Dear Interested Parties:

At its meeting of July 29 – July 31, 2013, the Standards Council considered an appeal on the above referenced matter.

Attached is the final decision of the Standards Council on this matter.

Sincerely,

Amy Beasley Cronin
Secretary, NFPA Standards Council

c: D. Berry, M. Brodoff, L. Fuller, S. Stanek, R. Bielen, M. Earley, W. Burke
   Members, TC on Road Tunnel and Highway Fire Protection (ROA-AAA)
   Members, TC on Fixed Guideway Transit and Passenger Rail Systems (FKT-AAA)
   Members, National Electrical Code Correlating Committee (NEC-AAC)
   Members, NEC Code-Making Panel 13 (NEC-P13)
   Members, NFPA Standards Council (AAD-AAA)
   Individuals Providing Appeal Commentary

*NOTE: Participants in NFPA’s codes and standards making process should know that limited review of this decision may be sought from the NFPA Board of Directors. For the rules describing the available review and the method for petitioning the Board for review, please consult section 1-7 of the NFPA Regulations Governing Committee Projects and the NFPA Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council. Notice of the intent to file such a petition must be submitted to the Clerk of the Board of Directors within 15 calendar days of the Date of Decision noted in the subject line of this letter.
Standards Council Decision (Final): D#13-16  
Standards Council Agenda Item: SC#13-8-6-b and 13-8-20-d  
Date of Decision*: 31 July 2013  


**SUMMARY OF ACTION (for convenience only; not part of official decision):** The Standards Council voted to deny the appeal to Reject an Identifiable Part of Comment 502-27 (CAM 502-2). The Council also voted to issue TIA No. 1083 on the 2011 (but not the 2014) edition of NFPA 502.

**DECISION:**
At its meeting of July 29 – July 31, 2013, the Standards Council considered appeals from Alfredo Ramirez and August Schaefer, both of Underwriters Laboratories LLC.

The first appeal (Standards Council Agenda Item 13-8-6-b) requests that the Standards Council Reject an Identifiable Part of Comment 502-27 for the proposed 2014 edition of NFPA 502, Standard for Road Tunnels, Bridges, and Other Limited Access Highways. The Identifiable Parts are the revisions to Section 12.1.2(1) and associated new annex material. Specifically, the appellant seeks to return Section 12.1.2(1) to Report on Proposals (ROP) text that reads the same as the previous edition, as follows:

12.1.2* Emergency circuits installed in a road tunnel and ancillary areas shall remain functional for a period of not less than 1 hour for the anticipated fire condition, meeting one of the following methods:

(1) A fire-resistive cable listed for 2 hours in accordance with ANSI/UL 2196 or other equivalent internationally recognized standards to 950°C (1742°F) when approved by the AHJ.

A12.1.2 The actual duration required for the circuits to be operative will depend upon the duration required for the circuits to be operative for the emergency evacuation and rescue phase – and, in some circumstances, incident management and structural protection. Factors such as the length of the tunnel, evacuation pathways, the use of fixed water-based fire suppression systems, and the proximity of emergency services may influence this period of time.

The second appeal (Standards Council Agenda Item 13-8-20-d) requests the Council not to issue Tentative Interim Amendment (TIA) No. 1083. Like the subject matter of the first appeal, TIA No. 1083 relates to Sections 12.1.2 and associated Annex 12.1.2 of the proposed 2014 edition NFPA 502. It also was proposed and balloted on Section 12.1.2(1) and associated annex of the existing 2011 edition of NFPA 502.

As background, the Technical Committee on Road Tunnel and Highway Fire Protection (NFPA 502 TC) Accepted in Principle Proposal 502-109. This resulted in a Committee
Action that added two additional methods to meet the fire resistivity requirements of Section 12.1.2. Subsequently, the NFPA 502 TC further modified the text through the acceptance of Comment 502-27. Among other changes, this Comment modified the first of the four methods to meet the fire resistivity requirements of Section 12.1.2 and modified the associated annex text to specifically describe the testing protocol for the fire resistivity requirements of the first method.

In addition to the activities within the regular revision cycle described above, the NFPA 502 TC also, following its October 2012 Report on Comments (ROC) meeting, processed TIA No. 1083, which addressed the methods to meet the fire resistivity requirements. The TIA modified section 12.1.2(1) and associated annex of the 2011 edition and modified Section 12.1.2(1) through (4) and associated annex of the proposed 2014 edition. The TIA passed the NFPA 502 TC on both technical merit and emergency nature. At its March 6-7, 2013 meeting, the Council voted to defer action on issuing the proposed TIA. The Council directed the NFPA 502 TC seek further input from the National Electrical Code® (NEC®) Correlating Committee and NEC Code-Making Panel 13 (CMP-13) on whether the TIA, if issued, would cause any correlation issues with documents that report through the NEC Project. This input was provided to the Council for their review during their July 2013 meeting.

In June 2013, a Certified Amending Motion (CAM) 502-2 that sought to Reject an Identifiable Part of Comment 502-27 was made at the 2013 Association Technical Meeting (Tech Session). The motion failed. This means, by operation of NFPA rules, that the recommendation that comes to Council is that the changes made by the NFPA 502 TC during the revision process should stand, supplemented by any TIA issued concurrently with the new edition in accordance with the Regulations Governing Committee Projects (Regs) at Section 5.9.

