



Proposed Changes to Administrative Rule R920-60

Online Public Hearing Summary

Jan. 13, 2021

The following is a summary of the preparation and execution of the online public hearing for Proposed Changes to Administrative Rule R920-60.

Meeting Type: The Utah Department of Transportation (UDOT) held an online public hearing to gather input regarding the Proposed Changes to Administrative Rule R920-60.

When/Where: The public hearing was held on Wednesday, Jan. 13, 2021, from 9 – 10 a.m. via google.meet, an online platform specifically designed to host online meetings. The public accessed the google.meet meeting through a link. A recording of the meeting is available to view on the [PublicInput.com website](https://www.publicinput.com).

Attendance: 20 people attended the online public hearing. A record of attendance can be found in Appendix A.

Comments: During the online public hearing, eleven verbal comments were given aloud and 25 written comments were given via email or email attachment.

See Appendix B for a transcript of the comments.

Appendix A

The following people attended the online public hearing:

Name	Organization	Email
Jesse Sweeten	UDOT - UARSC	jsweeten@utah.gov
Ben Sheldon	UDOT - UARSC	sheldonmail@gmail.com
Cara Sherlock	UDOT - UARSC	ctsherlock@vailresorts.com
Andre' Meacham	UDOT - UARSC	andremeacham.UARSC@lagoonpark.com
Johnnie Miller	UDOT - UARSC	jmiller@ucip.utah.gov
Pam Zoeller	UDOT - UARSC	pamcityoffun@msn.com
Larry Mullenax	UDOT - UARSC	lmullenax@utahstatefair.com
Robert Miles	UDOT - UARSC	robertmiles@utah.gov
Micah Richins	UDOT - Consultant	micahrichins@utah.gov

Scott Andrews	ACCT	scott.andrews@acctinfo.org
Elise Smith Manning	Helix Construction	elises@helixconstructionco.com
Mike Barker	PRCA	climb1guide@gmail.com
Michael Troy Richardson	Momentum Engineering	troy@ziplinedoctors.com
Jamie Barrow	Vail Resorts	Jlbarrow@vailresorts.com
Mike Lane	Ntl. Skiers Assoc.	molly.betebenner@horrocks.com
Jeff Borba	Precisioneering	precisioneering@gmail.com
Michelle Jensen	Midway West	mjmidwaywest@gmail.com
Joe Walker	UNI Ropes	Joe.Walker@hsc.utah.edu
Benjamin Allen	CLAS Ropes	clasropescourse@gmail.com

Appendix B

1. Written Comment - Elise Smith Manning (Director of Training, Helix Construction)

To Whom it May Concern

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

As an ACCT certified Level 2 Professional Inspector I have significant concerns with this bill. Having over 8,000 hours of experience and working with over 35,000 people I am very familiar with the state of the challenge course industry in Utah. I do not think the bill, as it is currently written, will make challenge courses safer or benefit the public. Furthermore I am concerned that some provisions will raise costs for courses. This might force many small courses to close. Many youth would no longer be able to participate in educational or therapeutic programs.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally,



section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

It is very unclear to me which courses are "Aerial Adventure Courses" and which are "Challenge, Exercise, or Obstacle Courses".

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years,

courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.



In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

I do not think that ASTM standards recognize the human element in the operation of the 'amusement rides' zip lines, challenge courses, and aerial parks that are just now being regulated. Some courses allow for little human error, much like a roller coaster; other courses are completely dependent on human ability. The difference between riding a log flume and going on a guided kayaking trip are innate, and regulation should recognize these differences. You cannot unbuckle yourself on the Wicked roller coaster, but you can unbuckle your harness while in the sky on a challenge course- I have seen participants try. ASTM F24 does very little to recognize and regulate the human element.

ACCT has been operating for many years and is recognized in more countries than ASTM F24. ANSI/ACCT is recognized and legally required in multiple states, and found to be adequate for regulation of challenge courses. ACCT certifies inspectors after a thorough testing and application process.

In addition, the Utah Amusement Ride Safety Committee does not include a seat to represent the challenge course industry. Utah challenge courses serve thousands of people every year, drawing many tourists to our state. In addition, Utah is home to two challenge course vendors that build, inspect, maintain, and train operators for courses in many states. The bill, posing to serve the public, has committee members specifically for fair rides, and specifically for amusement parks, but does not recognize challenge courses. We need a seat on the committee if this bill is to better the challenge course industry, the people we serve, and tourism we draw.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference



- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors
- Create a seat on the Utah Amusement Ride Safety Committee specifically for the Challenge Course industry.

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Challenge courses have absolutely revolutionized my life. This is to be expected when I have invested so much of my life and soul into this industry. Challenge courses have, however, revolutionized the lives of thousands of others that I have worked with, and more that I haven't. I have seen powerful and lasting change come to many in the addiction recovery program. I have worked with thousands and thousands of youth in religious programming, many of these programs may have to close under the current bill draft. I am very passionate about the benefits of challenge courses and could go on for a while longer but I am sure you understand my opinion at this time. Please, in your recognition of the value of challenge course remember the years of experience that industry professionals hold.

And I thank you for your work on the committee.

2. Written Comment - Clair Webb (Owner, Bridgerland Adventure Park)

To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an



older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology

(ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT

ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would



likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

3. Written Comment - Benjamin Allen (CLAS Ropes Course) (see item 18 as well)

Hello:

My name is Benjamin Allen. I have built over 140 challenge courses, aerial adventure courses, and zip lines over the last 39 years (most of them here in Utah). I have been inspecting them and training facilitators for 35 years. The courses I build and inspect are mostly for the Boy Scouts of America, church camps, and other non-profits organizations. These courses build confidence, teamwork, trust, communication, and many other important life skills. I'm worried that if these regulations pass as they are now written, it will force the closure of many of these programs that have been helping

youth and families for decades. It doesn't make sense to lump our industry in with the Amusement Park industry.

Let me give you an example of how these regulations will make challenge courses and zip lines less safe in Utah:

Clark County, Nevada adopted regulations similar to those you have proposed. About five years ago I was conducting training at a ropes course in Nevada. As I trained the facilitators on each activity I noticed that many of the activities did not meet standards



and were unsafe. I mentioned to the owner that I could do an inspection while I was there for an extra \$695 and that together we could create a plan to bring everything up to standards. He said, "No Way! I have already paid the Clark County, Amusement Park inspectors \$2,000 to come here and certify that everything is safe. They gave me a passing grade on every activity, so there is no way I am going to pay you another \$695 just to tell me that some of my activities are unsafe." Amusement Park inspectors know nothing about our industry.

I was one of the first people in the nation to become a certified ICE, ACCT Level 2 inspector. In 2018 we inspected over 80 courses around the West. If the State of Utah passes these regulations, our industry will become less safe than before ACCT was founded (1993). If amusement park inspectors inspect ropes courses and zip lines that would be like having a plumber inspect the electrical work at a construction site before it can be approved!

Most of the zip lines I build are "gravity stop". These are the safest type of zip lines. The person never hits the end. As they come close to the end, gravity just slows them down and the participant comes back to the middle where they can safely dismount just a couple of feet off the ground. Many of these zip lines I have built in people's backyards for their children. Will those zip lines need to be regulated too? I would ask that ropes courses, zip lines and aerial adventure courses be excluded, especially for educational and non-profit organizations.

If you include the three changes as outlined below, you will join many other states who already have regulations that use ACCT/ANSI standards and who require ACCT inspectors. Please call me for a complete list. In fact, there is one state that made the mistake of mandating the use of Amusement Park

inspectors and for safety reasons they are already trying to change the law to now mandate ACCT inspectors.

Please let me know if there is anyone else who I should talk with or if you have any questions or concerns. Val Potter promised me more than a year ago that I would be invited to give my recommendations to the committee, but they forgot to contact me.

The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two



factors: 1) challenge course is an older and historic name used for what is today broadly called a ropes course or aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps, educational institutions, or families a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs. The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have safely operated in the state serving these populations. For many years, these activities at these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program. The

ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state. In Utah we have many programs that have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy. These simple rule changes do not detract from and may in fact add to the effect of the new rules regarding safety in Utah. Please make these simple changes:



1. Clarify the language of exclusion to either fully include or fully exclude challenge courses, zip lines, and aerial adventure courses. (Please exclude non-profit or educational organizations)
2. Include the current ACCT/ANSI Standards by reference
3. Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course, aerial adventure course and zip line inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

4. Written Comment - Kami Houck (TRS, CTRS, Maple Lake Academy for Boys)

To Whom it May Concern:

My name is Kami Houck, I am a Recreation Therapist who has worked with many populations using challenge courses here in Utah. I want to express my concern with the rules proposed for the regulation of amusement devices in Utah. With our vulnerable populations, we use challenge course programming for therapeutic purposes.

Challenge courses differ from amusement parks, zip-lines, and other adrenaline activities in that they are used to challenge those on them to bring about empowerment, confidence, trust, belief in self, and many other therapeutic lessons that talk therapy can't provide.

As a healthcare professional, I have used them as a therapeutic modality aimed at reaching treatment goals with individuals with disabilities. I've been trained with strict safety standards being followed. For so many places, challenge courses are not used as a diversional activity, therefore they would not qualify as an amusement park. Far from it, many of our clients are not amused. They are scared, doubtful, and don't believe that they can accomplish such a task. When they do, it builds their confidence to transfer those skills into other aspects of their lives.

One quick experience if I may. While working with substance abuse. We had a client, his twin brother, and their father. They struggled to communicate and share the hurt emotions that addiction had caused. It wasn't until they had completed a giant ladder where they had to climb 40 feet to the top while helping each other, that their emotions and pains and hurts were able to be expressed. That opened up a conversation, opened a new door, that had been shut for years.



Instead of redefining challenge courses as amusement parks, the regulation would benefit from allowing an exemption to being regulated if a challenge course is facilitated in accordance with already established industry standards, such as the ones offered by the Association for Challenge Course Technology.

Please consider my request as well as many others in this matter. Thank you for your consideration and please do not hesitate to contact me if you have any questions.

5. Written Comment - Jake Millard (AGM, Zion Ponderosa Ranch Resort)

To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

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required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals.

The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors



The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

6. Written Comment - Brycen Hale (President, Helix Construction)

To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

I have been working in the industry for the last 15 years and have seen, through self-regulation, the industry in Utah and as a whole improve and reduce risk. I am a Level 2 ACCT inspector and work with over 30 unique sites across the state that will be adversely affected by a change in regulation when they are already making every effort to comply with industry standards. I believe that a number of these sites will have to shut down operations with the proposed changes due to increased costs and not a lack of safety.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that “a challenge, exercise, or obstacle course;” is exempt from these rules. Additionally,

section R920-60-4 (1) states, “Aerial Adventure Course” as a definition used in the regulation. The use of “challenge course” in the exclusion and “Aerial Adventure Course” in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated.

The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved. The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed



to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no

subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

The goal of these regulations is to increase public safety, I am skeptical that there will be a noticeable increase proportionate to the financial burden requisite to meet the changes. Over the last few years there have been some accidents that have taken the public spotlight. Forcing the challenge course and aerial adventure industry to comply



with ASTM standards will not reduce these accidents. Most accidents throughout Utah and across the world are due to operator error. The ASTM standard for training is very minimal and will have no impact on improving public safety. In fact, I believe that courses that switch from ACCT standards of training to ASTM standards of training will result in a negative impact on public safety. Of the accidents in Utah, most, if not all, have happened due to a lack of proper training. Operating an amusement ride is substantially different than operating a zip line or aerial course.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

7. Written Comment - Utah Recreation Therapy Association

To Whom it May Concern:

The Utah Recreation Therapy Association (URTA) would like to express our concerns with the rules proposed for the regulation of amusement devices in Utah. URTA serves professionals across the states of Utah and Idaho who use challenge course programming for therapeutic purposes.

