

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Carnival-Amusement Rides

Proposed Amendment: N.J.A.C. 5:14A-11.4

Authorized By: Lieutenant Governor Sheila Y. Oliver, Commissioner, Department of
Community Affairs.

Authority: N.J.S.A. 5:3-31.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2022-143.

Submit written comments by January 6, 2023, to:

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The agency proposal follows:

Summary

The Department of Community Affairs (Department) seeks to amend Subchapter 11, Go-Kart Operations, of Carnival-Amusement Rides, N.J.A.C. 5:14A, to update the edition of the referenced standard, American Society for Testing and Materials (ASTM) F2007, from the 2000 edition to the 2018 edition. The proposed amendments to ASTM F2007 are largely administrative and, thus, would not entail any change in its use and enforcement throughout the

industry; this includes a number of proposed amendments to other referenced ASTM standards that have been renumbered. The substantive changes to ASTM F2007, all of which would be required upon adoption, unless amended as noted below, are as follows:

- At Section 3.1.1.1, the classifications of concession go-karts were deleted. Additionally, at Section 5.1, the requirement for the manufacturer to identify the classification of the go-kart prior to sale was deleted.
- At Section 5.4, the language requiring go-karts that are powered by gasoline engines to be equipped with fuel tanks was deleted. Additionally, the provision that allows leakage of one ounce of fuel over five minutes (while inverted) was changed to reference Section 3.2 of Standard SAE J1241-78, which provides technical standards for fuel and lubricant tanks and is published by the Society of Automobile Engineers.
- New Section 5.3.1 was added to require the manufacturer to specify the field-testing procedures for the fuel tank, filler neck, and cap.
- Section 5.8 was amended to require compliance with Section 6 of Practice F1159 as the provisions for compartment padding. The Department is proposing to amend this section to require compliance with Section 5 of Practice 1159-15b. The Department currently requires compliance with this section and finds it more appropriate to do so for consistency in uniformity and interpretation; these sections deal with requirements for compartments.
- At Section 5.9, the section within the standard was reworded to delete the need for protective covers over heated components. Additionally, the section was updated to require protection around braking systems, and detail was added regarding the need to prevent entanglement of hair and loose clothing. The Department is proposing to amend

this section within the rules to maintain the need for protective covers over heated components; protective covers provide for a higher level of safety than allowing for exposed heated components.

- New Sections 5.10.1 through 5.10.6 and 5.12.1 established the restraint system criteria.
- At Section 6.3, the reference to the classifications of go-carts was deleted.
- At Section 6.4, the text “when provided” relative to the perimeter fence was deleted.

The proposed amendments to incorporate ASTM F2007-18 into Subchapter 11 are as follows:

1. At the heading of N.J.A.C. 5:14A-11.4 and at subsections (a) and (d), the edition of the adopted standard (ASTM F2007) would be changed from 2000 to 2018.
2. At N.J.A.C. 5:14A-11.4(c)1, the Department is proposing to delete its amendments to the section, which is now Section 5.4 in the 2018 edition. The section is appropriate as written, and the amendments are no longer necessary, therefore, paragraph (c)1 is proposed for deletion.
3. At recodified N.J.A.C. 5:14A-11.4(c)1, the section numbers would be changed to reflect the 2018 edition of the standard. In addition, the language would be amended to better reflect the terminology within the standard.
4. At N.J.A.C. 5:14A-11.4(c)2, the Department is proposing to amend Section 5.8 to replace a cross reference. The 2018 of ASTM F2007 references Section 6 of Practice F1159, which is often revised and changed. The 2000 edition references Section 5 of Practice F1159-15b. The Department is proposing to retain the reference to Section 5 to maintain status quo and ensure predictable and uniform interpretation and enforcement.
5. At N.J.A.C. 5:14A-11.4(c)3, the Department is proposing to amend Section 5.9 to maintain the need for protective covers over heated components, as was required in

ASTM F2007-00; protective covers provide for a higher level of safety than allowing for exposed heated components.

