

**ILLINOIS DEPARTMENT OF LABOR
CARNIVAL AND AMUSEMENT RIDE SAFETY DIVISION**

TRANSCRIPT OF BOARD MEETING HELD ON JULY 18, 2012

Members In Attendance

Mr. Ryan Culton, Division Manager
Mr. Joseph Costigan, Director/Member
Mr. Dan Kirschner, Member
Mr. Anthony Urbik, Member
Mr. Bill Sparks, Member
Mr. Angelo Mazzenga, Member
Mr. Dennis Smith, Member
Ms. Anjali Julka, Spokesperson

Members of the Public

Ms. Heather Gillers, Chicago Tribune Reporter

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MR. KIRSCHNER:

Okay, we're going to call the meeting to order. Thank you everyone for joining us today for this meeting. Just as a reminder, we're going to have a stenographer taking down everything that is said. It's a part of – we're going to take down people talking over one another, so wait for someone to finish before speaking our mind, that would be perfect and make his job easier, and keep any comments you have out loud and verbal, because he probably can not take down mhm, hmhms and nods of heads and shrugs of shoulders and cross looks. Just as a preliminary matter, I do want to mention how sort of tickled pink I am how this board is coming together. And I think Joe coming on board, he's really done a wonderful job in bringing in some wonderful people – Dennis, our first responder, and Angelo and Linda, engineers to the board, coupled with our industry experience with Patty and Bill and insurance experience – it really, I think, is coming together well, and I'm excited going forward and certainly, and most importantly, the addition of Ryan to our task here, I think, is going to help us do our job that we're supposed to do, and I think everyone is looking forward to the work we have going forward. So thank you everybody.

MR. COSTIGAN:

Stick up for you too, Dan. It's always good to have a personal injury lawyer's perspective on safety. I'm serious about that. I

think that gives a different twist to how we normal humans operate.

MR. KIRSCHNER: I'm glad at least you'll call me human (laughter). The agenda's been passed out. Do I hear a motion for approval of the agenda?

MR. COSTIGAN: I motion to approve it.

MR. SPARKS: I'll second it.

MR. KIRSCHNER: All in favor?

VARIOUS SPEAKERS: Aye.

MR. KIRSCHNER: Anyone not in favor? Agenda is approved. New business: We're back here coming off our emergency meeting regarding zip lines. The emergency rule regarding zip lines at the last meeting. We're here now to discuss what will become a formal rule regarding zip lines that has been distributed. Why don't I do this I'm going to turn it over to Ryan to have a little discussion on that point.

MR. COSTIGAN: Yeah, has everybody had a chance to meet Ryan. You know Ryan has come on board here, um...

UNKNOWN SPEAKER: Just today for the first time.

MR. COSTIGAN: It'd be good, Ryan, just on behalf of the Department – Dan already alluded to this – I just want to echo the same comments about the board. I think we've put together the kind of know-how and expertise that will really serve the people of Illinois but also the work that we're here to do with the carnival and amusement safety board. But we were fortunate to be able to bring Ryan onboard – I

think he started just, what was it? A couple months ago, three months ago, maybe?

MR. CULTON: Yeah, April.

MR. COSTIGAN: April, so – and we're just delighted to have his leadership at the head of the Department. It's something that we've been looking for for quite some time and I think he's just – he's accessible, he's knowledgeable and he's certainly dedicated. So we're just grateful for your work and I'll say no more, but he's been a great addition to our department.

MR. CULTON: I appreciate that, thank you. And one of the challenges, but it's been an interesting challenge, is tackling this issue of the zip lines. It's been a good process because it immediately started off – it allowed me to get to know people from the Board and to start getting on the phone and talking to people within the industry, so it's been a good transition to lean into that. So if you'd like, I can just give a big – brief background about how we got there and what we're trying to accomplish today with our new business here with the administrative rules for zip lines. In our last meeting, May – almost two months ago, we formed a sub-committee for zip lines, and that involved myself, Angelo Mazzenga and Patty Sullivan. We did have Linda Givand Rhodes – she did give us some comments on emergency zip line rules too, however I think she's on the (inaudible) sub-committee. So we formed the sub-

committee, and through that sub-committee we were kind of charged with the task of looking at the emergency zip line rules that the Department had drafted, and we went through kind of a fact-finding process. And that involved talking together, talking to different standards groups, which include ASTM, ANSI, NARSO, the PRCA, which is the Professional Ropes Course Association and the ACCT, which is the American, or the Association for...

MR. MAZZENGA: Challenge Course Technology.

MR. CULTON: Challenge Course Technology. Sorry, all my acronyms are running together at this point. And I got input from all of them, so it was kind of a fast track...

MR. KIRSCHNER: Take we take a break for one second?

MR. CULTON: You bet.

(Record resumes)

MR. KIRSCHNER: Reconvene our meeting. You were just explaining us to that...?

MR. CULTON: Yeah. Sorry, giving a little bit of background. The subcommittee was comprised of myself, Angelo and Patty. Patty couldn't be here today. We brought together and solicited feedback from these different groups, one being the ACCT. We had some late material given to us from the PRCA, and then of course with the help of Angelo, who is also an ASTM member, did some background on zip lines and that kind of technical material. We amended the emergency zip line rules that we had out there, starting June 1st.