Challenge courses differ from ziplines and amusement parks in that licensed Recreational Therapists that are healthcare professionals use them as a therapeutic

modality aimed at reaching treatment goals with individuals with disabilities. These Recreational Therapists are trained in how to operate these challenge courses, with strict safety standards being followed. In these cases, challenge courses are not used as a diversional activity, therefore they would not qualify as an amusement park.



Also, it appears that amusement parks are required to have a permit for each 'ride'. Under that definition, each individual challenge course element would require a permit, resulting in dozens of permits instead of seeing the course as a whole. Additionally, the per-day penalties appear substantial. These costs could add up and reduce valuable programming opportunities for clients who use challenge courses for therapeutic purposes.

Instead of redefining challenge courses as amusement parks, the regulation would benefit from allowing an exemption to being regulated if a challenge course is facilitated in accordance with already established industry standards, such as the ones offered by the Association for Challenge Course Technology (ACCT).

Thank you for your consideration and please do not hesitate to contact us if you have any questions.

8. Written Comment - Mary Ann Smith (N/A)

To Whom it May Concern:

I would like to express some concerns about proposed code changes for the regulation of amusement devices in Utah. My daughter works in the challenge course industry. She currently helps to construct challenge courses, inspects challenge courses, trains the people who operate these courses, and has taught at national training conferences. In the past she has worked as a facilitator at various courses. She has studied the proposed code changes and has been

conferring with experts in the industry. She believes that several sections of the proposed code would adversely affect the challenge course industry and the availability of these courses for both educational and therapeutic facilities and for entertainment without improving the safety of the general public.

The scope and exclusions of the proposed code is not clear about what facilities would be regulated by the changes. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from the code. But section R920-60-4 (1) includes "Aerial Adventure Course" as a definition used to determine if regulation is required. The use of "challenge course" in the exemption and "Aerial Adventure Course" in the definition of regulated facilities creates confusion about what facilities would be regulated by the proposed code changes. The confusion occurs because "challenge course" is an older term used for what is today broadly called an "aerial adventure course," and because "challenge course" is listed on the same line as other unrelated activities. The confusion created by using these sometimes



interchangeable terms in both the exempt and regulated sections of the proposed code creates confusion. This ambiguity must be resolved.

The confusion created by this ambiguous language places challenge courses in an unnecessarily difficult position. If they believe they do not need to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day if they are non compliant. For most youth camps, therapeutic programs and educational institutions an unexpected fine for mistakenly operating without the required permit would be financially catastrophic. This would lead to a significant loss of challenge courses serving youth programs or camps, therapeutic programs, and educational facilities.

For more than 35 years, the challenge course and aerial adventure industry have successfully operated in Utah. Challenge courses have traditionally been part of youth recreational programs, therapeutic programs, and educational organizations. For many years, operators of these courses have used the ANSI/ACCT or ANSI/PRCA standards to protect the participants and staff in their programs. As part of these standards courses are inspected by knowledgeable, qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. Its time-tested criteria are tailored to the industry and are the most widely recognized standard for this industry throughout the world. The ANSI standards and ACCT ICE must be included in the proposed code changes to recognize the existing industry and to protect the programs providing this important services within the state.

Many programs in Utah have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT

standard is functionally equivalent to ASTM and in some areas is more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some courses a significant expense with no subsequent improvement in safety for the public. Asking courses to spend scarce resources without an increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many challenge courses serving youth, educational organizations, and therapeutic programs, as well as entertainment opportunities for the general public.

The following recommendations to the proposed code do not detract from and may in fact add to the effectiveness of the safe operation of challenge courses in Utah. Please make these simple changes:

* Clarify the language to either fully include or fully exempt challenge courses and aerial adventure courses.



* Include the current ANSI Standards by reference.

* Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors.

The challenge course industry has a long history in Utah. Your action in adopting these recommendations honor that successful tradition, recognizes the differences between this industry and the traditional carnival/fair ride industry, while offering the public with additional safety assurances.

9. Written Comment - John Hanschen (President, Thomas Carnival)

This is John Hanschen of Thomas Carnival, Inc., a portable amusement ride company serving events in 12 states including Utah. This memo/email constitutes my response/comment to the proposed rules posted in the Utah state government register. I have sent this comment to the Amusement Ride program executive director Jesse Sweeten, with information copies to:

Larry Mullenax, commission member and manager of Utah State Fair
Greg Chiecko, President of Outdoor Amusement Business Association
Dennis Sutherland, contract amusement ride safety inspector
Lisa Cummings, Allied Insurance Company representative
David Garrett, Haas and Wilkerson Insurance representative

Mitchell Kaliff, Kaliff Insurance representative

Mr. Sweeten, if sending this email to you does not constitute an official response, please forward to the appropriate office or provide me with that information. Thank you for assisting me with that.

My comments:

During the past 2 plus years, I have attempted to stay informed about the progress of this bill. My activities include informal discussions with Representative Potter and other state employees as the bill was formulated. I made comments and criticisms after each draft and revision was filed. I attended hearings on the bill at the Utah State Capitol. I met informally with state officials at the fairgrounds during operation to assist in their familiarity with traveling amusement enterprise. I sat in on some of the commission



virtual meetings as the rules were being formulated, and commented on them during that process. And now I have read the proposed rules advanced in the Utah Register.

I believe the rulemaking process was made in good faith by the commission and I was impressed with their consideration of all viewpoints. The commission read the law and seemed to produce the rules in the spirit of the bill. My ongoing concerns include:

1. As the details and fine-print of the rules are implemented, there is a possibility that enforcement interpretation may vary from the intent of the law. So legislative clarification may be needed.
2. There may be fine points in the law's legal document that are not within the intent of the legislature, so again, legislative clarification may be needed.
3. The rule asking for 30 days notice of a change in individual ride's routing should be changed to 2 days. These kinds of changes are common, and they happen at the last minute. There will be needless harm to both owner-operators and events.
4. The rules concerning the qualifications of safety inspectors are still not crystal clear in my mind. There may be unintended restrictions, depending on commission interpretation. If good inspectors are not willing to perform inspections for the purpose of making the filings needed in Utah, then events, fair-goers and carnival customers will not have the equipment they would like to see at fairgrounds. We all want the best inspectors we can attract to do the job.
5. One word on page 104 section (17) should be amended to read "Multi", from "Muti".
6. The term "Major Modification" is undergoing transformation in ASTM deliberations, so I believe that the term and its implication should be reviewed by the commission once again to be sure its use will end with a result that is intended.
7. Do the rules make reference to ASTM standards only as they stand today, or do you contemplate adopting future changes in ASTM regulations automatically?
8. I feel the fines should be cut in half.
9. The commission may consider exempting small rental rides / devices that are seen on Saturday afternoons at parties and special events and birthday parties.

A copy of the proposed rules as they appeared in the Utah register is attached for reference.



Thank you for your consideration of my comments. Please contact me at 512-914-0395 or via email at jwhanschen@gmail.com should you need any further information from me.

10. Written Comment - Todd Goss (Owner, Paragon Adventures, LLC)

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these



activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals.

The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the



traditional carnival and fair ride industries while providing the public with additional assurances of safety.

11. Written Comment - Michelle Jensen (Midway West)

Mr. Sweeten,

If sending this email to you does not constitute an office response, please forward to the appropriate office or provide me with the information I appreciate your assistance.

I have been informed on the progress of the Amusement ride bill that Representative Potter and other state employees have formed. Our company provides entertainment in multiple states that require State inspections however, there are a few concerns I do have.

1. Manufacturing name plates are made by the ride manufacturers and the list of information that you provided may not be necessarily all placed on every plate by every manufacturer. They do vary and it is not the ride owner's fault if all of the information required on the Utah bill is listed and is not included on the ID plate. This should be reworded, that this is an example of what the manufacturer's plate may contain.

2. The fine pricing is very expensive and should be reduced. Will offenses be calculated per permit year or do they accumulate over multiple years? This should be clarified.

3. How early can our applications be submitted for the annual ride permits?

4. The qualifications for inspectors should be clarified. It should state whether they need to have all the qualification requirements or is having one or more requirements acceptable? If you are requiring inspectors to have all qualifications I feel it will be next to impossible to find inspectors that will meet these standards.

5. Requiring the director to be notified more than 30 days in advance if we have a schedule change it is not acceptable. If there is a last minute schedule change this is a problem if the director had to be notified 30 days in advance and could cause a fine and loss of revenue.



6. The inflatables should be included as there are many more problems with them than mobile amusement rides.

7. Ride list per event and location. This should be able to be changed because sometimes things do happen. If the ride has been inspected, and a permit purchased per ride they should be able to be at any event.

Because of the numerous concerns that we have I would like to formally request a hearing.

12. Written Comment - Scott Andrews (Policy Director, Association for Challenge Course Technology (ACCT))

To Whom it May Concern:

I would like to express the Association for Challenge Course Technology's (ACCT) concerns with the rules proposed for the regulation of amusement devices in UTAH. Several sections of the proposed rules would adversely affect the challenge course industry and the availability of programs without improving the safety of the public. ACCT asks for three changes to the proposed regulation:

- 1) Include the ANSI/ACCT 03-2019 Standards by reference for challenge course and zip lines.
- 2) Include ACCT Inspector Certification in the recognized qualifications for challenge course and zip line inspectors (QSI).
- 3) Remove the exclusions implied for some sites. Regulate all challenge courses, zip lines, and aerial adventure parks in the state.

The attached document includes changes to specific language in the regulation.

The challenge course and aerial adventure industry has more than a 35 year history in Utah. Challenge courses have traditionally been part of youth serving recreation programs, therapy programs, and educational organizations. For 25 years, programs have used the ACCT Standards to help protect participants and staff. The ACCT Standards address the design and installation of activities, the operation of those activities, and the training of staff. This is a comprehensive and integrated standard specifically written for the challenge course industry. The development of the standard under the ANSI systems assures all materially affected parties have an opportunity to participate in the writing of this document.



A community of inspectors with specific skills has developed to serve the unique nature and needs of the challenge course industry. Since the early 1990's, ACCT has carefully articulated the skills, experience and qualifications of inspectors for challenge courses in through the accredited vendor program. In the mid 2000's ACCT articulated the qualifications for inspectors in the Qualified Course Professional Guidelines (Qualified Course Professional (QCP) - Association for Challenge Course Technology (acctinfo.org)) to help provide a benchmark for inspector qualification. In 2013 ACCT launched a certification program for professional inspectors validating the skills and experience of practitioners. The skills of a challenge course inspector are specific to this unique industry. Courses often require vertical access skills and specific knowledge about building techniques, materials, and operational practices. ACCT feels strongly that the inclusion of inspectors with specific challenge course skills is important to maintain public safety.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two ways: 1) challenge course is an older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are

required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth serving, therapeutic, and educational sites and programs.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be a significant disruption and for some would be a significant expense with no subsequent



improvement is safety. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of opportunities for youth, education, and therapy.

