

CHAPTER 12**SKI LIFTS****Authority**

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

Source and Effective Date

R.2004 d.187, effective April 13, 2004.
See: 35 N.J.R. 2797(a), 36 N.J.R. 2490(a).

Chapter Expiration Date

Chapter 12, Ski Lifts, expires on April 13, 2009.

Chapter Historical Note

Chapter 12, State Aid for Urban Renewal Projects, which was filed and became effective prior to September 1, 1969, was repealed by R.1981 d.180, effective June 4, 1981. See: 13 N.J.R. 187(a), 13 N.J.R. 333(a).

Chapter 12, Plain Language Review of Consumer Contracts, was adopted as R.1981 d.424, effective November 2, 1981. See: 13 N.J.R. 473(a), 13 N.J.R. 782(b).

Chapter 12, Homelessness Prevention Program, was adopted as Emergency New Rule R.1984 d.570, effective November 29, 1984 (to expire January 28, 1985). See: 16 N.J.R. 3497(a). The provisions of R.1984 d.570 were readopted as R.1985 d.74, effective January 29, 1985. See: 16 N.J.R. 3497(a), 17 N.J.R. 577(b).

Pursuant to Executive Order No. 66(1978), Chapter 12, Homelessness Prevention Program, was readopted as R.1990 d.62, effective December 27, 1989. See: 21 N.J.R. 2845(a), 22 N.J.R. 336(b). Pursuant to Executive Order No. 66(1978), Chapter 12 expired on December 27, 1994.

Chapter 12, Homelessness Prevention Program, was adopted as R.1995 d.56, effective February 6, 1995. See: 26 N.J.R. 4248(a), 27 N.J.R. 483(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 12, Homelessness Prevention Program, was recodified as N.J.A.C. 5:41, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Chapter 12, Ski Lifts, was originally codified in Title 12 as Chapter 175, Ski Lifts. Chapter 175 was adopted as R.1975 d.371, effective December 17, 1975. See: 8 N.J.R. 42(a).

Chapter 175, Ski Lifts, was repealed and Chapter 175, Ski Lifts, was adopted as new rules by R.1983 d.613, effective January 3, 1984 (operative April 1, 1984). See: 15 N.J.R. 1553(a), 16 N.J.R. 51(c).

Pursuant to Executive Order No. 66(1978), Chapter 175, Ski Lifts, was readopted as R.1988 d.585, effective November 28, 1988. See: 20 N.J.R. 2521(a), 20 N.J.R. 3138(a).

Pursuant to Executive Order No. 66(1978), Chapter 175, Ski Lifts, was readopted as R.1993 d.639, effective November 10, 1993. See: 25 N.J.R. 4581(a), 25 N.J.R. 5478(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 175, Ski Lifts, was recodified as N.J.A.C. 5:12, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 12, Ski Lifts, was readopted as R.1998 d.558, effective October 29, 1998. See: 30 N.J.R. 3353(a), 30 N.J.R. 4210(a).

Chapter 12, Ski Lifts, was readopted as R.2004 d.187, effective April 13, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**5:12-1.1 Title and citation**

This regulation shall be known and may be cited as N.J.A.C. 5:12, Ski Lifts.

5:12-1.2 Purpose

The purpose of this chapter is to provide reasonable standards for the design, construction and operation of passenger tramways used in skiing for the safety of the public.

5:12-1.3 Scope

This chapter shall apply to passenger tramways used in skiing subject to the Ski Lift Safety Act, N.J.S.A. 34:4A-1 et seq.

5:12-1.4 Documents referred to by reference

The availability of standards and publications referred to in this chapter is explained in N.J.A.C. 5:12-6.

5:12-1.5 Validity

Should any section, paragraph, sentence or word of this chapter be declared for any reason to be invalid, such decisions shall not affect the remaining portions of this chapter.

SUBCHAPTER 2. DEFINITIONS**5:12-2.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the Ski Lift Safety Act, N.J.S.A. 34:4A-1 et seq.

“ANSI” means the American National Standards Institute.

“Approved” means acceptable to the commissioner. Any product certified, or classified, or labeled, or listed by a nationally recognized testing agency may be deemed to be acceptable, unless specifically banned by order of the Commissioner.

“Authority having jurisdiction” means the Commissioner of Community Affairs.

“Commissioner” means the Commissioner of Community Affairs or any officer or employee of the Department of Community Affairs assigned by him to carry out any of the functions, duties and powers conferred or imposed upon him by the Act.

“Division of Codes and Standards” means the Division of Codes and Standards in the New Jersey Department of Community Affairs.

“Nationally recognized testing agency” means a laboratory, such as the Underwriters’ Laboratories, Inc., or the Factory Mutual Engineering Corporation, or any similar testing organization acceptable to the Commissioner.

