

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF CONSTRUCTION CODES**

**SKI AREA SAFETY – GENERAL RULES**

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

**R 408.61 Rescinded.**

History: 1979 AC; 1989 AACs; 1993 AACs; 1998-2000 AACs; 2007 AACs; 2014 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 AACCS.

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

Rule 5. A person shall construct, install, and operate a ski lift as prescribed in ANSI standards B77.1-2017 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. Ottawa Street, Lansing, Michigan 48933, phone: (517) 241-9273.

History: 1979 AC; 1989 AACCS; 1993 AACCS; 1998-2000 AACCS; 2007 AACCS; 2018 AACCS; 2020 MR 23, Eff. Dec. 10, 2020.

Editor's Note: An obvious error in R 408.651 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*, 2020 MR 23. The memorandum requesting the correction was published in *Michigan Register*, 2020 MR 23.

#### **R 408.66 Rescinded.**

History: 1979 AC; 1989 AACCS; 1997 AACCS.

#### **R 408.67 rescinded.**

History: 1979 AC; 2014 AACCS.

#### **R 408.68 Rescinded.**

History: 1979 AC; 1993 AACCS; 1997 AACCS.

**R 408.69 Rescinded.**

History: 1979 AC; 1989 AACS; 1997 AACS.

**R 408.70 Rescinded.**

History: 1979 AC; 1989 AACS; 1998-2000 AACS; 2014 AACS.

**R 408.71 Rescinded.**

History: 1979 AC; 1989 AACS; 1997 AACS.

**R 408.75 Rescinded.**

History: 1979 AC; 1989 AACS; 1993 AACS; 1998-2000 AACS; 2014 AACS.

**R 408.76 Rescinded.**

History: 1979 AC; 1989 AACS; 1998-2000 AACS; 2014 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 Rescinded.**

History: 1979 AC; 1989 AACS; 2014 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, 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.

History: 1989 AACCS; 1998-2000 AACCS; 2018 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 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.

History: 1979 AC; 1989 AACCS; 2014 AACCS.

**R 408.91 Rescinded.**

History: 1979 AC; 1989 AACCS; 1997 AACCS.

**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 AACCS.

**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.