



VIRTUAL/TELECONFERENCE
PASSENGER ROPEWAYS ADVISORY COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
June 18, 2024

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.

AGENDA

9:00 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of Minutes of June 5, 2024 (3)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Council Updates
 - 2) Advisory Council Members
 - a. Amacher, Andrew
 - b. Dederich, Lucas
 - c. Engel, Jim
 - d. Rudd, Grenville
 - e. Schmitz, Richard
 - f. Vohs, Matthew
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rules Matters – Discussion and Consideration (4-9)**
 - 1) Discussion of preliminary rule draft for SPS 333
 - 2) Pending or possible rulemaking items
- H. Discussion and Consideration of Items Added After Preparation of Agenda**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters

- 8) Legislative and Policy Matters
- 9) Administrative Rule Matters
- 10) Council Liaison Training and Appointment of Mentors
- 11) Informational Items
- 12) Division of Legal Services and Compliance (DLSC) Matters
- 13) Motions
- 14) Petitions
- 15) Appearances from Requests Received or Renewed

I. Public Comments

ADJOURNMENT

NEXT MEETING: TBD

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
PASSENGER ROPEWAYS ADVISORY COUNCIL
MEETING MINUTES
JUNE 5, 2024**

PRESENT: Andrew Amacher, Lucas Dederich, Jim Engel, Grenville Rudd, Richard Schmitz, Matthew Vohs

STAFF: Brad Wojciechowski, Executive Director; Joseph Ricker, Legal Counsel; Jacob Pelegrin, Administrative Rules Coordinator; Tracy Drinkwater, Board Administration Specialist; and other Department staff

Matthew Vohs, Chairperson, called the meeting to order at 9:01 a.m. A majority was confirmed with six (6) members present.

ADOPTION OF AGENDA

MOTION: Jim Engel moved, seconded by Andrew Amacher, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 23, 2024

MOTION: Jim Engel moved, seconded by Grenville Rudd, to adopt the Minutes of April 23, 2024, as published. Motion carried unanimously.

ADJOURNMENT

MOTION: Jim Engel moved, seconded by Grenville Rudd, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:15 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 6/6/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting	
3) Name of Board, Committee, Council, Sections: Passenger Ropeways Advisory Council			
4) Meeting Date: 6/18/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Discussion of preliminary rule draft for SPS 333 2. Pending or possible rulemaking items	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attachments: -Prelim rule draft for SPS 333			
11) <i>Jake Pelegrin</i>		Authorization 6/6/24	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY
DEPARTMENT OF SAFETY AND : AND PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING RULES
: (CLEARINGHOUSE RULE)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to **repeal** SPS 333.10 (1) (b) and Note, and SPS 333.11; to **amend** SPS 333.10 (1) (a), SPS 333.10 (1) (c) 5., SPS 333.15 (1), SPS 333.15 (2) (Note), SPS 333.17 (1), and SPS 333.24; and to **create** SPS 333.155 relating to Passenger Ropeways.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Sections 101.02 (1) (b) and 101.12 (1), (1) (c) and (1) (e), Stats.

Statutory authority: Sections 101.02 (1) (b), (15) (h) to (j), 101.12 (1), (1) (c) and (1) (e), 101.17 (1), and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 101.02 (1) (b), Stats., states that “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings, subject to par. (c).”

Section 101.02 (15) (h), Stats., states that “The department shall investigate, ascertain, declare and prescribe what safety devices, safeguards or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders.”

Section 101.02 (15) (i), Stats., states that “The department shall ascertain and fix such reasonable standards and shall prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment.”

Section 101.02 (15) (j), Stats., states that “The department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing, and maintaining public buildings and places of employment in order to render them safe.”

Section 101.12 (1), Stats., states that “Except for plans that are reviewed by the department of health services under s. 50.02 (2) (b), 50.025, 50.36 (2), or 50.92 (3m), the department shall require the submission of essential drawings, calculations and specifications for public buildings, public structures and places of employment including the following components:[...]

(c) Elevators, escalators, lifts, as defined in § 167.33(1) (f), and power dumbwaiters. ...

(e) Amusement and thrill rides equipment.”

Section 101.17 (1), Stats., states: “General prohibition. No machine, mechanical device, or steam boiler shall be installed or used in this state which does not fully comply with the requirements of the laws of this state enacted for the safety of employees and frequenters in places of employment and public buildings and with the orders of the department adopted and published in conformity with this subchapter. Any person violating this subsection shall be subject to the forfeitures provided in s. 101.02 (12) and (13).”

Section 227.11 (2) (a), Stats., provides that “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Related statute or rule: N/A

Plain language analysis: The objective of the rule is to update Wisconsin Administrative Code ch. SPS 333, Passenger Ropeways, to reflect current national standards and to update administrative and enforcement aspects of the program. The rule adopts by reference the 2022 edition of the ANSI B77.1 (“American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements”) standard. The rule requires major modifications to a system to have plan review by the Department and requires a description of allowable soil pressure to be included in all plans. The rule also requires mechanical malfunctions to be reported to the Department.

Summary of, and comparison with, existing or proposed federal regulation:
None.

Summary of public comments received on statement of scope and a description of how and to what extent those comments and feedback were taken into account in drafting the proposed rule: N/A

Comparison with rules in adjacent states:

Illinois: Rules of the Illinois Department of Labor adopt the 2006 edition of the ANSI B77.1 standard and govern ski lifts, aerial tramways, and rope tows [56 Ill. Adm. Code 6000.15 and 6000.290].

