

1 ILLINOIS DEPARTMENT OF LABOR
2 CARNIVAL-AMUSEMENT SAFETY BOARD

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4
5 REPORT OF PROCEEDINGS commenced on
6 the 16th day of October, 2012 in the
7 above-entitled cause at 12:00 p.m., at 160 North
8 LaSalle Street, Suite C-1300, Chicago, Illinois.

9
10 PRESENT:

11 MR. DANIEL KIRSCHNER, Chairman

12 MS. PATTY SULLIVAN, Co-Chair

13 MR. JOE COSTIGAN

14 MR. RON WILLIS

15 MR. ANTHONY URBIK

16 MR. ANGELO MAZZENGA

17 MS. LINDA GIVAND RHODES

18 MR. RYAN CULTON

19 MS. SARAH MEEKS

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BOARD MEETING AGENDA

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1 CHAIRMAN KIRSCHNER: All right. Let's call
2 this meeting to order. Thank you for joining us
3 today. Has everyone had a chance to read the
4 agenda?

5 (No response.)

6 MR. URBIK: I make a motion to approve,
7 whenever you are ready then.

8 CO-CHAIR SULLIVAN: Second.

9 CHAIRMAN KIRSCHNER: All in favor?

10 (Chorus of ayes.)

11 CHAIRMAN KIRSCHNER: Any opposition?

12 (No response.)

13 CHAIRMAN KIRSCHNER: Hearing none, the agenda
14 is approved.

15 Thank you. Moving on to new business,
16 which is also sort of our old business here, zip
17 line. We went back and did some re-tweaking.

18 Would you tell us about the new zip
19 line provision?

20 MR. CULTON: Yeah. So as we left our last
21 meeting, the direction was to take our amended
22 zip line rules back to the subcommittee, and so
23 Angelo and Patty and I had a chance to review
24 them, and we went through our amended zip line

1 rules, and there was kind of two main focuses.
2 One was define what a mobile zip line was,
3 define what a fixed zip line was, and we added
4 those definitions on.

5 MR. WILLIS: Page number?

6 MR. CULTON: Page 9.

7 CO-CHAIR SULLIVAN: Go ahead. I have got
8 this.

9 MR. CULTON: And then so that was kind of the
10 first charge, and then Angelo had the good idea
11 of -- rather than if we went too far into this,
12 we would almost have two separate rule documents
13 if we started to word it too differently. So we
14 went through, and where it needed to be
15 specifically named a mobile zip line, we called
16 it a mobile zip line. If it was specific to a
17 fixed zip line, we said specifically fixed zip
18 line. If it applied to both, we said zip line
19 or we said mobile and fixed zip line.

20 MR. URBIK: Is the trigger -- is the
21 definition based on a location, or is it based
22 on the device itself?

23 CO-CHAIR SULLIVAN: Bless you, Sarah.

24 MS. MEEKS: Sorry about that.

1 MR. URBIK: For example, if I have a zip line
2 that can be mobile, but I have it at a fixed
3 location all the time, is that a mobile? Do the
4 mobile rules apply or the fixed rules apply?

5 MR. CULTON: There, I think both would apply.
6 I wouldn't -- I don't know of an instance where
7 a mobile and fixed would be the same.

8 MR. URBIK: If a carnival guy goes out of
9 business and I buy his mobile zip line operation
10 for my park, so it is a mobile thing at a fixed
11 location, I just don't know how we could treat
12 that.

13 MS. RHODES: They are designed differently,
14 correct? I would think if it's a mobile, it's a
15 mobile, even if you are using it as a fixed.

16 MR. CULTON: I guess without a specific
17 example, I don't know. Do you guys have a
18 thought on that?

19 CO-CHAIR SULLIVAN: Well, I am guessing that
20 you would actually change it to a fixed in that
21 typically a mobile is attached at least on one
22 end to a vehicle, and who wants to have a
23 vehicle sitting -- I mean, because this would be
24 an expensive vehicle, a heavy, you know, truck,

1 and so I am guessing that you would rarely see
2 that happen for any great length of time,
3 because, you know, they would rather just build
4 a little something rather than have a whole
5 truck tied up with it.

6 MR. WILLIS: With the practical effect in the
7 way the regs are written with respect to the
8 inspections or whatever you need, whether you
9 classify something as mobile --

10 MR. URBIK: I think it's just anchoring
11 requirements.

12 CO-CHAIR SULLIVAN: It's basically anchoring.

13 MR. WILLIS: Well, I was saying as defined in
14 here.

15 MR. CULTON: If they do -- if they do a major
16 modification and they change it from mobile to a
17 fixed, that would require reinspection by the
18 Department, or if they do any major modification
19 that would require some kind of change in the
20 design, they would have to hire an engineer and
21 have the engineer sign off on any modification,
22 and they would have to notify the Department
23 that they changed that. So we would --

24 CO-CHAIR SULLIVAN: And have a third-party

1 inspector.

2 MR. CULTON: And have a third-party
3 inspector. So we would know that they have
4 changed its purpose.

5 MR. URBIK: I didn't mean to get us off
6 track.

7 MR. CULTON: No, no. That's okay.

8 MR. WILLIS: I guess the question would be if
9 you just put up a -- take a mobile, just left it
10 as a mobile and kept it there, and did
11 everything you did as a mobile, wouldn't it be
12 still inspected as a mobile zip line?

13 MR. CULTON: As long as it was being used in
14 the intent that it was --

15 MR. MAZZENGA: I would agree.

16 CHAIRMAN KIRSCHNER: It's just a question of
17 whether it's readily movable. You don't have to
18 move it.

19 MS. RHODES: Or it's designed to be mobile.
20 And then I have a question about the definition
21 for fixed, and it's just a small question, and
22 I'm maybe reading it wrong. Is a word missing?
23 It says, "that is designed to at..."

24 CO-CHAIR SULLIVAN: That's one of the things

1 that I found, and we have got about four or five
2 just editing typos, things.

