

NOTICE of Comment Period on Economic Impact

Department of Safety and Professional Services

Rule No.: Chapter SPS 333

Relating to: Passenger Ropeways

Notice is hereby given that the Department will accept public comment on the potential economic impact of this proposal updating the administrative rules under chapter SPS 333, Passenger Ropeways, including how the proposed rule may affect businesses, local governmental units, and individuals. The comments will be considered when the department prepares an Economic Impact Analysis for the rule under s. 227.137, Stats.

The comment period on this proposed rulemaking will remain open until Wednesday, January 18, 2012 . Comments should be submitted to Jim Quast, at the Department of Safety and Professional Services, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@wisconsin.gov.

The Wisconsin Department of Safety and Professional Services adopts an order to amend SPS 333.03 (1) and SPS 333.22 (1) (a); to renumber SPS 333.15; to renumber and amend SPS 333.17; to repeal and recreate SPS 333.12 (2), and to create SPS 333.03 (3) (b), (4) and (5), SPS 333.14 Note, SPS 333.15 (2), SPS 333.17 (2) and (3), SPS 333.23 and SPS 333.24 relating to passenger ropeways and affecting small business.

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Analysis of Rule

1. Statutes Interpreted

Statutes Interpreted: s. 101.17, Stats.

2. Statutory Authority

Statutory Authority: ss. 101.02 (1) and 101.17, Stats.

3. Related Statute or Rule

none

4. Explanation of Agency Authority

Under the authority of s. 101.17, Stats., the Department of Safety and Professional Services has oversight of various mechanical devices and equipment, which includes ski lifts and tows, in order to protect public safety. The Department fulfills this responsibility by promulgating the Passenger Ropeways Code, under chapter SPS 333.

5. Summary of Proposed Rules

The current rules of ch. SPS 333 require passenger ropeways to be designed, constructed, installed, maintained and operated in accordance with the 1999 edition of ANSI B77.1 standard Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors - Safety Requirements. The proposed rules will reference and adopt the 2011 edition of the ANSI B77.1 standard.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

There are no existing or proposed federal regulations that address the specific issues of this rule.

7. Comparison with Rules in Adjacent States

An Internet search of the ski lift regulations for the states of Illinois, Iowa, Michigan and Minnesota indicated the following:

- Illinois adopts and references the 2006 edition of the ANSI 77.1 standard.
- Iowa does not have any specific state standards for the design, construction, installation, maintenance or operation for passenger ropeways.

- Michigan adopts and references the 2006 edition of the ANSI 77.1 standard.
- Minnesota does not have any specific state standards for the design, construction, installation, maintenance or operation for passenger ropeways.

8. Summary of Factual Data and Analytical Methodologies

The department reviewed and compared provisions of the currently adopted 1999 edition ANSI B77.1 standard to the 2006 and 2011 editions. The latest editions of the ANSI standard make a few specific design provisions retroactive for existing ropeway systems. Most of the retroactive design requirements were established under the 2006 edition of the ANSI standard and addressed communications, evacuation power, rollback devices, cable catchers, and deropement switches. The 2011 ANSI edition retroactively requires bullwheel brakes for existing fixed grip aerial lift systems. Operation and maintenance provisions relating to signage are required to be more pictorial in nature with the 2006 ANSI edition compared to the 1999 edition.

9. Effect on Small Business including an Analysis and Supporting Documents Used to Determine the Effect or in Preparation of Economic Impact Analysis.

The rules were developed with input from an advisory council that includes representatives of ski hill owners and operators. There are 50 existing ski/tubing facilities in the state operating approximately 200 passenger ropeway systems.

Two-thirds of the ski hill operations, involving about 130 passenger ropeway systems, are insured and inspected annually by third-party inspectors either employed or contracted by national insurance companies covering ski hill operations. It is the understanding of the department that the insurance company inspections are based upon the latest edition of the ANSI B77.1 standard.

The advisory council and the department believe that most of the existing passenger ropeway systems in the state currently comply with the retroactive design provisions of the latest ANSI B77.1 standards. If an existing passenger ropeway system would need to comply with the various retroactive requirements, the cost would depend upon the retroactive provisions involved and other variables including the type of passenger ropeway system, system manufacturer, the length of the system and the capacity of the system. Estimates, as provided by advisory council members, associated with the components of the various retroactive provisions are:

- communications, battery backup phone systems - \$200.
- rollback devices and bullwheel brakes:
 - o rollback detection device - \$2,800.
 - o automatic emergency hydraulic release system - \$1,500.
 - o electronics - \$1,000.

Some ski areas may need to replace signage to conform to the latest ANSI standard requirements. The typical cost of a sign is about \$40. Signs are subject to weathering and most ski areas account for replacement in their operating budgets.

The department does not believe that the proposed rules will affect a significant number of existing ski hill operations.

Members of the advisory council are:

- Jim Engel, WI Ski Industries Association (WSIA)
- Sam Geise, Insurance Industry
- Hans Hauschild, WSIA
- Jim Hubing, National Ski Patrol System
- Don McKay, WSIA
- Gren Rudd, Ski Industry At Large
- Rick Schmitz, WSIA
- Dennis Schulz, Ski Industry At Large
- Chris Stoddard, Ski Industry At Large
- Rob Walz, WSIA

10. Agency Contact.

James Quast, Program Manager, jim.quast@wisconsin.gov, (608) 266-9292.

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