“N.J.A.C.” means the New Jersey Administrative Code.

“N.J.S.A.” means the New Jersey Statutes Annotated.

“Office of Safety Compliance” means the Office of Safety Compliance, New Jersey Department of Community Affairs.

“Operator” means a person who owns, manages or directs the operation of a passenger tramway, and includes the State or any political subdivision or instrumentality thereof.

“Passenger tramway” means a device used to transport passengers uphill, on skis, or in cars, or suspended in the air, by the use of steel cables, chains, belts, or ropes, and usually supported by trestles or towers with one or more spans, and includes among others: an aerial passenger tramway, multi-car aerial passenger tramway, skimobile, chairlift, J-bar, T-bar, poma lift, platter pull, or rope tow.

“Professional engineer” means a person licensed to practice professional engineering in New Jersey by the New Jersey Board of Professional Engineers and Land Surveyors.

“Serious injury” means an injury to a member of the public which requires treatment by a doctor, such as a fracture, or conditions requiring admittance to a hospital for at least 24 hours.

“Shall” means a mandatory requirement.

“Ski lift” means aerial passenger tramway or passenger tramway.

SUBCHAPTER 3. ADMINISTRATION**5:12-3.1 Scope of subchapter**

This subchapter shall apply to the administrative procedures to be followed by operators and the appropriate officials of the Division of Codes and Standards concerning passenger tramways.

5:12-3.2 Compliance

(a) Every operator of a passenger tramway shall comply with this chapter.

(b) A passenger tramway which is not in compliance with this chapter shall not be used or occupied, except as provided in N.J.A.C. 5:12-4.4.

(c) The Office of Safety Compliance shall order in writing, a temporary cessation of operation of a passenger tramway, if it has been determined after inspection to be hazardous or unsafe. Operation shall not be resumed until the passenger tramway has been reinspected by a designee of the Office of Safety Compliance and it is determined by the designee to be safe for operation.

Amended by R.1988 d.585, effective December 19, 1988.
See: 20 N.J.R. 2521(a), 20 N.J.R. 3138(a).

(c): Deleted “such conditions are corrected” and added new “the passenger tramway . . .”.

5:12-3.3 Registration

(a) A passenger tramway shall not be operated unless it has been registered by the commissioner.

(b) On or before October 1 of each year, every operator of a passenger tramway shall apply to the commissioner, on forms supplied by him, for registration of the passenger tramway or tramways which such operator owns or manages or the operation of which he directs. The application shall contain such information as the commissioner may reasonably require in order for him to determine whether the passenger tramways sought to be registered comply with the intent of the Act and this chapter.

(c) The commissioner shall issue to the applying operator without delay registration certificates for each passenger tramway for which such registration is sought when he is satisfied:

1. That the facts in the application are sufficient to enable him to fulfill his duties under the Act; and
2. That each such passenger tramway sought to be registered complies with this chapter.

(d) In order to satisfy himself that the conditions described in (c) above have been fulfilled, the commissioner may cause to be made such inspections as he may reasonably deem necessary.

(e) When an operator installs a passenger tramway subsequent to October 1 of any year, such operator shall file a supplemental application for registration of such passenger tramway. Upon receipt of such supplemental application the commissioner shall immediately initiate proceedings leading to the registration or rejection of registration of such passenger tramway.

(f) Each registration shall expire on September 30 next following skiing season for which it was acquired.

(g) Each operator shall display prominently the registration certificate for each passenger tramway at the place where the passengers are loaded. The registration certificate shall be encased in such a manner as to be protected from the weather.

5:12-3.4 Inspection fee

(a) An inspection fee for the purpose of registration shall be charged at the rate of \$50.00 per day per inspector or for any part of any day. No other fees shall be charged for any other inspections performed.

(b) After inspection, if the passenger tramway is found to comply with this chapter, the Office of Safety Compliance shall authorize the passenger tramway for use by the public by issuing a registration certificate. Each certificate shall not be issued until the inspection fee has been paid.

5:12-3.5 Filing of notice of intent to operate

The operator of a new passenger tramway or the operator of a passenger tramway who changes the structure, mechanism, classification or its capacity or changes the physical spacing between carriers shall file plans or proper notice with the Office of Safety Compliance.

5:12-3.6 Maintenance and inspection records

(a) The operator shall retain at all times up-to-date maintenance and inspection records for each passenger tramway.

(b) These records shall contain the following information:

1. Date and nature of all inspections, whether by the Office of Safety Compliance or the operator;
2. Any violation of the rules and type of action taken to rectify the violation; and
3. All break-downs or repairs of any major mechanical part.