3 MS. RHODES: Just words missing.

4 CO-CHAIR SULLIVAN: And, yes, I think it's,
5 "to be used." So you can just write that in,
6 because we have got it.

7 MR. CULTON: Linda, this is what happens when
8 you have two engineers writing something. It is
9 not grammatically correct.

10 MR. WILLIS: I think you should go through
11 this. That's more than a typo. That's words,
12 and I think you've got to go through it, and if
13 there -- if this is the document you are going
14 to be using, then I think you've just got to get
15 it all on the record that the definition should
16 read, "to be used at." It's not like changing
17 a -- catching an "a", which is written as a "z."
18 So if you have got your other ones, Patty, you
19 might as well point them out.

20 MR. CULTON: So to get them in the minutes,
21 Ron?

22 MR. WILLIS: We are just correcting
23 typographical errors in the document that's
24 before you.

1 CO-CHAIR SULLIVAN: Okay. Then, the next one
2 would be Page 11 under D(1) (A) about one, two,
3 three, four, five, six -- five lines down where
4 it says, "of the report," and "the" has been --
5 has a strikethrough. It should not have a
6 strikethrough. The "the" should be in the
7 sentence.

8 MR. URBIK: Where are you at?

9 CO-CHAIR SULLIVAN: On Page 11 under A, one,
10 two, three, four, five lines down and about
11 two-thirds of the way over there is a
12 strikethrough through "the," "the report,"
13 excuse me. And it needs to -- we need to remove
14 the strikethrough.

15 MR. MAZZENGA: Okay. I don't have it in
16 mine.

17 CHAIRMAN KIRSCHNER: It's on the sixth line
18 down.

19 MR. WILLIS: Do you see "design" highlighted,
20 and you go over?

21 MR. CULTON: It's on the sixth line.

22 CO-CHAIR SULLIVAN: I'm sorry. I was looking
23 off of the one that I --

24 MR. CULTON: And, Joe, I passed out a revised

1 one. So it should be right under there. Yeah,
2 that's it.

3 MS. RHODES: That's what we should be looking
4 at right now.

5 MR. CULTON: Yeah. It's really the same
6 document as the one that was in your packet,
7 only I have three spots where we highlighted
8 something that I wanted to point out. We will
9 get to that.

10 CO-CHAIR SULLIVAN: Then on Page 13 under (F)
11 lanyards, the second, I believe, line down, it's
12 just to spell correctly "the" product. And then
13 on Page 14(D) add the word "of."

14 MR. CULTON: The use of a tree.

15 MR. MAZZENGA: It's the use of a tree, right?

16 CO-CHAIR SULLIVAN: Yes, use of a tree.
17 Yeah. I had red -- used red when I typed it
18 out. I used a printer that didn't have color.

19 MR. WILLIS: "Approved by a certified
20 arborist to ensure good health and stability of
21 the trees. All trees on fixed installations
22 shall receive this assessment no less than
23 annually."

24 CO-CHAIR SULLIVAN: Yeah.

1 MR. WILLIS: Did I miss something?

2 MS. RHODES: It's the third word in the
3 beginning of that segment. The use of a tree,
4 correct?

5 CO-CHAIR SULLIVAN: Ah-huh.

6 DIRECTOR COSTIGAN: You are inserting the
7 word "of" between "use" and "a."

8 MS. RHODES: The use of a tree at the
9 beginning of that sentence.

10 CO-CHAIR SULLIVAN: And, see, I couldn't see
11 it, because it all looks the same, and I think
12 those are all that I had found. So that's not
13 bad for --

14 CHAIRMAN KIRSCHNER: Back on Page 11,
15 (D) (1) (A), two things. Eight lines down, "the
16 report shall," it should be "shall be
17 submitted." And then in the first line, "all
18 zip line operating systems designs," so I think
19 the "s" should come out of systems.

20 CO-CHAIR SULLIVAN: Well -- you know, and I
21 saw that, but there are multiple systems, and
22 especially for a canopy type zip line, there are
23 multiple systems.

24 MS. RHODES: But the designs is plural.

1 CHAIRMAN KIRSCHNER: But designs is plural.

2 CO-CHAIR SULLIVAN: But the systems is plural
3 as well. I mean, there are multiple systems.

4 MR. WILLIS: "S" apostrophe or apostrophe
5 "s," not to be technical about it, but --

6 CO-CHAIR SULLIVAN: Well, we might want to
7 put "s" apostrophe, systems' designs, because in
8 any given -- you know, there is more than one
9 system in the design -- in a design. So
10 systems' designs I think overall --

11 MR. WILLIS: But the operating -- the
12 systems' modifies designs. I guess that's my
13 question.

14 MR. CULTON: Angelo, what are your thoughts?
15 I think you rewrote that, I believe.

16 MR. MAZZENGA: Yeah. We kind of did some
17 patchwork on this paragraph, and that's how we
18 ended up in this quandary.

19 MR. WILLIS: Why don't you put (s)?

20 MR. MAZZENGA: Yeah. I think that would be
21 fine.

22 CHAIRMAN KIRSCHNER: That looks weird.

23 CO-CHAIR SULLIVAN: System(s), yes. I think
24 that would be good.

1 DIRECTOR COSTIGAN: It covers it both ways.

2 CHAIRMAN KIRSCHNER: Systems is in there now.

3 MR. WILLIS: Operating system(s) designs.

4 CO-CHAIR SULLIVAN: So if you just
5 parenthesis the "s" then that accomplishes --

6 MR. WILLIS: Or you can say it out.

7 DIRECTOR COSTIGAN: Let's just say it out.

8 All zip line operating system or systems'
9 designs.

10 MS. RHODES: I guess I'm just not clear on
11 why designs being plural doesn't cover the
12 multiple systems.

13 CHAIRMAN KIRSCHNER: Especially since you
14 have all in there. All implies more than one.

15 MR. MAZZENGA: Well, it's another approach to
16 just strike out operating systems.

17 MS. RHODES: All zip line designs?

18 MR. MAZZENGA: Strike it out entirely.

19 MR. WILLIS: But we define operating systems.
20 Go back. Operating system is a term of art,
21 which is --

22 CO-CHAIR SULLIVAN: Yeah.

23 MR. CULTON: I think it is.

24 MR. WILLIS: Yeah. It's back there. If you

1 look at it, it means, "the system of
2 processing..." and then if we made that a
3 plural, that would take care of it.