We then posted the emergency zip line rules to the website around the June 1st period and those emergency rules run out 150 days from there – so it’s like October 28th. So we wanted to start the process to amend the zip line rules so that we can – and get the consent of the Board – because the permit rules have to go through the JCAR process, the uh, I believe it’s the Joint Committee on...

MR. MAZZENGA:

On Administrative Rules.

MR. CULTON:

Administrative Rules. So, and that includes, two 45-day periods for public comment on the zip line rules where individuals or companies can comment, and it also includes a day on July 30th at our office there in Springfield, where we’ll have an open, public quorum, a meeting, where anybody can come in, ask questions and address them. I think at that time – the Board does not have to be there, but maybe Angelo might want to come down, or Patty is close to Springfield, so she could come over – and we could answer questions, being part of the sub-committee. And then after that public hearing notice, we can address the comments and then it gets sent on to JCAR for its first review process. It’s a 45-day period; they send it back to us with any revisions. We can address those and then we send it back to JCAR for another review – before it actually becomes law and legislation. So that’s kind of the quick timeline and quick turnaround for a lot of these proposed rules. Now also, in addition to that, there’s been – you know why

we've been doing this is because we've seen a lot of activity here in Illinois about zip lines. There are at least three known fixed zip line courses that we know of. One in Grafton, Illinois, one in the Chicago area – Marseilles?

VARIOUS:

Marseilles.

MR. CULTON:

And another one being built currently in Kinmundy. Kinmundy and Grafton have both sent in applications to be permitted and we have, I want to say, a handful of other operators who have applied for permits for mobile zip line operation. So it's out there, people are understanding that it's being regulated. But they're popping up all over, we're going to have more come to the State Fair, and so we're trying to be proactive about this process and be on the bleeding edge of things because as our – I think Angelo would back me up on this – the research that we've found about the zip line industry is that it is mostly self-regulated. There are probably three or four associations that have come up with their own standards, all of whom are very similar but they do vary a little bit, here and there. I think I could let Angelo talk a little bit more about that here in a bit. But through our process we've tried to look at all the different standards that are out there, including ASTM, ACCT, ANSI – so we've compiled them into this new document that we sent out to you. I'd also like to note that while we were going through this process, I've had a lot of feedback and

phone calls from other states who've realized that we are starting the process of regulating zip lines – because some states aren't quite there yet. We also have received e-mails from as far as Singapore, who their – one of their safety administrators, I think it's basically like my position only in Singapore – has reached out and contacted me about certain instances where we would regulate a zip line. So there've been some kind of interesting back and forth there. So you know we're, I think, definitely on the right track of getting our hands around this situation with these zip line operations coming into Illinois. One other item of note is that the ASTM rules – which is mostly what we adopt in our rules as far as the gold standard throughout the industry – they are addressing the zip lines, but it's all out to ballot right now. And Angelo I believe they won't be making a decision until like 2014 is that correct?

MR. MAZZENGA: Correct. They've been working on their standard for two to three years and they expect it'll take another two to three years.

MR. CULTON: Right.

MR. MAZZENGA: And then what we learned at our meeting in Springfield is what the drivers were for them to develop a standard. We learned a little bit about that. But a lot of the details – a lot of the meat of the standard, the mandatory and non-mandatory appendices – are not developed yet. So although this standard went out to ballot this

spring and was approved, the detail aspects of it were still being withheld and developed.

MR. CULTON: Right.

MR. MAZZENGA: It'll be about two years, two years from having a set of ASTM standards to adopt.

MR. URBIK: Have you met with any resistance from operators, outside of just the having to pay a permit fee or something?

MR. CULTON: No, not as far as the permit fees...

MR. URBIK: Well I mean just, generally, as far as...

MR. MAZZENGA: Regulations...

MR. CULTON: I think there's going to be a couple of situations that might come up. One of which some of the fixed zip line operations have made the statement that they feel that they might be exempt based on the fact that there are certain educational features embedded into their operation, and in some instances they might feel that they are a not-for-profit – like a Boy Scouts of America, I'm sure you could think of a few others. And the other situation has come up that their might be some ambiguity about the zip lines and if it's mechanical or not. Because if you read in the strict interpretation of amusement ride in our Act it talks about in terms of mechanized and the, to purpose to give thrills or amusement, right? So there is some debate that, well, because I'm a zip line I've got a pulley and a trolley but there's no motor, I may not be mechanized. But the

fact that there is a – and this is our interpretation – the fact that there is a pulley and trolley, it's mechanized. Just because there's not a motor there, doesn't mean it's not.

MR. URBIK: And if it's attached to a pick-up truck that anchors it, then it does have a motor. (laughter)

MR. WILLIS: I think the issue is going to become on the fixed lines (inaudible) to try to get away from the possibility of why do I try to file this permit, I mean to me those regulations is, that a philosophy of educational, and under the Act – if you're an educational institution you're automatically exempt. But if you're just – you have to be primary for education.

MR. URBIK: If the roller coaster operator is reading a book that doesn't qualify as reading a book...