The challenge course industry's roots are different from the amusement industry and ACCT feels this difference must be recognized. The first challenge courses were built to train soldiers in World War II and then adapted to youth programs in the early 1960's in Colorado. (Rohnke, Rogers, Wall, and Tait. The Complete Ropes Course Manual, 4th Edition, 2007, Page 4.) Courses were used for education, therapy and to augment outdoor leadership programs. The use of courses for these outcomes also affects their design and use. On a challenge course all action is started by the participant. The learner must make the choice to step off the platform or to cross the hanging log. Because of the focus on learning and growth, there are no "operators" pushing the "go" or "stop" button. The "go" or "stop" button is the mind of the student. The lack of mechanical actuators on a challenge course means the student acts on the course, the course does not act on them. This distinction is subtle and deeply important. In creating regulation, understanding and honoring this distinction is important to the long-term success of the Industry.

I strongly encourage you to include the ANSI/ACCT Standards and ACCT Certified inspectors while removing the confusion of who is regulated so that the people of Utah can continue to access high quality educational, therapeutic, recreational, and amusement programs.

13. Written Comment - Michael "Troy" Richardson (President, Momentum Engineering, LLC)

I am a zipline expert witness and have been for 5+years. Accidents in Utah have been nearly 20% of my nearly 50 cases I have reviewed. I attached my CV. I am an ASTM F2959 Task Group member and vote with ASTM F24 and F15

Since building the Park City Mountain Resort Zipline in 2002 just after the Olympics I have patented and invented additional braking devices for ziplines. Standards are needed to keep patrons and all participants safe

ASTM F24 is the best choice for an all around the Amusement Rides standard including F2970 for Trampoline Parks and several amusement standards fall under F2291



I sent out letters to the ACCT, ANSI, and PRCA just last week recommending changes ASAP for Zipline Braking. ANSI was the only favorable response to what I consider a Sentinel event requiring immediate attention.

This was my email.

Ladies and Gentlemen,

As an engineer and expert witness for the last five-plus years, I see consistent trends of more serious and higher speed-related accidents. The ACCT 6-mph EAD requirement is outdated.

My first large zip line build was in 2002 when I build the Park City Mountain Resort (PCMR) zipline, now known as ZipRider. The zipline rise was near 600-feet and traveled nearly 4000-feet. The system had an eight to one (8:1) factor of safety. The passive braking trolley and the spring brake system was designed to account for a brake failure and a safe arrival. To my knowledge, no accidents have occurred.

What I see in the zip line world is faster speeds mean faster turnaround and more profits. The faster a client goes through the course; the less the owner has to pay for the workforce.

In my opinion, the trend is faster speeds, although the standards are behind the times.

I understand human error factors are contributors, so the next logical step is another stand-alone EAD.

The standards need to be revised. One expert I have spoken to is saying 12-mph average with human factors the main reason for the braking failures. My

incidents are closer to a 20-mph average for braking failures in my accident investigations.

Many of you are task group members, Board Chairs, and or are on boards that make the suggestions needed to improve patron and staff safety.



My question to you is how do we lobby for greater clarification to include something that says, **i.e., arrival speeds of 12-mph require should two EADs, for example.**

The ASTM term "Fail-safe" should be all-inclusive, although in my opinion, it is not fully understood.

One instance I am working on is the owner said their EAD was the four Fist-grip cable clamps securing the zipline cable to the pole. The clamps were about a foot apart on a zipline with a speed potential of 50+mph.

In another case, the cable had a 25-degree slope and potential arrival speeds of 50+mph with two ZipStops and 10-springs; when the passive braking trolley failed, the system was maxed out. Human error was also a factor, in my opinion.

Many zip lines are going to Headrush Technologies for high-speed stops. It is my understanding a January 2017 EAD White Paper was sent to all owners, purchasers, and or installers. It is included in this email.

When I was a board member of the PRCA, our monthly meetings included new and old business. My question to ASTM and the ACCT is how to add a New Business topic of higher arrival speeds requiring two or more EADs.

What is the best way to make sure the New Business topic of 12-mph or higher gets on the 2021 agendas?

Please let me know what I can do to help move this suggestion to the next level.

14. Written Comment - Mike Barker (PRCA Safety Committee Chair, PRCA)

Re: Utah Administrative Code Reference (R920-60)

Administrators and Amusement Ride Safety Committee members:



I have been asked by the Professional Ropes Course Association to write to you regarding the proposed changes to the regulations related through HB 381 (2019) and HB 154 (2020).

The Professional Ropes Course Association (PRCA) is one of two challenge course related industry associations in the United States. The PRCA is a broad industry-wide association representing all aspects of the industry. The other association is the Association for Challenge Course Technology (ACCT) primarily a trade association for the industry.

The PRCA is the ANSI accredited secretariat for the industry's ANSI's designated American National Safety Standards "ANSI/PRCA 1.0-.3 - 2014 Safety Standards for Challenge Courses, Adventure Parks, Canopy Tours and Zip Lines: Design, Performance, Inspection, Installation, Equipment, Operations, Training and Certifications."

The ACCT is an ANSI accredited secretariat for the ANSI American National Standard "ANSI/ACCT 03-2019 Challenge Course and Canopy / Zip Tour Standards".

These two associations have been the successful standards setters, representing the U.S.'s professional builders, trainers, operators and inspectors for the challenge course, aerial adventure parks, canopy tour / zip line tours industry (referred to further as the challenge course industry inclusive) for many years.

We at the PRCA recognize that the ASTM has been the acknowledged standard setter for amusement devices for many years but until recently never attempted to address the challenge course industry, which includes therapeutic, educational institutions, government facilities, recreational facilities, children's camps, religious camps and more recently amusement facilities.

The challenge course industry is a highly specialized industry with unique issues, operations, methods and requirements that do not really fall under the ASTM's general purview for amusement rides. While there is some overlap between standards there is also at ASTM a lack of required knowledge specific to the challenge course industry, and have been deliberate efforts to not address the industry's explicit concerns or reference the PRCA and/or ACCT Standards.

The proposed use of the ASTM standards as the governing documents will be exceptionally burdensome to the challenge course industry facilities in Utah. The F-2959 alone would require operators to be knowledgeable of eleven (11) other ASTM standards, 2 ANSI standards, three European standards (which by the way do not meet



OSHA fall arrest strength requirements), the NFPA 1983 and one SAE standard. While the ANSI/ACCT standard does address many issues, it does not address employee safety requirements, allows for lower strength fall arrest equipment than OSHA and does not address employee / operator training.

The ANSI/PRCA American National Safety Standards is a one stop set of standards fully harmonized with the applicable portions of all existing challenge course industry related standards/regulations including, OSHA, NFPA, ACCT, ASTM, European Ropes Course Association, Australia/New Zealand, UIAA, and others. It provides standards that can be utilized by engineers to design courses, builders to meet safety requirements, operators to protect both users and employees at height, inspectors to ensure compliance, manufacturers to test equipment and supply the industry and meets or exceeds the safety requirements of both ASTM and ACCT. It has already been utilized in a TN OSHA citation for a serious employee course injury where the operator was utilizing a connector approved by both ACCT and ASTM rather than meeting the connector requirement of the PRCA American National Safety Standard; the use of the connector required under the safety standard would have prevented the serious injury. Additionally, the operator, training and employee safety requirements would have prevented the Kanab Zipline (Utah) employee fatality back in 2015 if the course had been in compliance with the PRCA American National Safety Standard.

Having worked in government myself (former Chief Law Enforcement Officer and Risk Manager/ City-wide Safety Officer for a large eastern municipality) I understand that rulemaking for legislature approved bills can be difficult and worse attempting to modify the legislation can be lengthy process. Keeping this and all above in mind we ask that the Administration and Safety Committee seriously consider the following recommendations for Proposed Rule Making R-920:

1. Under Incorporations by Reference Information 8. The addition of ANSI/PRCA 1.0-.3 - 2014 Safety Standards for Challenge Courses, Adventure Parks, Canopy Tours and Zip Lines: Design, Performance, Inspection, Installation, Equipment, Operations, Training and Certifications. Publisher Professional Ropes Course Association. Date Issued March 2014. Issue or Version 1.0-.3-2014. Issue will change to 1.0-.3-2021 within the first quarter of 2021. Thus, the phrasing Current Issue would best be used.

If the Committee feels that both industry specific ANSI standards should be referenced then the further addition of ANSI/ACCT 03-2019 Challenge

Course and Canopy / Zip Tour Standards. Publisher Association for Challenge Course Technology. Issue or Version 03-2019.



1. Clarification of R920-60-3 Scope is necessary due to (2) This rule shall not apply to: (d) “a challenge, exercise or obstacle course”. This will undoubtedly create confusion and unnecessary burdens within the Utah challenge course industry. Within the worldwide industry itself the phrase challenge courses encompasses basic ropes courses used at a multitude of non-amusement related facilities, and aerial adventure parks, zip line and canopy tours (an outgrowth and historically included portion of the industry). If the legislature’s intention was to address commercially operated amusement facilities this needs to be more clearly defined. The PRCA is willing to assist the Committee in formulating language that will address this disparity.
2. Addition to R920-60-4 Definitions: Add ““PRCA” means Professional Ropes Course Association.”” If the referenced documents are to include the ACCT standard also then add ““ACCT” means the Association for Challenge Course Technology””.
3. R920-60-8 Qualified Safety Inspector Requirements. Addition under (1) (b) “has obtained and maintains at least a current: Level II NAARSO or Level II Aims International or PRCA Accreditation for Professional Inspection Services or an ACCT Level 1 or ACCT Level 2 certification; or Under (1) (c) add “or” to the end of (ii) and add “(iii) the individual is an employee or authorized agent of a PRCA and/or ACCT professional industry vendor accredited to perform inspections.”
4. R920-60-9 To address the vast differences between standard amusement rides and aerial adventure parks, challenge courses (ropes courses) and zip line canopy tours (dependent upon the clarification language for the exemption to challenge course). We strongly recommend the addition of “(2) The operation of an Aerial Adventure Park in the state shall comply with the applicable sections of the current ANSI/PRCA standards. And if the ACCT standards are also referenced then “(2) The operation of an Aerial Adventure Park in the state shall comply with the applicable sections of the current ANSI/PRCA and/or ANSI/ACCT standards.”

Thank you for taking the time to read and consider this letter written on behalf of the challenge course industry and the PRCA.

If any member of the Administration or Safety Committee wish to receive a copy of the ANSI/PRCA American National Safety Standard please feel free to contact me directly and it will be provided to you.



We also have documents that do a comparative analysis of the ASTM, ACCT and PRCA standards including some industry related injury analysis and how these would have been affected by compliance with the various standards. Please feel free to contact me for these documents also.

Again, thank you for your consideration of these important topics and your continuing efforts to provide safe recreation for your citizens, operators and visitors.

15. Written Comment - Martin Torresquintero (Outdoor Adventure Coordinator, New Haven Youth and Recreation)

I am writing on support of the use of the PRCA American National Safety Standards, as neither the ASTM nor the ACCT are designated as American National Safety Standards. Furthermore, I adopted the PRCA safety standards for training, safety, and equipment selection, as they meet and exceeds US, State of CT, and our own municipal requirements. They also were favored by our risk managers to be used at our two ropes courses, and are in full compliance with manufacturer specifications and recommendations for the use of their products.

The PRCA American National Safety Standards are composed of guidelines already fully harmonized with the ASTM, ANSI/ASSP fall protection codes(formerly ASSE), ACCT, ERCA and AS/NZ standards related to aerial adventure parks, zip lines and challenge courses. The PRCA Standards were also the basis for our own regulations and procedure manuals. They also are the benchmark for choosing out of state Canopy Tours/ZIP vendors that provide additional adventures for residents and summer camps.

