

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

IN THE MATTER OF RULEMAKING	:	REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE	:	CR 25-076
DEPARTMENT OF SAFETY AND	:	
PROFESSIONAL SERVICES	:	

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

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 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 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.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on October 20, 2025. No comments were received.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council comments have been accepted and incorporated into the proposed rules.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

A report was requested from the SBRRB, but no report was received.

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) (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 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 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.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

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:

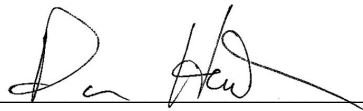
SPS 333.24 Applicable effective date. Substitute November 1, 2013, as the effective date for ~~all of the design requirements for communications, evacuation power unit, rollback device, cable catcher, and deropement switch~~ listed in B77.1 sections 3.3.1.1, 4.3.1.1, 5.3.1.1, and 6.3.1.1. Substitute 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)

This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated 1/21/2026

Agency 
Secretary
Department of Safety and Professional Services

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date September 12, 2024								
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 333									
4. Subject Passenger Ropeways									
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected 20.165 (1)(g) & 20.165 (2)(a)								
7. Fiscal Effect of Implementing the Rule <table style="width: 100%;"><tr><td><input type="checkbox"/> No Fiscal Effect</td><td><input type="checkbox"/> Increase Existing Revenues</td><td><input checked="" type="checkbox"/> Increase Costs</td><td><input type="checkbox"/> Decrease Costs</td></tr><tr><td><input type="checkbox"/> Indeterminate</td><td><input type="checkbox"/> Decrease Existing Revenues</td><td colspan="2"><input type="checkbox"/> Could Absorb Within Agency's Budget</td></tr></table>		<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs	<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget	
<input type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs	<input type="checkbox"/> Decrease Costs						
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input type="checkbox"/> Could Absorb Within Agency's Budget							
8. The Rule Will Impact the Following (Check All That Apply) <table style="width: 100%;"><tr><td><input type="checkbox"/> State's Economy</td><td><input type="checkbox"/> Specific Businesses/Sectors</td></tr><tr><td><input type="checkbox"/> Local Government Units</td><td><input type="checkbox"/> Public Utility Rate Payers</td></tr><tr><td colspan="2"><input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</td></tr></table>		<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors	<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers	<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)			
<input type="checkbox"/> State's Economy	<input type="checkbox"/> Specific Businesses/Sectors								
<input type="checkbox"/> Local Government Units	<input type="checkbox"/> Public Utility Rate Payers								
<input type="checkbox"/> Small Businesses (if checked, complete Attachment A)									
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0									
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
11. Policy Problem Addressed by the Rule 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.									
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The rule was posted to the public for Economic Impact Analysis comments as required, and will be subject to an official public hearing, along with other steps of the rule process.									
13. Identify the Local Governmental Units that Participated in the Development of this EIA. N/A									
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) DSPS estimates a total of \$3,955.00 in one-time costs and \$20,166.00 in ongoing costs for implementing this rule. The one-time staff costs support 0.1 limited term employee to undertake tasks such as rule drafting, legal review, training/awareness, and updating websites. The ongoing staff costs support 0.5 full time equivalent to process and investigate mechanical malfunctions and malfunctions that involve injury, assist applicants, review and prosecute complaints, respond to requests for hearing and notices, as well as review and respond to legal questions from other									

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

internal divisions. The ongoing costs also account for fleet car milage and meals eaten by staff members in the course of conducting inspections related to mechanical malfunctions as well as malfunctions that involve injuries.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefit of the rule is to increase the safety of passenger ropeways in the state. This is done by adopting the new national standard and by requiring Department review or notification of more aspects of passenger ropeway construction and operation.

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is to modernize and increase the safety of passenger ropeways in the state.

17. Compare With Approaches Being Used by Federal Government

None.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

19. Contact Name	20. Contact Phone Number
Jake Pelegrin, Administrative Rules Coordinator	(608) 267-0989

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- ☐ Less Stringent Compliance or Reporting Requirements
☐ Less Stringent Schedules or Deadlines for Compliance or Reporting
☐ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☐ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

☐ Yes ☐ No