(c) These maintenance and inspection records shall be available for inspection by the Office of Safety Compliance.

5:12-3.7 Serious injury or death to a member of the public

(a) No passenger tramway that directly or indirectly results in a death to the public shall be permitted to resume operation until the passenger tramway has passed a full mechanical and safety inspection made by the Office of Safety Compliance.

(b) All serious injuries or fatalities incurred during the operation of any ski lift shall be immediately reported to the division by the operator on a form provided by the Office of Safety Compliance.

5:12-3.8 Submittal of plans

(a) Before constructing a new or altering an existing passenger tramway the operator or prospective operator shall submit plans and specifications to the commissioner. The commissioner may make recommendations relative to the safety of the layout and equipment, but such recommendations shall not relieve the operator or prospective operator of his primary responsibility as set forth in N.J.S.A. 34:4A-2.

(b) One set of plans shall be filed with the New Jersey Department of Community Affairs, Office of Safety Compliance, PO Box 389, Trenton, New Jersey 08625-0389.

(c) Prints of drawings shall be sealed by a professional engineer and shall comply with the requirements of the New Jersey Board of Professional Engineers and Land Surveyors.

(d) Plans shall be titled, stating name of operator, location of work by street number and municipality, date of drawing, drawing number, and all revisions thereto.

(e) Plans shall be drawn to scale to produce good legibility.

(f) Plans required by (a) above shall include the following information:

1. A plot plan of the area within 150 feet of the passenger tramway to scale or with appropriate distances indicated on the plot plan, showing on-site and off-site buildings, structures, property lines, required site improvements, or structures, principal access or egress points, driveways, and parking areas.

2. Design and details of foundations or supports for all passenger tramways, the foundation drawing to include a description of the soil and allowable soil pressure based on investigation of the professional engineer.

3. A schematic, isometric or plan drawing of the entire system, with specifications. This drawing to include all equipment, parts, safety devices, material, instrumentation, electrical system for both power and light necessary to evaluate the safe operation of the system and manufacturer's name.

4. Appropriate information on fire protection facilities at the site and available public fire services.

(g) When projects are of a repetitive nature, such as those involving standard components or previously approved packaged units, standard drawings may be utilized.

(h) All drawings and documents shall include notation of any and all revisions with date of change noted.

SUBCHAPTER 4. PASSENGER TRAMWAYS

5:12-4.1 Scope of subchapter

This subchapter shall apply to the design, construction, installation, operation, and maintenance of ski lifts.

5:12-4.2 Standards adopted by reference

(a) The standards prescribed by Passenger Tramways, ANSI B77.1—1990 are adopted as safety standards and shall apply according to their provisions, except that the following sections and subsections shall not apply:

1. Subsection 1.1, Scope;
2. Subsection 1.2, Purpose;
3. Subsection 1.3, Reference to other Codes and Standards; and
4. Subsection 8, Revision of American National Standards Referred to in this Document.

(b) Each operator engaged in ski lift operations shall protect the public by complying with the standards prescribed in (a) above.

(c) Only technical standards relating to public safety and adopted by any incorporation by reference as prescribed in (a) above. Other standards relating to administration and reporting procedures shall be achieved by communication with the appropriate officials of the Division of Codes and Standards.

(d) Where any conflict occurs between the standards prescribed in (a) above and these rules, these rules shall prevail.

Amended by R.1988 d.585, effective December 19, 1988.

See: 20 N.J.R. 2521(a), 20 N.J.R. 3138(a).

Added ANSI "B77.1b-1988" to (a).

Amended by R.1993 d.639, effective December 6, 1993.

See: 25 N.J.R. 4581(a), 25 N.J.R. 5478(b).

5:12-4.3 Electrical disconnect switch

(a) Where restoration of electrical power could create a hazard, passenger tramways shall be provided with a main disconnect switch capable of being locked only in the Off position.

(b) The operator shall lock-out the electrical disconnect switch when restoration of electric power to a passenger tramway could create a hazard to persons during the performance of maintenance, repair, inspection or an emergency evacuation of passengers, and insure that it remains locked-out until such time that restoration of power will not create a hazard.

5:12-4.4 Out of service procedure

Where individual units of a passenger tramway, such as cars, seats or other carriers are defective and not in compliance with this chapter, such units shall be taken out of service and clearly marked with a sign reading "Out of Service" provided however, such defects do not jeopardize the safety of the passenger tramway.

5:12-4.5 Passenger conduct

(a) The operator shall post a conspicuous sign in the vicinity of the entrance to passenger tramways advising the public of prohibited passenger conduct on such tramways.