We chose not use the ACCT or ASTM standards because they do not have training schemes; and ACCT does not require compliance with OSHA safety requirements for life safety equipment, which has resulted in several known casualties and litigation elsewhere.

I would encourage you to look at the *ANSI/PRCA 1.0-.3 - 2014 Safety Standards for Challenge Courses, Adventure Parks, Canopy Tours and Zip Lines: Design, Performance, Inspection, Installation, Equipment, Operations, Training and Certifications*, so you can see the differences between the ASTM standards and the PRCA American National Safety Standards.



After over 3 decades of using multiple vendors, and/or other standards, we adopted PRCA standards and certified inspectors to be the ones that inspect, train, and certify at our zip lines and challenge courses, including the ones that we use with a State University, and with Disable Veterans. We have been quite happy with PRCA inspectors, and would be happy to recommend others to use them.

I am currently in charge of the challenge courses for the City of New Haven, and a university professor teaching Outdoor Adventure, Leadership, and Risk management. I am also a rescue diver, swift water rescue instructor, and have been in the Challenge course, climbing, and Via Ferrata guiding business since 1995, -many of these years as an American Mountain Guides Association certified instructor. Likewise, I have worked in the film industry as a safety officer in charge of rigging, underwater and climbing operations, and have over 30 years of experience working in Europe, Southern Africa, South America, and other places that have given me a well-rounded understanding of different standards and equipment.

16. Written Comment - Kathryn Blitz (Owner, Wild West Voyages / Wild West Challenge Course)

To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.



The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses



- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Sincerely,

Kathryn A. Blitz, Owner
Wild West Voyages / Wild West Challenge Course
Moab, UT
www.wildwestvoyages.com
kblitz@wildwestvoyages.com

17. Written Comment - Joe Walker, Ross Van Vranken (Challenge Course Coordinator, UNI Ropes, University of Utah)

Dear Executive Director Braceras, Ms. Hull, Mr. Palmer, Ms. Edwards, and Mr. Sweeten:

The University Neuropsychiatric Institute (“UNI”) at the University of Utah welcomes this opportunity to comment on the proposed rule with filing number 53232, UTAH STATE BULLETIN (December 15, 2020), issued by the Department of Transportation (“Department”) to enact Utah Administrative Code Rule no. R920-60 (the “Proposed Rule”). In light of the unique role of the UNI ROPES Challenge Course—functioning largely as a therapeutic tool—and the corresponding way in which UNI administers the UNI ROPES Challenge Course, I write to encourage the Department to modify the Proposed Rule in two respects. First, UNI is concerned that the Proposed Rule appears to regulate the UNI ROPES Challenge Course and similar challenge courses, even though the Proposed Rule’s authorizing statute specifically excludes challenge courses from its regulation of “amusement rides.” Utah Code § 72-16-102(3)(b)(v). UNI urges the Department to address this by modifying the definition of “Aerial Adventure Course” as discussed below. Second, if the Department decides to regulate some ropes-based courses as “amusement rides,” UNI recommends that the Proposed Rule incorporate, as



an alternative means of demonstrating safe operation, the ANSI/ACCT 03-2019 Challenge Courses and Canopy/Zip Line Tours Standards.

By way of background, UNI is the premier mental and behavioral health facility in the State of Utah. UNI specialists treat conditions like anxiety, eating disorders, major depression, mood disorders, personality disorders, schizophrenia, and substance abuse/chemical dependency for all ages. In that role, in addition to inpatient treatment services, UNI provides a continuum of exceptional care through residential programs, day treatment, and intensive outpatient therapy services.

Among the services offered by UNI is the UNI ROPES Challenge Course, through which professionals at UNI help participants build skills to enhance group effort, cooperation, and communication. For individuals being treated at our hospital and offsite facilities, recurring recreational therapy through the UNI ROPES Challenge Course frequently constitutes a portion of their professional treatment. Additionally, several other mental health facilities, addiction recovery centers, and various other similar organizations often supplement their programs with services from the UNI ROPES Challenge Course. Unlike amusement parks or recreational adventure courses like zip-line tours, the UNI ROPES Challenge Course focuses on achieving goal-based outcomes for course participants instead of being diversional in nature.

That focus on outcomes—including in many instances the therapeutic outcomes of patients—is reflected in the manner in which UNI administers the UNI ROPES Challenge Course. Specifically, the staff members operating the UNI ROPES Challenge Course have degrees in various fields, including recreational therapy, adaptive physical education, and experiential education. The UNI ROPES Challenge Course began operating in 1988 and throughout its entire operation, UNI has obtained accreditation from industry-leading standards organizations to ensure the course's safe operation. Currently, the UNI ROPES Challenge Course is accredited by the Association for Challenge Course Technology (ACCT), which accredits courses according to the ANSI/ACCT 03-2019 Challenge Courses and Canopy/Zip Line Tours Standards.

Turning to the Proposed Rule, UNI points out that the Department is enacting the Proposed Rule pursuant to authority granted under the Amusement Ride Safety Act, Utah Code section 72-13-101, et seq. (the "Act"). The Act specifically excludes "challenge, exercise, [and] obstacle" courses from its regulation of "amusement rides." Utah Code sections §§ 72-16-102(3)(b)(v), -103(2)(b). Indeed, under the Act, the Utah Amusement Ride Safety Committee (the "Committee"), which is charged with adopting rules to implement the Act, has jurisdiction over amusement rides only—not challenge courses. Utah Code § 72-16-103(2)(b). Accordingly, the Act reflects the intent of the Utah Legislature that the rules adopted by the Committee not apply to

challenge courses.

The Committee appears to have recognized that exemption in limiting the scope of the Proposed Rule. As drafted, the Proposed Rule does not apply to “a challenge, exercise, or obstacle course.” Proposed Rule 920-60-3(2)(d). At the same time, however, the Proposed Rule purports to apply to an “Aerial Adventure Course” and specifically mentions “ropes courses” as an example of an “Aerial Adventure Course.” Proposed Rule 920-60-4(1). Because some ropes courses, such as the UNI ROPES Challenge Course, are “challenge courses,” this language suggests that the Proposed Rule does, in fact, apply to challenge courses. These conflicting definitions are apt to lead to confusion regarding which ropes courses are subject to the Proposed Rule versus those that are “challenge courses” exempt from the Proposed Rule. Utah Code § 72-16-103(2)(b).

To resolve that inconsistency and to ensure the Proposed Rule complies with the Act, UNI urges the Committee to modify the definition of “Aerial Adventure Course” in the Proposed Rule to remove the reference to “ropes course.” UNI also recommends that the Committee make clear that “Aerial Adventure Course” does not mean a course that is primarily outcome-focused and goal-based, as opposed to diversional, in nature. UNI recognizes that it operates the UNI ROPES Challenge Course in UNI’s role as an operating unit of a governmental entity providing healthcare-related services. As such, UNI’s operation of the UNI ROPES Challenge Course and its purposes in doing so may be unique. To that end, UNI would also support a specific exemption for the UNI ROPES Challenge Course that reflects the way in which UNI’s course is uniquely situated.

Separately, if the Committee concludes that it has jurisdiction over some ropes-based courses as “amusement rides” under the Act, UNI recommends incorporating the ANSI/ACCT Challenge Course and Canopy/Zip Line Tours Standards into the Proposed Rule. As mentioned, those standards provide a safety benchmark tailored to the operation of such courses. UNI has voluntarily adopted those standards and adhered to them for years in order to safely operate the UNI ROPES Challenge Course. That long-standing adherence arises, in part, because UNI has been able to confirm through its own experience that the ANSI/ACCT Challenge Course and Canopy/Zip Line Tours Standards accommodate the experiential, outcomes-based purpose of the UNI ROPES Challenge Course. Requiring UNI and operators of similar courses to shift to standards directed at the amusement ride industry jeopardizes that fit without, to UNI’s knowledge, meaningfully enhancing safety for participants. For courses where regulation via administrative rule is appropriate under the Act, the Committee should allow courses to meet the necessary certification requirement by demonstrating compliance with the ANSI/ACCT Challenge Course and Canopy/Zip Line Tours



Standards. The Committee could and should accommodate this approach by adopting those standards, including associated safety inspector qualification standards, as a separate mechanism for courses to demonstrate safe operation in order to obtain certification.

The Act anticipates that the Committee will address nuances in the need for regulation across different types of amusement rides. Specifically, in addressing the standards the Committee ought to adopt, the Act states that the Committee “may modify or update the safety standards...consistent with nationally recognized amusement ride standards” and that the Committee “may amend or exempt a safety standard . . . based upon unique circumstances, if appropriate to ensure public safety.” Utah Code §§ 72-16-304(2), -304(3) (emphasis added). The Act requires flexibility to ensure the standards adopted by the Committee fit the circumstances at Hand.

In short, UNI recommends that the Proposed Rule be modified in two ways. First, the Proposed Rule should contain a more clear exemption articulating that not all experiences that might fit the definition of “Aerial Adventure Course” are subject to the rule. Some such experiences are simply “challenge courses” under the Act, which the Committee does not regulate. UNI urges the Department to add an exemption to the Proposed Rule that specifically references outcome-focused, goal-based courses like the UNI ROPES Challenge Course. Second, for any ropes-based courses that are subject to the rule, UNI recommends that the Department modify the Proposed Rule to allow for certification based on the relevant ANSI/ACCT standards, along with allowing certification based on other standards the Committee may adopt. At bottom, what is important is that the standards for certification allow for courses to demonstrate their safe operation; complying with the ANSI/ACCT Challenge Course and Canopy/Zip Line Tours Standards should be one method for doing so.

Thank you for the opportunity to present our views. We would be happy to work with the Department on the issues discussed above. If you have any questions regarding our comments, please feel free to contact Chris Stout at christopher.stout@legal.utah.edu or Joe Walker at Joe.Walker@hsc.utah.edu, (801) 587-3148.

Sincerely,

Ross Van Vranken
Executive Director
University of Utah Neuropsychiatric Institute



18. Written Comment - Benjamin Allen (CLAS Ropes Course)

Dear Committee Members:

Thank you for allowing us to comment at the hearing today!

My name is Benjamin Allen. I have further information I hope you will consider as you make the regulations.

In 2018 CLAS Ropes Course inspected about 80 courses. I trained both Brycen Hale and Elise Smith from Helix Construction. Brycen worked with me for about 14 years - the last several years as my Construction Manager. Then, with my blessing, he broke off and started his own inspection and construction business. I gave him about 40 clients and I retained about 40. The clients I kept don't pay much. They are mostly BSA, LDS, and other church, educational, and nonprofit groups. I have always felt that this was my calling in life - to help those who need it the most. I perform mostly a service to help people learn and grow by using ropes courses and **short** zip lines to build confidence, teamwork, leadership, and communication skills.

Attached is a list of the ropes courses and zip lines here in Utah I have built or inspected over the last 35 years. I know the committee mentioned that most challenge courses (ropes courses) will be exempt. I hope everyone on my list will be exempt from these regulations. I'm afraid many of them will need to shut down if fees and regulations become prohibitive. For example, as I mentioned earlier, the Amusement Park inspector in Nevada charged that ropes course owner \$2,000 and he had no idea how to inspect a challenge course. I normally charge my clients only \$400-\$700 depending on how many activities they have. Using ACCT standards, the ropes courses I have built and inspected have been very safe for over three decades. Approximately 500,000 people go through the ropes courses on my list every year! Have you ever heard of a serious injury on any of my courses?

