

DEPARTMENT OF AGRICULTURE

ORDER

This Order establishes a variance from the requirement that an owner or lessee of “hayride attractions” comply with specific provisions of the Amusement Ride Inspection Act (4 P.S. §§ 401-418) (“Act”) and its attendant regulations (7 Pa. Code Chapter 139).

Background

The Pennsylvania Department of Agriculture (“Department”) has lawful authority to issue a variance with respect to any rule, regulation or standard prescribed by the Act and its attendant regulations. This authority is imparted at Sections 4(4) and 9 of the Act (4 P.S. §§ 404(4) and 409) and referenced in the regulation at 7 Pa. Code § 39.12 (relating to variances).

A variance may be issued: 1) to prevent undue hardship; or 2) where existing conditions prevent practical compliance and the safety of the public can be reasonably assured.

ASTM International, the organization formerly known as the American Society for Testing and Materials, develops and publishes technical standards for a wide variety of industries with the goal of enhancing performance and safety. The Department adopts the standards developed by ASTM International’s committee on amusement rides and devices (“F24 Committee”) as its regulatory standards with respect to amusement rides and attractions that operate in this Commonwealth. On November 1, 2019, the F24 Committee published a new standard for hayrides, designated as F3168-19, Standard Practice for Hayride Attractions (“Practice F3168-19”).

The Department regulates amusement rides and attractions under strict safety standards for design, construction, maintenance, operation and inspection. Prior to the adoption of Practice F3168-19, there were no industry standards that recognized or addressed the safe operation of hayrides as an amusement ride or attraction. The F24 Committee developed the guidelines in Practice F3168-19 to provide a level of conformity to reduce potential hazards to patrons, attendants, actors and spectators. In addition, the standard was specifically designed to be inclusive of hayride attractions used primarily for entertainment, recreation and/or agritourism purposes.

Historically, hayride attractions have been difficult to vet through the Department’s existing registration and approval process because the wagon/trailer and the tow vehicle of a hayride are not designed or built with the specific intent to be used as an amusement ride. The nature of this type of ride—farm equipment being used as a hayride—creates an undue hardship on owners and operators with certain requirements of the Act and its attendant regulations. For example, the regulation at 7 Pa. Code § 139.4 (relating to registration) requires the owner of an amusement ride to provide the Department written verification under seal of a professional engineer that the ride conforms with the applicable design, load

and safety requirements of the Act, its attendant regulations, and the ASTM International F24 Committee Standards. The Department recognizes that many of these regulatory requirements are not appropriate or applicable to owners and operators that use farm equipment, *e.g.*, a wagon/trailer and tow vehicle, for both agriculture purposes and as a hayride attraction.

The Chairman of the ASTM International Hayride Standard Committee has requested this variance on behalf of Pennsylvania hayride owners in accordance with the Act. It is the belief of this office that a limited variance is appropriate with respect to the approval, registration and inspection of hayride attractions, and that the variance will not adversely affect the health or safety of the public.

In summary, the variance will allow an owner to register a hayride attraction without providing written verification from a registered professional engineer that the hayride complies with the requirements of the Act and its attendant regulations. Hayride owners shall comply with all other requirements under 7 Pa. Code § 139.4 and the terms of this variance for registration and approval of the wagon/trailer and tow vehicle.

Variance

For purposes of this Order, the definitions set forth in the Act and its attendant regulations apply. In addition, the following defined terms apply:

Agritourism – the act of conducting an activity for the enjoyment of the public that is related in some way to agriculture.

Hayride Attraction – an experience in which passengers board a wagon or trailer, typically a wagon filled with straw or hay, and are taken on a journey. The term does not include hayride attractions designed specifically for home use, devices or attractions commonly referred to as barrel trains, or animal or human drawn wagons or trailers.

Tow Vehicle - a vehicle used to pull a wagon or trailer that is conveying patrons to, through or from an attraction or over a pathway or trail.

Hayride Attraction Owner/Operator – A person that:

- 1) Owns or operates a hayride attraction that uses a tow vehicle to pull a wagon or trailer as an element or in combination with another amusement ride or attraction, corn maze, zombie walk, paintball game, tree harvesting farm, seasonal attraction, haunted house, haunted attraction, fair, exposition or agritourism event;
- 2) Has submitted the hayride attraction for approval and registration in accordance with the regulation at 7 Pa. Code § 139.4 (relating to registration), except as otherwise provided in this variance;

- 3) Has inspected the hayride attraction prior to it being open to the public and again within 30 days of each period of continued use and has submitted an inspection affidavit to the Department in accordance with the requirements of the regulation at 7 Pa. Code § 139.8 (relating to inspection affidavits);
- 4) Has complied with the design, operation, maintenance, inspection and testing standards for hayride attractions in accordance with Practice F3168-19 or any successor standard and the Department's hayride approval checklist form;
- 5) Has complied with all other requirements in the Act and the regulations at 7 Pa. Code Chapter 139 for owners, lessees and operators of amusement rides and attractions in this Commonwealth; and
- 6) Has otherwise complied with the terms of this variance.

A variance is hereby issued under authority of the Act. The limited terms of this variance are as follows:

1. Although a hayride attraction is an amusement attraction for the purposes of the Act and its attendant regulations, the owner of a hayride shall be exempt from the requirements specified in 7 Pa. Code § 139.4(d)(7)(ii). The effect of this provision is to remove the requirement to submit written verification from a professional engineer with respect to the registration of a hayride attraction.

2. Prior to operation, the owner of a hayride attraction shall obtain Department approval of the wagon/trailer and tow vehicle by verifying compliance with the design, operation, maintenance, inspection and testing standards in accordance with Practice F3168-19 or any successor standard and the Department's hayride approval checklist form (collectively the "hayride attraction submission"). Each approval will be granted on an annual basis and site specific.

3. The hayride attraction submission shall include the following:
- i. a copy of the operator's manual for the submitted attraction that identifies the mechanical, hydraulic, electronic and electrical systems of the attraction, including how the attraction is powered;
 - ii. a copy of the owner's manual for the submitted attraction (if different than the operator's manual);
 - iii. a detailed inspection checklist outlining areas and frequency on how the attraction is to be inspected;

- iv. photographs fully depicting the attraction, including an overall photo and a clear photo of the manufacturer's ID plate;
- v. an owner's registration form;
- vi. an amusement ride or attraction registration application form; and
- vii. a hayride attraction approval checklist form.

4. The Department will provide the forms referenced in this variance upon request, and make the forms available through the Department's website at www.agriculture.pa.gov.

5. A person or business registering a hayride attraction may email the submission to RA-amusementrides@pa.gov or send by mail to:

Pennsylvania Department of Agriculture
Bureau of Ride & Measurement Standards
2301 North Cameron Street
Harrisburg, PA 17110-9408

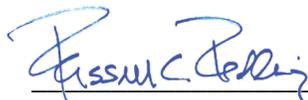
6. Except as otherwise provided in this variance, a person or business that owns, operates or leases a hayride attraction is required to comply with all registration, insurance and inspection requirements in the Act and its attendant regulations.

7. Inquiries regarding the registration and approval of hayride attractions may be directed to the Department's Bureau of Ride and Measurement Standards by email or phone at (717) 787-2291.

7. The Department will continuously monitor the efficacy of this variance and may revise or rescind this variance as it deems necessary.

8. This Order shall be effective immediately.

BY THE DEPARTMENT OF AGRICULTURE



Russell C. Redding, Secretary

2/10/2022

Date