MR. WILLIS: Right, and if you look – and I know that Ryan says I'm the one person that is perhaps raising the issue and I'm certainly going to comment on the rules because he thinks the rules were meant to just address those people that go from show to show to show, not the fixed line ones, which (inaudible) says or oh that's a whole different aspect of it. And if you go onto his website, you know it's about one percent educational and 99 percent well, this is going to be the treat of your life (laughter). You don't come here and you learn about a tree.

MR. KIRSCHNER: The one you're slamming into.

MR. CULTON: Right.

MR. WILLIS: But again, I think some of the operators will...

MR. CULTON: And I believe that the Act states that it has to be an educational organization. Which I would interpret that they are for the sole purpose of education, it just so happens that we have a zip line. That's not the case – we have a zip line and it just so happen that we are in some, when you stop we talk about a tree or these are the kind of birds that are in this area. Which I mean is fine, but the Act actually says to be exempt that you have to be an educational organization. So, again, another example would be like the Boy Scouts. That's educational. It's not-for-profit. They're there to teach them and they're not...

MR. COSTIGAN: So what other type of educational organizations? Schools?

MR. CULTON: Schools, yeah. You know, any kind of like day camps or church camps that are out there that are for – whether it's religious education or like a summer camp or something like that – and there are a lot of those out there?

MR. URBIK: What if a university sponsors a carnival? Does that university become exempt, or does that carnival operator become exempt because it's on a not-for-profit sponsorship basis?

MR. CULTON: There I think if the carnival itself is open to the public, it falls under a fair, and since it's open to the public it would be regulated.

MR. SPARKS: That'd be regulated. It's open to the general public.

MR. COSTIGAN: If it's just limited to that school, like right now with, for purposes of the jumping – I'm not calling it what it is, but...

MS. JULKA: The inflatables.

MR. COSTIGAN: The inflatables. If it's at a school and it's a private function at a school...

MR. CULTON: Right.

MR. COSTIGAN: Those don't come under our purview.

MR. WILLIS: The other extreme, I guess, would be the university that has a forestry department and says oh by the way you haven't heard of our forest – we have a zip line and we get the students that are riding across the zip line to look at the attacks on the trees and whatever...

MR. URBIK: And they get there by their monster truck.

MR. WILLIS: Would be exempt, because it's pure educational. The institution – it'd have to be an educational institution. So even if I were an amusement ride and I were an educational institution, I'd fall outside the scope of the Act. But if I'm not an amusement ride and I'm educational purposed rather than – primarily for educational purposes – then I also fall outside the act, even if I'm open to the public.

MR. COSTIGAN: The point is you can't just declare yourself an education institution.

MR. WILLIS: Right. We're taking a much more – what if someone says we're an educational institution? We're going to say what's your charter, what's your bylaws, tell us about yourself – whether your profit or not-for-profit is not the issue, it's really what your purposes are.

MR. CULTON: And just to take that a step further, why I think this was brought up by some of the agencies – sorry, the standards like ACCT and PRCA – is because they said well we just want to make sure that you, are you wanting to regulate the church camps and Boy Scout camps that have these high ropes courses and things like that? And the answer is no – if they are exempt because of their exempt status, they'll stay exempt. The purpose of the zip line rules is not to supersede that. It was just simply to draw out specificity about specific rules in accordance with zip lines. So it wasn't – but that question came up, so we might get more of those, just to answer your question.

MR. WILLIS: There have been, by the way, court cases in other states – not arising under a carnival permitted type of situation – really sort of zoning type of things and building ordinances, but whether it was educational, they talk about whether its – you know these court cases look at zoning whether it was educational or amusement. And some of the decisions, again, sort of one of the operators said look, look we've been found to be exempt in all these other states, why shouldn't we be exempt here. Or a nationwide operator.

Nothing he has shown us has convinced us that he's right. I mean even though the courts have upheld his educational purpose, it was a totally different statute.

MR. CULTON: And then back to, as far as like push-back from operators, that's been about it. Just the educational aspect and maybe the: is it mechanical, is it not. That's about it. And it was really from only one entity. Do have anything - do you want to add something?

MR. MAZZENGA: I sent a mail to the individual on Friday – on Thursday – and I haven't heard back from him, and just made a comment about how his organization has a long list of installed zip lines and a number of states could probably make a case for having met some sort of experience requirement. The experience requirement that's going to be called out in the rules, and he said that if he could get his document packaged together he probably has no concerns about having to redesign it and spend a lot of money on new analyses or surveys.

MR. WILLIS: I think what (inaudible) would say is we're sort of stuck with court cases and other things that we're looking at and I think this would mean the conversation with the man from Singapore has indicated that we really are at the forefront – you know I think it's a tribute to the Board...

MR. URBIK: Well they want to manufacture them.

MR. WILLIS: Yeah. And you know I think it's a tribute to the Board in being very prospective in their views of how we regulate it because other states are just so far behind. Clearly ANSI is going to be so far behind. I mean normally they're out in front and we rely upon them, and here we're going to be two years into – I wouldn't doubt that they may come back to us and say what's been your experiences – you know I don't know how they operate, but I would think they would come back and say what have you seen, what have you – how are these things being done, put together.

MR. KIRSCHNER: And that's exciting, we're sort of leading the country on this issue of safety concerning zip lines. Hopefully it will be a good model for other states to follow. In terms of the pushback you're getting from some operators, is it really just a matter of principle and not liking regulation, or is it that there are distinct differences between the zip lines they're operating and the proposed code?

