Oklahoma Department of Labor

Mark Costello
COMMISSIONER OF LABOR

March 24, 2014

MEMORANDUM

TO: Designers, Manufactures, Owners/Operators, and Auditors of Aerial Adventure Courses

RE: Standard Practice for Special Requirements for Aerial Adventure Courses

The purpose of this memorandum is to provide designers, manufactures, owners/operators, and auditors of aerial adventure courses with criteria and references for the design, manufacture, installation, operation, maintenance, modifications, and auditing of said courses.

Aerial adventure courses including zip lines, ropes courses, challenge courses, aerial trekking courses and canopy tours are among the fastest growing segments of the commercial recreational industry in Oklahoma. These activities include functional, operation and patron participation requirements now represented in the American Society for Testing and Materials (ASTM) International standards, ASTM F2959, Practice for Special Requirements for Aerial Adventure Courses.

Title 40, Oklahoma Statutes, Section §460 reads:

> THE COMMISSIONER OF LABOR SHALL PROMULGATE RULES AND REGULATIONS FOR the safe installation, repair, maintenance, use, operation and inspection of ALL AMUSEMENT RIDES necessary FOR THE PROTECTION OF THE GENERAL PUBLIC using amusement rides. [*Emphasis added.*]

40 O.S. §461(1) reads:

> "AMUSEMENT RIDE" MEANS A DEVICE OR COMBINATION OF DEVICES OR ELEMENTS THAT CARRY, CONVEY, OR DIRECT A PERSON OR PERSONS OVER OR THROUGH A FIXED OR RESTRICTED COURSE OR WITHIN A DEFINCED AREA FOR THE PRIMARY PURPOSE OF AMUSEMENT OR ENTERTAINMENT. Amusement ride includes any amusement park device that uses treated water as the means of transportation, including the structure and water quality of the device. Amusement ride does not include the operation of articles of husbandry incidental to any agriculture operation or the operation of amusement devices of a permanent nature which are subject to building regulations issued by cities or counties and existing applicable safety orders [*Emphasis added.*]

Aerial Adventure Courses meet the definition of an "amusement ride" under Oklahoma law.

Oklahoma Administrative Code (OAC), Title 380, Chapter 55, Subchapter 9-2(d) [OAC 380:55-9-2(d)] sets forth the criteria to be used in inspecting amusement rides, to-wit:

> CRITIERIA FOR INSPECTIION OF RIDES WILL BE BAED, AT A MININUM, UPON the ride manufacture's specifications, industry consensus, common inspection practices, CRITERIA CONTAINED IN THE MOST CURRENT EDITION OF THE AMERICAN SOCIETY OF TESTING MATERIALS (ASTM) STANDARDS, and the Amusement Ride Safety Rules. Alterations to the ride manufacture's specifications, by using aftermarket products, will be permitted provided that ride safety is maintained. Where no manufacture exists or the manufacture does not provide the Department of Labor adequate specifications, the Commissioner of Labor shall develop inspection criteria with input from owners, operators, the amusement ride industry and other jurisdictions. [*Emphasis added.*]

The Oklahoma Department of Labor (ODOL) will apply the ASTM F2959-12 (published January 2013) to the inspection and licensing of Aerial Adventure Courses within the state of Oklahoma.

- Point of Clarification:

  Applications listed under ASTM 7259-12 Section 1.3 shall comply with the criteria and references for the design, manufacture, installation, operation, maintenance, modifications, and auditing of said courses as recognized in ASTM 7259-12, the Oklahoma Amusement Ride Safety Statutes (40 O.S. § 460, *et seq.*), and the Oklahoma Amusement Ride Safety Rules (OAC 380:55) within the State of Oklahoma.

The ODOL is properly authorized to apply these ASTM standards to Aerial Adventure Courses so long as they are applied consistently and uniformly to all qualifying amusement ride owners and operators within the State of Oklahoma.

If you have any additional questions or concerns please contact the ODOL at 405/521-6100.

Respectfully,

James Buck, SSLD Director
OKLAHOMA DEPARTMENT OF LABOR