

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 25-076)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to **repeal** SPS 333.10 (1) (b) and (Note), and 333.11; to **amend** SPS 333.10 (1) (a) and (Note) and (c) 3. and 4. and 5., 333.15 (1) and (2) (Note), 333.17 (1), and 333.24; and to **create** SPS 333.10 (1) (a) (Note 2), 333.155 and (Note), and 333.22 (2) (se) 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 “[t]he 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 “[t]he 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 “[t]he 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 “[t]he 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 “[e]xcept 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: “[g]eneral 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.

This rule project adds a requirement that any major modifications to a passenger ropeway shall have plans reviewed and approved by the Department. Additionally, all plans submitted under s. SPS 333.10 (1) for any passenger ropeway other than tows and conveyors need to include a description of the soil and the allowable soil pressure. The rule also requires mechanical malfunctions, which is defined, to be reported to the Department. The 2022 ANSI B77.1 standard, proposed to be adopted by the rule, contains requirements for combustion engine protective devices. The department intends to set a delayed effective date for these requirements, of approximately one year after the effective date of the rest of the rule. This provision can be found in SECTION 11 of the rule text.

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 None.

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 from 2011 to present, the current ch. SPS 333, and consultation with department staff, the committee, and other stakeholders. 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 were 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. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Effect on small business:

These proposed rules may have an economic impact on small businesses, as defined in s. 227.114 (1), Stats., and were 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 report from the Small Business Regulatory Review Board has not yet been received. 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, scheduled for October 20, 2025, to be included in the record of rule-making proceedings.~~

TEXT OF RULE

SECTION 1. SPS 333.10 (1) (a) ~~is and (Note) are~~ 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. Major modifications are modifications that result in changes to designed speed, capacity, rope path, ... One-for-one replacements of components 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>.

SECTION 2. SPS 333.10 (1) (a) (Note 2) is created:

Note: Examples of major modifications include the ropeway modifications listed in ANSI B77.1 section 1.2.4.4.

SECTION 3. SPS 333.10 (1) (b) and (Note) are repealed.

SECTION 4. SPS 333.10 (1) (c) ~~3. and 4. and 5. is-are~~ amended to read:

SPS 333.10 (1) (c) 3. Site plan and profile map showing location of towers, power units, counterweights, and pits.

4. Clearances of towers, path, and counterweights.

5. Details of tower construction mountings, foundations and supports, sheave assemblies, and carriages. Except for passenger ropeways governed under ANSI B77.1 ~~ehs.sections 6 and 7~~, foundation drawings shall include a description of the soil and allowable soil pressure.

SECTION 5. SPS 333.11 is repealed.

SECTION 6. 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 7. 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 8. SPS 333.155 ~~is-and~~ (Note) are created to read:

SPS 333.155 Malfunction Reporting. The owner of a passenger ropeway that experiences an evacuation, deropement, or an unseated passenger ~~which-that~~ 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 9. 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~~ B77.1-2022, subject to the changes, additions and omissions specified in subch. III, is hereby incorporated by reference into this chapter.

SECTION 10. SPS 333.22 (2) (~~se~~) is created to read:

SPS 333.22 (2) (~~se~~) “Qualified engineer” means an engineer who is registered under ch. 443, Stats., as a professional engineer.

SECTION 11. 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 12. 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)



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Margit Kelley
Clearinghouse Assistant Director

Anne Sappenfield
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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 25-076

AN ORDER to repeal SPS 333.10 (1) (b) and Note and 333.11; to amend SPS 333.10 (1) (a) and (c) 5., 333.15 (1) and (2) (Note), 333.17 (1), and 333.24; and to create SPS 333.10 (1) (a) (Note 2), 333.155, and 333.22 (2) (c), relating to passenger ropeways.

Submitted by **DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

09-22-2025 RECEIVED BY LEGISLATIVE COUNCIL.

10-13-2025 REPORT SENT TO AGENCY.

MSK:BK

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES ☐ NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES ☒ NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES ☐ NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES ☒ NO ☐

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES ☒ NO ☐

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES ☐ NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES ☐ NO ☒



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CLEARINGHOUSE RULE 25-076

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. In SECTION 1 of the proposed rule, the treatment clause should be revised to insert “and (Note)”. This should also be updated in the rule caption’s enumeration of treated provisions. The same comment applies to SECTION 8 of the proposed rule.

b. Section SPS 333.10 (1) (c) 5., within SECTION 4 of the proposed rule, refers to “passenger ropeways governed under ANSI B77.1 chs. 6 and 7”. However, it appears that ANSI refers to these portions of B77.1 as “sections” rather than “chapters”. The department could consider replacing “chs.” with “sections” for consistency with ANSI’s terminology.

c. In SECTION 10 of the proposed rule, since the new defined term is alphabetically in the second half of the alphabet, while the two terms in the existing rule are under “a” alphabetically, would it be beneficial to leave space in the numbering designations? If future insertions may be anticipated, it may be useful to leave space. For example, rather than designating the new term as par. (b), it could be designated as par. (s), if that may be useful. [s. 1.10 (3) (c), Manual.]

d. SECTION 11 of the proposed rule would, in part, substitute a “date to be determined” as the effective date for design requirements for combustion engine protective devices listed in certain sections of ANSI B77.1. The department should consider modifying the plain language analysis within the proposed rule to clarify how this date will be determined. As the proposed rule is currently drafted, it is not clear why the department is unable to provide an effective date for these particular requirements. If the department intends the date to be the date on which the rule takes effect, the reference should be phrased as follows: “[the effective date of this section ... LRB inserts date]”. [s. 1.08 (1) (e), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

In SECTION 8 of the proposed rule, creating s. SPS 333.155 (Note), the website address that is listed as “[link to be determined]” should be inserted.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. SECTION 1 of the proposed rule amends s. SPS 333.10 (1) (a) to provide that a “major modification” of a passenger ropeway is subject to department review and approval. The department could consider creating a definition of “major modification” to clarify the types of projects subject to these requirements. While the note created in SECTION 2 of the proposed rule provides certain examples of major modifications, it appears that these examples are not intended to be an exhaustive list of the modifications that could be considered “major modifications” for purposes of the rule. Consider specifying that modifications that result in any changes to certain criteria are considered “major”, including changes to designed speed, capacity, rope path, and so on (as opposed to routine maintenance that is not intended to alter the identified elements).

b. SECTION 1 of the proposed rule also provides, in part, that “[o]ne-for-one replacements are not considered a major modification” for purposes of review and approval requirements. As drafted, it is not immediately clear whether this language applies to one-to-one replacements of certain components of a passenger ropeway, or if it applies to one-to-one replacements of an entire passenger ropeway. The department could consider providing additional language to clarify the types of “one-to-one” replacements that are not subject to review and approval.

c. In s. SPS 333.10 (1) (c) 4., within SECTION 4 of the proposed rule, a comma should be added after the word “assemblies”. In writing a series of three or more terms with a single conjunction, the Oxford comma should be used. [s. 1.06 (1) (b), Manual.]

This is actually (1) (c) 5.

This comment also applies to the 3. and 4. above it, which we could amend with the rule.

d. In s. SPS 333.155, within SECTION 8 of the proposed rule, the word “which” within “...or an unseated passenger which is not a direct result of loading or unloading the ropeway...” should be revised to the word “that”. [s. 1.08 (1) (c), Manual.]