4 MR. CULTON: That's true.

5 MR. WILLIS: We are using the word operating
6 system as a term of art in that second
7 paragraph -- in the paragraph on Page 11. So it
8 shouldn't be plural. The definition should be
9 taken into account that it could be plural.

10 CO-CHAIR SULLIVAN: Okay. That's fine.

11 MR. CULTON: So on Page 7 it changes to
12 operating systems?

13 MR. WILLIS: No. Operating system means the
14 system or systems. I would suggest you add or
15 systems, plural, of processing.

16 MR. MAZZENGA: That sounds fine, really.

17 CHAIRMAN KIRSCHNER: So we are adding that on
18 Page 7, and we are taking out the "s" on Page
19 11?

20 MR. WILLIS: Yes.

21 CO-CHAIR SULLIVAN: A few of the ones we have
22 put through have not really changed much, so --

23 MR. CULTON: Okay. Is that all of our
24 typographical errors?

1 CO-CHAIR SULLIVAN: That's all that I had
2 found.

3 MR. CULTON: Okay.

4 CO-CHAIR SULLIVAN: Of course, we have got an
5 attorney over here, who might find more.

6 CHAIRMAN KIRSCHNER: The only other thing
7 that I was thinking about on Page 12, Paragraph
8 E, the last sentence. "Commissioning and
9 testing shall be conducted by a competent
10 person." I think rather than saying competent
11 person -- or competent, and then put in the
12 specialty, engineer or inspector.

13 MR. MAZZENGA: There is a definition.

14 CO-CHAIR SULLIVAN: I think we have defined a
15 competent person.

16 CHAIRMAN KIRSCHNER: Where is competent
17 person?

18 MR. CULTON: Competent person is on --

19 CHAIRMAN KIRSCHNER: It think it's under
20 definitions on Page 5.

21 MR. WILLIS: I don't see it.

22 CO-CHAIR SULLIVAN: I don't either.

23 MR. CULTON: It's not there.

24 CO-CHAIR SULLIVAN: Where did we put it?

1 MR. WILLIS: Unless it's not in alphabetical
2 order.

3 CO-CHAIR SULLIVAN: Well, actually if it can
4 be defined by --

5 CHAIRMAN KIRSCHNER: I see, on Page 10 you
6 have it.

7 MR. CULTON: A competent person is on Page
8 10.

9 Sorry. Yeah, just to clarify that, we
10 have some definitions that are in the actual
11 6000.350 section that are entirely pertinent to
12 that specific section, and then we have
13 definitions that are at the very front that
14 cover all of our definitions, so --

15 CHAIRMAN KIRSCHNER: I withdraw my comment.

16 MR. WILLIS: Why did you divide them out?
17 Why do you have two sets of definitions?

18 MR. CULTON: Well, some of the definitions
19 are specific just to zip lines, and some of the
20 definitions are covered throughout all of the --
21 all the rules. And in some of the rules that
22 have previously been enacted, they --

23 MR. WILLIS: You have just taken those
24 definitions, and you put them in? Those

1 definitions that come from other acts just
2 parallel all those other acts?

3 MR. CULTON: No. We haven't cut and paste
4 anything, if that's what you mean.

5 MR. WILLIS: I mean, I guess if I'm reading a
6 statute I'm saying, why are there two sets of
7 definitions, because the definitions are general
8 for all purposes.

9 MS. MEEKS: I think maybe the reason we have
10 two sets is because some of these definitions in
11 zip lines maybe used in other parts; like, in
12 the go-karts area, and we didn't want them to
13 apply to those.

14 MS. RHODES: I see. So those other rules
15 refer to these definitions? If we changed them,
16 we might have to go back and change those?

17 MR. CULTON: There is a possibility of that.
18 I know that another example -- an example would
19 be the term "sag." Sag in a zip line means
20 something, and sag in, like, say, bungee jumping
21 means something different.

22 MR. WILLIS: Yeah. I understand that, but I
23 am saying there is nothing that says the
24 definitions in 6000.350 are any different for

1 use in this part than the definitions in 6000.10
2 other than we have created two sets of
3 definitions, which when you create two sets of
4 definitions implies they have different
5 meanings, because you have now -- or have
6 different uses as rather than applicable to the
7 whole act, because there would be no reason to
8 separate them as a matter of law.

9 I mean, again, once you do something
10 like -- you know, I don't see any difference.
11 You are just -- it says, The following
12 definition shall apply for the purposes of this
13 Act, and then it says, In addition, the
14 following shall apply for the purposes of this
15 act.

16 MR. CULTON: Sarah, will that cause anything
17 else with JCAR?

18 MR. WILLIS: I would assume JCAR is going to
19 look at it and say, why do you have two sets of
20 different -- why do you have definitions in two
21 parts of your regs when they have the same
22 purpose?

23 MR. CULTON: No. I think this came up in the
24 emergency zip line section; did it not, Sarah?

1 MS. MEEKS: You know, I don't remember -- I
2 remember there being some sort of issue, but I
3 don't remember specifically. I thought that we
4 did this because we weren't sure if it would
5 impact any other part of the rule, and we
6 already have two sets of different definitions,
7 because we have some for go-karts. So I guess
8 this would make it three sets.