The zip lines I build are not like the ones at Sundance or Park City. My zip lines go slow enough that they don't need mechanical braking systems and other high tech equipment. Most of the zip lines I build are gravity stop systems and all of them should be classified with challenge courses since they are just another activity in the challenge course experience. I have also



built a few simple adventure parks at several BSA and LDS camps. These are also classified as just another challenge course activity that these programs utilize.

Thanks for your consideration,
Benjamin
801-400-5865

CLAS Ropes Course
3606 W. Center St.
Provo, UT 84601
(801) 373-8897
www.clasropes.com

19. Written Comment - Nathan Allen (Big Rock Adventure)

Jesse,

I would like to express my concerns with the rules proposed for the regulation of amusement devices in UTAH. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used to for what is today broadly called and aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.



The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, course have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. For the last 9 years have been certified under the Association for Challenge Course Technology (ACCT) Inspector Certification program. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in uses since 1994 and is updated regularly. The standard was recognized as an ANSI Standards in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be recognized to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety in not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple change to these rules do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:



- Clarify the language of exclusion to either fully include or fully exclude challenge course used primarily for youth work, therapeutic programs, and education.
- Include the current ANSI Standards by reference.
- Add ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors.

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Additional email from Nathan Allen

Jesse,

I operate a small ropes course at the Big Rock Candy Mountain in South Central Utah. Our course has been built to ACCT standards which is recognized around the world. The simplest way to solve the division between how different venues should be kept compliant is to keep them up to the standard that they were built with. **Both ACCT and ASTM are good standards but they shouldn't be crossed. This cross will be much more dangerous and costly for everyone involved as evidenced by the example stated below.**

"Clark County, Nevada has adopted similar legislation. About five years ago I was conducting training at a ropes course in Nevada. As I trained the facilitators on each activity I noticed that many of the activities did not meet standards and were unsafe. I mentioned to the owner that I could do an inspection while I was there for an extra \$700 and that together we could create a plan to bring everything up to standards. He said, "No Way! I have already paid the Clark County, Amusement Park inspectors \$2,000 to come here and certify that everything is safe. They gave me a passing grade on every activity, so there is no way I am going to pay you another \$700 just to tell me that some of my activities are not safe." - Benjamin Allen (ACCT ICE Level Certified Inspector)

Please use proper caution when making the ruling with regard to this new standard. It only makes sense to have ACCT built venues maintained and



inspected by ACCT professionals and for ASTM venues to be inspected by ASTM professionals.

Thank you for your time in hearing my comments. The rest of this email echoes some of my other thoughts on the issue with a little more detail with regard to the code.

20. Written Comment - Jeff Borba (JB Technologies LLC. dba Precisioneering)

Mr. Sweeten,

As an introduction, my name is Jeff Borba, representing Precisioneering a third-party amusement ride inspection company for different AHJ's. I have over 25 years of experience inspecting permanent and portable type rides, including aerial adventure courses throughout the world. I also instruct several classes in the amusement ride industry, including Aerial Adventure Courses. Currently I have clients in Utah whom I inspect to their operations and maintenance manuals, which appears to me is what Utah is proposing.

After hearing from others during the recent Utah hearing, I believe having the ACCT and/or PRCA standards adopted for Aerial Adventure Courses over the currently specified ASTM F770/F2959 would cost my clients and others additional funds, as ACCT and PRCA standards require additional operational requirements including:

1. B.1 Philosophy and Ethics, including codes of conduct
2. B.2 Administration and risk management system
3. B2.2 written record retention requirements above and beyond what Utah is proposing
4. B2.10 annual inspections or more frequency inspections as defined by the designer, manufacturer, or other qualified person.
5. Additional organizations requirements (example: Human Resources)

It is unfortunate that individuals talked negatively about other ride safety standards as it pertains

to the proposed Utah Rules. The main reason is the proposed Utah rules do not require any ride

type to comply with any Design, Manufacturing or Quality ride Standards for the life of any ride in the state. Because Utah did chose to limit the Rules for all rides to Annual Inspections, each ride that has been operational to date, all new rides in the process of being built now, and all rides that will be built in the future can do so with any ride



Standard (ASTM, PRCA, ACCT, ISO, Euro-Norm, Australia, Japan, etc.). So, the arguments made for substituting or adding another ride Standard for Utah is mute.

If the Committee does consider adding another ride Standard as is being requested to what the

Proposed Rules state today, here are some questions it should consider:

1. Because the rules only require Annual Inspections per the ride Manufacturer's requirements (regardless of the Standard used when the ride was designed and manufactured), In what ways does adding another ride Standard increase public safety?
2. Adding another Standard will increase the burden and responsibility to both the Committee members and the Director of the program in multiple ways, for the short and long term.
 - a. Does the Committee have the time and expertise to review, debate and understand these multiple ride Standards?

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- b. Does the Committee have the time and expertise to decide what parts of multiple other standards it will adopt to add to the Rules as it did with F770?
 - c. If one, or more ride Standards are added, or parts of other Standards are added to the existing proposed Rules, what exactly do the Users (Owners, Operators, Businesses, inspectors and the public) gain that the proposed Rules do not already currently allow?
 - d. If UDOT will only have one or two employees to manage all rides within in its scope for Utah, Do they have the additional time and resources to take on the additional work load, and responsibility if Safety is not increased.
3. In general, the Utah Rules and any ride Standard should not steer trade, or drive membership for trade organizations, or put additional undo financial burden on owner/operators. Does adding additional ride Standards to the Rules add little to no benefit to the State and its citizens, but does benefit certain trade organizations?

I think the Committee has done a great job keeping these regulations. Specifically, the current



proposed Rules are what I would call a barebone minimum. Meaning, these rules can be met by all existing and new owners/operators and businesses as currently written if they simply follow their manuals.

If possible the committee might consider a definition for Major Modifications, so associated

inspectors (QSI) can verify if any major modifications have been performed and equally important, performed correctly. Maybe a Major Modification definition like below should be considered:

Major Modification - “Changes to previous design, installation and construction of the amusement ride or device, which change the structure, Operation, Maintenance, Training or Inspection requirements shall be documented and available for review by the QSI.”

The proposed Utah regulations for annual inspections reference ASTM F770 section #4 Owner/Operator Reasonability, #5 Operations Program Requirements, #6 Maintenance Requirements, #7 Inspection Requirements and #8 Training requirements and F2959 section #5

only. These are barebone requirements and all this information shall be based off manuals the

owner/operator already currently has. It doesn't matter if these manuals are in accordance with an ACCT, PRCA or ASTM standard, the requirements in the manual just need to be followed. If the manuals do not have many requirements, then the inspector does not have many tasks to perform as they must inspect off the manuals.

Regarding the arguments that the Utah Rules as written will force undue burden (design changes and cost) for sites to meet the specified ASTM standards; if the site is following and meeting all of the current ACCT, PRCA or ASTM standards, they are already meeting or exceeding the standards in the Proposed Rules that includes only parts of ASTM F770. I could go on at length, however the point is that ACCT and PRCA standards requires a lot more annually than is what has been proposed by Utah. With the Scope of Utah only mandating parts of ASTM F770 and Annual inspections, I cannot foresee any financial burden on the sites to meet the current proposed inspection scope. The manufacturer sets the inspection criteria and the state holds the owner/operator accountable to have these inspections performed. If owner/ operators currently do not do this, then additional cost will occur. But this should occur to accomplish a barebones minimum to comply with manufacturer requirements that will provide proactive responsibility which does provide for public safety .

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Again, Compliance for owner/Operators is pretty simple; the manufacturer sets the inspection criteria (regardless of ride Standard used), and the state holds the owner/operator accountable for these inspections to be done.

F2959 is a reference document in the state of Utah regulations. Only section #5 “Ownership, Operation, Maintenance, Inspection, and Training Requirements” is required, which is mostly straight out of F770, except live trees, wire ropes and arborist requirements. This is also in ACCT and PRCA requirements. State of Utah is not requiring any owner/operator to go backwards to prove design and/or the manufacturing process. So there is no required change or related additional cost to an operation.

As it pertains to Utah inspector qualifications, proposed regulations make it possible for many certified inspectors to perform the required annual inspections. NAARSO and AIMS combined have over 1300 inspectors, which also include ACCT and PRCA members, and provide education classes regarding Operations and Maintenance and Aerial Adventure Courses in accordance with associated standards. NAARSO and AIMS are not just Ferris Wheel and coaster inspectors.

The following relates to changes I would recommend the Legislature consider:

Add design and manufacturing requirements for the following reasons:

- o Design and manufacturing is the bedrock of any amusement ride or device. Without said requirements Utah is allowing any individual to design and build a ride and then allow the public to ride.
- o Every other known AHJ requires some types of design and manufacturing requirements, without these Utah is ignoring some areas of public safety. After one accident Utah will have to explain why amusement rides can be open to the public without any design and manufacturing requirements.
- o In my experience, the initial inspection for any amusement rides is the most important. It's the only time the AHJ and/or inspector can inspect/audit the design and manufacturing process. The old saying is “garbage in is garbage out”. If an amusement ride has a poor design and manufacturing processes, does it really matter if you're inspecting the ride to manufacturer requirements? This is why the ASTM F2291 design standard is over 60 pages in length. Since aerial adventure courses are unique rides, ASTM F24 committee felt compelled to issue the first published standard for these types of rides in 2012.



- o Major modifications and bulletins are not identified within Utah regulations and should be addressed. These important documents should be included so that amusement rides are updated when required and verified by a QSI. Without referencing these document requirements, Utah rides are at risk for accidents/incidents, which may have been avoided.

It should be noted that ACCT is actually a “trade organization” and not a general Standard writing consensus group like ASTM. As such, the requirements in ACCT and PRCA were never voted on by the general public, only ACCT members are allowed to vote, who must pay a membership fee to join. Additionally, many of the requirements financially benefit ACCT and its core membership group. PRCA is also a membership driven organization which follows closely to ACCT. The statement during the hearing that ASTM standards require owners, operators and inspectors to purchase 11 different ASTM referenced ASTM standards to perform Inspections was 100% false and misleading. The proposed Utah Rules only call out “parts” of 3 ASTM standards. And these Standards can be obtained at no cost.

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I also have some quick facts regarding ACCT, PRCA and ASTM that I wish to share:

- o ASTM F2959 standard was initially published in 2012, before ACCT and PRCA and included input/votes from both ACCT/PRCA members as a large task group and sub-committee members.
- o PRCA standard was initially published in 2014
- o ACCT standard was initially published in 2016
- o ACCT is a trade organization and not a neutral standard development organization.
- o PRCA is a private member organization and not a neutral standard development organization.
- o ASTM as an organization with no skin in the amusement industry game; they’re simply providing a service to the industry and public from experts in the field including members from ACCT and PRCA.
- o ASTM has a rigorous consensus driven process for anyone from the public to vote and give input. One negative vote holds up the ballot, at which point all main committee members vote to find persuasive or not, not a selected few like ACCT. This allows everyone to have an equal voice. You don’t even need to be an ASTM member to vote or attend meetings, anyone from the public can be involved.
- o ACCT/PRCA have long been advocating to their members and others that ASTM is difficult to follow and/or understand. This narrative is not new



although it is disappointing since ASTM is providing the standards development service to enhance safety for the amusement industry at large, and it relies on volunteer members from the industry to write standards. If it is the opinion of ACCT/PRCA that ASTM standards are difficult to use or understand, then I wish they would propose revisions to improve it instead of publicly undermining the efforts of so many experts within ASTM, that include ACCT and PRCA members.

