

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
*Headquarters Office*  
1515 Clay Street, 19<sup>th</sup> Floor  
Oakland, CA 94612  
Tel: (510) 286-7000 Fax: (510) 286 -7037  
*Debra Lee, Chief*



October 23, 2025

Dan Leacox  
Leacox & Associates  
4005 Manzanita Blvd. Suite 6-246  
Carmichael, CA 95608  
[Dan@Leacox.net](mailto:Dan@Leacox.net)

RE: Denial of temporary variance to use a construction passenger elevator with automatic controls

This letter responds to your application for a temporary variance from California Code of Regulations title 8 subsections 1604.24(a)(2) and 8495(b)(1) of the Construction and Tunneling Safety Orders respectively dated October 7, 2025, that was submitted on behalf of Dragados (Applicant). These two subsections include the following requirements for construction passenger elevator controls to be of a constant contact type that will stop the elevator's motion when released by the operator.

§1604.24. Operating Devices and Control Equipment.

(a) Operation and Operating Devices.

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(2) Operating Devices for Car-Switch Operation Hoists.

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§8495. Hoisting Equipment and Systems.

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(b) Personnel Hoisting Systems.

(1) The hoist control shall be of such design that it will return to the "stop" position when the hand of the operator is removed from the control lever. The brakes shall be automatically applied and the power cut off whenever the control lever is in the "stop" position.

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Pursuant to section 6450 of the California Labor Code, temporary variances may be issued by the Division of Occupational Safety and Health (Cal/OSHA) for newly established regulations with which an employer is not capable of complying by the effective date due to the unavailability of professional or technical personnel or of materials and equipment or construction or alterations needed to come into compliance. As subsections 1604.24(a)(2) and 8495(b)(1) are longstanding existing title 8 regulations, a

temporary variance will not be granted. Cal/OSHA denies a temporary variance from title 8 subsections 1604.24(a)(2) and 8495(b)(1).

Pursuant to California Labor Code section 6455, this decision may be appealed to the Occupational Safety and Health Standards Board (OSHSB) within 15 working days of receipt of this notice. Below is contact information for the OSHSB:

Occupational Safety & Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833

Email: [OSHSB@dir.ca.gov](mailto:OSHSB@dir.ca.gov)  
Website: <https://www.dir.ca.gov/oshsb/ContactOshsb.html>  
Telephone: (916) 274-5721  
Fax: (916) 274-5743

Sincerely,

*Eric Berg*

Eric Berg  
Deputy Chief of Health

cc: Debra Lee, Chief  
Jason Denning, Victor Copelan