

8 AAC 78.530: Division of Labor Standards & Safety: Mechanical Inspections: Notification and inspection

Question:

I get my inspection at the same time every year. Does the certificate expire exactly one year after the inspection?

Answer:

Certificates of Operation will expire on the last day of the month one year after the last inspection. If an operator has an inspection in the same month each year, the certificate will be active for that entire month, which will allow for review and processing.

Question:

What is meant by the term “operate” in the proposed regulations? Does “operation” include use by employees for training or maintenance prior to opening to the public?

Answer:

“Operation” of a zip line includes use by an employee or member of the public. Alaska Statute 05.20.010 requires that owners or operators of a recreational devices such as a zip line provide safe and adequate facilities and equipment to promote the safety of the patrons, employees, and the public.

Question:

What is the purpose of having an engineer state that a zip line is “substantially compliant” with the code?

Answer:

If a zip line was constructed prior to the effective date of the proposed regulations, and that zip line was not designed or constructed to one of the codes in the regulation, a licensed Alaska Engineer could certify that the zip line and associated structures “substantially comply” with one of the codes in the regulation. This would allow certification of an existing device when that device is not constructed to an adopted code.

Question:

How will the department bear the cost of zip line certification?

Answer:

The proposed regulations will not significantly increase costs for the state. There are less than a dozen known commercial zip line operations in Alaska at this time, and processing of inspection reports will be performed by current staff.

Question:

Does the 30 day period mentioned in section (a) apply to the inspection certificate required in section (b)? Meeting requirements 1-6 in section (a) at least 30 days prior to opening is not a problem, but submitting an annual inspection report 30 days prior would be very difficult due to location, snow depth, and the seasonal nature of many zip line operations.

Answer:

No. The proposed requirement in 8 AAC 78.530(a) is a one-time registration requirement prior to operating a zip line.

The proposed requirement in 8 AAC 78.530(b) regards annual inspections and certificates of operation. There is no requirement to have the device inspected any number of days prior to operation each year, however the operator must obtain an inspection in advance of the expiration of their previous certificate, or before the planned opening date for seasonal devices. Inspections are processed upon receipt from the inspector, and certificates of operation are available immediately when there are no outstanding compliance issues requiring correction. Certificates will not be issued for rides with outstanding compliance issues, so the operator should plan accordingly.

Question:

If we do not think there is enough time to comply with the 30 day notification requirement before the start of the 2019 operating season, can we start working with the department now to obtain a variance from the requirement?

Answer:

The department will work with operators individually prior to the start of the 2019 operating season to minimize disruption of the industry and ensure a smooth transition. Since the regulations have not been adopted, the department cannot currently work on implementing or granting variances to the proposed requirements. However, a variance should not be needed in this case.