- o NAARSO and AIMS inspectors actually have to perform the inspections themselves and do not allow supervisor-type endorsements like other organizations, which allows a Level I or II to supervise an apprentice inspector.

In closing, the costs for Owner/Operators to comply with the proposed Utah regulations will be less than in most other states. This is good news for small businesses, family-run businesses, cities and counties with small budgets. With that, I want to say good job to Utah and this committee and let me know if you ever need assistance. Thank you.

21. Written Comment - Jamie Barrow (Director of Operational Training and Risk Management, Vail Resorts)

Mr. Sweeten,

I first want to start by commending the process that the Utah legislature has established, as well as commend this committee for your hard work, dedication to public safety and the amusement industry as a whole. It is clear to me that this committee is committed to ensure that you are following the legislation and at the same time, looking to do what is best for the state, the owner operators, inspectors and the general public that enjoys these activities.

I appreciate the time to talk during the public hearing on 1/13/2021 and I wanted to submit my thoughts in the written form as well.

I support the regulations in the current draft form

- o I do ask that the committee look at creating clarification between the excluded challenge courses and the included aerial adventure courses that are used for amusement purposes.

- o One option would be to explore the use of one of the two exclusions that Colorado uses.

- (D) Climbing walls used for sport and fitness training, located in educational facilities, schools, gymnasiums, sport and public entity



recreational facilities, or other facilities solely devoted to sport and recreational activities, training and instruction.

(H) Any amusement ride or device operated at a private event that is not open to the general public and not subject to a separate admission charge or any amusement ride or device owned and operated by a non-profit organization who meets all the requirements in Sections 2-1 and 2-2 of these regulations and operates their rides less than 8 days in any calendar year.

In the regards to the individuals that requested that the committee consider adding ACCT and/or PRCA as a viable standard for the Areal Adventure Courses.

- o As the Chair of the ASTM standards harmonization committee I have reviewed the three standards and can clearly state that Meeting the Proposed regulations siting ASTM will NOT be any type of burden or hardship to any of the courses and they WILL be able to still follow and meet either of the other two standards with NO conflict or added cost.

- o This is true because unlike other states Utah currently does not include any Design or Instillation standards where often times the increased costs for areal adventure courses does come from.

In regards to the lack of qualified amusement inspectors or challenge that an amusement inspector will not do a good job or know what they are looking at.

- o There will always be good inspectors and bad inspectors. It is the responsibility of the owner operator to do their due diligence and select a qualified inspector regardless of the standard or certification that they hold.

- o I personally know several ACCT and PRCA inspectors that currently hold NARSO or AIMS inspector certifications and would meet the current proposed regulations. Several where on the Call.

- o The inspectors that do not currently those certifications could easily get them and meet the states requirements with minimal cost and time efforts.

In regards to the individuals that commented about the issues around operator error being the reason for Accidents.

- o I warn that there is no clear documented study that supports this information and that nothing is stopping these facilities from training to any standard that they chose to address these risks as there will be no conflict with the current proposed Utah regulation.

- o This is also a distraction tactic as the proposed Utah regulations do not address design or instillation and the proposed regulations do focus on the tasks of training of operations, inspection and maintenance to the user manual of the ride or attraction.



In regards to the request to add multiple standards to the regulations or have a different standard for aerial adventure courses.

- o I fear that this will cause confusion to the owner operator, inspector, jurisdiction and general public.

- Would I need to meet all of the listed standards?
- Would the Inspector need to tell the state to which standard they inspected too?
- Would the owner get to pick?
- How would the public know what sites follow what standards?

- o As an operator that has areal adventure and traditional amusement rides in several different states and jurisdictions, we have chosen to follow ASTM 770. We have found ASTM F770 to work well for both types of rides. We do not need to hold different staff to different standards based on what type of ride we have.

- If we had to do different standards or meet multiple standards, this would be a burden to our site. We would have to do more documentation to demonstrate compliance to multiple standards, we would need to own and monitor multiple standards.

- o This would also create a burden to the state of Utah to monitor the changing of multiple standards and to vote and be an active contributor to multiple standards.

I greatly appreciate your time and energy that each of you are doing in a volunteer capacity and I appreciate your time and dedication to the process of public comment and look forward to reviewing in the future.

If you have any questions about any of my comments please feel free to reach out to me by phone or email.

Sincerely,

Jamie Barrow
Director of Operational Training and Risk Management
Vail Resorts
390 Interlocken Crescent
Broomfield, CO 80021-8056
C: 303-210-8129
E: jbarrow@vailresorts.com

22. Written Comment - Eric Willison (Kid's Week Program Director, Camp Hobe')



To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The challenge course at Camp Hobe is the highlight for campers each year. Camp Hobe is a camp for young cancer patients and helps them continue with their cancer treatments. Not having a rope's course for these campers would be devastating to their moral and emotional wellbeing, and potentially adversely effect their ability to positively continue with their cancer treatments.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology



(ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors
- Create a seat on the Utah Amusement Ride Safety Committee specifically for the Challenge Course industry.

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Sincerely,

Eric Willison

23. Written Comment - Shawn Horman (Director of Sales, Southwest Adventure Tours)

To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used to for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.



The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zipline inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Sincerely,

Shawn Horman
435-572-4935
shawn@southwestadventuretours.com

24. Written Comment - Kendall Wimmer (Vice President of Operations, Thanksgiving Point)

To Whom it May Concern:



I would like to express my concerns with the rules proposed for the regulation of amusement devices in Utah. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that "a challenge, exercise, or obstacle course;" is exempt from these rules. Additionally, section R920-60-4 (1) states, "Aerial Adventure Course" as a definition used in the regulation. The use of "challenge course" in the exclusion and "Aerial Adventure Course" in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth-serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth-serving recreation programs, therapy programs, and educational organizations. For significantly more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. Inspectors have been certified by the Association for Challenge Course Technology (ACCT) Inspector Certification program for the last 9 years. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI standard in 2016. It is a long-standing document tailored to the industry and is the most widely used in the world. The ANSI standards and ACCT



ICE must be included to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple rule changes do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge course and aerial adventure courses
- Include the current ANSI Standards by reference
- Add ACCT Level 1 or ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zipline inspectors

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Sincerely,

Shawn Horman

25. Written Comment - Jeremy Bell (Camping Director, BSA)

To Whom it May Concern:

I would like to express my concerns with the rules proposed for the regulation of amusement devices in UTAH. Several sections of the proposed rules would adversely affect my work in the challenge course industry and the availability of programs without improving the safety of the public.



Crossroads of the West Council, BSA operates seven challenge courses at camp facilities throughout Utah. These courses provide thousands of young people the opportunity to develop trust, communication skills, self-esteem, leadership, problem-solving, decision-making and teamwork. ACCT standards ensure that these courses are safe for staff and participants. Each course is inspected annually by an ACCT ICE inspector.

The scope and exclusions of the rules do not make it clear what facilities would be required to use this new permit system. The language in section R920-60-3 (2)(d) states that “a challenge, exercise, or obstacle course;” is exempt from these rules. Additionally, section R920-60-4 (1) states, “Aerial Adventure Course” as a definition used in the regulation. The use of “challenge course” in the exclusion and “Aerial Adventure Course” in the definitions creates confusion about what activities would be regulated in the state. The confusion is created because of two factors: 1) challenge course is an older and historic name used for what is today broadly called an aerial adventure course; 2) the challenge course is listed on a line with other activities which in other ways are unrelated. The confusion created by using these two terms in both the exclusion and the included sections of the rules creates confusion. This confusion must be resolved.

The confusion created by this language places challenge course sites in a difficult and unpredictable position. If they believe they are not required to apply for a permit, then they are exposed to the potential of a significant fine (section R920-60-13) of \$500 or \$1000.00 per day they are out of compliance. For most youth serving camps or educational institutions, a fine for unknowingly operating or misjudging if they are required to obtain a permit would be financially catastrophic. This would lead to a significant loss of youth serving, therapeutic, and educational sites and programs.

The challenge course and aerial adventure industry has a long history in Utah. Challenge courses have traditionally been part of youth serving recreation programs, therapy programs, and educational organizations. For more than 35 years, courses have operated in the state serving these populations. For many years, these activities of these sites have used the ANSI/ACCT or ANSI/PRCA standards to help protect the participants and staff in these programs. As part of these standards, sites have made use of skilled and qualified inspectors from the challenge course industry. For the last 9 years have been certified under the Association for Challenge Course Technology (ACCT) Inspector Certification program. The ACCT ICE program is specifically tailored to the challenge course industry and builds on the long, successful history of inspections for the industry.

The ACCT standard has been in use since 1994 and is updated regularly. The standard was recognized as an ANSI Standard in 2016. It is a long-standing document tailored



to the industry and is the most widely used in the world. The ANSI standards and ACCT ICE must be recognized to recognize the existing industry and to protect the many programs providing important services within the state.

In the state of Utah many programs have a long history of using the ACCT standards for their annual third-party inspections, annual training, and program operational manuals. The ANSI/ACCT standard is functionally equivalent to ASTM and in some areas more stringent. Changing from the existing practice to ASTM's F24 standards would be at least a significant disruption and for some would be a significant expense with no subsequent improvement in safety for the public. Asking sites to spend scarce resources with no increase in safety is not in the public interest. The expense would likely cause some smaller programs to terminate their challenge course operations. Again, this would result in the loss of many courses and many opportunities for youth, education, and therapy.

These simple changes to these rules do not detract from and may in fact add to the effect of the new rules on the safety in Utah. Please make these simple changes:

- Clarify the language of exclusion to either fully include or fully exclude challenge courses used primarily for youth work, therapeutic programs, and education.
- Include the current ANSI Standards by reference.
- Add ACCT Level 2 Certified Inspectors to the list of qualifications for challenge course and zip line inspectors.

The challenge course industry has a long history in Utah. Your actions to adopt these changes honor that long tradition and the difference between this industry and the traditional carnival and fair ride industries while providing the public with additional assurances of safety.

