

NEW JERSEY ADMINISTRATIVE CODE
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*** This file includes all Regulations adopted and published through the ***
*** New Jersey Register, Vol. 49, No. XX, February 21, 2017 ***

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 12. SKI LIFTS

N.J.A.C. 5:12 (2017)

§ 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 Referenced publications

(a) The following publications contain provisions, which through incorporation by reference in the text of this chapter, constitute requirements of this chapter. In the event a provision in any of the following publications conflicts with a provision of this chapter, this chapter shall govern.

1. The following publications are available from the American National Standards Institute, 25 West 43rd Street, 4th Floor, New York, New York 10036:

- i. ANSI B77.1 – 2011 and ANSI B77.1a-2012, “American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements.”

§ 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.

§ 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.

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"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.

"Bureau of Code Services" means the Bureau of Code Services, New Jersey Department 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.

"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, multicar 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 any injury in which the injured person has lost consciousness, broken a bone, was transported to an emergency medical facility or an injury for which medical treatment by a physician beyond first aid was required.

"Shall" means a mandatory requirement.

"Ski lift" means aerial passenger tramway or passenger tramway.

§ 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

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- (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 Bureau of Code Services 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 Bureau of Code Services and it is determined by the designee to be safe for operation.

§ 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, but not before September 1, of each year, every operator of a passenger tramway shall apply to the Commissioner, on forms supplied by him or her, 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 or her to determine whether the passenger tramways sought to be registered comply with the intent of the Act and this chapter.
 - 1. Each application for registration shall include a certificate of insurance, bond, or other security demonstrating compliance with *N.J.A.C. 5:12-3.9*, along with the appropriate fee, as provided in *N.J.A.C. 5:12-3.4*.
 - 2. An application shall only be accepted if there is no outstanding documentation required from previous years and there are no outstanding violations.
- (c) Within 30 calendar days of receipt of a complete and accepted application, the Commissioner shall issue to the applying operator registration certificates for each passenger tramway for which such registration is sought when the Commissioner 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 commission 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. Fees

- (a) A fee for the purpose of registration shall be charged at the rate of \$ 150.00 per passenger tramway per year.
- (b) A duplicate registration may be obtained from the Bureau of Code Services at a cost of \$ 20.00 for each registration.

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(c) A fee for the purpose of plan review shall be charged at the rate of \$ 250.00 per passenger tramway.

(d) After inspection, if the passenger tramway is found to comply with this chapter, the Bureau of Code Services shall authorize the passenger tramway for use by the public by issuing a certificate of operation.

§ 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 with the Bureau of Code Services.

§ 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 Bureau of Code Services 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 Bureau of Code Services.

§ 5:12-3.7. Accident, incident or mechanical breakdown reporting

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

(b) All serious injuries or fatalities incurred during the operation of any ski lift shall be immediately reported by telephone at the telephone number provided for this purpose to the Division by the operator. A written incident report shall be prepared and sent to the Department by the operator by facsimile at the facsimile number provided for this purpose within 24 hours of the incident.

(c) Any mechanical malfunction or emergency evacuation of a passenger tramway shall be reported to the Department by the operator immediately by telephone at the numbers provided for this purpose. A written incident report shall be prepared and sent to the Department by the operator by facsimile at a number provided for this purpose within five days of the incident or be mailed to PO Box 808, Trenton, NJ 08625 postmarked within five days of the incident.

(d) All pertinent information concerning passenger tramway injuries requiring first aid shall be recorded in a form that is easy to access and read and is readily available for inspection by the Bureau of Code Services.

§ 5:12-3.8. Submittal of plans

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(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) Three sets of plans shall be filed with the New Jersey Department of Community Affairs, Bureau of Code Services, PO Box 808, Trenton, New Jersey 08625-0808.

(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. A copy of the permit application submitted to the local Uniform Construction Code enforcement agency, including all plans and specifications, which shall include the design and details of foundations or supports for all passenger tramways, certified by the professional engineer who prepared the design and details as capable of supporting the passenger tramway in all design conditions. The foundation drawing shall include a description of the soil and allowable soil pressure based on investigation by 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.

5. A signed and sealed letter or certification from a licensed professional engineer stating that the structure will adequately support the passenger tramway in the proposed location in all design loading conditions.

(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.

(i) After the passenger tramway is erected, but prior to opening to the public, the following information shall be submitted to the Bureau of Code Services:

1. Certification of the erection and assembly of the passenger tramway; and

2. A copy of the Certificate of Occupancy or Certificate of Approval from the local Uniform Construction Code enforcement office.

(j) Each submittal for plan review will include the payment of the appropriate fee as provided in *N.J.A.C. 5:12-3.4*.

(k) Within 30 calendar days of receipt of complete submittal, the Bureau of Code Services shall send the applicant either a written release or denial of the plan submittal.