The status of TIA 1083, however, was, having been deferred since March for further consideration, unclear. Particularly with respect to the 2014 edition of NFPA 502, it was uncertain whether the NFPA 502 TC supported the TIA No. 1083 or the alternate language concerning the fire resistivity requirements that were contained in Comment 502-27. A two-part informational ballot, therefore, was conducted to determine the NFPA 502 TC’s position on the TIA, both as to the 2011 and 2014 editions of NFPA 502. The results showed that the NFPA 502 TC continued to support issuance of the TIA to the existing 2011 edition, but no longer supported the TIA for the 2014 edition, preferring instead the text that the NFPA 502 TC had developed during the regular revision cycle through Comment 502-27. Given the failure of the TIA on the 2014 edition to receive the support of the NFPA 502 TC and the lack of any appeal seeking its issuance, the Council considers that portion of the TIA to be withdrawn. As this appeal comes to the Council, therefore, the appellants seek to have the Council to reject the results of the TIA No. 1083 on the 2011 edition of NFPA 502 and to reject the results of the regular revision cycle on the 2014 edition of NFPA 502. The Council, after review of the entire record, has voted to deny both appeals.

On appeal, the Council accords great respect and deference to the NFPA standards development process. In conducting its review, the Council will overturn the results of that process only where a clear and substantial basis for doing so is demonstrated. The Council has reviewed the entire record concerning this matter and has considered all the
arguments put forth in the appeals. In the view of the Council, these appeals do not present any clear and substantial basis on which to overturn the results yielded by the NFPA standards development process. Accordingly, the Council has voted to deny the appeals. The effect of this action is that the 2014 edition of NFPA 502 will be issued with the acceptance of Comment 502-27, and TIA No. 1083 will be issued on the 2011 edition of NFPA 502.

The denial of the appeals does not mean that consideration of the issue raised should come to an end. The Council requests that the NFPA 502 Chair appoint and chair an intercommittee task group made up of members from the NFPA 502 TC, and include but not be limited to, members from the NEC Correlating Committee, NEC CMP-13 and from the technical committee responsible for NFPA 130, *Standard for Fixed Guideway Transit and Passenger Rail Systems*. As noted in a separate Decision (Standards Council Decision Number D#13-15; Standards Council Agenda Items #13-8-5-b and #13-8-19-d, July 2013), the issues concerning fire resistive cables in the occupancies covered by NFPA 502 also relate to the occupancies addressed in NFPA 130.

The task group should develop recommendations to appropriately coordinate and correlate the requirements for fire resistive cables. The Council recognizes that there may be considerations that are unique to the occupancies covered by NFPA 502 and NFPA 130, and the task group may take any such considerations into account as it studies the issues and makes recommendations. The Council further recognizes that fire resistive cables are a complicated issue and the technical information is still unfolding and will continue to evolve. The task group, therefore, is asked not only to correlate among the relevant NFPA standards, but also to review the still-unfolding technical issues and take these developments into account. The Council believes that this intercommittee task group provides the best means going forward for addressing ongoing issues in a manner that achieves correlation and consistency. These task group recommendations may include, as appropriate, TIA's or suggested text to be processed through the normal revision process.

Council Member Kerry Bell recused himself during the hearing, deliberation and vote on this issue.
Tentative Interim Amendment

NFPA® 502

Standard for Road Tunnels, Bridges, and Other Limited Access Highways

2011 Edition

Reference: 12.1.2 and A.12.1.2
TIA 11-2
(SC 13-8-20/TIA Log #1083)

Pursuant to Section 5 of the NFPA Regulations Governing the Development of NFPA Standards, the National Fire Protection Association has issued the following Tentative Interim Amendment to NFPA 502, Standard for Road Tunnels, Bridges, and Other Limited Access Highways, 2011 edition. The TIA was processed by the Technical Committee on Road Tunnel and Highway Fire Protection, and was issued by the Standards Council on August 1, 2013, with an effective date of August 20, 2013.

A Tentative Interim Amendment is tentative because it has not been processed through the entire standards-making procedures. It is interim because it is effective only between editions of the standard. A TIA automatically becomes a public input of the proponent for the next edition of the standard; as such, it then is subject to all of the procedures of the standards-making process.

1. Revise 12.1.2 and 12.1.2*(1) to read as follows:

12.1.2* Emergency circuits installed in a road tunnel and ancillary areas shall remain functional for a period of not less than 1 hour, for the anticipated fire condition, by one of the following methods:

(1)* Fire-resistive cables shall be tested by an approved testing laboratory in a totally enclosed furnace using the ASTM E 119 time-temperature curve.
   (a) The cables shall demonstrate functionality for no less than 2 hours as described in the ANSI/UL 2196 test standard
   (b) Testing shall be performed in the type and configuration of raceway in which they are intended to be installed
   (c) Provide documentation to include a full description of the actual test procedure conducted and a list of acceptable components to be used for installation certifying compliance with the test procedure

12.1.2(2) text remains unchanged.

Issue Date: August 1, 2013
Effective Date: August 20, 2013

(Note: For further information on NFPA Codes and Standards, please see http://www.nfpa.org/docinfolist)
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