

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF CONSTRUCTION CODES

Filed with secretary of state on

**These rules become effective immediately after filing with the secretary of state.**

(By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of the ski area safety act **199** of 1962, 1962 PA 199, MCL 408.326, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, ~~and 2011-4~~ **and 2024-2**, MCL 338.3501, 445.2001, 445.2011, 445.2025, ~~and 445.2030~~, **and 16.375**)

R 408.62, R 408.65, R 408.77, R 408.78, R 408.80, R 408.81, R 408.82, R 408.83, R 408.90, R 408.92, R 408.94 of the Michigan Administrative code are amended, R 408.75 is added, and R 408.95 is rescinded, as follows:

SKI AREA SAFETY – GENERAL RULES

R 408.62 Motorized vehicle use policy.

Rule ~~262~~. (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~~**An Introduction to Snowmobile Safety,**" 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~~**125.00 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~~**4611 West Ottawa Street, Lansing, MI 48933**, 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~~ **At least 1 headlight, 1 taillight, and functional brakes.**

(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~~, **in a careless or negligent manner likely to endanger any person or property, or in willful or wanton disregard for the safety of persons or property.**

(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.

R 408.65 Adoption of standards by reference.

Rule ~~565~~. A person shall construct, install, and operate a ski lift as prescribed in ANSI standards B77.1-~~2017~~**2022** entitled "American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Standard," which is adopted by reference in these rules. This standard may be purchased as an electronic download from the American National Standards Institute, Inc. at <https://www.ansi.org> for \$200.00. The standard is available for inspection ~~and purchase for \$200.00~~ at the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, at 611 ~~W.~~**West** Ottawa Street, **Ottawa Building**, Lansing, Michigan 48933, ~~phone: (517) 241-9273~~.

**R 408.75 Inspection and test of system initially and recurring.**

**Rule 75. (1) Before a ski system is initially 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 conduct a load test for chair lifts every 7 years which shall be witnessed by a department inspector.**

**(3) A ski area operator shall demonstrate proper operation of all braking and roll back prevention systems per manufacturers specifications to a department inspector once per year.**

**(4) Specifications may be prepared by an individual, licensed in this state as a professional engineer or qualified tramway firm, when manufacturer specifications are no longer available.**

**R 408.76 Requirements for lifts not operated for 24 months.**

**Rule 76. A ski area operator shall ensure that a lift that has not received a compliant state inspection and permit in 24 consecutive months or longer is in compliance with all of the requirements of R 408.75 and section 12 of the act before the lift can be approved for public operation.**

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

**Rule 4777.** 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.

**R 408.78 Splicers; qualifications.**

**Rule 4878.** 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.

**R 408.80 Marking of snowmaking devices.**

**Rule 2080.** (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.

#### R 408.81 Trail marking.

Rule ~~2181~~**2181**. (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.

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

Rule ~~2282~~**2282**. ~~(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, or that portion of each run, slope, or trail that is closed if less than the entire 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 or that portion of 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.~~

#### R 408.83 Lift designation signs.

Rule ~~2383~~. 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.

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

Rule ~~3090~~. (1) ~~An operator shall immediately report to the department 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.~~

~~(2) If a ski lift is removed from service by the director, the director shall order an immediate investigation by the department.~~

**An operator shall immediately report to the department, by telephone, any reportable ski lift incident. An operator shall also file a written report within 2 days on a form prescribed by the department.**

**(2) “Reportable Ski Lift Incident” is defined as the following:**

**(a) Any incident from a possible malfunction of a passenger ski lift in which a person is injured or killed. For the purpose of this rule, “injured” means bodily damage requiring off-site medical attention.**

**(b) Any incident in which a passenger is injured falling or jumping from a chair which is outside of the load or unload zone.**

**(i) For the purposes of this rule, the “load zone” is defined as the area from the “wait here” sign to a point where the “no ski closure” ends or in the event there are no ski closures, at a point where the vertical clearance of the lift line is greater than ten feet. This is measured from the bottom of the chair seat of an open carrier to the terrain or snow surface.**

**(ii) For the purposes of this rule, the “unload zone” is defined as the area approaching the unload area where the vertical clearance is less than eight feet. This is measured from the bottom of an open carrier to the terrain or snow surface.**

**(c) Any unintentional deropement of a ski lift in operation, regardless of whether or not the ski lift is evacuated. This does not apply to surface lifts, tows, and conveyors.**

**(d) Any unplanned evacuation other than by primary electric motor regardless of cause. This does not apply to surface lifts, tows and conveyors.**

**(e) Any fire involving ski lift equipment or structures that poses a risk to passengers, operating personnel or the structural integrity of the ski lift.**

**(f) Failure of any electrical or mechanical component which results in the loss of control of the ski lift, unless the loss of control is a direct result of the malfunction of a single manual stop or speed control switch. Any of the following five conditions is considered a loss of control:**

**(i) Ski lift will not slow down when given the command to do so;**

**(ii) Ski lift will not stop when given the command to do so;**

**(iii) Ski lift accelerates faster than normal design acceleration;**

**(iv) Ski lift self starts or self accelerates without the command to do so;**

**(v) Ski lift reverses direction unintentionally and without the command to do so.**

**(g) The failure of components or their primary connections during operation to the public are reportable: Failure is defined as the inability of the listed components to continue to function as designed and continued operation would represent a hazard in the following:**

- (A) Terminal structure;**
- (B) Bullwheel;**
- (C) Brake system components;**
- (D) Tower structure;**
- (E) Sheave, axle, or sheave assembly;**
- (F) Carrier;**
- (G) Grip;**
- (H) Haul, track, or counterweight cable.**

R 408.92 Evacuation of skiers entangled in rope tow.

Rule ~~3292~~. 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.

R 408.94 Toboggans and sleds.

Rule ~~3494~~. A lift or tow, while transporting skiers, shall not be used to transport toboggans or sleds, except by authorized personnel.

~~R 408.95 Rescission~~**Rescinded.**

~~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.~~