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**VIRTUAL/TELECONFERENCE**  
**PASSENGER ROPEWAYS ADVISORY COUNCIL**  
**Virtual, 4822 Madison Yards Way, Madison**  
**Contact: Brad Wojciechowski (608) 266-2112**  
**November 7, 2023**

*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**

**10:00 A.M.**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1-2)**
- B. Reminders: Conflicts of Interest, Scheduling Concerns**
- C. Introductions, Announcements and Recognition**
- D. 10:00 PRELIMINARY PUBLIC HEARING ON SCOPE STATEMENT 077-23 FOR SPS 333, RELATING TO PASSENGER ROPEWAYS (3-5)**
  - 1) Review Public Hearing Comments
- E. Administrative Matters – Discussion and Consideration**
  - 1) Staff Introductions
  - 2) Election of Officers
  - 3) Department, Staff and Council Updates
  - 4) Advisory Council Members
    - a. Amacher, Andrew
    - b. Dederich, Lucas
    - c. Engel, Jim
    - d. Rudd, Grenville
    - e. Schmitz, Richard
    - f. Vohs, Matthew
  - 5) Advisory Council Role and Overview
  - 6) 2024 Meeting Schedule
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rules Matters – Discussion and Consideration**
  - 1) Pending or Possible Rule Making Projects
- 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**

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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://dsps.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.

## Notice of Preliminary Hearing on Statement of Scope

The Department of Safety and Professional Services announces that it will hold a preliminary public hearing on Statement of Scope 077-23 for SPS 333, relating to passenger ropeways. The type of proposed rule is permanent. In accordance with s. 227.136, Stats., the Department of Safety and Professional Services is seeking public comment and feedback on Statement of Scope 077-23, at the time and place shown below.

### Hearing Information

Date: November 7, 2023

Time: 10:00 AM

Location: Information concerning the location of the hearing will be available at: <https://dsps.wi.gov/Pages/RulesStatutes/PublicHearingComments.aspx>

### Appearances at the Hearing and Submittal of Written Comments

Persons wishing to provide oral or written comments regarding the Statement of Scope for the proposed administrative rule may appear during the hearing.

Written comments may be submitted to Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison Wisconsin 53708-8366 or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).


The Statement of Scope may be reviewed and comments made at [https://docs.legis.wisconsin.gov/code/scope\\_statements/comment](https://docs.legis.wisconsin.gov/code/scope_statements/comment).

Comments must be received at or before the public hearing.

### Agency Contact Person

Sofia Anderson, Administrative Rules Coordinator, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov)

This Notice of Preliminary Hearing on Statement of Scope is approved by:

  
\_\_\_\_\_  
Secretary

10/26/2023  
\_\_\_\_\_  
Date

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

Rule No.: SPS 333

Relating to: Passenger Ropeways

Rule Type: Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

N/A

### 2. Detailed description of the objective of the proposed rule:

The objective of the rule is to update Wis. Admin. Code ch. SPS 333, Passenger Ropeways, to reflect current national standards, and to evaluate administrative and enforcement aspects of the program which may include credentialing of inspectors.

### 3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Under the authority of s. 101.17, Stats., the Department of Safety and Professional Services has oversight of various mechanical devices and equipment, which includes ski lifts and tows, in order to protect public safety. The Department fulfills this responsibility by promulgating the Passenger Ropeways Code, under chapter SPS 333.

Chapter SPS 333 establishes minimum standards for the design, construction, installation, operation, maintenance and inspection of passenger ropeways. See Wis. Admin. Code § SPS 333.02. The code currently incorporates by reference the 2011 edition of the American National Standards Institute (ANSI) B77.1, Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors – Safety Requirements. The rule project will update the chapter and will evaluate adopting by reference the 2022 edition of the ANSI B77.1 standard.

The alternative of not revising the code would result in rules not being up to date with current national standards which would be a safety risk to the public.

### 4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Sections 101.02 (1) (b), (15) (h) to (j), 101.12 (1), and (1) (c) and (e), and 101.17 (1), Stats.

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).”

**5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:**

200

**6. List with description of all entities that may be affected by the proposed rule:**

The rule will affect any entity, private or public, that owns and operates existing aerial tramways, aerial lifts, surface lifts and tows. The rule will also affect any entity which proposes to design and install a new aerial tramway, aerial lift, surface lift or tow.

**7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

There are no existing or proposed federal regulations that address the specific issues of this rule.

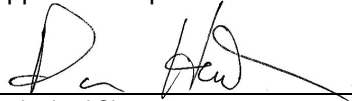
**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule may have an economic impact on small businesses and is not expected to have a significant economic impact on the state’s economy as a whole.

**Contact Person:**

Sofia Anderson, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; email at DSPSAdminRules@wisconsin.gov.

Approved for publication:



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Authorized Signature

9/27/2023

Date Submitted

Approved for implementation:

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Authorized Signature

Date Submitted