Sincerely,
Jeremy Bell

26. Oral Comment in Public Hearing - Scott Andrews (Policy Director, Association for Challenge Course Technology (ACCT))

Thank you, Mr. Miller and the members of the Amusement Ride Safety Board. I appreciate you taking this time to hear the comments and to hear the comments of the community challenge



course and other amusement providers in this state. The ACCT takes the position that effective and efficient regulation of the challenge course industry is beneficial for any industry and public safety. We encourage in your deliberations about these rules to strongly consider adding the ANSI ACCT-03-2019 standard or ANSI standards in general to standards listed as referenced standards for these rules. We do that because of the long history that the challenge industry has in the state of Utah using those rules for inspection, operation, training, design and installation. Those standards are comprehensive across all those areas and have been in use for more than 25 years in this state. We also ask that the community of inspectors that have historically inspected education, therapeutic and recreational challenge courses in this state be included through the Act inspector certification program and that be recognized as a qualification for Qualified Safety Inspectors in this state. That is a system that has worked well for a significant number of years. And because they serve a very strong number of courses in the state, we believe upwards of a 100 currently. Taking them out of the pool of qualified inspectors may cause a drought in the number of inspectors available so we strongly encourage the inclusion of those. And lastly, toward just efficient and effective regulation, we ask the safety board to consider clarifying the exemptions within these rules and if necessary to ask the legislature to clarify the exemptions in the original code. We do that because what we'd like to see is that the regulations affect a type of operation and not a type of business. I think we can see that if it's commercial, that is a business type that is not an operation or a thing we are regulating. We would like to see that we regulate a specific thing and not a business model. We also think that providing clarity provides small operators in this state because it eliminates the confusion of could I be penalized for not being permitted when I think I'm actually not required to. That is an important piece as well. The industry has a long history of very skilled and significant skill set represented in this room through inspectors who are here and people who have taken a long time to develop the skills and experience to look specifically at challenge courses and aerial adventure courses and ziplines and to understand how they are built, operated and how to inspect those. We think it is important for public safety to continue to recognize those people as valid inspectors within the state. The example I've given in casual conversations with friends is that I would not want a ferris wheel inspector to inspect my challenge course and I would hope that the ferris wheel inspector would not want me to inspect their ferris wheel even though I have 30 years in the amusement industry by one definition and I think that's an important thing to recognize that they are parallel but not equivalent skills. I would like to see those skill sets and challenge course inspectors recognized. I do want to address that we do know that the ASTM standard referenced currently in the rules and ACCT standards are essentially equivalent. The one place where the ACCT standards are slightly more strict is in the operational side because they have a little more detail than the ASTM standards. I think that is important to recognize that most of the injuries in our industry today happen not because things break, but because of the way that the courses are operated. So looking toward a standard that recognizes that a regularly updated and reviewed around operational parameters is important. I want to thank the committee - the board - for this time and I yield the rest of my time to the rest of the other speakers today.

27. Oral Comment in Public Hearing - Elise Smith Manning (Director of Training, Helix Construction)



Great, my name is Elise Smith Manning, I'm with Hewitt Construction out of Provo. With some further concerns with the bill, Scott mentioned that many of the accidents happen in operational errors by humans and I don't think the bill recognizes this. That is one of my big concerns is recognition of the human element in operating a challenge course is very different than it is in a fair ride or more typical amusement ride. So I would like recognition from the bill to that factor and I also think it is appropriate for a seat on the committee for someone in the challenge course industry. There is apparently a specific seat for someone in the amusement industry and someone in the fair rides, but not in the challenge course. I've got a list of at least 75 challenge courses in Utah and I think representation for that population would be beneficial.

28. Oral Comment in Public Hearing - Mike Barker (PRCA Safety Committee Chair, PRCA)

This is Mike Barker, I live at 15 Abby Rd. East Hampton, Connecticut. I am here today representing the Professional Ropes Course Association's (PRCA) interest. I'd like to point out, that as I'm sure Scott has said also, there are two sets of standards out there that have been dealing with what we call challenge course which includes aerial adventure parks, canopy, ziplines tours and so forth. That's historically where they fell within the industry. Active PRCA have been the associations dealing with the standards and so forth for many years and we are the people that build these, we are the people that have inspected them all these years, we are the people that have trained people all these years. Originally when the aerial adventure parks started being built, quite massively across the country, and not necessarily by people that had extensive experience in building courses prior to that. And that is where we started to see the injuries start to amount up. Again, like Scott and others have said, very few cases of equipment issues were involved with these injuries. It is mostly operational issues, failure to train, failure to follow training; the same types of things we see in any employment operation. The stuff that OSHA deals with on a regular basis. These two standards address this industry far better than anything ASTM can come up with. ASTM, I'm a member of the F24 committee along with other people in this meeting also, and one of the issues is that our standards are all consensus based, ASTM, ACCT, and PRCA. Our consensus based standards between ACCT and PRCA were developed from within the challenge course industry which includes the aerial adventure parks, ziplines and canopy. We came up with consensus by the people that built these, that inspected these, that designed these, that came up with the concept for these. We are the ones that are basically the industry. When we got to ASTM, we had people from -- engineers, many people involved with the standard amusement ride and devices. ASTM does a phenomenal job dealing with the standard amusement devices, however, these are not standard amusement devices. This is entirely different type of engineering work, entirely different type of design and something far beyond what they normally deal with. I know that when we first started working with ASTM and when ACCT was first working with ASTM, we had asked them to incorporate or reference these



two standards that have been developed over the years to deal specifically with these courses. ASTM basically refused to do so. So a lot of the information, a lot of the material, a lot of the items that we have in our standards never made it into the ASTM standards. And because of that, there are things missing from there that are important to these courses, important to the operation, important to the training, important to the designs and the equipment. I know the ACCT and PRCA standards both harmonize as much as possible with all the other standards including ASTM. I know the PRCA American National Safety Standards harmonize with worldwide standards - New Zealand, Australia, European Ropes Course, ACCT standards, ASTM standards, NFPA, and OSHA regulations. So all these things were inserted into these to make a full standard that covered every aspect. The ASTM standard, utilizing that all by itself, would require an operator to purchase 11 other ASTM standards to have a concept of what they are doing. That is going to be rather burdensome. I know engineers that I have spoken to before and members of ASTM that I have spoken to before and will all sit there and say, "we can't figure this out unless you jump back and forth between documents 20-30 times per issue". It is confusing. It can be very confusing. When you have something like amusement devices where it is broken down into very specific components as it is being designed, like someone working on the motors, they follow the ASTM standards for the motors, someone is designing the rails, they follow the standards for the rails. But it is more of the installed attitude that the ACCT and PRCA standards have. We deal with all the issues involved with it to try to make it easier for the industry itself to deal with these things and to understand them and to be able to function with them. I do agree we need to clarify the exemption, because the phrasing in the actual standard where it says "aerial adventure parks", that definition will include challenge courses. That's how we all saw it. And if we all saw it that way - we deal with standards all the time - what do you think your average course owner out there in Utah is gonna believe? They are going to think it excludes them all, or the opposite. The definition of what a challenge course is, if you are looking to apply these standards to aerial adventure parks that are 'amusement' -- that is one thing. However, we will use the ACCT and PRCA standards referencing them and are going to give these operators and these builders and these inspectors a means of looking at standards that are designed specifically to address the issues within this industry. Rather than, as Scott was saying; a roller coaster, Scott won't go out and inspect a roller coaster and neither am I. We inspect the course, because we know what we are looking at and what we are trying to find. I am sure Scott and anybody else that is on the call can tell you that over the years we found a handful of engineers that understand the concepts within the aerial adventure parks, and the ziplines, and the tours. We have engineers that have worked hard on this stuff. I see Troy Richardson on this call right now. Troy is a specialist in ziplines. Troy and I have both been expert witnesses in many cases and in almost all of those cases, it is operator error or failure to follow the ACCT or PRCA standards, which lead to the injury. I have seen them meet the ASTM requirements, but I will not pass them. I think Scott mentioned the ACCT ICE program which is the inspector program. In the PRCA we have accredited vendors who are also certified for inspection. We also have qualified instructor certifications for training. These are things this industry has done to ensure that we are safe and that we are doing the right things. And adding another set of standards is just going to create issues and confusion.



29. Oral Comment in Public Hearing - Michael "Troy" Richardson (President, Momentum Engineering, LLC)

If I may, my name is Michael Troy Richardson. I'm a zipline expert, I've been building ziplines for over two decades. In the state of Utah, I live in Washington. I've been on the board of the PRCA. I'm trying to be a part of the ACCT board. I've been an F24 committee member for over two years. You know, I've been the inspector, the instructor, the installer, and the engineer. What we are finding with the standards is there is a benefit with ASTM. The benefit of the ASTM is that we vote on changes throughout the year. Changes are made almost, not necessarily on-the-fly, but we can recommend changes and get them on the books. Now Scott Andrews and Mike Barker have seen emails that I have recently sent out. About braking changes that need to be made. Right now, the standards for braking is 6 mph. You need an emergency brake device. Well, what I'm finding is the majority of the accidents that I have investigated - at least 20 of almost 50 - have been braking related. Some of it is operator error, but some of it is possibly an inspector who has missed the fact that the need something more, or don't understand the engineering behind a zipline cable and how much it can shrink for every 20 degrees and how that changes the speed of your zipline when you have a free-wheeling trolley relying on a belly curve to slow down in the middle of January. It just does not work. So some of the accidents have been very severe, over 50 mph. That is horrendous. There are ziplines out there that have that kind of speed that only require one emergency brake or emergency rest device. I lobby and try to get something on to require a second EAD per 15 mph or more, but I guarantee that change is not going to be able to be made in the ACCT or the PRCA in the next coming year. It is going to be a slow process. The odds of it being to come through with a change in ASTM are greater in my opinion. Now granted, ASTM F2959 covers half a dozen other standards and the nice thing about ASTM is that we just adopted 2970 for the trampoline parks. So we are already on board with them. But I don't believe we should exclude ACCT or PRCA inspectors to review and inspect ziplines. I think there ought to be an inclusion for them, but also I like ASTM a little bit better.

30. Oral Comment in Public Hearing - Benjamin Allen (CLAS Ropes Course)

I can go next, my name is Benjamin Allen. I've been in the ropes course industry for 39 years building ropes courses, ziplines and so forth. I live in Provo, UT. My address is 3606 W. Center Street, Provo. So far I've built over 140 ropes courses or zip lines around the country. Mostly here in Utah. I've been inspecting for about 35 years, training people about the same amount of time. I've seen a lot of changes over the years. You know, most of the courses that I build aren't included in the amusement category. For example, they are at a scout camp or at a church camp, or a therapeutic operation. So most of these courses don't even have a zipline that would go over 20 mph. It is mostly a zipline that is gravity stopped. Those are the safest form of zipline where they can't even reach the end of the zipline and they just come to a stop because of gravity and then go back to the middle where the participant can get off on a ladder. There is a lot of changes that have happened just in the last 10-20 years which is when the ropes course industry has gone more 'amusement' with these real fast ziplines and aerial adventure parks and so forth. I believe that the best way we can help these courses to be safe is to also include ACCT as a inspection



standard. I know I sent this in the email and many of you have heard it before, but I wanted the committee to really see why this is so important. In Nevada they have these standards where the amusement park industry has to inspect the ropes courses and so I was down there doing a training for a ropes course there in Nevada and I see that a lot of the stuff in these courses were not meeting the standards and were unsafe in my opinion. I told the owner "we should do an inspection while I am here. I will only charge you \$700 for the inspection and then we can make a plan to get these things back to standards." And he said, "Oh no, I had an inspector from the Amusement Park Division of Nevada come and they charged me \$2,000, and they told me that everything looks great and we are good to go. So I'm not going to pay you \$700 to tell me something fails." So I think that if we just say like it says in the regulations right now, you know, the amusement parks inspectors would be inspecting these courses, I think it would make them much less safe. I'm ok if an engineer and the person who installed that course, is using ASTM standards, then go ahead and let that course continue to use ASTM standards. If they are using ACCT standards right now, then let them continue to use ACCT standards and ACCT inspectors. If they are using PRCA, the same there. That is my vote, is to include, like Scott said, ACCT inspectors and ACCT standards.

