

**In the Matter Of:**

Administrative Rules for Carnival and Amusement Safety

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**PUBLIC HEARING**

*August 22, 2023*

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1 STATE OF MICHIGAN

2 DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

3 BUREAU OF CONSTRUCTION CODES

4 PUBLIC HEARING

5 Administrative Rules for Carnival and Amusement Safety

6 Rule Set 2021-99 LR

7 702 West Kalamazoo Street, Lansing, Michigan

8 Tuesday, August 22, 2023, 9:00 a.m.

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12 RECORDED BY:

Eric R. Johnston, CER 9267  
Certified Electronic Recorder  
Esquire Deposition Solutions  
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APPEARANCES :

BUREAU OF CONSTRUCTION CODES MEMBERS

BECKY JONES  
TONY WILLIAMSON  
GREG OHLEMACHER  
KATHERINE PLACE  
BRYAN BRYSON

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1           Lansing, Michigan

2           Tuesday, August 22, 2023 - 9:13 a.m.

3           MS. PLACE: Okay. Let's get started. So good  
4 morning. My name is Katherine Place. I am a Department  
5 Analyst for the Bureau of Construction Codes in the  
6 Department of Licensing and Regulatory Affairs, and I will  
7 be conducting the hearing today.

8           This is a public hearing on proposed  
9 administrative rules entitled Carnival & Amusement Safety  
10 Rule Set 2021-99LR. We are conducting this hearing under  
11 the authority of the Administrative Procedures Act, Public  
12 Act 306 of 1969 on behalf of the Department of Licensing and  
13 Regulatory Affairs, Bureau of Construction Codes.

14           We are calling this hearing to order at 9:13 a.m.  
15 on August 22nd, 2023, at the Michigan Library & Historical  
16 Center, First Floor Forum, 702 West Kalamazoo Street,  
17 Lansing, Michigan 48915. Publication of the notice of  
18 public hearing was in the Morning Sun and Oakland Press on  
19 July 27th, 2023, and the Mining Journal on July 27th, 2023.  
20 These papers are newspapers of general circulation. The  
21 notices were also published in the Michigan Register, Issue  
22 number 14-2023, on August 15th, 2023.

23           We are here today to receive comments on the  
24 proposed rules. If you wish to speak, please make sure you  
25 have signed in and indicated that you wish to speak. You

1 may use the cards provided for this purpose. If you would  
2 like to speak and have not signed in, please do so now. For  
3 those of you who do not wish to sign in with a card, you may  
4 speak at the microphone once we have exhausted the cards  
5 submitted to me.

6 If you have comments, please make sure they are  
7 related directly to the proposed rules. If you have  
8 questions about the rules, please include your questions as  
9 part of the testimony for the Department's review. If you  
10 have suggested changes to the proposed rules, please include  
11 the specific reasons why the changes would be in the public  
12 interest.

13 Please note, if you have already submitted  
14 comments to the Department in writing or by email, those  
15 comments will be considered in the same manner as the  
16 comments made during the public hearing today.

17 For those making comments today, please clearly  
18 state and spell your name for the record, and if you are  
19 speaking on behalf of an organization, please identify that  
20 organization as well.

21 If you have written comments, you may submit them  
22 directly to me. The Department will also accept written  
23 comments postmarked or emailed until 9/5/2023 at 5:00 p.m.

24 To take a recess: "If there are no other persons  
25 who wish to speak at this time, we will take a short

1 recess."

2 And the first person to speak would be Ryan  
3 Strayhorn.

4 MR. STRAYHORN: Come down here?

5 MS. PLACE: Uh-huh (affirmative).

6 MR. WILLIAMSON: Sir?

7 MR. STRAYHORN: Yup.

8 MR. WILLIAMSON: Let me check the microphone for  
9 you.

10 MR. STRAYHORN: Sure. Haven't done any of these.  
11 Are we allowed to ask questions with a response or not how  
12 it works?

