

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**DIRECTOR'S OFFICE**

**SKI AREA SAFETY BOARD - GENERAL RULES**

(By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of 1962 PA 199, MCL 408.326; and Executive Reorganization Order Nos. 1996-2, 2003-1, and 2011-4, MCL 445.2001, 445.2011, and 445.2030)

**R 408.61 Definitions.**

Rule 1. (1) As used in these rules:

(a) "Act" means 1962 PA 199, MCL 408.321.

(b) "Authorized personnel" means a person who is designated and trained by the owner or operator, or both, of the ski area.

(c) "Board" means the ski area safety board created under the act.

(d) "Department" means the department of labor and economic growth.

(e) "Director" means the director of the department or his or her authorized designee.

(2) The terms defined in the act have the same meanings when used in these rules.

(3) As used in ANSI standard B77.1-1999, "authority having jurisdiction" means the director of the department of labor and economic growth.

History: 1979 AC; 1989 AACs; 1993 AACs; 1998-2000 AACs; 2007 AACs.

**R 408.62 Motorized vehicle use policy.**

Rule 2. (1) Ski area operators shall comply with all of the following with regard to the use of motorized vehicles on ski slopes, runs or trails open to the public:

(a) Ski areas shall have a written policy that addresses all of the following:

(i) The training required for anyone to operate an authorized vehicle on open ski slopes, runs, or trails. The training program shall be developed in consultation with the National Ski Areas Association's publication entitled "Snowmobile Operations Resource Guide, December 2005." The publication is available for purchase from the National Ski Areas Association, Member Services, 133 S. Van Gordon Street, Suite 300, Lakewood, CO 60226, Phone: (303) 987-1111, at a price of \$10.00 for members or \$50.00 for non-members. The publication may be viewed by appointment at the offices of the Bureau of Commercial Services, 2501 Woodlake Circle, Okemos, Michigan 48864, Phone: (517) 241-9228.

(ii) The recommended routes for motorized vehicles to follow when used on open ski slopes, runs, or trails.

(iii) The circumstances under which a motorized vehicle may be used on open ski slopes, runs, or trails.

(iv) The circumstances under which the alarm required in subrule (2)(d) of this rule must be utilized.

(b) Report to the department within 24 hours any injury or fatality involving a motorized vehicle on a ski slope, run, or trail.

(c) Prohibit the use of privately owned motorized vehicles in areas open to skiers.

(2) Motorized vehicles operated on ski slopes, runs, or trails that are open to the public shall be equipped with all of the following:

(a) Lights and brakes as required pursuant to MCL 324.82122.

(b) For vehicles measuring less than 6 feet in height above the snow, a florescent flag measuring at least 40 square inches mounted at least 6 feet above the bottom of the tracks and visible from 360 degrees.

(c) A flashing or rotating red light conspicuously located on the vehicle, which must be operated while the vehicle is moving in the vicinity of a ski slope, run, or trail.

(d) An audible alarm capable of producing a minimum warning sound of 85 decibels to alert skiers or bystanders.

(3) Operators of motorized vehicles on ski slopes, runs, or trails shall comply with the following:

(a) Operate a vehicle at a rate of speed not greater than is reasonable for the conditions and as required pursuant to MCL 324.82126a and MCL 324.82126b.

(b) Be at least 18 years of age, possess a valid driver's license, and have completed mandatory training provided by the ski area that includes the safe use of motorized vehicles on ski slopes, runs, or trails when skiers are present, as established in the written policy required in rule 408.62(1)(a).

(c) Whenever possible, a vehicle operated on ski slopes, runs, or trails shall give skiers and pedestrians the right-of-way.

History: 2008 AACS.

#### **R 408.65 Adoption of standards by reference.**

Rule 5. A person shall construct, install, and operate a ski lift as prescribed in ANSI standard B77.1-2006 entitled "American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements," which is adopted in these rules by. This standard may be purchased as an electronic download from the American national standards institute, Inc. at [www.ansi.org](http://www.ansi.org) for \$125. It is available in hardcopy or on compact disk from the National Ski Areas Association ([www.nsaa.org](http://www.nsaa.org)) at 133 S. Van Gordon Street Suite 300; Lakewood, CO 80228 phone: (303) 987-1111 for \$60 for NSAA members and \$125 for non-members. The standards are available for public inspection at 2501 Woodlake Circle, Okemos, Michigan, 48864, phone: (517) 241-9233.

History: 1979 AC; 1989 AACS; 1993 AACS; 1998-2000 AACS; 2007 AACS.

Editor's Note: An obvious error in R 408.65 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2007 MR 8. The memorandum requesting the correction was published in Michigan Register, 2007 MR 11.

#### **R 408.66 Rescinded.**

History: 1979 AC; 1989 AACS; 1997 AACS.

