provided as determined by the designer/engineer.") In addition, I would recommend that the Department not label or consider this system as a 'safety' system. The terminology 'a patron or personal fall restraint system' seems more appropriate considering that the standards state they do not ensure that adherence to the recommendations will protect the safety or health of any persons, or preserve property. Does the Department require (mandate) the use of a helmet on a high ropes course or a zip line or any aerial adventure course? Or is that provision left to the designer/engineer? Does the Department require the use of a full body harness or a combination of sit and chest harness for children on a zip line in conjunction with 'constant

connection' with the restraint system? Or is that provision also left to the designer/engineer?"

RESPONSE: Prioritizing public safety, and keeping in line with existing approved systems already operating in the State, the rule provides that the Department shall not recognize, nor permit to be operated, any aerial adventure course whose patron restraint system does not meet the design criteria requirements of ASTM 2959-16, 13.8 in that "Once connected to the patron safety restraint system, all patrons of the Aerial Adventure Course shall remain in constant connection with the safety restraint system until arrival at the loading/unloading area." Constant connection with the restraint system allows for flexibility in design while ensuring rider safety. The most common method for continuous engagement with the course is through the use of a second lanyard or connecting device where one device is connected to the next part of the course before the second can be detached from the previous part of the course. Additional design criteria, beyond established requirements of applicable codes and standards, such as the need for or use of a helmet and/or the type of body harness provided is determined by the manufacturer.

11. **COMMENT:** The commenter sought clarity on the Department's statement in N.J.A.C. 5:14A-15.3(c) that the design and construction shall be in accordance with N.J.A.C. 5:14A-7, where applicable. The commenter inquired into when, if ever, N.J.A.C. 5:14A-7 would be applicable to aerial adventure courses and asked the Department to identify such cases with justification. In a similar vein, the commenter requested the applicable provisions at N.J.A.C. 5:14A-9, with justification, and included the following questions: "Can the Department elaborate on how patrons are to be supervised at all times in a self-guided aerial adventure course. If a zip line goes over rocky terrain, how is N.J.A.C. 5:14A-9.7(a)1 requirement that the area be free of large rocks that might pose a hazard addressed? When is compliance with guardrail and handrail provisions in N.J.A.C. 5:14A-9.16 applicable? Are all rope courses subject to the requirements or even within the scope of the proposed regulations? i.e. a low rope course at 12-18 inches above the ground, a high ropes course at 15 feet above the ground? Why did the Department not include an 'intent' or 'purpose' section such as in N.J.A.C. 5:14A-10.1(b), 11.1(b), 12.1(b), 13.1(b) or 14.1(b) for consistency?"

RESPONSE: The Department's justification of its jurisdiction over the regulation of aerial adventure courses is based in its determination that aerial adventure courses operating in the State of New Jersey shall be considered amusement rides, as defined at N.J.A.C. 5:14A. Because they are amusement rides, they, therefore, are subject to enforcement of all applicable subchapters and/or adopted standards, including, but not limited to, Subchapters 7, Design and Construction, and 9, Control of Operation. Taking into consideration the unique features of aerial adventure courses, it is within Department's discretion to determine which subchapters, sections of subchapters, and/or relevant adopted standards apply to each ride submitted for review and approval, based on its design features.

Aerial adventure courses have been permitted to operate in the State prior to this rulemaking, based on the application and enforcement of existing codes, and adopted standards already in place for the regulation of amusement rides. Aerial adventure courses currently operating in the State have proven evacuation procedures established by the ride manufacturer(s) designed specifically to address patrons using a continuously connected safety restraint system and verified by the Department during the design review, acceptance, and annual inspections process. Similarly, the ride manufacturer establishes and provides specific operating procedures, including the supervision of participating patrons. These operating procedures are also verified by the Department through its design review and inspections process.

Regarding the commenter's example of a zipline traversing over rocky terrain as it pertains to code application, the intent of N.J.A.C. 5:14A-9.7 is to address potential tripping hazards in and around the area where an amusement ride is to be set up for operation. Assuming, as in the commenter's example, the patron riding a zipline would be traversing "over" the rocky terrain, the requirements of N.J.A.C. 5:14A-9.7 would not apply in this scenario. Accordingly, with regard to the commenter's other specific examples, as with all amusement rides covered at N.J.A.C.

5:14A, the Department shall enforce only the sections of relevant codes and standards that are applicable to its approved design features.

12. **COMMENT:** The commenter questioned why the Department is "limiting the design to NJ licensed professional engineers (proposed N.J.A.C. 5:14A-15.5(c)6) when the enabling statute states that the information submitted for review of a carnival or amusement ride must be prepared by a licensed professional engineer or other qualified person acceptable to the department." The commenter made the following recommendation: "[R]eview January 16, 2018 Carnival-Amusement Rides NJ Register adoption comment #11 and #12 along with Responses to comments #11 and #12. If the design is performed out-of-state, another qualified individual with substantially equivalent credits should be recognized and be acceptable," and asked, "Also note that the proposed amendments refer to 'in the second line' (N.J.A.C. 5:14A-15.5(c)6i and ii) - is this the first sentence in both cases?"