MR. CULTON: That's a good point. Some of it is opinion based or political maybe in nature. That definitely comes up. But they do add to that, that while we don't feel that we should be regulated, also in addition we feel that because we have maybe this one part of our set up that might be educational, could – aren't we exempt? Or, maybe, even challenging the wording of the definitions in the Act.

MR. KIRSCHNER: At the end of the day, is it sort of moot if the ride conforms to the proposed code anyway?

MR. CULTON: That's right. Yeah I think we've already established that zip lines fall under the Act, and so that's where we would just proceed in that manner. It is true, to echo what Ron said, that there aren't very many states that have – there's just a lot of wait-and-see – there are some states that have had to address it, maybe like Hawaii, but that – they're kind of their own entity. But a lot of the states in the continental U.S. have not chosen to address it yet – for whatever reason. So I think that we've received a lot of calls and there's been a lot of interest in what we're doing and the path that we're headed in, because I think we are on that forefront and a lot of what we're doing probably would be maybe even a model for other states.

MR. URBIK: From another stand point, is this a very profitable thing?

VARIOUS: Bill? Bill?

MR. SPARKS: Yeah, I'd say so.

MR. URBIK: It is.

MR. SPARKS: It could be, yeah.

MR. URBIK: Okay.

MR. SPARKS: Have you had any contact, or – do you know, I know the State of Florida had a mobile zip line at their State Fair, but I don't know if they (inaudible)...

MR. CULTON: Florida has not contacted me or our department.

MR. SPARKS: Florida is very strict on their ruling, they've got very rigid guidelines and I can't imagine them letting them come in to the State Fair without any guidelines.

MR. MAZZENGA: On a mobile – Bill, you're talking about a mobile zip line?

MR. SPARKS: Mhm. Yeah. They're just set up at the State Fair.

MR. KIRSCHNER: Anjali was it – ASTM is still about three years out?

MS. JULKA: Two years.

MR. MAZZENGA: Two years.

MR. KIRSCHNER: Is that a typical timeline of a renewal of standards?

MR. MAZZENGA: Standards take a long time to develop. Especially in this case, because it's a brand new – it's an original standard. We heard some discussion about; they were trying to make adaptation from – tramways, is it? Tram standards, ski lift standards, and PRCA have got a real nice set of rules, but they have not been approved and distributed yet. Very detailed diagrams and very detailed in scope – broad and detailed. Very comprehensive is, I guess, the right way.

MR. KIRSCHNER: Bill, giving this kind of guidance to operators, do you think that'll help operators feel more comfortable about bringing zip lines and operating them?

MR. SPARKS: Sure it will.

MR. KIRSCHNER: It's a good thing?

MR. SPARKS: Mhm.

MR. KIRSCHNER: Any other discussion?

MR. URBIK: Have we seen any activity with the fixed zip lines going in in the ski resorts or ski hills or something like that for a summer operation, adjunct to their winter operation?

MR. CULTON: Not at a ski resort, not yet anyway...

MR. URBIK: Not at Four Lakes or Villa Olivia or something like that?

MR. CULTON: Not that we're aware of, no.

MR. WILLIS: One that called Ryan, I mean, I think was interesting. He was in the development side – again, just going a little bit further on this – the third one he's talking about is just in the initial development stage and he just got (inaudible) once he saw that we were going to regulate it. He had no problem saying, you know, listen this is – and he really came forward – and again, he, again, maybe going to your question, Dan – different philosophy that says I want everybody to know that this is the safest, this is – I don't care whether it's educational or whatever, I want the public to know that they can trust this. Because all you have to do is have one of these people have an accident.

MR. KIRSCHNER: Whatever feedback we get or pushback we get from those that don't want to be regulated I would think, in the long run, would be offset by those operators that appreciate the oversight and that feel comfortable going forward and putting their feet in the water, so to speak.

MR. SPARKS: It'll reduce their liability.

MR. WILLIS: Because he hadn't even put his stuff, the pylons in the ground yet, or whatever he was doing, right?

MR. CULTON: Right, and in addition to that there's a lot of these fall – they're like pumpkin patches and places like apple orchards – there was one operator up in the Chicago land area that wanted to open a very short zip line course, but when they went to the emergency rules and saw that they, their operations have to be professionally designed and the platforms have to be designed by a licensed structural engineer, they did call the office and said I've seen these emergency zip lines, is this - they are in force now? Yes. Okay. And I think it – now they have, before they actually started to build it, they did go out and have – solicited professional design help to design their short zip line course. So it is out there and it's changing some of their operating...

MR. COSTIGAN: So it's having an impact.

MR. CULTON: It's having a definite...

MR. KIRSCHNER: Clearly he would have just put up a post and a platform and a couple of lines and...

MR. COSTIGAN: Which before the rules they could have probably done this...

MR. CULTON: Provided it met building code which we're not sure.

MR. KIRSCHNER: So at this point we need approval from and consent of the Board to move it forward to the JCAR process.

MR. CULTON: Right. As they're written, they're the copies that I sent out.

