**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**041 Office of Professional and Occupational Regulation**

**ELEVATOR AND TRAMWAY SAFETY PROGRAM**

**Chapter 523: Tramway Owners’ Duties and Responsibilities**

**Summary:** This Chapter establishes general duties and responsibilities of owners of tramways. Duties and responsibilities of tramway owners also are set forth in 32 MRS Chapter 133, and elsewhere in the Program’s rules.

**1. Inspections**

A tramway must be inspected by a licensed private tramway inspector or the Chief Inspector.

A. Inspections include the following, where applicable:

(1) **Certificate Inspection.** The following inspections must be completed annually, and the reports of the inspections filed, together with the certificate fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation, entitled “Establishment of License Fees”, with the Chief Inspector:

(a) Inspection by a licensed private tramway inspector or the Chief Inspector when the weather allows a complete inspection of all stationary and moving parts and all safety devices;

(b) Wire rope inspection by a licensed private wire rope inspector if the tramway is equipped with a wire rope; and

(c) Submission of satisfactory written evidence to the Chief Inspector that any noted deficiencies or required repairs have been made.

(2) **Seasonal Operation Inspection.** Tramways must be inspected by a licensed private tramway inspector or the Chief Inspector not later than 30 days after the tramway begins operation for the ski season. The owner shall file with the Chief Inspector the operational inspection report and written evidence that any noted deficiencies or required repairs have been made.

(3) **Off-Season Operation Inspection.** In addition to the requirements of subparagraph 1, when a tramway is operated for public use outside of the customary skiing season, the owner shall have the tramway inspected by a licensed private tramway inspector or the Chief Inspector during the time of off-season operation. The owner shall file with the Chief Inspector the off-season operation inspection report and written evidence that any noted deficiencies or required repairs have been made.

The owner shall inform the Chief Inspector whether the tramway will be used for off-season operation in the application for the annual certificate.

B. **Notice of Operation.** The owner shall notify the Chief Inspector in writing that the tramway has begun operation no later than 10 days after the tramway begins operation for the season.

**2. Expiration of Inspection Certificates**

A. **Date of Expiration.** Annual inspection certificates for tramways expire on December 31 of each year.

B. **Suspension of Operation.** If an inspection certificate expires before the Director issues a new inspection certificate, the owner shall suspend operation of the tramway on the date of expiration until the Director issues a new inspection certificate.

**3. Application for Annual Inspection Certificates**

A. **Notice.** Approximately 90 days before the expiration of an inspection certificate, the Office of Professional and Occupational Regulation will send an application for a new inspection certificate to the owner. A failure by the Office of Professional and Occupational Regulation to send the application does not relieve the owner of the duty to file a timely application for a new certificate.

B. **Submission.** The owner shall submit to the Director an application for a new inspection certificate, the inspection report, the wire rope inspection report, if applicable, and the certificate fee required by Chapter 10, Section 5(16) of the rules of the Office of Professional and Occupational Regulation entitled *Establishment of License Fees*, no later than 30 days before the date the current inspection certificate expires. The owner shall ensure that the tramway is inspected in sufficient time to permit the owner to comply with the requirements of this paragraph. The Director may assess a late inspection certificate fee if the owner fails to submit the application, inspection report, and certificate fee at least 30 days prior to the date the current inspection certificate expires.

C. **Rejection of Reports.** The Chief Inspector may reject any inspection report that is incomplete, illegible or otherwise fails to comply with the requirements of 32 MRS Chapter 133, or the rules adopted by the Director. If a report is rejected, the Chief Inspector shall return the report with a statement of the reasons for rejection to the owner.

**4. Orders of Correction**

 When an owner receives an order of correction stating that a tramway requires repair, the owner will not receive a new inspection certificate for the tramway until the owner submits satisfactory written evidence that the repairs have been completed.

**5. Posting of Certificate**

A. **Display.** The owner shall ensure that the original or a copy of the inspection certificate is displayed at all times in a conspicuous place at the loading point. If an owner posts a copy of the inspection certificate rather than the original, the copy must state that it is a copy and specify the location where the original is located and available for examination.

B. **Replacement.** If an original inspection certificate is lost or stolen, the owner must replace the certificate promptly, but in any event not later than 30 days after the date it was lost or stolen. A request for replacement of an original certificate shall be submitted to the Director in writing and must be accompanied by the fee for replacement required by Chapter 10, Section 3(1) of the rules of the Office of Professional and Occupational Regulation, entitled *Establishment of License Fees*.

**6. Change of Status**

A. **Owner.** An owner shall notify the Director of any change in the owner’s address or telephone number within 10 days of the change.