RESPONSE: The Department's objective, whenever creating new regulations, or amending adopted standards, is to maintain consistency with existing language found in current code. There are times when it is more appropriate to limit submittals to New Jersey licensed professional engineers; this is one of those times. Other examples of these limitations are found throughout the code, including at N.J.A.C. 5:14A-2.4(b)3, regarding type certification; 5:14A-2.5(b)3, regarding individual approval; 5:14A-2.6(b)3, regarding amended type certification; and 5:14A-2.7(b)3, regarding supplemental modification certification, as well as various locations at N.J.A.C. 5:14A-9.11.

13. **COMMENT:** The commenter noted that, despite the comments above, the commenter is not opposed to regulating aerial adventure courses. The commenter stated the opinion that these regulations need further development and all questions need to be addressed prior to adoption as opposed to after adoption.

RESPONSE: The Department performed thorough review of this standard, as did the Carnival and Amusement Ride Safety Advisory Board and deemed the regulations, as proposed, to be appropriate for aerial adventure courses in the State. As is the case with all rules, should new issues emerge which require attention, further amendments to the regulations may be considered; however, at this time, the Department sees no need for further amendments.

Federal Standards Statement

No Federal standards analysis is required for the adopted amendments and new rules because the rules are not being adopted in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Full text of the adoption follows:

SUBCHAPTER 1. GENERAL PROVISIONS

5:14A-1.3 Standards adopted

(a) The standards listed below are adopted and incorporated as part of this chapter. In the event that any provision in any of the following standards conflicts with a provision of this chapter, this chapter shall govern.

1. (No change.)

2. The following standards are adopted and are available from ASTM International, 100 Barr Harbor Drive, PO Box C700, W. Conshohocken, PA 19428-2959:

i.-xxii. (No change.)

xxiii. ASTM F 2960-15, "Practice for Permanent Amusement Railway Ride Tracks and Related Devices";

xxiv. ASTM F 2974-15, "Guide for Auditing Amusement Rides and Devices"; and

xxv. ASTM F 2959-16, "Practice for Aerial Adventure Courses";

3.-7. (No change.)

SUBCHAPTER 15. AERIAL ADVENTURE COURSES

5:14A-15.1 Title; intent; scope

(a) This subchapter, adopted pursuant to authority of the Carnival-Amusement Rides Safety Act and entitled "Aerial Adventure Courses," shall be known and may be cited throughout the rules as N.J.A.C. 5:14A-

15, and when referred to in this subchapter may be cited as "this subchapter."

(b) The scope of this subchapter shall be to set forth specific rules applicable to aerial adventure courses. The rules in this subchapter shall be in addition to the general provisions of the rules governing carnival and amusement rides in this chapter. Where a specific provision covering aerial adventure courses conflicts with the general provisions of this chapter, the provision set forth in this subchapter shall govern.

5:14A-15.2 Definitions

The words and terms found in Section 3 of ASTM F2959, as amended at N.J.A.C. 5:14A-15.5, when used in this subchapter, shall have the meanings stated therein, unless the context clearly indicates otherwise.

5:14A-15.3 Design and construction

(a) The intent of this section is to establish minimum criteria for the design, construction, and major modification of aerial adventure course rides and shall include, but not be limited to, all components required for use by, and protection of, the user.

(b) Design shall facilitate conformance with provisions of N.J.A.C. 5:14A-15.5.

(c) Design and construction shall be in accordance with N.J.A.C. 5:14A-7, where applicable.

(d) An aerial adventure course shall not require:

1. An "operator presence device"; or
2. An "emergency stop" and/or "category 0 stop."

5:14A-15.4 Operation

(a) Operation of an aerial adventure course shall comply with applicable requirements of N.J.A.C. 5:14A-9.

(b) Patrons shall be supervised at all times.

(c) Only patron equipment approved by the manufacturer or acceptable to the Department shall be permitted for use.

(d) Access to an aerial adventure course shall be restricted to prevent accidents and injury to patrons.

1. Each aerial adventure course shall have a system for controlling patron access.

2. Each patron shall be given instructions for the safe use of the aerial adventure course before being permitted access to the course. At a minimum, this instruction shall include that required or recommended in the operation manual.

5:14A-15.5 Adoption as amended of ASTM F 2959-16

(a) The Standard Practice for Aerial Adventure Courses, designated by the American Society for Testing Materials (ASTM) as F 2959-16, is adopted herein by reference, as amended, and made part of this subchapter and shall be enforced as part of this subchapter.