MR. KIRSCHNER: Any highlights or changes to the writing that you think – you our Angelo or (inaudible). I know you said that you did change them from the original...

MR. CULTON: Oh yeah, we've added a lot – the additions to the language – and if anybody didn't bring it today, I can pass...

MR. MAZZENGA: Yeah, pass, pass it out or...

MR. KIRSCHNER: Have some pizza. (laughter)

MS. GILLERS: Oh, no thank you. (laughter)

MR. CULTON: That's just another copy...

MR. SPARKS: Same thing...

MR. URBIK: Anybody else need one?

MR. COSTIGAN: Yeah, that's the same one.

MR. CULTON: Angelo you'll get to help me out, but I think the main additions to the emergency rules are – I think one of the things that was good feedback from our standards folks that we talked to, being the ACCT and the PRCA, was to include third party inspections. A requirement of third party inspections by a qualified individual, and then the definitions explain what a qualified individual is. And that's actually in addition to the inspections that the State will provide, the Department of Labor. In talking with the operators and with the three standards groups, it's really nothing above and beyond what they're already required to do in order to get

insurance. So we felt that that was a fair addition, and it's just another level of added protection that's in there as far as safety goes. And then Angelo, what are some of the other – I know we addressed some...

MR. MAZZENGA:

I agree with you on the third party inspector, Ryan, on your comments. I think that there was an issue there with additional cost, but I think that's been exceeded by the benefits. We have – there are a lot of definitions that were added in this version, and in this previous version the mobile, parked vehicles, parked vehicles were not allowed as tie-off points, and now there are a number of stipulations associated with using them, such as lock-out (inaudible) de-energization – you know, disconnecting the battery. And also there is, in the design there's some standards being proposed for anchor and foundation analysis on mobile zip lines. So that even if the zip line is mobile, the anchoring of the actual line to vehicle or to the water ballast or to the concrete structure – sometimes they're wheeling concrete structures to sites, road barricades with hooks on them – this is basically saying that there must be an analysis on the anchoring. I think there were a lot more details added to this version related to, as we said, definitions, components, engineering evaluation, static/dynamic loads are now required, clearances and hazard analysis – hazardous analysis plan. Some other additions were the, okay, if the ride is not being used at

night and let's say that there's an access platform – a stairwell or a stairway leading to a platform where you would depart – we're asking that that access be controlled during off-hours, either through installation of a fence, appropriate signage needs to be posted...

MR. URBIK: Only at night or any time that they're not in operation?

MR. MAZZENGA: I think the verbiage is any time it's not in operation.

MR. CULTON: Mhm, that's right. But it's typically at night.

MR. MAZZENGA: Here are some other comments in here, and I'm not going through it systematically, I'm just kind of bringing things up as I think of them, but another one was on hand-braking, like using the use of a gloved hand. It's not allowed – zip lines are not allowed to be spliced together. There's pretty good detail in here. We're not – basically the rule is not...

MR. WILLIS: Is that gloved hand, by the way, is that something that ANSI or who really did you get that from, other people, or...?

MR. MAZZENGA: Yeah, I actually was talking to a friend of mine at work who went on a corporate training sort of...

MR. WILLIS: Because in all the foreign countries it's a gloved hand, you go there and you grab on the line and that's how you stop...

MR. MAZZENGA: He said that it was a team-building exercise, but that he was really scared.

MR. WILLIS: Yeah, he got stopped by the glove.

MR. URBIK: Well Fred Flintstone stopped his car with his feet, so... (laughter)

MR. WILLIS: No, but again, the common practice in most – and again, I had someone who was up in Canada at one of these big parks and they said it was great, and I said how'd you stop? And he said well, you just – he and his wife – I stopped before she did, because my gloves were – my hands were stronger, which is...

MR. MAZZENGA: The problem is wire rope will have broken strands, and they're allowed in many standards for wire rope, so that broken strand could lead to personal injury and that's just not something that we're finding desirable. We don't want hands on the wire. Even if they're gloved hands, you know?

MR. CULTON: Yeah.

MR. MAZZENGA: Alright, I think the rules stop short of mandating the design criteria. I (inaudible) to tell people how to design it. It just kind of provides guidance on how to evaluate the design and meet the...

MR. CULTON: Yeah. I just wanted to add that a lot of what's in there mirrors some of the design specifications, as far as what's in mobile zip lines. Because that – we've been able to readily view their manuals. If it's a fixed course with drawings and just all kinds of construction drawings, we haven't been able to go through that. But we didn't – Angelo's exactly right. A lot of this is with the same intent as our other rules, is to – we're not there to design it,

it's to make sure that it's being intended in the same use as it was designed. That's what the rules are specific to.

MR. MAZZENGA: Like one example is platforms, walkways and ladders, we're invoking ANSI and ASTM or some other standard that if you've got a stairwell or walkway you should be referring to ASTM or ANSI standards for walkways. And they go into greater detail, talk about traction, and grip.

MR. KIRSCHNER: Any other discussion?

MR. URBIK: Yeah, I've got one question of the definition of zip line. Are we too narrow in our definition...?

MR. KIRSCHNER: What page are you on?

MR. URBIK: This would be on – the definitions section, which is probably five or six pages back. They're alphabetically, so. My question there – are we being too narrow, in that we're specifically saying a cable? I've seen zip lines that kids do on rope. I wonder if we should include cables, lanyards, rope or a similar type string device.