9 MR. WILLIS: This is only saying that these
10 definitions apply for this Act as I read these
11 sections, for this part. It says that they only
12 apply for this part in the first one. And the
13 second one says, in addition to the definitions,
14 and those are the very ones specifically to
15 this. The second set of definitions are very
16 specific to this part. So why wouldn't they
17 just only apply to this part as well?

18 MS. MEEKS: Okay. So in rulemaking it means
19 this whole 6000 carnival rule. So I guess we
20 would want to say, in the addition to the
21 definitions in Section 10, the following shall
22 apply to Section 350 only.

23 CO-CHAIR SULLIVAN: And that's the way it is
24 in ASTM standards. There is a terminology

1 section, a whole terminology standard for things
2 that apply across the board in every -- in every
3 single standard under the F24 designation. And
4 then if there are terms that apply just to one
5 standard under that umbrella, then they are in
6 that specific standard and basically -- so this
7 would be the zip line standard for us or the zip
8 line section of regulations. So it could be
9 that it's also following the way the standards
10 are written.

11 MS. MEEKS: Yeah. I just checked, and it's
12 actually bungee jumping that the other set of
13 definitions is in, and this, "In addition to the
14 definitions in Section 6000.10, the following
15 shall apply" language is identical to what's in
16 bungee jumping's. We probably just copied it
17 over, but if we needed to clarify further, we
18 could, you know, state something to the effect
19 that these definitions only apply to Section
20 350, if that helps.

21 MR. CULTON: Yeah.

22 MR. WILLIS: I would.

23 CHAIRMAN KIRSCHNER: And I think Ron's
24 concern is if there is a potential conflict

1 between the definitions, then I think we need to
2 point out, that not only -- it's not these
3 definitions in addition to the other ones, but
4 these definitions control in the event there is
5 any conflict between the definitions.

6 CO-CHAIR SULLIVAN: Shall apply to Section
7 6000.350.

8 MR. WILLIS: Do you think that should say,
9 shall apply and govern, 350?

10 CHAIRMAN KIRSCHNER: Something continuing
11 after that sentence. You know, shall apply for
12 purposes of this part or shall apply and control
13 in the event of any conflict between these
14 definitions and --

15 MR. COSTIGAN: Govern.

16 CHAIRMAN KIRSCHNER: Govern, control.

17 MS. RHODES: So just so I am clear, we are
18 trying to add language to make sure if there is
19 a conflicting definition with the other section
20 this takes precedence, the one that's
21 specifically written for the zip line part?

22 CO-CHAIR SULLIVAN: For 350.

23 MR. WILLIS: And I guess that brings my last
24 question. Why would you move mobile zip line --

1 all the definitions of zip line, mobile zip
2 line, fixed zip line, mobile zip line down to
3 that section? Why would it be in the general
4 section which would apply to other sections? Do
5 you see the definitions right above that?

6 MR. CULTON: Well, the only thing I could --
7 in other parts of the rule --

8 CHAIRMAN KIRSCHNER: Do you have to define
9 the heading before you have the heading?

10 MS. MEEKS: I think I understand your
11 question.

12 MR. WILLIS: I think mobile zip line, fixed
13 zip are all very particular to that section, to
14 350. So why wouldn't they go there?

15 MS. MEEKS: Oh, I see.

16 MR. WILLIS: Rather than the zip line
17 definition. I agree the zip line may be above,
18 because it's a general definition. Maybe I am
19 being too technical.

20 CHAIRMAN KIRSCHNER: You know, if you took --
21 if you are researching a statute and you know
22 that 6000.350 is zip lines, that's what you are
23 going to put in on Lexis or whatever to pull it
24 up. And so you are going to get it starting out

1 there, and you are not going to have what's
2 above it. So you won't get -- so actually Ron
3 brings up a good point in terms of if you want
4 to know what the definitions are, you are not
5 going to have the --

6 CO-CHAIR SULLIVAN: I would agree with you on
7 that one, because these are just kind of --

8 DIRECTOR COSTIGAN: Germane to zip lines.

9 MR. WILLIS: Yeah. The other ones are all
10 throughout the statute. As you just convinced
11 me, those are all the other statutory provisions
12 of general, and these are the ones that are
13 particular to the zip lines.

14 MS. MEEKS: I don't see an issue with moving
15 those.

16 CO-CHAIR SULLIVAN: So they would be under A
17 as well and just --

18 MS. MEEKS: In alphabetical order.

19 CO-CHAIR SULLIVAN: And put them into
20 alphabetical order.

21 CHAIRMAN KIRSCHNER: So the last four
22 definitions on Page 9, moving those down into
23 the zip line definitions.

24 MR. CULTON: I think the last three, isn't

1 it?

2 MR. WILLIS: The last four, because zip line
3 is only used for purposes of zip lines.

4 CHAIRMAN KIRSCHNER: Was that zip line
5 preexisting before --

6 MR. CULTON: It was there in the emergency
7 rules, and I mean, you are right. Unless after
8 this date we go back and add the word "zip line"
9 into previously written rules it won't be in
10 there, but it might be implied by a
11 classification of a ride. So that's why we want
12 to leave zip line in the general definitions.

13 MR. WILLIS: All right. But we could move
14 the other three?

15 MR. CULTON: Yeah.

16 CO-CHAIR SULLIVAN: I would agree.

17 MR. MAZZENGA: There is another one on Page
18 7.

19 MR. WILLIS: I think I opened up a can of
20 worms.

21 MR. MAZZENGA: Page 7, operating system means
22 the system of processing a patron through the
23 zip line route.

24 MR. URBIK: You think that should be moved,

1 too?

2 MR. CULTON: What page?

3 MS. RHODES: It's the one we just revised by
4 adding systems.

5 MR. WILLIS: Because it's particular to zip
6 lines, because it wouldn't be an operating
7 system that's applicable to anything else.

8 MS. RHODES: And where are we moving all of
9 these to?

10 CO-CHAIR SULLIVAN: Section A of 350, and
11 then they will just all be in alphabetical
12 order. I think those are good.