31. Oral Comment in Public Hearing - Jamie Barrow (Director of Operational Training and Risk Management, Vail Resorts)

I would like a comment for supporting the current regulation. My name is Jamie Barrow. I'm representing Park City ski area and Vail resorts. My address 390 interlocken crescent, Broomfield, Colorado. I am in support of the current regulation with the note that I agree - and I know that the committee is working through the challenge course and aerial adventure conflict - I'd encourage you to possibly look at how Colorado has defined the difference between a challenge course and an aerial adventure course. They use a model that is pay-to-play for a lack of a better term, that if the camp or conference center were using it as part of their facilities for their camp and the people are renting out the camp, that is not an amusement device. If they are soliciting business outside of the camp rental facility that then becomes an amusement device that needs to meet the standard. I would also like to support the current standards in referencing ASTM. I too have been part of the challenge course industry for 28+ years. But I am one of the few that has made a transition and now I am operating both amusement attractions and ziplines and challenge courses. As an operator that operates both, I feel that the ASTM standard is suitable, especially the standard that you are referencing - ASTM F770 - we need to all remember that this is an operations inspection and not a design and installation standard. With that, all of these individuals have all stated that their standard is more restrictive and robust than the ASTM standard. So they will have no problem meeting the current Utah regulation with no burden and no additional funding needed because we are talking about operations. We are talking about having a manual, following the manual, doing the maintenance, doing the daily inspections that the builder or the manufacturer calls out. There is nothing here that prevents the builder - being ACCT, PRCA - nothing at all that prevents what standards they want to follow above and beyond the Utah regulation. This is fine. I also have concerns of listing multiple standards. I have seen states do that. I believe multiple standards leads to confusion and undue



burden not only for the owner/operators, but the general public is confused on what standards the course of the facility is needing to meet. The inspectors can get confused on what standards the course needs to meet and the jurisdiction as well. If you list multiple standards, are you asking us to meet all the applicable standards? Or are you only asking us to pick and choose? That either needs to be clearly defined, and/or we have to meet all of them. As a jurisdiction, you need to be prepared to not only monitor and supervise and vote for your state on one standard; you need to be prepared to be knowledgeable and vote on multiple standards. As a person that does that, it is very difficult. It is a burden to do so. A couple of comments that I would like to bring up that people mention, starting with inspector skills - I'd like to first say that being a part of this industry for a long time, it is the owner/operators job and responsibility to pick a qualified inspector. I have met many crappy ACCT inspectors, many great ACCT inspectors. I have met many amazing PRCA inspectors and I have met many crappy PRCA inspectors. I have also met many great AIMS and NAARSO inspectors and many crappy AIMS and NAARSO inspectors. Also, there was nothing preventing all these members from going and getting their AIMS or NAARSO as a credential as a qualified inspector. If they are qualified to inspect, they will be qualified to inspect under AIMS and/or NAARSO. It is not a burden, and it is a quite easy test and not much time. I caution all of us to refrain from conjecture on injuries. There is no quantifiable injury data in the ziplines amusement industry. We don't even have a clearing house for a number of injuries that happen anywhere. Most of the reports that have been done lump in backyard ziplines and other things from doctors, and the reports that have been done within the industry are probably 30 years old or older. So we don't actually have clear data. For every one that has been an operator error, I can point you to a similar one that was either a design failure, a maintenance issue failure, and/or a structural engineering failure. We have had all of them in the industry. To say that one is more prevalent than the other without actual statistics or facts is just plain conjecture. And at the same time, it is up to the owner/operator if you feel the PRCA standards or ACCT standards are going to better meet your risk management, you are by all means able - under Utah regulation - to meet those regulations as you see fit. There is nothing in the regulations. I have sat on the ASTM harmonization committee with Scott Andrews and we have gone line by line through the standards and I can tell you that there are very few contradictory standards - I think there are two we are addressing, but none of them would have impact on the Utah regulation. As everyone has said, it is far harder to meet the ACCT or PRCA operations standards and so if it is harder to meet, then it will by all means be easy for them to meet what Utah has proposed.

32. Oral Comment in Public Hearing - Jeff Borba (JB Technologies LLC, dba Precisioneering)

Mr. Miller, I would - Jeff Borba. Hi everyone, I'm Jeff Borba from 3 Deer Canyon Ct., Irvine, Nevada. I am representing Precisioneering, which is a 3rd party amusement ride inspection company for different orgs through the world and country. I have over 25 years of experience inspecting the permanent and portable type rides, including aerial adventure courses as well as instructing several classes in the amusement ride industry including aerial adventure courses. I am here because I have had Utah clients and I inspect my clients for operation maintenance manuals, which appears to me what Utah is proposing. You know, it is unfortunate how other individuals talk negatively towards other safety standards. I am not here, and I don't wish to



discuss issues with other standards mentioned today. They are different from each other, and that is not an issue. They are either great or have issues depending on your needs and point of view. I believe Utah has done a great job keeping these regulations, to what I would call bare-bones minimums, which can be met if owner/operators follow their manuals. I am not here advocating which standards are better. All standards, I believe, provide safety information to utilize and help keep the public safe and keep owners in business, which should be everyone's goal. Not to drive membership or give financial burden on any owner/operators. You know, a couple of things that were said in regards to the undue burden. I agree with Jamie. If a site is following and meeting other standards mentioned standards today, they are meeting or exceeding the proposed requirements. Regarding the comment about ASTM requiring 11 different referenced standards, that is just completely inaccurate. Since design and manufacturing requirements are not referenced in Utah regulations, we are talking about the operations of it. Not going back into 2291 or 1193 for manufacturing processes. In my opinion having multiple standards for the owner/operator to select from would be confusing and not really practical. It will create confusion if aerial adventure type rides follow different rules than the other amusement rides or if the sites get to pick and choose with standards they want to follow - which can change from year to year. It is pretty simple the way I look at it, from my point of view, the manufacturer sets the inspection criteria and the state holds the owner/operator accountable for these inspections. In short, the proposed Utah regulations are bare-bone requirements compared to other states, and trust me, I inspect in a lot of different states from Clark County, Nevada to California - you name it. When I read these, I said, "Hey, these are actually going to work for the public". And because of this, existing amusement rides or devices including the challenge course or zip lines should easily be able to comply without physical changes to the amusement ride systems. It doesn't matter if the provided manuals are in accordance with any aforementioned standards, just follow the requirements in the manual. A little note, as it pertains to the Utah inspector qualification. I am part of a lot of organizations - NAARSO and AIMS - the proposed regulations make it possible for many certified inspectors to perform annual inspections. NAARSO and AIMS combined have over 1300 inspectors which include many ACCT and PRCA members. NAARSO provides many education classes regarding operations and maintenance in aerial adventure courses in accordance with associated standards. They are really not just ferris wheel and coaster inspectors, they do have classes for the aerial adventure courses. In closing, the cost for owners/operators to comply with the Utah proposed rules will be less than in most other states. This is good news for small businesses, family-run businesses, cities and counties with small budgets. With that, I want to say, "good job, Utah and the committee". By the way, I agree with Jamie Barrow, which is not every day I can say that. Thank you, everyone.

33. Oral Comment in Public Hearing - Mike Lane (National Skiers Association)

My name is Mike Lane. I am with the National Skiers Association. 133 S Bend Gordon St, Lakewood, CO. My apologies, I just found out about this at 8:45. I don't have a really prepared statement. I just want to make one simple comment. I agree with Jamie Barrow and the direction that the Utah legislation is moving in terms of ASTM. In terms of the other standards. Jamie is exactly right. If you can meet ASTM, there is no burden to any organization or park or facility to



also be in compliance with ACCT or PRCA standards. My only comment, and general comment, is the ASTM standard is very inclusive of all diversity, of relationships and those participating. Anybody can participate and we are not finding that with the other groups. So other voices are not necessarily always heard and I think that is a very important aspect of the ASTM process. So everybody's voice is heard with ASTM and everybody gets a vote. That is my only comment, thank you.

34. Oral Comment in Public Hearing - Michelle Jensen (Midway West)

My name is Michelle Jensen and I'd like to make a comment. I am from Sun City, Arizona with Midway West. I really want to say I support this Utah standard, however my question is, have you received any commitment from inspectors or have reached out to them. My concern is that they are going to have to pay to inspect in order to participate in this. I know that there are over 1300 inspectors, but if it comes to April and not enough inspectors have signed up for this then that could be a problem for the amusement industry. Does that make sense? That is my only concern. I feel like a concern like that should be addressed in this because if it comes to April and no one can get inspected, that would be a huge concern for us.

35. Oral Comment in Public Hearing - Michael "Troy" Richardson (President, Momentum Engineering, LLC)

May I make a quick comment on a rebuttal. I have inspected in over 30 states. Out of the 30 states that I have inspected, I always look at the state regulations and they are all over the board. Some of them say we need ACCT and ASTM and I like that. I like the fact that they can choose which standard they follow but they really should follow all of the standards, in my opinion. When I come in, I look at all of the standards, if there is an active investigation as well. The problem is that our insurance has gone skyrocketing. When I ran and operated my zipline in 2009 in Spanish Fork, my insurance was about \$2,000 a year. This year, I tried to get insurance and they wanted a minimum of \$12,000 a year. Another problem is that we have 3rd party inspectors that say they are 3rd party inspectors that are going out and inspecting the ride that they built. Now that is ok, if it is the commission's position, but to continue to go back after you've built something and inspect it, that is not a true 3rd party. I welcome all inspectors as long as they follow the standards.

36. Oral Comment in Public Hearing - Joe Walker (Challenge Course Coordinator, UNI Ropes, University of Utah)

I have a comment. My name is Joe Walker and I am in Salt Lake City, Utah with the UNI ropes challenge course. I am just looking over the bulletin and wanted to comment on the permit system. I think there needs to be clarification about whether it is the permits per ride, or can we say challenge courses are one whole ride. I just think there needs to be some clarification on that. That is all I had.

37. Oral Comment in Public Hearing - Mike Barker (PRCA Safety Committee Chair, PRCA)

I apologize, I lost the call earlier. I have been doing inspection on courses since the 70's. With the multiple standards, typically an inspector has to be familiar with all the standards anyway. And you inspect what that course is operating under. So I've got clients that operate under the ACCT standards, I inspect to the ACCT standards. If it's a PRCA course, PRCA standards. ASTM, ASTM standards. That should be the means of operating for any inspector. If Utah did just go with ASTM, could we still inspect under that? Yes. Could the ACCT inspector still inspect under that? Yes. We are all familiar with the standard. But we need to ensure that we have a good inspector pool by allowing these other inspectors into positions. I do believe having multiple standards in each state is valuable. I have been an expert witness like Troy Richardson has, on probably over 50 cases and I disagree with Jamie in that most of these cases we've seen it is an operational error. I am also the chairman of the PRCA safety committee and everytime an injury involves a challenge course, or an aerial adventure park or zipline, we look at it as much as possible but we don't maintain a running record of it. The insurance companies warn us not to do that and most associations don't do that for that basic reason. Because you create a searchable record for attorneys and nobody wants to have that. But most of the cases I've been on are operational error or a failure to follow one of the standards - when it came to connectors, or ropes or cable. Other than the public letter I sent which has a breakdown of what we would like to see added - both standards - consider a serious clarification of the challenge course definition because that has caused so many problems in so many states already. It has been a nightmare dealing with that in terms of being an expert witness, in terms of being an inspector, builder and so forth. It does create a nightmare. That needs to be really clearly defined. The pay for play comment that was made - I have states where they have taken pay-for-play that have said, if you are signing up for camp and you pay to go to the camp, now it's pay for play. So that is probably going to be one of the hardest things the committee has to figure out which is how to work that exemption language. I'm sure that ACCT and PRCA both would be willing to work with you on trying to come up with a line which would address our membership that is not the amusement device part. Thank you for your time.