MR. MAZZENGA: Do we define cable?

MR. URBIK: We don't.

MR. CULTON: We do not.

MR. URBIK: So if I do rope, I'm exempt.

MR. MAZZENGA: We said flexible steel wire rope.

MR. URBIK: (inaudible) woven rope.

MR. MAZZENGA: That would be a good work-around, wouldn't it? If you changed material from wire rope to woven rope and are you exempt from the rule.

MR. URBIK: Yeah, yeah.

MR. WILLIS: Couldn't you say cable, cable-type material, made of any – just some broader, generic – rather than trying to define it. Some sort of generic definition.

MR. MAZZENGA: Yeah.

MR. CULTON: Right, because then they'll try to use plastic.

MR. COSTIGAN: Or rope equivalent.

MR. WILLIS: You know, some...

MR. URBIK: Something with...

MR. WILLIS: Or define cable.

MR. URBIK: Or define cable.

MR. CULTON: That's a good point, Ron. Okay. Okay.

MR. KIRSCHNER: Let me ask you this though. In terms of – we're not suggesting expanding the definition to where it's permissible to use a rope as opposed to a cable?

MR. URBIK: No, but I can use a rope and be exempt from our rules, because it's not a zip line then. Since I've done that in the backyard with... (laughter) My own zip line. Well they used to sell them at Toys R Us.

MR. KIRSCHNER: What?

MR. URBIK: Yeah, you just – you hold on to the pulley...

VARIOUS: (inaudible, talking over each other)

MR. URBIK: We used to have lawn darts too.

MR. COSTIGAN: A combination of the two – or what do you know Ryan?

MR. CULTON: I have not seen anything made out of anything other than steel wire rope. Angelo, you (inaudible)?

MR. MAZZENGA: Other than a ropes course – as that terminology – ropes course comes into play a lot.

MR. CULTON: Right.

MR. MAZZENGA: But I agree with you, Ryan, that everyone that we spoke to is using wire rope, and specific sizes and grades of wire rope. They're not just randomly going out and...

MR. CULTON: Right, because rope is not going to be able to withhold the same dynamic hold...

MR. WILLIS: But that's the issue, but theoretically, it's a definition of what is a zip line? Because you used the word cable in the definition of zip line, if it's not a cable, then it's not a zip line. Not to say – it has every other feature of a zip line, because it's made out some plastic, million, you know, generation spaceship plastic type of material...

MR. COSTIGAN: Titanium.

MR. WILLIS: Titanium. If it's not a cable, therefore it's not a zip line. That's where I – it's not trying to define what you have to use, but it's

really a definition of what is a zip line. That's why I think the issue, it's important to make it as broad as possible. Even if you, create whatever you want to create...

MR. COSTIGAN: Right. You don't want people trying to get around...

MR. URBIK: And you can see the pumpkin patch doing just that. Stringing a rope across two trees and...

MR. KIRSCHNER: I have seen I-beams where you have the pulley systems, and we're not talking about – and I don't know if those are in operation at any carnivals or not, but I've seen them on playgrounds and other (inaudible) parks, some type of I-beam.

MR. SMITH: How are they getting across? I mean how are they traveling?

MR. KIRSCHNER: It's an I-beam and (inaudible, talking over each other)

MR. MAZZENGA: I think we might have to strike that statement that says zip lines shall be comprised of flexible steel wire rope. Modify that statement.

MR. URBIK: Then we go back to...

MR. MAZZENGA: If we want to be more inclusive...

MR. URBIK: Common law? As far as what a zip line is?

MR. WILLIS: Zip line means a system consisting of a pulley or trolley that is suspended on a cable or a rope-type device or something like that.

MR. URBIK: Cable, lanyard, rope and the like. (laughter)

MR. WILLIS: It's a cable-like – it's a cable-like.

MR. URBIK: Not that you could see an I-beam situation except in playground fixed environment type of a thing. And I'm not going to spend the money for an I-beam when I can spend a whole lot less money for just a cable.

MR. MAZZENGA: The ACCT persons we met with indicated there's a lot of new development in this area, where they're even getting away from the double-pulley system and they've got like a U-channel, so they're saying that...

MR. KIRSCHNER: We mainly need to do this because I think it's important that we act today, because this is going on now, to approve it as it exists, and then have another amended version come back in the next meeting that may be broader and encapsulate more.

MR. URBIK: But couldn't it become a request that JCAR modify it, with that being an input, as opposed to what's printed, the definition here today.

MR. CULTON: It's very possible that JCAR can bring that very point up, because that's what they look at a lot. They're the definitions and specifically how things are...

MR. URBIK: And then would send it back to us?

MR. CULTON: Yeah.

MR. URBIK: Well, so, what do you want to...?

MR. CULTON: Well, see, yeah you're right, so I mean we should probably address this...

MR. WILLIS: Here it is. I think we're okay with cable.

MR. KIRSCHNER: Okay. (laughter) He never (inaudible) Webster's.

MR. URBIK: How does that thing work?

