

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NEW YORK 12240-0100

In the Matter of

Part 32 of Title 12 of the Official Compilation  
of Codes, Rules and Regulations  
of the State of New York

(Cited as 12NYCRR 32)  
as Amended Effective May 1, 1995

Code Rule Section 32-6.5(a)(1)

COMMISSIONER'S  
DECISION

APPLICABLE  
VARIANCE  
(AV 118)

**Fiber Rope Tows**

Dated December 3, 1999

Pursuant to Section 30 of the Labor Law, the Commissioner of Labor has reviewed the aforementioned provisions of Industrial Code Rule 32 as it relates to fiber rope tows; and

The Commissioner finds that the issuance of an applicable variance from the aforementioned provision of Industrial Code Rule 32, relative to fiber rope tows, would not violate the spirit and purpose of the said provision and would secure the public safety as contemplated by said rule.

**APPLICABLE VARIANCE**

The subject fiber rope tows have a drive mechanism that resembles wire rope tows but utilize fiber rope with no handles and there are no intermediate towers. Fiber rope tows are required to comply with ICR 32-6.5(a)(1), which requires vertical

separation of the return rope with respect to the ski track. This requirement protects passengers from becoming entangled in the down going rope. New lifts have smaller separations than the code allows. It is found that a VARIANCE from the aforementioned provisions of Industrial Code Rule 32 is in keeping with the spirit and intent of the law and is hereby GRANTED, subject to the following conditions:

### THE CONDITIONS


1. A stop gate that fully encircles the down going rope shall be located at the bottom station to prevent passengers from being pulled into the drive apparatus. It shall be located uphill of the first obstruction 150% of the stopping distance required to stop the empty tow operating at 400 feet per minute.
2. The speed of the fiber rope shall be limited to a maximum speed of 400 feet per minute.

This variance shall apply and shall be applied by all enforcement officials to all persons and in all places for which the aforementioned provision of Industrial Code Rule 32 applies to the approval and compliance of fiber rope tows, with the same force and effect as if this variance were duly granted upon separate petition for the use and benefit of every person affected by the aforementioned provisions of Industrial Code Rule 32.

DATED: December 3, 1999

JAMES J. MCGOWAN  
COMMISSIONER OF LABOR

BY

  
Richard Cucolo

Director, Division of Safety and Health