

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.

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