

Chapter SPS 333

PASSENGER ROPEWAYS

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Note: Chapter Ind 46 as it existed on June 30, 1984 was repealed and a new chapter ILHR 33 was created effective July 1, 1984; Chapter ILHR 33 as it existed on April 30, 1994 was repealed and a new chapter ILHR 33 was created effective May 1, 1994; Chapter ILHR 33 was renumbered chapter Comm 33 under s. 13.93 (2m) (b) 1., Stats., Register, May, 1998, No. 509; Chapter Comm 33 was repealed and recreated, Register August 2001 No. 548. Chapter Comm 33 was renumbered chapter SPS 333 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

Subchapter I — Administration and Enforcement

SPS 333.01 Purpose. Pursuant to ss. 101.02 (1) and 101.17, Stats., the purpose of this chapter is to protect the health, safety and welfare of employees and frequenters in places of employment and public buildings utilizing passenger ropeways.

Note: See s. 101.01, Stats., for the definitions of "place of employment" and "public building".

Note: See ANSI B77.1 as adopted in s. SPS 333.17 for the definition of "passenger ropeway".

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.02 Scope. This chapter establishes minimum standards for the design, construction, installation, operation, maintenance and inspection of passenger ropeways.

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.03 Application. (1) NEW INSTALLATIONS. This chapter applies to all passenger ropeways installed or constructed on or after November 1, 2012.

(2) ALTERATIONS. This chapter applies to all alterations of and additions to passenger ropeways which affect the passenger ropeway's design, structural strength or operation or which replace any piece of major equipment on the passenger ropeway. This chapter does not apply to minor repairs necessary for a passenger ropeway's maintenance.

(3) EXISTING INSTALLATIONS. (a) The applicable operation and maintenance requirements of this apply to passenger ropeways installed or constructed prior to November 1, 2012.

(b) Unless otherwise specifically stated in this chapter, existing passenger ropeway installations and their components shall be maintained to conform to the passenger ropeway code that applied when the installations or components were installed or altered.

(4) STANDARDS. (a) Where any rule written by the department differs from a requirement within a document referenced in this chapter, the rule written by the department shall govern.

(b) Where a provision of this chapter prescribes a general requirement and another provision of this chapter prescribes a specific or more detailed requirement regarding the same subject, the specific or more detailed requirement shall govern, except as provided in par. (a).

(c) Where different sections of this chapter specify conflicting requirements, the most restrictive requirement, as determined by

the department, shall govern, except as provided in pars. (a) and (b).

(5) INTERPRETATIONS. Under s. 101.02 (1), Stats., the department reserves the right to interpret the requirements in this chapter and in all adopted codes and standards.

Note: Section 101.02 (1), Stats., reads as follows: "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."

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01; CR 12-008; am. (1), renum. (3) to be (3) (a) and am., cr. (3) (b), (4), (5) Register August 2012 No. 680, eff. 11-1-12.

SPS 333.05 Petition for variance. The department shall consider and may grant a variance to a nonstatutory provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.

Note: Chapter SPS 303 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days.

Note: Form SBD-9890 is available at the Department's Web site at <http://dpsps.wi.gov> through links to Division of Industry Services forms.

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 333.06 Fees. Fees for the plan examination, permit to operate, load test and inspection of passenger ropeways shall be submitted to the department as specified in ch. SPS 302.

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 333.07 Penalties. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (12) and (13) (a), Stats.

Note: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

Note: Section 101.02 (13) (a), Stats., indicates that if any employer, employee, owner, or other person violates ss. 101.01 to 101.599, Stats., or fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.599, Stats., for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the state treasury a sum not less than \$10 or more than \$100 for each such offense.

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.08 Appeals. (1) APPEAL OF DEPARTMENT ORDER. Pursuant to s. 101.02 (6) (e), Stats., any person who owns or occupies a property that is affected by an order of the department may petition the department for a hearing on the reasonableness of the order.

(2) **APPEAL OF LOCAL ORDER.** Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order that is in conflict with an order of the department may petition the department for a hearing on the local order.

(3) **PETITION OF ADMINISTRATIVE RULE.** Pursuant to s. 227.12, Stats., any municipality, corporation or any 5 or more persons having an interest in an administrative rule may petition the department requesting the adoption, amendment or repeal of the rule.

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01.

Subchapter II — General Requirements

SPS 333.10 Department review. (1) PLANS AND SPECIFICATIONS. (a) Before commencing the construction, installation or relocation of or addition to a passenger ropeway, plans and specifications for the proposed passenger ropeway shall be submitted to the department for review and approval.

Note: Plans and specifications are to be submitted to the Department's Division of Industry Services, Bureau of Field Services, 141 NW Barstow Street, Waukesha, WI 53188.

(b) At least 3 clear, legible and permanent copies of the plans and one copy of the specifications shall be submitted to the department.

Note: Original drawings are not considered a substitute for permanent copies.

(c) Plans shall include all of the following applicable information:

1. Name of the owner and the location of the passenger ropeway.
2. Name and address of the passenger ropeway's designer.
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.

(d) The specifications shall be coordinated with the plans and describe the quality of the materials.