(b) The sign required by (a) above shall include the items listed, as applicable, or express equivalent requirements:

1. Passengers shall not board a passenger tramway unless he has sufficient knowledge and ability to use it.
2. Passengers shall get on and get off a tramway, lift, or tow at designated areas.

3. Passengers, while riding an aerial tramway or lift, shall not throw or expel therefrom any object, nor shall any passenger do any act or thing that shall interfere with the operation of the tramway or lift.

4. Passengers shall not willfully engage in any type of conduct that may contribute to, or cause, injury to any other person. Passengers, when using a surface lift or tow, shall not willfully place in an uphill track any object that can cause a skier to fall.

SUBCHAPTER 5. EVACUATION OF PASSENGER TRAMWAYS

5:12-5.1 Scope of subchapter

This subchapter shall apply only to those passenger tramways which convey occupants in a chair, gondola, cabin or other aerial carrier from which passengers would have to be lowered to the ground, snow surface or other safe place when conditions interrupt normal operation and preclude the use of auxiliary measures to bring carriers and passengers to terminal areas.

5:12-5.2 Evacuation plan

(a) All evacuation plans shall be approved.

(b) The operator shall prepare and have available for inspection by the Office of Safety Compliance a detailed written evacuation plan which complies with (c) through (e) below.

(c) An evacuation plan shall indicate consideration of the following:

1. Every reasonably predictable condition of passenger use;
2. The most adverse operating conditions;
3. The most disadvantageous combination of factors that could affect evacuation.

(d) An evacuation plan shall incorporate a program that starts with the initial alert and carries through to the preparation of reports.

(e) An evacuation plan shall include:

1. An evacuation system capable of removing passengers from carriers at any point on the lift under any possible operating conditions, including inclement weather and darkness.
2. A system or combination of systems that can remove the passengers from fully loaded carriers under the most adverse operating conditions within a time limit appropriate for the type of carrier and the climatic conditions encountered.

3. Personnel training to perform all phases of the evacuation within the time limit specified.

4. Designation and availability of evacuation gear and mechanical equipment necessary to carry out aerial lift evacuation. This includes:

- i. The number, location and content of evacuation caches in terminal areas and along lift lines;
- ii. The designations of mechanical equipment that is to be available for evacuations;
- iii. Provisions for nighttime evacuations; and
- iv. Information on emergency units or equipment which can be called upon in an emergency.

5:12-5.3 Evacuation equipment

Evacuation equipment properly maintained and in good working condition, adequate to implement the approved evacuation plan shall be provided.

5:12-5.4 Evacuation personnel

(a) Personnel necessary to implement the approved evacuation plan shall be provided and available to perform evacuation duties during normal operations of passenger tramways.

(b) Personnel assigned to duties to implement the approved evacuation plan shall be trained to competently perform these duties.

5:12-5.5 Evacuation drills

Evacuation drills shall be conducted at established intervals not to exceed one each 12 calendar months and such drills shall be recorded in the operational log of each passenger tramway.

SUBCHAPTER 6. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

5:12-6.1 Documents referred to by reference

(a) The full title and edition of each of the standards or publication referred to in this chapter are as follows:

1. ANSI B77.1—1990, Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows.
2. ANSI B77.1a—1986, Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows.
3. ANSI B77.1b—1988, Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows.
4. N.J.S.A. 34:4A-1 et seq., The Ski Lift Safety Act.

Amended by R.1988 d.585, effective December 19, 1988.

See: 20 N.J.R. 2521(a), 20 N.J.R. 3138(a).

Added new (a)2.-3. and renumbered old (a)2 as (a)4.

Amended by R.1993 d.639, effective December 6, 1993.

See: 25 N.J.R. 4581(a), 25 N.J.R. 5478(a).

5:12-6.2 Availability of documents for inspection

A copy of each of the standards and publications referred to in this chapter is on file and may be inspected at the following office of the Division of Codes and Standards between the hours of 9:00 A.M. and 4:00 P.M. on normal working days.

Department of Community Affairs
Division of Codes and Standards
101 South Broad Street
Trenton, New Jersey

Amended by R.1988 d.585, effective December 19, 1988.

See: 20 N.J.R. 2521(a), 20 N.J.R. 3138(a).

Address change.

5:12-6.3 Availability of documents from issuing organization

Copies of the standards and publications referred to in this chapter may be obtained from the organizations listed below. The abbreviations preceding these standards and publications have the following meaning and are the organizations issuing the standards and publications listed in N.J.A.C. 5:12-6.1.

ANSI—American National Standards Institute
1430 Broadway
New York, New York 10018

N.J.S.A. 34:4A-1 et seq.—New Jersey Statutes Annotated

Copies available from:

Office of Safety Compliance
New Jersey Department of Community Affairs
Trenton, New Jersey 08625-0386