(b) Notwithstanding any provisions stated in the standard, where specific provisions of the standard conflict with the provisions expressly set forth in this subchapter, the provisions set forth in this subchapter shall govern.

(c) The following sections of the standard are modified as follows:

1. Section 1, entitled Scope shall be amended as follows:
i. In Section 1.1, "which occur(s) after the effective date of publication of this document except as noted in 1.3" shall be deleted.

ii. Section 1.2.6 shall be deleted in its entirety.

iii. Section 1.3 shall be deleted in its entirety.

2. Section 2, entitled Referenced Documents, shall be amended as follows:

i. In Section 2.1, the following amendments shall be made:
"F 747" shall be deleted and "F 747-15" inserted in its place.
"F 770" shall be deleted and "F 770-15" shall be inserted in its place.
"F 846 Guide for Testing Performance of Amusement Rides and Devices" shall be deleted.
"F 1193" shall be deleted and "F 1193-16" shall be inserted in its place.
"F 1487 Consumer Safety Performance Specifications for Playground Equipment for Public Use" shall be deleted.

"F 1772" shall be deleted and "F 1772-99" shall be inserted in its place.

"F 1957" shall be deleted and "F 1957-99" shall be inserted in its place.

"F 2137" shall be deleted and "F 2137-15a" shall be inserted in its place.

"F 2291" shall be deleted and "F 2291-14" shall be inserted in its place.

"F 2375" shall be deleted and "F 2375-09" shall be inserted in its place.

"F 2974" shall be deleted and "F 2974-15" shall be inserted in its place.

ii. In Section 2.2, "ANSI B77" shall be deleted and "ANSI B77.1-2011" shall be inserted in its place.

iii. In Section 2.3, "EN12277" shall be deleted and "EN12277-2015" shall be inserted in its place.

iv. In Section 2.5, "UIAA 105" shall be deleted and "UIAA 105-2004" shall be inserted in its place.

3. Section 5, entitled "Ownership, Operation, Maintenance, Inspection, and Training Requirements," shall be amended as follows:

i. Section 5.9, entitled "Patron Responsibility" shall be deleted in its entirety.

ii. Section 5.10 entitled "Classification of Injuries and Illnesses," shall be deleted in its entirety.

iii. Section 5.11 entitled "Transfer of Ownership," shall be deleted in its entirety.

4. Section 6, entitled "Testing and Performance," shall be deleted in its entirety.

5. Section 7, entitled "Auditing," shall be deleted in its entirety.

6. Section 11, entitled "Design Requirements," shall be amended as follows:

i. In Section 11.1.9.1, in the second line, "designer/engineer's" shall be deleted and "licensed professional engineer" shall be inserted.

ii. In Section 11.1.11.1(2), in the second line, "qualified person" shall be deleted and "licensed professional engineer" shall be inserted.

iii. Add new Section 11.1.12.6 as follows: "Practice F 2291, add new Subsection 13.8 as follows '13.8 *Patron Safety Restraint*. 13.8.1 Once connected to the patron safety restraint system, all patrons of the Aerial Adventure Course shall remain in constant connection with the safety restraint system until arrival at the loading/unloading area.' "

(d) The ASTM standard F 2959-16 may be obtained from:

American Society for Testing Materials
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

(a)

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Ordinary Maintenance and Minor Work

Adopted Amendments: N.J.A.C. 5:23-2.7 and 2.17A

Proposed: April 6, 2020, at 52 N.J.R. 559(a).

Adopted: October 15, 2020, by Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs.

Filed: January 11, 2021, as R.2021 d.013, without change.

Authority: N.J.S.A. 52:27D-119 et seq.

Effective Date: February 16, 2021.

Expiration Date: March 25, 2022.

Summary of Public Comments and Agency Responses:

Comments were received from Mitchell Malec, a retired former employee of the Department of Community Affairs (Department).

1. COMMENT: "The Department's proposed amendments need improvement. I recall, maybe incorrectly or maybe not, when a portion of these UCC provisions (NJAC 5:23-2.7(c).1.vi.) were within Interpretation #8 and the section read: 'The repair of any non-structural member such as a railing' which became part of the UCC as written. Then a later amendment changed the section to read: 'The repair of any non-structural member such as a partition railing or kitchen cabinets' which was later amended separating 'partition railing' and 'kitchen cabinets' into separate provisions. Note that 'partition railing' was added and NOT 'partition walls' or just 'partitions'. Further amendments were made, by adding 'one and two family dwellings' to the text, that the Department in that NJ Register Summary stated was to limit these provisions to one and two family dwellings. (Note that this does not state detached one and two family dwellings. And does not read: The repair of any non-structural component in one and two family dwellings, such as partition railings. Or