Iowa: Iowa does not have any specific state standards for the design, construction, installation, maintenance or operation for passenger ropeways (ski lifts). They do adopt ANSI B77.1 standards for tramways and amusement rides, but their code specifically excludes coverage of tramways used as ski lifts [875 IAC 61.1 (10), 62.4 (1) b and c, and 62.6].

Michigan: Michigan statutes and rules of the Michigan Department of Licensing and Regulatory Affairs adopt the 2017 edition of the ANSI B77.1 standard and govern ski area safety [MCL 408.321 to 408.344], [Mich Admin Code, R 408.62 to R 408.94].

Minnesota: Minnesota has no specific state statutes or codes that govern passenger ropeways.

Summary of factual data and analytical methodologies:

The proposed rules were developed in consultation with the Passenger Ropeways Advisory Council by reviewing ANSI B77.1, the current ch. SPS 333, and consultation with department staff. Standards incorporated by reference in the proposed rule have been submitted to the Attorney General and approved pursuant to s. 227.21 (2), Stats.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis will be attached upon completion.

Effect on small business:

These proposed rules may have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., and will be submitted to the Small Business Regulatory Review Board for a determination on whether the rules will have a significant economic impact on a substantial number of small businesses. The Department's Regulatory Review Coordinator may be contacted by email at Jennifer.Garrett@wisconsin.gov, or by calling (608) 266-2112.

Agency contact person:

Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-267-0989; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 4822 Madison Yards Way, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before the public hearing, held on a date to be determined, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 333.10 (1) (a) is amended to read:

SPS 333.10 (1) (a) Before commencing the construction, installation or relocation of, or addition to, or major modification of a passenger ropeway, plans and specifications for the proposed passenger ropeway shall be submitted to the department for review and approval. One-for-one replacements are not considered a major modification.

Note: Plans and specifications are to be submitted to the Department's Division of Industry Services, Bureau of Field Services, ~~P.O. Box 7302, Madison, WI 53707-7302~~ at <https://esla.wi.gov/PortalCommunityLogin>. Examples of major modifications include the ropeway modifications listed in ANSI B77.1 section 1.2.4.4..

SECTION 2. SPS 333.10 (1) (b) and Note are repealed.

SECTION 3. SPS 333.10 (1) (c) 5. is amended to read:

SPS 333.10 (1) (c) 5. Details of tower construction mountings, foundations and supports, sheave assemblies and carriages. Except for passenger ropeways governed under ANSI B77.1 chs. 6 and 7, foundation drawing shall include a description of the soil and allowable soil pressure.

SECTION 4. SPS 333.11 is repealed.

SECTION 5. SPS 333.15 (1) is amended to read:

SPS 333.15 (1) An accident resulting in bodily injury as a result of a passenger ropeway malfunction and that requires more than first aid treatment shall be reported to the department ~~within 2 business days of the injury by phone or email as soon as reasonably possible and within no more than 48 hours of occurrence.~~ Fatalities as a result of a passenger ropeway malfunction shall be reported within 24 hours of occurrence.

SECTION 6. SPS 333.15 (2) (Note) is amended to read:

Note: Accidents are to be reported to the Department's Division of Industry Services, ~~P.O. Box 7302, Madison, WI 53707-7302~~. Forms for reporting accidents may be

obtained at the Division's Web site at <http://dsps.wi.gov/programs/industry-services> <https://dsps.wi.gov/Documents/Programs/SkiLifts/SBD211s.pdf>. The Division can be contacted by email at dspsbsafetyandhealthtech@wisconsin.gov or by telephone at 608/266-3151 or 877/617-1565 or 411 (Telecommunications Relay) during normal business hours. The State Division of Emergency Management can be contacted at 800/943-0003 during non-business hours.

SECTION 7. SPS 333.155 is created to read:

SPS 333.155 Malfunction Reporting. The owner of a passenger ropeway that experiences an evacuation, deropement, or an unseated passenger which is not a direct result of loading or unloading the ropeway shall report the incident by phone or email as soon as reasonably possible and within no more than 48 hours of occurrence. The requirements of this section do not apply to surface lifts, tows, or conveyors.

Note: Malfunctions are to be reported to the Department's Division of Industry Services. Forms for reporting malfunctions may be obtained at the Division's Web site at [link to be determined]. The Division can be contacted by email at dspsbsafetyandhealthtech@wisconsin.gov or by telephone at 608/266-3151 or 877/617-1565 or 411 (Telecommunications Relay) during normal business hours. The State Division of Emergency Management can be contacted at 800/943-0003 during non-business hours.

SECTION 8. SPS 333.17 (1) is amended to read:

SPS 333.17 (1) The American National Standard for Passenger Ropeways – Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements, ANSI B77.1-~~2011~~ 2022, subject to the changes, additions and omissions specified in subch. III, is hereby incorporated by reference into this chapter.

SECTION 9. SPS 333.24 is amended to read:

SPS 333.24 Applicable effective date. Substitute November 1, 2013, as the effective date for ~~all~~ of the design requirements for communications, evacuation power unit, rollback device, cable catcher, and deropement switch listed in B77.1 sections 3.3.1.1, 4.3.1.1, 5.3.1.1, and 6.3.1.1. Substitute [date to be determined] as the effective date for the design requirements for combustion engine protective devices listed in B77.1 sections 3.3.1.1, 4.3.1.1, 5.3.1.1, and 6.3.1.1.

SECTION 10. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