B. **Tramway.** An owner shall notify the Director of any change of status with respect to a tramway within 10 days of the change. As used in this section, “change of status” includes but is not limited to the transfer of ownership of a tramway, a decision to begin operation outside of the customary skiing season, a decision to discontinue operation outside of the customary skiing season, physical removal of a tramway, or placing a tramway out of service.

**7. Accidents**

A. **Reporting of Accidents**

(1) **Initial Report.** The owner of the tramway shall report immediately a reportable accident to the Chief Inspector, and in any event not later than 24 hours after the accident. The report must include the owner’s name, the location of the accident, a brief statement of facts surrounding the accident, and the name(s) and telephone number(s) of the person(s) to be contacted regarding the accident.

**NOTE**: To report an accident, refer to the accident telephone number listed on the certificate.

(2) **Additional Information.** After making the initial report required by subparagraph (1), the owner of a tramway involved in a reportable accident shall provide any additional information requested by the Chief Inspector regarding the accident or the tramway.

B. **Suspension of Operation**

(1) When a reportable accident occurs that results from equipment failure or substantial damage to such equipment, the owner shall immediately suspend operation of the tramway, and the tramway must remain out of operation until the Chief Inspector has approved resumption of operation.

(2) When a reportable accident involving significant injury occurs where there is no evidence that the accident was due to equipment failure and the accident did not result in significant damage to such equipment, operation of the tramway may be resumed, provided the owner certifies in writing to the Chief Inspector that the owner has inspected the tramway or caused the tramway to be inspected and the owner has verified that the accident was not the result of equipment failure and did not result in substantial damage to equipment. The certification need not be provided prior to resuming operation of the tramway but must be provided within 72 hours of resuming operations.

C. **Examination and Determination**

(1) **Examination.** When a reportable accident occurs, the Chief Inspector shall examine the tramway and investigate the circumstances surrounding the accident.

(2) **Determination.** In the event that the Chief Inspector has examined, or has caused to be examined, the tramway and the circumstances surrounding the reportable accident pursuant to subparagraph (1), the Chief Inspector may:

(a) Approve the resumption of operation if suspension has occurred pursuant to paragraph B (1);

(b) Direct that the owner continue to suspend operation until required repairs have been made if suspension has occurred pursuant to paragraph B (1);

(c) Summarily revoke the inspection certificate in accordance with 32 MRS §15211(2); or

(d) Take other action with respect to the operation of the tramway that the Chief Inspector deems appropriate to ensure the safety of the public.

**8. Unsafe Conditions**

 If an owner becomes aware of an unsafe condition involving a tramway, the owner shall immediately notify the Chief Inspector in accordance with the procedures for reporting accidents specified in section 7. An unsafe condition includes but is not limited to:

1. Any abnormal operation of tramway equipment involving operating speed, operation of the brakes, and/or anti-roll back equipment; and
2. Any evacuation of an aerial lift.

**9. Maintenance Personnel**

 A. **Training and Competence.** Tramway owners shall ensure that maintenance personnel employed to work on tramway equipment are trained and competent. Maintenance personnel shall possess demonstrable ability to solve problems related to tramways and to perform work necessary to ensure safe operation of the equipment. Such ability may be demonstrated by a recognized degree or certificate of professional standing, or by extensive knowledge, training and experience.

B. **Training and Technical Proficiency.** It is the tramway owner’s responsibility to ensure that all maintenance personnel are properly trained on the types of equipment that they maintain. Training must ensure that maintenance personnel possess technical proficiency in the equipment for which they are responsible and that they are familiar with the applicable national codes specified in Chapter 511 and the provisions of this section. Training may include, but is not limited to:

(1) Manufacturers’ training seminars;

(2) Other technical seminars; and

(3) On-the-job training.

C. **Scope of Obligation; Documentation.** The owner’s responsibilities under this section extend to the owner’s employees; contractors and subcontractors who work on or maintain the owner’s tramways; and employees of such contractors and subcontractors. The training of all such individuals shall be documented in records maintained by the owner. The owner shall make these records available upon request to the Director and the Chief Inspector.

*(Note: In 2013, statutory changes restructured the licensing and regulation of elevators and tramways by eliminating the Board of Elevator and Tramway Safety and creating the Elevator and Tramway Safety Program, administered by the Director of the Office of Professional and Occupational Regulation.)*

STATUTORY AUTHORITY: 32 MRS §§ 15205-A, 15211, 15212, 15221, 15227, 15229

EFFECTIVE DATE:

January 1, 2003 – filing 2002-500

AMENDED:

January 5, 2009 – filing 2008-609

December 1, 2015 – filing 2015-217