§ 5:12-3.9. Insurance, bond or other security

(a) No person shall operate a passenger tramway without:

1. A policy of insurance written on a per occurrence basis in an amount not less than \$1,000,000 per occurrence insuring the owner against liability for injury suffered by persons riding the tramway; or

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2. A bond in an amount of not less than \$1,000,000; provided, however, that the appropriate liability of the surety under such bond shall not exceed the face amount thereof. The bond shall be in such form and content as to be acceptable to the Department of Banking and Insurance.

(b) The policy shall be issued by one or more insurers acceptable to the Commissioner of Banking and Insurance that are either:

1. Licensed to write insurance in the State of New Jersey; or
2. Approved as surplus lines insurers pursuant to section 11 of P.L. 1960, c.32, the "Surplus Lines Law."

§ 5:12-3.10. Penalties; administrative hearings

(a) The Commissioner may impose a penalty not exceeding \$500.00 for any violation of this chapter. Where any violation of this chapter is of a continuing nature, each day during which such violation continues after the date fixed by the Commissioner in any order or notice for the correction or termination of such violation, shall constitute an additional, separate, and distinct violation.

(b) A request for an administrative hearing shall be submitted in writing within 10 calendar days following the receipt of the notice or order. Hearing requests shall be addressed to the Hearing Coordinator as stated on the notice or order. All hearings shall be conducted pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

1. When an aggrieved person fails to request a formal hearing within the 10 calendar day period, his or her right to a formal hearing shall be deemed waived and the agency action shall become final.

§ 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 Adoption as amended of ANSI B77.1 – 2011 and ANSI B77.1a-2012

(a) The "American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements," designated by the American National Standards Institute (ANSI) as B 77.1 – 2011 and B77.1a-2012, is incorporated herein by reference, as amended and supplemented, 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 chapter, the provisions set forth in this chapter shall govern.

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

1. Section 1, General Requirements, shall be amended as follows:

i. Section 1.2.4.1, the words "design review completed by" shall be deleted and the words "all required design review documents, per N.J.A.C. 5:12, submitted to" shall be inserted in their place. Also, the words "the effective date of this standard" shall be deleted and the date "(six months after the effective date of this amendment)" shall be inserted in their place. Also, add the following sentence at the end of the first para-

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graph: “However, design review documents submitted to the authority having jurisdiction between (the effective date of this amendment) and (six months after the effective date of this amendment), when not in compliance with requirements of this edition, shall comply with requirements of the code in force immediately preceding (the effective date of this amendment).”

ii. Section 1.2.4.3, the words “design review completed by” shall be deleted and the words “required design review documents, per N.J.A.C. 5:12, submitted to” shall be inserted in their place. Also, the words “the effective date of this standard” shall be deleted and the date “(six months after the effective date of this amendment)” shall be inserted in their place.

2. Section 2, Aerial Tramways, shall be amended as follows:

i. Section 2.3.1.1, the date “Nov.1, 2007” shall be deleted and the date “(twelve months after the effective date of this amendment)” shall be inserted. Also, the date “Nov.1, 2008” shall be deleted and the date “(twenty-four months after the effective date of this amendment)” shall be inserted.

ii. Section 2.3.4.4, the words “with initial testing being completed prior to (twelve months after the effective date of this amendment)” shall be added to the end of the first sentence.

3. Section 3, Detachable grip aerial lifts, shall be amended as follows:

i. Section 3.3.1.1, the date “Nov.1, 2007” shall be deleted and the date “(twelve months after the effective date of this amendment)” shall be inserted. Also, in four places the date “Nov.1, 2008” shall be deleted and the date “(twenty-four months after the effective date of this amendment)” shall be inserted.

ii. Section 3.3.4.4, the words “with initial testing being completed prior to (twelve months after the effective date of this amendment)” shall be added to the end of the first sentence.

4. Section 4, Fixed grip aerial lifts, shall be amended as follows:

i. Section 4.3.1.1, the date “Nov.1, 2007” shall be deleted and the date “(twelve months after the effective date of this amendment)” shall be inserted. Also, in four places the date “Nov.1, 2008” shall be deleted and the date “(twenty-four months after the effective date of this amendment)” shall be inserted.

ii. Section 4.3.4.4, the words “with initial testing being completed prior to (twelve months after the effective date of this amendment)” shall be added to the end of the first sentence.

5. Section 5, Surface lifts, shall be amended as follows:

i. Section 5.3.1.1, the date “Nov.1, 2007” shall be deleted and the date “(twelve months after the effective date of this amendment)” shall be inserted. Also, in three places the date “Nov.1, 2008” shall be deleted and the date “(twenty-four months after the effective date of this amendment)” shall be inserted.

6. Section 6, Tows, shall be amended as follows:

i. Section 6.3.1.1, the date “Nov.1, 2007” shall be deleted and the date “(twelve months after the effective date of this amendment)” shall be inserted. Also, the date “Nov.1, 2008” shall be deleted and the date “(twenty-four months after the effective date of this amendment)” shall be inserted.

§ 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.

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§ 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.

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§ 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.

§ 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 Bureau of Code Services 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.

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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.