MR. WILLIS: I don't know, I asked if we had one. Cable: a strong rope, especially of ten or more inches in circumference. Cables: laid rope, wire rope or metal chain of great tensile strength, a wire, a wire rope by which force is exerted to control or operate a mechanism, an assembly, an electrical conductor – I mean it's broad, so it talks about a strong rope.

MR. CULTON: And what did it say about circumference, Ron?

MR. WILLIS: Especially if ten or more inches in circumference. E-S-P. So it's saying it's not just a thin, you know, a piece of...

MR. CULTON: Wire.

MR. WILLIS: A thin piece of wire – I'm just reading it – cable, cable, so that's a definition, so maybe – I think I'd be prepared to defend in a court of law that if someone put up a plastic piece of material, since we don't define cable, that that is a cable – no matter what it's made out of – if it serves the purpose of a cable.

MR. KIRSCHNER: I'm going to let your reading of Webster into the record serve as the committee's intent as to what the definition of cable is.

MR. WILLIS: Right.

MR. KIRSCHNER: Correct.

MR. URBIK: It is not a communication device.

MR. WILLIS: I think a cable, from our interpretation, the Department's interpretation, of anything equivalent – doesn't matter what it's made for, it's what its use is.

MR. URBIK: (inaudible) cable or used as a cable.

MR. KIRSCHNER: Right, rope is used as...

MR. WILLIS: Again, I understand your point. I think otherwise we're going to be caught with another meeting revising things.

MR. KIRSCHNER: What is – is there a motion to approve the rule as drafted to advance it to JCAR?

MR. SPARKS: I motion.

MR. CULTON: Second.

VARIOUS: Aye.

MR. KIRSCHNER: Hearing...

MR. MAZZENGA: I'd like to know... (laughter) No, I just was wondering where is cable, where is the word cable invoked here?

MR. WILLIS: It's in the definition of zip lines. It's not defined by the regulation.

MR. MAZZENGA: Okay, so, I just wanted to see it.

MR. WILLIS: It's on page...

MR. CULTON: Right before we get into section...

MR. SPARKS: 6000.350.

MR. CULTON: It's the very last definition...

MR. SPARKS: Bottom of the page.

MR. WILLIS: I think, by the way, (inaudible) finding the next definition of wire or wire rope, by which...

MR. MAZZENGA: Consistent, consisting – okay. Okay, I’m good. Okay, I’m satisfied; I rescind my objection (laughter).

MR. KIRSCHNER: The motion carries. Thank you very much, Angelo. Thank you very much, Ryan, for your hard work.

MR. CULTON: And Patty. I think it’s just great...

MR. WILLIS: You know you have someone, a member of industry, you have impartial, you have up to the three sides coming together to really agree on this, as opposed – you know, it’s not like someone from the industry, who would be Patty who looks at this and says, this is appropriate.

MR. KIRSCHNER: You know I think regardless of what we’re finding on the board, no matter what angle we come at it from, we all share the same goal of trying to...

MR. URBIK: Make sure people don’t get hurt.

MR. KIRSCHNER: Make sure people don’t get hurt and make the industry as safe and as practical as possible.

MR. CULTON: And Ms. Rhodes provided feedback too. She’s one of our safety members as well, so she did provide comment.

MR. COSTIGAN: Linda. You’re talking about Linda...

MR. CULTON: Givand Rhodes, yep.

MR. KIRSCHNER: Other business...

MR. URBIK: I'm sorry; did anyone see the piece on WGN News where the Around Town reporter went to a zip line operator who claimed to be the first one who was certified by the state as an approved zip line?

MR. CULTON: No, I did not see that one.

MR. URBIK: About two or three months ago. It was on in the morning on WGN.

MR. CULTON: Certified by...

MR. URBIK: Certified by the State. First one in the State of Illinois. So we might want to have our inspectors talk specifically to that point that we do not approve your operation. We say you meet state standards – that's it.

MR. CULTON: Right. Yeah. What part of the...

MR. URBIK: Around Town with Anna...

MR. CULTON: It was in Chicago?

MR. URBIK: Oh yeah.

MS. JULKA: WGN.

MR. URBIK: The WGN station here.

MS. JULKA: I can look it up.

MR. URBIK: I don't remember if it was a fixed line, because I was half asleep when the piece came on, until I heard zip line, I said I don't recall we approve anything, that certify anybody.

MR. CULTON: Yeah, because in our rules it actually, I mean it states that...

MR. URBIK: He was clearly using this as a promotional device. That he has been the first one in the state to be inspected and certified and they said we're good to go.

MR. CULTON: Yeah, the Department's approval should not specifically be used in any advertisement, brochures, commercials...

MR. URBIK: It was a news piece.

MR. CULTON: Or in any other public manner.

MR. MAZZENGA: Uh oh.

MR. CULTON: Yeah, we'll find out who they are.

MR. MAZZENGA: Are there penalties for doing it, do you think?

MR. CULTON: I don't know, are there?

MR. WILLIS: I don't know.

MR. KIRSCHNER: You could take their permit away. (inaudible)

MR. CULTON: That's true.

MR. URBIK: It was mentioned more than once. They do those segments and, two minute segments and then every hour they do another two minute segment on whatever they're doing.

MR. CULTON: Yeah, yeah.

MR. URBIK: It was one of those kinds of deals.