(e) All plans submitted for review shall be accompanied by sufficient data and information for the department to determine if the design of the passenger ropeway, the capacity of the equipment, and the performance of the passenger ropeway will conform to the requirements of this chapter.

(2) **PLAN APPROVAL.** (a) If the department determines that the plans and the specifications for the proposed passenger ropeway substantially conform to the requirements of this chapter, a written conditional approval shall be granted. All conditions not in compliance with this chapter, which are identified in the conditional approval, shall be corrected before or during construction or installation. A conditional approval issued under this subsection shall not impose any responsibility or liability upon the department for the design or construction of the passenger ropeway.

(b) If the department determines that the plans or the specifications for the proposed passenger ropeway do not substantially conform to the requirements of this chapter, the application for conditional approval shall be denied in writing.

(3) **EVIDENCE OF PLAN APPROVAL.** At least one set of plans bearing the department's stamp of conditional approval and a copy of the specifications for the passenger ropeway shall be kept at the passenger ropeway site. The plans and specifications shall be open to inspection by the department or a third party independent inspector.

(4) **REVOCATION OF APPROVAL.** The department may revoke any approval, issued under this chapter, for any false statements or misrepresentation of facts on which the approval was based.

(5) **PLAN REVIEW PROCESSING TIME.** Pursuant to s. SPS 302.07 (3), the department shall review and make a determination on an application for plan review within 15 business days.

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01; CR 06-119; am. (5) Register July 2007 No. 617, eff. 8-1-07; correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 333.11 Ropeway alterations. Complete information regarding an alteration which affects the design, structural strength or operation of a passenger ropeway or which replaces any piece of major equipment of a passenger ropeway shall be kept at the passenger ropeway site. The information shall be open to inspection by the department or a third party independent inspector.

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

History: CR 00-132; cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.12 Inspections and tests. (1) ACCEPTANCE INSPECTIONS. (a) The acceptance inspections specified in the ANSI B77.1 standard adopted in s. SPS 333.17 shall be performed by the department.

(b) Notice shall be given to the department at least 5 business days prior to the time the passenger ropeway will be ready for inspection.

(c) If the inspection is not completed within 10 business days after the passenger ropeway is ready for inspection, the department shall issue a temporary permit to operate until an inspection is completed and the passenger ropeway is approved or disapproved.

(2) **PERIODIC INSPECTIONS.** (a) 1. All passenger ropeways, including existing passenger ropeways installed or constructed prior to November 1, 2012, shall be inspected at least once every 12 months by the department or a third-party independent inspector.

2. The inspection shall ascertain whether a permit to operate may be issued for each passenger ropeway.

3. Depending upon the type of passenger ropeway, the inspection shall cover at least the aspects of a general inspection as applicable under ANSI B77.1 sections 3.3.4.1, 4.3.4.1, 5.3.4.1, 6.3.4, or 7.3.4.

Note: Prior to July 1, 1984, administrative rules for aerial tramways, aerial lifts, surface lifts and rope tows were specified in ch. Ind 46. Since July 1, 1984, the rules have been specified in chs. ILHR 33, Comm 33 and this chapter.

(b) 1. By October 1 of each year, the owner of a passenger ropeway shall notify the department in writing if the next required periodic inspection is to be performed by a third party independent inspector.

2. If the notification is not made by October 1, the department may conduct the required period inspection and charge the owner the applicable fee specified under ch. SPS 302.

(c) 1. A third-party independent inspector conducting a periodic inspection under par. (a) shall be employed by or contracted by an insurance company providing liability coverage for the passenger ropeway.

2. If a third party independent inspector is unable to obtain compliance with this chapter, the inspector shall notify the department.

3. All correspondence and documentation that is sent by the owner of a ropeway to a third party independent inspector addressing cited violations of this chapter shall also be sent by the owner to the department.

(d) 1. a. Except as provided subd. 1. b., reports of periodic inspections shall be submitted to the department within 30 days from the date of inspection.

b. A report of a periodic inspection shall be submitted to the department within 10 days from the date of inspection if the inspector does not recommend issuing the permit to operate for the ropeway.

2. A copy of the inspection shall be provided to the owner or their agent of the ropeway.

3. A periodic inspection shall be reported on form SBD-10633 or other approved form.

(3) **LOAD TESTS.** The acceptance tests specified in the ANSI B77.1 standard adopted in s. SPS 333.17 shall be witnessed by the department.

(4) **ADDITIONAL DATA.** When requested, additional data pertaining to the design, construction, materials or equipment of a passenger ropeway shall be submitted to the department for approval or to substantiate compliance with this chapter.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01; correction in (1) (a), (2) (b), (c), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 12-008: r. and recr. (2) Register August 2012 No. 680, eff. 11-1-12.

SPS 333.13 Permit to operate. (1) RESPONSIBILITY. No passenger ropeway may be operated without a valid permit to operate. The owner of a passenger ropeway shall be responsible for obtaining and maintaining a valid permit to operate. The permit to operate shall be kept on the premise.