**R 408.67 Vertical clearance for chair lifts.**

Rule 7. (1) Where a person may ski beneath a lift line, or at points where ski trails cross under a lift line, a minimum vertical clearance of 13 feet between the design maximum snow depth and the top of the carrier seat shall be maintained under conditions of maximum sag.

(2) Where the vertical clearance is less than 15 feet, public transportation is prohibited beneath the tramway. Where the vertical clearance is less than 8 feet for gondolas and empty chairs, or less than 10 feet for chairs carrying foot passengers, or less than 13 feet for chairs carrying skiers, provision shall be made to prevent access by unauthorized persons to the area beneath the tramway. Under the most adverse loading conditions, a minimum vertical clearance of 5 feet shall be maintained between the lower edge of carriers or ropes and the ground or other obstacles, including snow path.

History: 1979 AC.

**R 408.68 Rescinded.**

History: 1979 AC; 1993 AACS; 1997 AACS.

**R 408.69 Rescinded.**

History: 1979 AC; 1989 AACS; 1997 AACS.

**R 408.70 Lift machinery; lockout procedures.**

Rule 10. (1) All ski lift machinery shall have a disconnect switch which shall be locked in the "off" position before work is performed on the machinery.

(2) The ski area operator shall establish and maintain a written procedure for lockout of the machinery.

History: 1979 AC; 1989 AACS; 1998-2000 AACS.

**R 408.71 Rescinded.**

History: 1979 AC; 1989 AACS; 1997 AACS.

**R 408.75 Inspection and test of system; requirements for lifts not operated for 30 months.**

Rule 15. (1) Before a ski system is opened to the public, qualified personnel and a department inspector shall thoroughly inspect and test the system to assure that

the installation of the system is in accordance with the provisions of the act and these rules. The designer or manufacturer shall recommend load test procedures.

(2) A ski area operator shall obtain a load test for chair lifts every 5 years pursuant to the requirements of the department.

(3) A ski area operator shall ensure that a lift that has not operated for 30 consecutive months or longer is in compliance with all of the requirements of this rule and section 12 of the act that are applicable to new lifts before the lift can be approved for public operation.

History: 1979 AC; 1989 AACS; 1993 AACS; 1998-2000 AACS.

#### **R 408.76 Wire rope splicing.**

Rule 16. A ski area operator shall ensure that there is not more than a single splice in a lift rope unless approved by the department.

History: 1979 AC; 1989 AACS; 1998-2000 AACS.

#### **R 408.77 Replacement of wire rope on emergency basis; repair.**

Rule 17. If damage to a wire rope is confined to a single strand, then a ski area operator may replace the damaged strand on an emergency basis. The ski area operator may return the repaired rope to service if all of the following conditions have been satisfied:

(a) Approval for repairs has been obtained from the director.

(b) A qualified wire rope splicer verbally advised the director, before the wire rope was returned to service, that a suitable replacement strand was available and it was possible to properly repair the rope using the patch method.

(c) Documents showing the splice diagrams and overall length of the patch prepared by an approved wire rope splicer have been filed with the department and placed in the ski area operator's wire rope log for the repaired rope.

History: 1979 AC; 1989 AACS; 1998-2000 AACS.

#### **R 408.78 Splicers; qualifications.**

Rule 18. The department shall deem a wire rope splicer to be qualified if he or she meets either of the following requirements:

(a) Has not less than 5 years of splicing experience and has been observed, by a department inspector, making an acceptable wire rope splice.

(b) Presents credentials acceptable to the board from a major wire rope company or tramway manufacturer attesting to the individual's qualifications as a wire rope splicer.

History: 1979 AC; 1989 AACS; 1998-2000 AACS.

**R 408.79 Operation of multiple tows by single operator; conditions; attendant.**

Rule 19. (1) A single operator may operate 2 tows, but not more than 2, if all of the following conditions are met:

(a) The length of each tow, measured from the loading area to the safety gate, is not more than 800 feet.

(b) All terminal areas, loading and unloading areas of all tows, and the entire tow lines are clearly visible to the operator and are within a 90 degree cone of sight of the operating station.

(c) The operator has all tow controls available to him or her while maintaining the surveillance required in subdivision (b) of this subrule.

(d) The operator stops all tows under his or her supervision if he or she leaves the controls for any reason.

(e) The distance from the attendant's station to the most distant safety gate point at the unloading area shall not be more than 100 feet (30 meters) and shall be readily accessible.

(2) If the conditions in subrule (1) of this rule are not met, an attendant shall be required at each loading and unloading station and a permanently installed 2-way voice communication system shall be provided between the motor control point, loading stations, and unloading stations. The power for this system shall be independent of the primary power source.

History: 1979 AC; 1989 AACS.

**R 408.80 Marking of snowmaking devices.**

Rule 20. (1) When a ski run, slope, or trail is open to the public, the ski area operator shall mark snowmaking devices as stated in this rule.