13 CHAIRMAN KIRSCHNER: One thing I would just
14 like to add, if we want to leave that first zip
15 line definition in the above section, I think it
16 should end with some parens referencing
17 6000.350.

18 MR. WILLIS: Zip line means, for the purposes
19 of 6000.350 or --

20 CHAIRMAN KIRSCHNER: Or something referencing
21 the reader to -- for a further definition or see
22 Section 6000.350.

23 MR. WILLIS: Are we going to use zip line
24 broader, Ryan, was that your thought? That's

1 going to be used -- something else might refer
2 to zip lines?

3 MR. CULTON: Yeah.

4 CHAIRMAN KIRSCHNER: Here's my concern. If
5 you are an operator or a manufacturer and you
6 want to pull up the statute, and you pull up a
7 portion of the statute that references zip
8 lines, and it doesn't tell you there is another
9 section of the statute that goes into it in much
10 greater detail, they may stop there, read that
11 and say, well, that's all the State really has
12 to say about it. I think it should tell you
13 that there is a whole other section.

14 MR. URBIK: How is that treated with bungee
15 cords or go-karts?

16 CO-CHAIR SULLIVAN: Like kiddie rides it
17 doesn't say, see such and such, and dune buggies
18 doesn't say, see such and such.

19 CHAIRMAN KIRSCHNER: It probably all should.

20 MR. WILLIS: Why don't you put in
21 parenthesis --

22 MS. MEEKS: In the table of contents it's
23 listed.

24 MR. WILLIS: How about after parenthesis -- I

1 don't know whether this is form that's proper --
2 zip lines and you put a reference to 6000.10
3 after, you know, the definition of zip line.
4 Does JCAR abide by that, Sarah?

5 MS. MEEKS: What were you wanting?

6 MR. WILLIS: I am looking at the definition
7 in Section 6000.350, Zip Lines, and then you
8 just put it in a parenthesis, you know, the
9 definition, you know, see 6000 --

10 CHAIRMAN KIRSCHNER: I was thinking the other
11 way around, that in the 6000.10 where you have
12 that very last definition of zip line, to
13 reference the extended portion of the section in
14 6000.350. But you are right. It wouldn't be
15 consistent throughout then if we are doing that.

16 MS. MEEKS: Yeah. I have never done that
17 before, but we could ask if that's a
18 possibility.

19 MS. RHODES: Someone mentioned a table of
20 contents. Does that cover it? I mean, when you
21 have a table of contents, it identifies where
22 the definitions are.

23 CO-CHAIR SULLIVAN: Yeah. The table of
24 contents will identify where --

1 MS. RHODES: -- the definitions are.

2 MR. WILLIS: What happens if you put in
3 addition -- well, you can't do that. They won't
4 like that.

5 MR. CULTON: If you look on Page 4.

6 CO-CHAIR SULLIVAN: Well, we do have -- on
7 Page 5, we have canopy tour and carabiners. Of
8 course, there may be carabiners on other things.
9 We might want to pull those into the zip line
10 definitions as well on Page 5, canopy tour --

11 MS. MEEKS: Canopy tour and carabiners are
12 specific to zip lines?

13 MR. URBIK: It's exclusive to 350.

14 MR. CULTON: No. Carabiners you can find in
15 bungee --

16 CO-CHAIR SULLIVAN: Canopy tour is, though.

17 MR. URBIK: Canopy tour is.

18 CO-CHAIR SULLIVAN: I would assume that
19 certified arborist is, but I can't guarantee
20 that.

21 MR. WILLIS: Well, there is nothing wrong
22 with keeping it as a general, because you might
23 have an arborist someplace else in the future.

24 CO-CHAIR SULLIVAN: Yeah. The canopy tour

1 can be put under zip line, under 350.

2 MR. URBIK: Well, if you look at the last
3 one, concession go-kart, that's specific to
4 go-karting and yet it's in the general
5 definitions, as opposed to the ones that are
6 specifically designed for -- specific to
7 go-karting. So we should be consistent one way
8 or the other.

9 CO-CHAIR SULLIVAN: Well, by putting just the
10 main zip line in there, I think we are.

11 MS. RHODES: But now we are talking go-karts
12 and other things, I think, and canopy tour. So
13 that --

14 MR. URBIK: Yeah. How far do we dig into
15 what is specific to that particular operation?

16 CO-CHAIR SULLIVAN: Well, if this section is
17 called zip line, then having a definition for
18 zip line ahead of that is appropriate.

19 MR. URBIK: I agree.

20 CO-CHAIR SULLIVAN: But having the
21 subsections is not.

22 MR. URBIK: I agree, but the definition of a
23 concession go-kart as opposed to another one is
24 specifically toward the go-kart section of the

1 regulation.

2 CO-CHAIR SULLIVAN: Okay. Where is the
3 next --

4 MR. MAZZENGA: Like racing go-kart is on Page
5 8.

6 MR. URBIK: Now, we are taking anything with
7 reference to just zip lines and putting them in
8 the zip line section.

9 MS. RHODES: We are changing the rules a
10 little bit. We are being inconsistent.

11 CO-CHAIR SULLIVAN: Where is the other
12 go-kart one?

13 MR. CULTON: There was quite a few. There
14 is, like, kiddie cart, which is on Page 6.

15 MS. RHODES: And on the bottom of Page 5 is
16 the concession go-kart.

17 CO-CHAIR SULLIVAN: Well, I think the
18 concession --

19 DIRECTOR COSTIGAN: The racing go-kart on
20 Page 8.

21 CO-CHAIR SULLIVAN: But, see, those have
22 different sets of rules. So they are actually
23 different sections.

24 MR. WILLIS: So, therefore, it seems like if

1 you put the general definition of zip line in
2 the general rules and put the other stuff in the
3 subs you are consistent.

4 CO-CHAIR SULLIVAN: Right.

5 MR. MAZZENGA: There is another definition
6 that's specific to zip lines, and that's a
7 qualified person, and that was introduced
8 through the zip lines.

