

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : ORDER OF THE DEPARTMENT
PROCEEDINGS BEFORE THE : ADOPTING RULES
DEPARTMENT OF SAFETY AND : (CLEARINGHOUSE RULE 25-076)
PROFESSIONAL SERVICES :

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) (s) 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 adds a requirement that any major modifications to a passenger ropeway (“ropeway modifications”, as defined by ANSI B77.1) 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 certain types of mechanical malfunctions 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 has 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:

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.

Effect on small business:

These proposed rules will not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. 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, Office of Chief Legal Counsel, 4822 Madison Yards Way, P.O. Box 14497, Madison, Wisconsin 53708-0497; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. SPS 333.10 (1) (a) and (Note) are amended to read:

SPS 333.10 (1) (a) Before commencing the construction, installation or relocation of, ~~or addition to,~~ or ropeway modification of a passenger ropeway, plans and specifications for the proposed passenger ropeway shall be submitted to the department for review and approval. In this paragraph, “ropeway modification” has the meaning given in ANSI B77.1 section 1.2.4.4. One-for-one replacements of components are not considered a ropeway 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 to read:

SPS 333.10 (1) (a) Note: “Ropeway modification” has the meaning given in ANSI B77.1 section 1.2.4.4: “A ropeway modification shall be defined as an alteration of the current design of the ropeway which results in:

- a) A change in the design speed of the system;
- b) a change in the rated capacity by changing the number of carriers, spacing of carriers, or load capacity of the carrier;
- c) a change in the path of the rope;
- d) any change in the type of brakes and/or backstop devices or components thereof; e) a change in the structural arrangements;
- f) a change in power or type of prime mover or evacuation power unit;
- g) a change of the control system logic.

Modified ropeways shall be inspected and/or tested to assure compliance with the modified design. Test procedures and inspection criteria shall be provided by the designer or manufacturer.”

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

SECTION 4. SPS 333.10 (1) (c) 3. and 4. and 5. 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 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 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 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 https://wi.accessgov.com/dsps-external/Forms/Page/210/sbd-8133. 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) (s) is created to read:

SPS 333.22 (2) (s) "Qualified engineer" means an engineer who is registered under ch. 443, Stats., as a professional engineer.

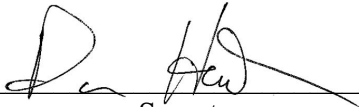
SECTION 11. SPS 333.24 is amended to read:

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 May 1, 2027, 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)

Dated 2/9/2026

Agency 

Secretary

Department of Safety and Professional Services