13 MS. JONES: You can ask the question. We will  
14 take anything you say under advisement and into  
15 consideration.

16 MR. STRAYHORN: Okay. With no answers, though?

17 MS. JONES: Yes, sir.

18 MR. STRAYHORN: Okay. Just so I understand.

19 MS. JONES: At this hearing, yes.

20 MR. STRAYHORN: Okay. Cool.

21 STATEMENT

22 BY RYAN STRAYHORN:

23 MR. STRAYHORN: So I just had a few -- I had  
24 questions, but I will address them as concerns for further  
25 review moving forward. To be honest, I went through --

1 MS. JONES: Can you state your name, please?

2 MR. STRAYHORN: Oh, sorry. I apologize.

3 MS. JONES: As well as who your represent. Sorry.

4 MR. STRAYHORN: Ryan Strayhorn.

5 MS. JONES: Yup.

6 MR. STRAYHORN: With ACP Entertainment.

7 MS. JONES: Thank you.

8 MR. STRAYHORN: I'll go through the rules, if  
9 that's okay, along with the appropriate number that it's  
10 under -- rule number. Okay? The first one is Rule 3. A  
11 lot of this, it looks like it's been boldened, which means  
12 it was changed. Under Rule 3, the question comes into play  
13 of what slides specifically are going to be or are currently  
14 licensed and regulated by the State of Michigan. If it is a  
15 fiberglass slide, like, it's, you know, 20, 30 feet tall or  
16 100 feet long or if it's a slide on a fun house that doesn't  
17 have any moving parts in it, it's not very clear, so I'd ask  
18 for some more clarification in the Act -- or in the Rules,  
19 rather, regarding that.

20 Also, things that are not regulated that I have  
21 come to question for many, many years; rock walls,  
22 mechanical bulls. As you may be aware, there was a severe  
23 injury two years ago in the east side of the state with a  
24 rock wall. One patron wasn't properly strapped in. Don't  
25 know the results of the findings of that because it's not

1 regulated by the state, but something to maybe consider,  
2 with rock walls you're literally going up in the air 24 feet  
3 and then dropping, hoping a machine catches you. I'm not  
4 sure if that could fall in the Act or if it could be  
5 amended, but a recommendation.

6 One of the things that I noticed that was changed  
7 as well is that trains and similar devices that had  
8 previously been approved on public transit systems no longer  
9 have to be inspected. If I'm reading that incorrectly,  
10 please let me know. I don't necessarily understand that.  
11 That's not my category. But as a -- and being in the  
12 industry, I do want to bring it up, it's a potential  
13 concern.

14 How I understand it is if you take a train that  
15 used to run on the public rail and now is put on a private  
16 rail for whatever reason of amusement purposes, that it  
17 doesn't need to be inspected. The question becomes, what's  
18 the difference between that and a roller coaster? Different  
19 speeds, yes, but you're still working on tracks that need to  
20 be of good shape, and the actual locomotive and the cars  
21 need to be of good shape, too. So something to consider.  
22 It should probably continue to be regulated.

23 Trackless trains is another thing that is not  
24 regulated that, in my opinion, should. I have personally  
25 witnessed trackless train cars at events coming off of the

1 car connected in front of it. I know that it's on not a set  
2 path, not a fixed path. But, again, it is an amusement  
3 ride, and people could get hurt on them. Frankly, that goes  
4 for a lot of things, but those are things that I personally  
5 have expertise on.

6 Gravity ride, F, under Rule 3, makes we wonder if  
7 a rock wall would fall under that category as something that  
8 is inspected. So something to, again, take into  
9 consideration with rock walls being inspected.

10 Let me see here. Rule 14 -- I know you guys can't  
11 answer or won't answer, but water slides. Wondering why the  
12 height of water slides was changed from 10 feet to 15 feet.  
13 Not quite sure if -- what -- the exact reason behind that.  
14 I feel like they should be, but, you know, something to  
15 reconsider. I -- again, if there's some -- in the future if  
16 there's some explanation that can be given based on these  
17 rules, I would love to be included in that.

18 Routing sheets, this is Rule 15. Routing for  
19 carnivals to plan their season out the whole year in advance  
20 usually gets pretty much locked in. This is absolutely  
21 feasible. My company, we are an event company that we book  
22 events. We're still booking events through the rest of the  
23 year. So this needs to be redefined a little bit so that  
24 we're not breaking the law because we can't actually send in  
25 an entire itinerary ahead of time because we don't have it.