9 MR. WILLIS: But it seems like that was
10 something you might want to keep as a general.

11 MR. URBIK: Yeah, I would think so, too.

12 MS. RHODES: Especially as it's written it
13 could apply to anything.

14 MR. WILLIS: Yeah, and they may want to use
15 that term again in something else. I look at
16 something specific that refers only to the
17 uniqueness of a go-kart -- I mean, a zip line.

18 CO-CHAIR SULLIVAN: Because that's what we
19 use for -- all across the board for, say,
20 somebody who is a third-party inspector must be
21 a qualified person, and that would apply to all
22 rides and not just go-karts, but where we
23 have -- we have the competent person
24 specifically under zip lines, because they have

1 to be -- they have to have a specific background
2 to zip lines, which is really a whole different
3 barrel of monkeys than this big thing of
4 amusement rides and devices that you think of
5 with the typical rides, hard rides.

6 CHAIRMAN KIRSCHNER: What's the difference
7 between a pulley and a trolley on a zip line?

8 CO-CHAIR SULLIVAN: A trolley moves along the
9 line. A pulley has a function of making -- help
10 me with this -- of transferring energy or
11 transferring power.

12 MR. MAZZENGA: I think the trolley is the
13 support that would hold the pulley.

14 CHAIRMAN KIRSCHNER: The reason I say that is
15 in that first definition of zip lines, the zip
16 line means a system consisting of a pulley or
17 trolley, and then it ends by saying, "point to
18 an arrival point by holding onto or attaching to
19 the pulley." I wasn't sure if there is a reason
20 trolley is left out?

21 MR. URBIK: I suspect there might be some
22 design that a -- a device without having a
23 spinning pulley. You could just use a -- the
24 gravitational pull of a hook to slide down the

1 line.

2 CHAIRMAN KIRSCHNER: I understand the trolley
3 is going to be the contraption that's attached
4 to the wire.

5 CO-CHAIR SULLIVAN: Its wheels are going to
6 be on the line.

7 CHAIRMAN KIRSCHNER: And the pulley is
8 basically just going to be a wheel that you are
9 holding onto and it's running along, but either
10 way you are holding onto or attaching to either
11 one?

12 MR. URBIK: Are you saying you can't have one
13 without the other?

14 CHAIRMAN KIRSCHNER: No, no. I'm saying just
15 be consistent. The first line it says,
16 consisting of a pulley or trolley and that
17 should end with attaching to the pulley or
18 trolley.

19 MR. WILLIS: When you are going on to the end
20 point, aren't you on the trolley versus the --
21 you are on both. You are on the pulley and the
22 trolley.

23 CHAIRMAN KIRSCHNER: Well, there are two
24 different ways of designing it. You can design

1 with a pulley or with a trolley, but either way
2 you are holding on to.

3 CO-CHAIR SULLIVAN: Or with a pulley attached
4 to the trolley.

5 MR. WILLIS: Right. So, therefore, if you
6 can only design it with a trolley, you would
7 have to end up -- you are only on the trolley.
8 You'd have to end up on the trolley, which I
9 think is his point, that you've got to -- that
10 you'd end up on point and arriving either on the
11 pulley or the trolley.

12 CO-CHAIR SULLIVAN: Yeah. I think that would
13 be better to say that, yeah.

14 MR. MAZZENGA: A pulley or a trolley.

15 MR. WILLIS: I have great sympathy. I read
16 something 47 times and somebody says to me, how
17 did you miss three periods?

18 CO-CHAIR SULLIVAN: Well, I didn't find the
19 ones I found until I had been away from it a
20 little while and then went back to reading it.

21 So, anything else?

22 (No response.)

23 CHAIRMAN KIRSCHNER: Hearing none, with the
24 changes stated on the record, we will send it

1 back for our final revisions to send off to
2 JCAR.

3 All in favor?

4 (Chorus of ayes.)

5 CHAIRMAN KIRSCHNER: Any opposition?

6 Is that a hand up, a question or is
7 that a --

8 CO-CHAIR SULLIVAN: Well, I was going to ask
9 Ryan, was there anything else that we were going
10 to point out that was changed.

11 MR. CULTON: You know, just in general in the
12 document, the way it was presented, you know,
13 you can see in the underlining portions of it
14 that were changed from our document that we
15 presented to the Board on the October 28th
16 meeting, and that was, you know, things that the
17 subcommittee had talked over and --

18 CO-CHAIR SULLIVAN: August 28th meeting?

19 MR. CULTON: Yeah. What did I say?

20 CO-CHAIR SULLIVAN: October.

21 MR. CULTON: Sorry. And so I just wanted to
22 point out what the changes are going to -- were
23 from the last document that we had. And then
24 there is just a couple of items on Page 11 and

1 13 that you have highlighted in yellow, and
2 those were just some last-minute revisions and
3 catches that the subcommittee caught where, you
4 know, we thought "reviewed" instead of
5 "designed" should have been the word that we
6 were looking for, and I think we inserted the
7 word -- well, you can see what we have done, and
8 we crossed -- you know, we struck "designed" and
9 added "reviewed."

10 This is on Page 11. The design report
11 instead of the report, and then on the bottom of
12 the page we had for some reason doubled up the
13 ANSI, ASTM or other applicable standards. And
14 we had actually moved that up in Part A. So
15 Angelo caught that, and we struck that. And the
16 stuff that's in -- highlighted in yellow I just
17 wanted to point out, too. Those are the only
18 changes that are different than what was in your
19 packet that you got in the mail or what was
20 e-mailed to you. And then on Page 13 we just
21 changed the word from "engineered drawings" to
22 "designed drawings."

23 MR. URBIK: For consistency?

24 MR. CULTON: Yeah, that's right. So that was

1 really it. I just want to make sure that
2 everybody's aware of that.