6. At N.J.A.C. 5:14A-11.4(c)4, the proposed amendment would clarify the intent of the standard by stating that the rollover protection must support the combined driver and passenger weight. The text in the standard states “or,” and includes the language “or both.” By stating “and,” without allowing for the option of protecting one or the other, the language is clearer and ensures the highest level of protection is provided at all times.
7. At recodified N.J.A.C. 5:14A-11.4(c)5, the Department is proposing to delete its amendments to Section 6.2 and utilize the text of ASTM 2007-18, which appropriately addresses the requirements. The Department is also proposing to add the word “solid” before “material” in the standard for clarity.
8. At N.J.A.C. 5:14A-11.4(c)4, the amendment to Section 6.3 of the standard would be deleted as the edition proposed for adoption no longer includes this text, therefore, existing paragraph (c)4 is proposed for deletion.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

As these proposed amendments update the standard utilized for go-kart operations, it is anticipated that it will have a positive social impact. The proposed amendments clarify go-kart requirements to the ride industry, while also ensuring go-karts meet the highest possible safety standard for riders.

Economic Impact

The proposed amendments are not expected to have any economic impact. As discussed in the Summary above, the proposed amendments update an existing standard and are largely administrative. The updates made for safety are not expected to cause an exorbitant increase in cost to ride operators, as most are addressed during the manufacture of the go-karts.

Federal Standards Statement

No Federal standards analysis is required, as the proposed amendments are not being proposed under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law, or any State statute that incorporates or refers to any Federal law, standard, or requirements.

Jobs Impact

The proposed amendments are not expected to have an impact on the generation or loss of jobs in New Jersey.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would impact the agriculture industry.

Regulatory Flexibility Analysis

The proposed amendments are not expected to impose any reporting, recordkeeping, or compliance requirements on small businesses or to require them to engage any professional services they would not otherwise need to engage. The standards apply to newly manufactured go-karts and would not require carnival and amusement park owners to retrofit existing go-karts. Many carnivals and amusement parks are considered to be small businesses and ensuring safer and more up-to-date go-kart standards is not expected to impose any burden on owners or operators of carnival-amusement rides.

Housing Affordability Impact Analysis

It is not expected that the proposed amendments will have any impact on the affordability of housing in New Jersey, nor will they have an impact on the average costs associated with housing, because the proposed amendments concern updating the existing version of rules governing go-karts.

Smart Growth Development Impact Analysis

It is not expected that the proposed amendments will have any impact upon housing production within Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan, because the proposed amendments concern updating the existing version of rules governing go-karts.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 11. GO-KART OPERATIONS

5:14A-11.4 Adoption as amended, of ASTM practice F [2007-00] **2007-18**

(a) The Standard Practice for the Classification, Design, Manufacture, and Operation of Concession Go Karts and Facilities, designated by the American Society for Testing and Materials (ASTM) as F [2007-00] **2007-18**, is adopted by reference, as amended, and made part of this subchapter and shall be enforced as part of this subchapter.

(b) (No change.)

(c) The standard shall be amended as follows:

[1. Section 5.5--insert ", or normal operation" after "rollover";]

[2.] **1. Section [5.6] 5.5—In the third line, delete "or" after "go-kart" insert "and";**

2. Section 5.8 – In the second line, delete “Section 6 of Practice F1159,” and insert “Section 5 of F1159-15b”;

3. Section 5.9 – In the first sentence, insert “heated or” before the phrase “moving”;

4. Section 5.11 – In the second line, after “driver”, delete “or” and insert “and” and in the third line, delete “, or both,”;

[3.] **5. Section 6.2--delete the phrase "free of vertical misalignment greater than 3/4 in within one-inch horizontal distance" and insert "maintained in good repair and free of cracks, obstructions and/or potholes which could damage the cart or cause the rider/driver to lose control of the vehicles." [Delete the phrase "material that cannot be moved or displaced by normal go-kart operation" and insert "solid asphalt or concrete binding material";] In the third line, add the word “solid” before “material”;**

[4. Section 6.3--delete "on the same horizontal plane for classes of concession go-karts 2, 3, 4 or 5, with the exception of the entrance and exit points of the pit area" and insert "of the cart track which allow or enable go-karts on a go-kart track to cross one another in opposite directions on the same track plan";]

Recodify existing 5.–7. as **6.–8.** (No change in text.)

(d) The ASTM standard F [2007-00] **2007-18** may be obtained from:

American Society for Testing and Materials

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