1 Now, usually monthly we send in an updated  
2 itinerary. But I'm not going to lie. We have events that  
3 schedule two weeks in advance that -- you know, we try. We  
4 try to, but it's not the number one thing we think about.  
5 So if something could be rewritten in this so that way it  
6 helps the rental operators like myself. There's not a ton  
7 of us. There's probably just as many or just a few less  
8 than carnival operators in the state, but something to  
9 consider.

10 One concern I have -- this is Rule 16, the  
11 operational training and emergency response training forms.  
12 This also goes to the act that was implemented last year  
13 that we weren't made aware of until later in the game  
14 that -- and from how I understand it is the manufacturer  
15 needs to give permission, written permission of some sort to  
16 an operator that we are allowed to operate and train other  
17 people on that ride.

18 A lot of times that's not possible because the  
19 ride manufacturer's closed. It also may not be possible  
20 because the ride manufacturer may not be willing to do so.  
21 The reason why they might not be willing to do so is, let's  
22 say, I'm the third or fourth owner of this ride. The  
23 manufacturer might have a change of ownership, change of  
24 names, change of practices, change of procedures. How --  
25 why would they give us permission even though we have

1 learned through progression of people who have learned from  
2 the factory or whatnot. So I think that that needs a little  
3 more refinement.

4 Also, a form, if that's something that the state  
5 wants us to get from the factory or the manufacturer of the  
6 amusement ride, this is not something that is ASTM. To my  
7 knowledge, this is not something that is really done on the  
8 federal level or widespread level. So the manufacturers  
9 don't know what you're looking for as a state, but they also  
10 need to have some sort of a basis, something, a starting  
11 ground.

12 So if it's something as easy as, "Hey, you know,  
13 fill out this form. And, oh, if the manufacturer isn't, you  
14 know, in business, check this. And how did you learn?,"  
15 okay. But we need some more direction. I don't think  
16 that's available right now. I'm not sure if you can answer.  
17 I don't think so.

18 MS. JONES: The law is descriptive in what is  
19 being requested.

20 MR. STRAYHORN: Okay. But there's no form  
21 currently?

22 MS. JONES: No.

23 MR. STRAYHORN: Okay. Cool. All right. If there  
24 could be some sort of form because the way -- from how I  
25 wrote it -- read it -- excuse me -- awhile back, it's not

1 descriptive enough and needs to be revisited. And that ties  
2 it in with Rule number 16 here. I think this just kind of  
3 expands more so on what that rule is. And maybe Greg and I  
4 can talk about that in the future of how that's being  
5 enforced or what's expected of us.

6 Rule number 31.

7 MR. WILLIAMSON: Excuse me, sir.

8 MR. STRAYHORN: Yup.

9 MR. WILLIAMSON: Due to the time delay, we keep  
10 our comments to, like, three minutes. If you have anything  
11 you want to submit, you can actually submit the  
12 documentation through email or else --

13 MR. STRAYHORN: Sorry. That wasn't made clear to  
14 me at all.

15 MR. WILLIAMSON: I know. Sorry. We didn't  
16 communicate that. Sorry about that.

17 MR. STRAYHORN: So do I need to stop right now?

18 MR. WILLIAMSON: You have one more -- you have one  
19 more minute left.

20 MR. STRAYHORN: One more minute? Okay. Let me  
21 see where we're at. Sorry. I did not know that. Decals do  
22 not stick, do not work. They haven't for the last couple  
23 years. If you could get new ones, that would be great. We  
24 have one remaining on our rides. One thing to reconsider is  
25 why leveling and alignment was taken off. Rides should all

1 be level. I don't know why that was taken out. That's  
2 obviously a safety concern in my opinion.

3 If the ride is transferred or sold to another  
4 owner, it says that you no longer have to get it inspected.  
5 You should. What happens if the new owner, like myself if I  
6 bought a new ride, doesn't know how to set up the ride, set  
7 it up improperly and gets -- someone gets injured or the  
8 ride is damaged.