(2) A ski area operator shall mark the location of any hydrant, snow gun, or similar fixture or equipment which is used in snowmaking operations located on a ski run and which extends less than 6 feet above the snow surface with a caution sign that has contrasting colors. An orange marking disc, with a minimum diameter of 8 inches, may be used as a caution sign. One sign is adequate for all devices within an area 3 feet on either side of the sign and 10 feet in the downhill direction of the ski run from the sign.

(3) A ski area operator shall place a fiber rope with flags, or mesh tape that is more than 3 inches in height, or a fence where any hose, cord, or similar equipment is laying on a ski run. The ski area operator shall place the fiber rope with flags, mesh tape, or fence between the device and the normal approaching ski traffic. The ski area operator shall place the flags on a fiber rope not more than 10 feet apart.

History: 1989 AACS; 1998-2000 AACS.

**R 408.81 Trail marking.**

Rule 21. (1) As required by the act, the ski area operator shall mark each ski run, slope, or trail with the appropriate symbol for the degree or difficulty, the degree of difficulty in words, and the name of the run, slope, or trail.

(2) Each ski area operator shall select its most difficult slopes and trails and use the black diamond symbol to identify them and select its easiest slopes and trails and use a green circle symbol to identify them.

(3) Each ski area operator shall mark all slopes and trails not identified as "most difficult" or "easiest" as "more difficult" and shall use a blue square symbol to identify them.

(4) Each ski area operator shall ensure all of the following:

(a) Lettering for trail marking signs is a minimum of 2 inches in height.

(b) Symbols are not less than 6 inches in horizontal and vertical dimension.

(c) All signs required by the act and these rules are constructed of weather-resistant materials, unless the signs are placed within a weathertight structure.

(d) All trail marking signs required by this rule are attached to a post, tree, lift tower, or building in a prominent location on or adjacent to the run, slope, or trail being marked.

History: 1989 AACCS; 1998-2000 AACCS; 2012 AACCS.

#### **R 408.82 Marking of closed runs; "regulatory symbol" defined.**

Rule 22. (1) When a ski area is open for skiing and any ski run, slope, or trail is closed to skiing, the ski area operator shall mark the top of, or entrance to, each closed run, slope, or trail with a sign containing a regulatory symbol and the word "closed" in 3-inch or larger letters. The ski area operator shall place a fiber rope with flags, or mesh tape that is more than 3 inches in height, or a fence across the top of, or entrance to, the run, slope, or trail that is closed. The ski area operator shall place the flags on a fiber rope not more than 10 feet apart.

(2) As used in this rule, "regulatory symbol" means a circle or octagon that has contrasting colors around an image of a prohibited activity overlaid with a diagonal line. The ski area operator shall ensure that the inside height and width of the circle or octagon are not less than 6 inches.

History: 1989 AACCS; 1998-2000 AACCS.

#### **R 408.83 Lift designation signs.**

Rule 23. Any sign indicating the relative difficulty of the open slopes a lift serves shall be located so as to be visible from the entrance to the loading area of that lift.

History: 1989 AACCS.

#### **R 408.90 Ski lift accident or breakdown; report; securing scene of accident.**

Rule 30. (1) An operator shall immediately report to the department, by telephone, an accident involving a ski lift that results in serious injury to, or the death of, a person, including an employee, or a breakdown resulting from the structural,

mechanical, electrical, or operational failure of a ski lift. The operator shall confirm this report by using the appropriate form provided by the department and forwarding it to the department within 7 days after the occurrence of the accident or breakdown.

(2) The director, after consulting with the operator, may require the scene of the accident to be secured and undisturbed in order to assure the safety of persons in the area and for the removal of injured or deceased persons. If a ski lift is removed from service by the director, the director shall order an immediate investigation by the department.

History: 1979 AC; 1989 AACS.

**R 408.91 Rescinded.**

History: 1979 AC; 1989 AACS; 1997 AACS.

**R 408.92 Evacuation of skiers entangled in rope tow.**

Rule 32. A ski area operator shall devise a method to safely evacuate, within a reasonable time, a skier entangled in the rope of a rope tow.

History: 1979 AC; 1989 AACS.

**R 408.94 Toboggans and sleds.**

Rule 34. A lift or tow, while transporting skiers, shall not be used to transport toboggans or sleds, except by authorized personnel.

History: 1979 AC.

**R 408.95 Rescission.**

Rule 35. R 408.101 to R 408.117 and R 408.131 to R 408.144 of the Michigan Administrative Code, appearing on page 4750 of the 1968 Annual Supplement to the Code, pages 6189 and 6190 of the 1972 Annual Supplement to the Code, pages 7313 to 7315 of the 1974 Annual Supplement to the Code, and pages 8045 to 8050 of the 1975 Annual Supplement to the Code, are rescinded.

History: 1979 AC.