3 MR. URBIK: Do we need a motion?

4 CHAIRMAN KIRSCHNER: Yeah, probably.

5 MR. URBIK: I'll make a motion.

6 CHAIRMAN KIRSCHNER: Is there a second?

7 MR. MAZZENGA: Second.

8 CHAIRMAN KIRSCHNER: All in favor?

9 (Chorus of ayes.)

10 CHAIRMAN KIRSCHNER: Any opposition?

11 (No response.)

12 CHAIRMAN KIRSCHNER: Thank you very much.

13 (Whereupon, a discussion was had
14 off the record.)

15 CHAIRMAN KIRSCHNER: Any other Board business
16 to be brought up for discussion today? Go
17 ahead.

18 CO-CHAIR SULLIVAN: I would like to just be
19 looking at putting some maybe beginning look
20 into the wowballs. It's basically -- it started
21 out as walk on water balls as the W-O-W, but
22 they just call them wowballs, I think, now, or
23 what other kind -- what else do they call them?

24 MR. CULTON: Hamster balls is sometimes the

1 slang term that they use.

2 CO-CHAIR SULLIVAN: Because I think we are on
3 that --

4 MS. RHODES: We are on that team.

5 CO-CHAIR SULLIVAN: And I am going to bring
6 back some information. I leave tomorrow for an
7 ASTM meeting, as do you, right, or do you get to
8 go?

9 MR. MAZZENGA: I can go. I am still --

10 CO-CHAIR SULLIVAN: You would love it.

11 MR. MAZZENGA: I found out I can get PDH
12 credits for attending. So maybe I should do it.

13 MS. RHODES: Do you have an idea about when
14 we should meet? I know Ryan and I were talking
15 about it a little bit before the meeting.

16 CO-CHAIR SULLIVAN: Well, I thought if I
17 could get some information on a -- you know,
18 just on a little stick, then I could e-mail that
19 on to -- to you, and you can be looking it over,
20 and then when everybody has had a chance -- do
21 you want be on that, too?

22 DIRECTOR COSTIGAN: Sure. I am sure Ryan
23 will get me on it, but --

24 CO-CHAIR SULLIVAN: Okay. Then we can --

1 when we have had a chance to kind of take it in,
2 where they are so far -- because I think they
3 are ready, or they were pushing to be able to
4 put some more information into the -- into the
5 verbiage this time, and we could be looking at
6 that, and then I would like to plan a meeting
7 with the fellow from -- that has wowballs and
8 maybe somebody from the industry who uses them,
9 and so we have kind of a, you know,
10 representation so we get all the different
11 points that people are looking at and -- and we
12 don't hit, you know, walls later, but they
13 always have good input.

14 MR. CULTON: Patty, are they discussing ASTM
15 rules for wowballs?

16 CO-CHAIR SULLIVAN: Yes.

17 MR. MAZZENGA: It's an international safety
18 standards meeting, right?

19 CO-CHAIR SULLIVAN: Ah-huh.

20 MR. MAZZENGA: And they are having one
21 session on restraint systems, a session on
22 automation, a session on zip lines and --

23 CO-CHAIR SULLIVAN: Wowballs and controls
24 and, of course, water, water play, and all --

1 there is --

2 MR. MAZZENGA: Canopy tours.

3 CO-CHAIR SULLIVAN: There are about 20 or 30
4 different task groups meeting.

5 MR. MAZZENGA: And then there is an
6 introduction for new ASTM members. So I got my
7 membership last January. The price is right.
8 It's \$40 for, you know, two and a half days of
9 participation, and then, I think, per the
10 Illinois rules, you can get engineering training
11 credit for it if you are an engineer.

12 MR. CULTON: Is there participation through
13 online?

14 MR. MAZZENGA: No. It would be live.

15 CO-CHAIR SULLIVAN: You have to be there.

16 MR. CULTON: In Reno for \$40?

17 MR. MAZZENGA: That's the entry fee.

18 MS. RHODES: The registration; not hotel
19 or --

20 CO-CHAIR SULLIVAN: It's basically the
21 activity fee for the stuff that you are doing
22 there, but -- and theoretically -- I mean, it is
23 voluntary, but people who are responsible
24 usually pay it, but otherwise, other than -- and

1 the rooms aren't outrageously high this time.
2 Sometimes they are 160, 180, and for those of us
3 in small business, that's like -- but it's
4 certainly a more reasonable one to go to. So
5 Angelo and I were talking --

6 MR. MAZZENGA: I registered. I'm still -- I
7 might go. I don't know.

8 MR. WILLIS: You could be the speaker on zip
9 lines.

10 MR. MAZZENGA: I talked to the guys. You
11 know, we have talked to the folks that are
12 heading up that group, and we got their input on
13 this -- we got their input and used some of it
14 in the rule. So they were kind enough to call
15 and have some discussions and --

16 MR. CULTON: Mr. Teski (phonetic)?

17 CO-CHAIR SULLIVAN: Yeah.

18 MR. MAZZENGA: And they just came out with a
19 new addendum, technical addendum, to the zip
20 line and canopy tour standard, and that was just
21 voted on about a month ago. So they are piecing
22 together their standard, you know, one section
23 at a time. It will still take a while to get it
24 completed.

1 CO-CHAIR SULLIVAN: So actually we are a
2 little ahead of them, but there is no reason we
3 can't glom more information if they have some
4 good stuff that we, you know, might want to add
5 in at some point in time.

6 MR. CULTON: I think that that's probably
7 what's going to happen. Eventually we will be
8 back doing this again.

9 MR. MAZZENGA: They are going into a lot of
10 technical detail with their standard with where
11 they are actually defining what the loads on the
12 cables could be, and they are defining the
13 factors of safety, and I was kind of surprised
14 about how detailed they got, and, you know.