9 And then there was one other rule that I was  
10 really most concerned about is the personal injuries and  
11 deaths reporting was rescinded. It looks like mechanical  
12 failures and reports was not rescinded. I would like you  
13 guys to reconsider that. It's a -- I don't see why it  
14 shouldn't be in the law. So if there is an injury based on  
15 a ride, I feel like the state should know for, you know,  
16 public purposes.

17 I think that's my time. So thank you very much.

18 MS. JONES: Okay. And just so you're clear, Ryan,  
19 please do feel free, if there was anything else that you  
20 wanted to send in, you can send it in.

21 Do you have that email address where he could send  
22 it in to?

23 We want to make sure that you -- we hear  
24 everything that you want to say --

25 MR. STRAYHORN: Yeah; yeah, and I --

1 MS. JONES: -- in case you had to cut your time  
2 short.

3 MR. STRAYHORN: I came to the meeting not really  
4 knowing what --

5 MS. JONES: That's okay. That is absolutely okay.

6 MR. STRAYHORN: So my apologies for that.

7 MS. JONES: No. We want to make sure we get it.

8 MS. PLACE: We can get it and then, yeah, I can  
9 send it to him.

10 MS. JONES: Okay.

11 MR. STRAYHORN: Cool. Thank you.

12 MS. JONES: We'll send it to you.

13 MR. STRAYHORN: Appreciate it.

14 MS. JONES: Thank you, Ryan, for your input. So  
15 that is the only card we have. Do we have anyone else who  
16 would like to speak who is here?

17 MS. PLACE: Tony Eckrich?

18 MR. ECKRICH: Yeah. Some of the same stuff that  
19 Ryan had.

20 STATEMENT

21 BY TONY ECKRICH:

22 MR. ECKRICH: Hi. My name is Tony Eckrich,  
23 E-c-k-r-i-c-h. I'm with Full Throttle Adrenaline Park over  
24 in the Detroit area. We've got two parks. And just kind of  
25 follow along with Ryan. The accident report form vaporized.

1 Now we've got mechanical failure report which was just a  
2 little bit of a twist.

3 So, you know, as we look forward to keeping  
4 everybody safe and all that, we all strive to do that in  
5 every one of our facilities or entertainment venues. But  
6 that's something that I think is valid to have on there.  
7 But I also would ask Greg on -- you know, help us go-cart  
8 operators. That's all I do, pretty much go-cart and VR, axe  
9 throwing, which isn't regulated by the state. But how to  
10 best teach my staff, how to best teach Ryan's staff to fill  
11 out the mechanical failure reports.

12 I used to work with -- I've been in this business  
13 24 years, so that form that I had from 2000 changed a wee  
14 bit. And then the mechanical failure report was like, "Hey"  
15 -- I'm trying to teach my staff how to fill out the forms.  
16 And that's what I had to ask Greg on. "Hey, can you give us  
17 a couple methods on best practice just so I can teach my  
18 staff?"

19 Personal injury, obviously that's a concern for  
20 everybody, but we'll continue to do safe things and  
21 documentation on our side. But looking for just information  
22 as we all go forwards on mechanical failure reporting and  
23 processes so we can teach all the staff that we have in each  
24 facility. Thank you.

25 MS. JONES: Thank you.

1 MS. PLACE: Okay. So if there's no further  
2 comments at this time, I hereby declare the hearing closed.  
3 The record will remain open until 5:00 p.m. today for any  
4 other comments you wish to share about the proposed rules.

5 MR. STRAYHORN: May I ask a clarification on that?

6 MS. PLACE: Yeah, go ahead.

7 MR. STRAYHORN: Did you say September 5 was when  
8 we had or until 5:00 p.m. today? In your opening statement,  
9 I thought you said we had 'til 9-5 to submit. I may have  
10 just misheard it.

11 MS. PLACE: Oh, written comments, yup, postmarked  
12 or emailed by 9-5 by 5:00 p.m.

13 MR. STRAYHORN: So by September 5, 5:00 p.m., is  
14 when we can submit written comments until; is that correct?

15 MS. PLACE: Correct.

16 MR. STRAYHORN: Okay. Thank you.

17 MS. JONES: And then if anybody does have any  
18 comments they want to provide in a written format, Katherine  
19 will get the email address for everybody to be able to do  
20 that.