MR. CULTON: Okay, alright. I'm going to look into that.

MR. KIRSCHNER: Other business. The other thing that's come up from time to time is the potential to have, if possible, the statute amended to allow for telephonic attendance by board members. I think that'd be a

good idea for a couple of reasons. One, it would allow us to have more meetings and be more proactive. I think it would enable us to have more sub-committees and be more proactive, and that's all a good thing right now. The statute requires in-person attendance. Given the fact that we're a small board with literally eight people from eight different parts of the state, it's not conducive to have a lot of meetings.

MR. URBIK: How do they get around the Open Meetings Act? If you're a public entity and you want to have a meeting of us, how do they participate? Do we conference them in, or, I mean...

MR. KIRSCHNER: Well let me say something, like other boards have handled it is, with respect to the statutes that specifically create those boards, there are exceptions written in to it to allow for it. So while Open Meeting Act is general, the Legislature can then make a specific exception for a specific board in that (inaudible).

MR. WILLIS: You could sit there and say, the meeting's going to be held in this conference room. The public could come to this conference room and there'd be a speaker phone that we can call in...

MR. URBIK: Oh, okay. Okay, so there'll be...

MR. KIRSCHNER: It's not that the meeting – it's your participation by telephone.

MR. WILLIS: Whoever can participate. The meeting is still scheduled for a place.

MR. URBIK: Okay.

MR. KIRSCHNER: The meeting is still public; it'd just be their conference room, so whatever members want to attend can attend by phone. The chair will always be there in person.

MR. URBIK: Would the telephonic attendance constitute a quorum?

MR. WILLIS: Mhm. As long as it's permissible.

MR. URBIK: Under the statute.

MR. WILLIS: Mhm.

MR. URBIK: Right, thank you.

MR. COSTIGAN: We'll have to do a bit of research...

MR. KIRSCHNER: We'll do some research.

MR. COSTIGAN: You know the Department is trying to find out what the possibilities are to get equipment to do teleconferencing and what-not. We don't currently have that ability here at the Department now, but we can look in to that as well.

MR. URBIK: Well other Departments certainly do, because on my local cable station I get stuff from Springfield all the time. News conferences and what's happening in the Legislature and interviews one-on-one with the local representatives and stuff like that.

MR. KIRSCHNER: It's amazing the Chinese walls between Departments. There's no sharing, there's certainly no sharing of offices, no sharing of staff, no sharing of resources.

MR. COSTIGAN: We're a pretty modest sized budget by some state government standards, but we are – like I said, we're taking a look at a lot of

things in the Department, trying to figure out how we can bring capabilities up to...

MR. URBIK: Yeah, the wireless in the building is not very good. I can't even get my phone out.

MR. KIRSCHNER: Yeah that's one of the things. Depending upon the floor, there's that capability. But that floor is not part of your Department. If it helps, I'm always happy to offer my office. We do have a two-way video monitor and we can set up a counterpart down in Springfield so they can be attended downstate. Visual attendance as well as in-person attendance.

MR. URBIK: What state board does your friend sit on that they do allow the telephonic attendance?

MR. KIRSCHNER: I'll have to check on that.

MR. URBIK: Okay.

MR. COSTIGAN: Yeah, we can check around other boards and see how that functions.

MR. KIRSCHNER: Any other business.

MR. URBIK: Be sure to heat the January meeting. It'll be the coldest day of the year in Springfield.

MR. CULTON: He's still talking about an almanac.

MR. SPARKS: That's traditional. (laughter)

MR. KIRSCHNER: Just in terms of future business, there's a – coming up on our calendar there's a public meeting, but not a board meeting...

MR. CULTON: Right.

MR. KIRSCHNER: And that's at the end of July?

MR. CULTON: Right. July 30th, that's a Monday.

MR. URBIK: Do you want to explain what...

MR. CULTON: Yeah the July 30th meeting is just a public forum meeting for these amended zip line rules that we're going to hold in the Springfield office. The rules say that you have to have at least one open, public meeting prior to the JCAR process, where it's just a physical address where people could go and voice their concerns. So, now I'm just going to invite Angelo, and Patty will be there – the sub-committee. If board members want to come too, but the Act says that the board does not have to be present at that open meeting. And that's just to entertain any comments or concerns about any of the zip lines as they're drafted.

MR. COSTIGAN: Just...

MR. CULTON: Yeah, address.

MR. COSTIGAN: We received a letter today from the Joint Committee on Administrative Rules Co-Chair Senator Maggie Crotty and Representative Angelo "Skip" Saviano, notifying us that JCAR has considered our emergency rule-making at its July 10th meeting and determined that no objection will be issued for the Carnival and Amusement Ride Safety Act. It says, furthermore, that the fact that the committee has not objected to these rule-makings does not

necessarily constitute approval, express or implied, of the substance of the rule-making. So...

MR. URBIK: These are after the revisions?

MR. COSTIGAN: This is the emergency rules.

MR. URBIK: That we've modified since then, correct?

MR. WILLIS: They've always – they have not seen those. They have not even...

MR. COSTIGAN: So this is what of our initial submission. But we just got that today, so just thought I would.

MR. KIRSCHNER: Any other business? Hearing none, we are adjourned.

(End record)