15 CHAIRMAN KIRSCHNER: Do you know what the
16 scope of the discussion is going to be on the
17 restraint meeting?

18 CO-CHAIR SULLIVAN: A lot of it -- well, I
19 actually brought --

20 MR. MAZZENGA: There is a standard on
21 restraint systems, and they are probably going
22 to --

23 CO-CHAIR SULLIVAN: Patron restraints is
24 going to be the scope, and we are looking at

1 putting some more information into the appendix.
2 The appendix is not mandatory. The annex is
3 mandatory. This is going into the appendix, and
4 there is some -- so there is some information
5 that's going to be part of the standard
6 basically, and -- but not -- it's information
7 adding to a person's understanding. But it is
8 not mandatory information. It's just to try to
9 help people understand more.

10 MS. RHODES: Was your question, Dan, about if
11 the restraint information will have broader
12 application?

13 CHAIRMAN KIRSCHNER: Well just, yeah, are
14 they adding things or taking things out or
15 amending things or looking to general discussion
16 about broadening it, or is there a specific
17 purpose in terms of adding matters to the
18 appendix?

19 CO-CHAIR SULLIVAN: Well, a lot of this is
20 adding to the appendix, because it's so hard
21 when there is so many people involved, and you
22 come and discuss this set of information again,
23 like the restraint configuration, and then you
24 have -- at an ASTM meeting you always have a few

1 new people that enter into the discussion at
2 every meeting and to some extent reask the same
3 questions, bring up the same issues.

4 CHAIRMAN KIRSCHNER: Like every meeting
5 except this meeting.

6 CO-CHAIR SULLIVAN: Well -- but the core
7 group has already been through that, and so I
8 think they finally decided, let's just put some
9 of that information into the appendix so that,
10 you know, they can re -- this is what we mean by
11 this, and it's just some extra information.
12 Also, they are looking at if, like, latching
13 restraints, when a supervising companion isn't
14 required, and those kinds of things, and the --
15 like, having an -- if it's a push-to-open
16 buckle, a release force of 9 pounds or
17 40 Newtons or greater so that a small person is
18 going to have great difficulty opening it, and
19 some of those kinds of things.

20 MR. CULTON: Patty, is this patron restraint,
21 is it a new one, or is that additions to F2291?

22 CO-CHAIR SULLIVAN: This is an addition to
23 2291.

24 MR. CULTON: Okay.

1 CO-CHAIR SULLIVAN: This is within 2291.

2 This is Section 6.

3 MS. RHODES: Just adding clarification.

4 CO-CHAIR SULLIVAN: Yes.

5 MS. RHODES: It's not changing anything, it
6 doesn't sound like.

7 MR. MAZZENGA: Well, it does get changed
8 periodically; not necessarily annually, but
9 every year or two there are changes, and I
10 don't -- I believe that the mechanism for
11 entries in changes is called working items.

12 CO-CHAIR SULLIVAN: Working papers -- or
13 working items, yes, working items.

14 MR. MAZZENGA: So basically there is some
15 working group that makes changes. The changes
16 go out in ballot format. All the members vote
17 on whether to accept or not accept, and then
18 when the new standard is issued, the old
19 standard becomes a historical reference. It's
20 not to say that it wasn't valid or anything. It
21 just becomes historical reference, because it's
22 not the current standard.

23 We did a review of all the references a
24 few months ago and found that there were just a

1 couple that are called out in the rule that are
2 a couple years out of date, I guess.

3 CO-CHAIR SULLIVAN: Well, and just because a
4 reference is not the most current one, it may
5 still be the reference that we want to use,
6 because if something in that changes and it's
7 not how we want it to be, for whatever reason
8 that might be, then we can leave that reference
9 alone and not update the reference, because the
10 historical standards are still available. I
11 mean, you could still go back and look for them.

12 But part of the reason things go
13 through changes is because when we were putting
14 this whole 2291 standard together, the
15 engineering standard or design of amusements and
16 attractions, it was so big that just to get it
17 through there were a lot of when people voted
18 they might vote affirmative with comment, and so
19 that group got them to agree. I mean, they
20 didn't have to, but said we will deal with the
21 comments after the standard is passed;
22 otherwise, we never would have gotten anything
23 passed with all the comments that came in.

24 So now they are going back and as they

1 promised dealing with those good suggestions
2 that we didn't want to lose, but also just
3 wanted to get something through so that we
4 actually had a standard. You have never seen
5 that happen, have you?

6 MR. WILLIS: Twelve concurring opinions.

7 CO-CHAIR SULLIVAN: So that's part of the
8 reason that there are discussions and new
9 modifications to standards.

10 CHAIRMAN KIRSCHNER: So can either or both of
11 you after that meeting at some point in time
12 just confer with Ryan in terms of anything that
13 came up that may be novel or pressing and the
14 State should know about?

15 CO-CHAIR SULLIVAN: Okay.

16 MR. MAZZENGA: Maybe I should go. I don't
17 know. I have a refundable ticket.

18 CHAIRMAN KIRSCHNER: What's the date of the
19 January meeting?

20 MR. CULTON: I just wanted to give a
21 scheduling update. The January 2013 meeting is
22 tentatively going to be scheduled for the 17th
23 and the 18th -- that's a Thursday and Friday in
24 January -- in Springfield.

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CO-CHAIR SULLIVAN: Second.

CHAIRMAN KIRSCHNER: All in favor?

(Chorus of ayes.)

CHAIRMAN KIRSCHNER: The motion carries.

(END OF PROCEEDINGS.)

1 I, KARI WIEDENHAUPT, do hereby certify
2 that the foregoing was reported by stenographic
3 and mechanical means, which matter was held on
4 the date, and at the time and place set out on
5 the title page hereof and that the foregoing
6 constitutes a true and accurate transcript of
7 same.

8 I further certify that I am not related
9 to any of the parties, nor am I an employee of
10 or related to any of the attorneys representing
11 the parties, and I have no financial interest in
12 the outcome of this matter.

13 I have hereunder subscribed my hand on
14 the 23th day of October, 2012.

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KARI WIEDENHAUPT, CSR