21 MS. PLACE: We're all set.

22 MR. STRAYHORN: Just one question. What prompted  
23 all these changes? I had a quick conversation with Greg  
24 that back when Snyder was in office they wanted to reduce  
25 the overall quantity of forms. Is that kind of what

1 dominoed into this?

2 MS. JONES: So I'm kind of looking -- this is not  
3 a question-and-answer forum. This is just a public hearing  
4 of us taking your input. So at this time I don't think I  
5 can really answer that question because of the forum we're  
6 in.

7 MR. STRAYHORN: So when we walk outside?

8 MS. JONES: On record, I'm going to neither  
9 confirm nor deny. But because we are in a public forum,  
10 unfortunately I cannot engage in the back and forth with the  
11 question and answer. But if you were to want to send in an  
12 email and ask any questions of the BCC Ski-Amusement email,  
13 we can provide any answers that were available and possible.  
14 Any other questions or comments?

15 MR. STRAYHORN: If any of you guys would be  
16 willing to talk outside of the forum, I would appreciate it.  
17 Non-hostile. Just pure curiosity.

18 MS. JONES: I do understand. I'm going to have to  
19 look to my boss to that one, and then we'll have to say  
20 that, you know, we definitely want to have your comments in  
21 regarding the rules so that we can review those, look at  
22 them, and take them under advisement in regard to the  
23 current rules. If there are any operational questions,  
24 you're always welcome to email the Ski-Amusement email  
25 address, and we will get you answers back on those

1 operational type questions.

2 MR. STRAYHORN: Since we're here -- this is super  
3 short and I drove a long ways -- by chance can you guys just  
4 describe your positions and what you do?

5 MS. JONES: Sure.

6 MR. STRAYHORN: Because I know Greg briefly, but I  
7 don't know anything else. Is that possible?

8 MS. JONES: I'm looking -- absolutely. So I am  
9 Becky Jones. I am the manager of what is considered the  
10 specialty trade section inside of the Bureau of Construction  
11 Codes. So my responsibility lies in managing the elevator,  
12 ski, amusement, and boiler areas of the Bureau of  
13 Construction Codes.

14 MR. STRAYHORN: Okay.

15 MS. JONES: I'm not an inspector. I've never been  
16 in the field. I'm here more to support the staff, support  
17 Greg. He does report directly to me, and then we are  
18 focused on the safety and regulation within the state of  
19 Michigan in those area in my section.

20 Do you want to go ahead?

21 MR. OHLEMACHER: I'm the Ski-Amusement Section  
22 supervisor. So you've met me before. We -- you know, I'm  
23 the guy that oversees the people who look you over.

24 MS. JONES: And you also do the work, too. I  
25 mean, don't discount that.

1 MS. PLACE: I'm Katherine Place, and the Rules  
2 Analyst for BBC.

3 MR. STRAYHORN: Okay. Thank you so much.  
4 I appreciate it.

5 MS. JONES: Absolutely.

6 MS. PLACE: All right.

7 MS. JONES: Any other comments? All right. Over  
8 to you, Kathy.

9 MS. PLACE: No? Okay. This meeting is adjourned.  
10 Thanks again for everyone coming. It's 9:31, and we have  
11 ended.

12 (Hearing concluded at 9:31 a.m.)

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CERTIFICATE

I, Eric R. Johnston, a Certified Electronic Recorder and Notary Public within and for the State of Michigan, do hereby certify:

That this transcript, consisting of 19 pages, is a complete, true, and correct record of the public hearing regarding Administrative Rules for Carnivals and Amusement Safety on August 22, 2023.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am not interested in the outcome of this matter, financial or otherwise.

IN WITNESS THEREOF, I have hereunto set my hand this 4th day of September, 2023.



Eric R. Johnston, CER 9267  
Notary Public, State of Michigan  
County of Lapeer  
My commission expires: 8/23/2029

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