(2) **ISSUANCE.** After each initial or periodic inspection, a permit to operate shall be issued by the department upon determination that the passenger ropeway meets the applicable requirements of this chapter. The department shall issue a permit to operate within 10 business days from receipt of an inspection report showing compliance with this chapter.

(3) **EXPIRATION.** The permit to operate shall be valid for no longer than 12 months. The expiration date shall be printed on the permit to operate.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.14 Owner's responsibility. No owner may construct or alter any passenger ropeway or portion of a passenger ropeway, or permit any passenger ropeway to be constructed or altered except in compliance with this chapter. Compliance with this chapter does not relieve the owner from compliance with other administrative rules or statutes.

Note: The Department and other state agencies may have additional rules that affect the design, construction, maintenance and use of passenger ropeways, including chs. SPS 314, Fire Prevention; SPS 316, Electrical; and SPS 340, Gas Systems. The Department's Division of Industry Services administers all of these listed codes.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.15 Accident reporting. (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. Fatalities as a result of a passenger ropeway malfunction shall be reported within 24 hours of occurrence.

(2) The owner of the passenger ropeway that malfunctions resulting in bodily injury may not remove or disturb the ropeway or any of its components or permit any such removal or disturbance prior to receiving authorization from the department, except for the purpose of reducing further bodily harm or property damage.

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>. The Division can be contacted 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.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01; CR 12-008: renum. 333.15 to be 333.15 (1), cr. (2) Register August 2012 No. 680, eff. 11-1-12.

SPS 333.16 Construction and operation. All passenger ropeways shall be designed, constructed, installed, main-

tained and operated in accordance with the ANSI B77.1 standard incorporated by reference in s. SPS 333.17, subject to those changes, additions and omissions specified in subch. III.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

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

Note: Copies of the ANSI B77.1 standard can be purchased from Global Engineering Documents, Customer Support M/S A1108, 15 Inverness Way, Englewood, CO 80112, telephone 877/413-5184, or from the National Ski Areas Association, 133 South Van Gordon Street, Suite 300, Lakewood, CO 80228, telephone 303/987-1111.

Note: Copies of standards incorporated by reference are on file in the offices of the department and the legislative reference bureau.

(2) Any codes or standards referenced in the standards adopted in sub. (1) shall apply to the prescribed extent of each such reference, except as modified by this chapter.

(3) Any alternate standard that is equivalent to or more stringent than a standard incorporated by reference or otherwise referenced under this chapter may be used in lieu of the incorporated or referenced standard if the alternate standard is accepted in writing by the department.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01; CR 12-008: renum. 33.17 to be 33.17 (1) and am., cr. (2), (3) Register August 2012 No. 680, eff. 11-1-12.

Subchapter III — Changes or Additions to or Omissions from Adopted Standards

SPS 333.20 Changes or additions to or omissions from ANSI B77.1. Changes or additions to or omissions from the ANSI B77.1 standard are specified in this subchapter and are rules of the department and are not requirements of the ANSI B77.1 standard.

Note: The referenced B77.1 rule number, located in brackets, follows the SPS designation and section title and precedes the text of the rule.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.21 Scope and purpose [B77.1 1.1, 1.2 and 1.3]. The requirements of B77.1 section 1.1 – Scope, section 1.2 – Purpose, and section 1.3 – Reference to Other Codes and Standards are not included as part of this chapter.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01.

SPS 333.22 Definitions [B77.1 1.4]. (1) ADDITIONS. The following are department definitions in addition to the definitions in B77.1 section 1.4:

(a) "ANSI" means American National Standard Institute, Inc.

(b) "Department" means the department of safety and professional services.

(c) "Evacuation" means an emergency unloading procedure to remove passengers at other than designated unloading areas.

(d) "Path" means that area of a surface lift system or rope tow system traversed by a user which extends between the loading area and the point beyond the stop gate for the unloading area where a passenger would disembark if the stop gate was actuated.

(2) **SUBSTITUTIONS.** The following department definitions are substitutions for the respective definitions in B77.1 section 1.4:

(a) "Approved" means acceptable to the department.

(b) "Authority having jurisdiction" means the department.

History: CR 00-132: cr. Register August 2001 No. 548, eff. 9-1-01; correction in (1) (a) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672; CR 12-008: renum. (1) (a) to (c) to be (1) (b) to (d), cr. (1) (a) Register August 2012 No. 680, eff. 11-1-12.

SPS 333.23 Electrical. Substitute the following wording for the requirements in B77.1 sections 2.2.1.1, 3.2.1.1, 4.2.1.1,

5.2.1.1, 6.2.1.1 and 7.2.1.1: Electrical systems shall comply with ch. SPS 316.

Note: Chapter SPS 316 references and adopts the National Electrical Code, NFPA 70. The latest edition of the National Electrical Code adopted under chapter SPS 316 is 2008.

History: CR 12-008: cr. Register August 2012 No. 680, eff. 11-1-12.

SPS 333.24 Applicable effective date. Substitute November 1, 2013, as the effective for all of the design requirements listed in B77.1 sections 3.3.1.1, 4.3.1.1, 5.3.1.1, and 6.3.1.1.

History: CR 12-008: cr. Register August 2012 No. 680, eff. 11-1-12.