

## Chapter Comm 33

### TRAMWAYS, LIFTS AND TOWS

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Note: Chapter Ind 46 as it existed on June 30, 1984 was repealed and a new chapter ILHR 33 was created effective July 1, 1984; Chapter ILHR 33 as it existed on April 30, 1994 was repealed and a new chapter ILHR 33 was created effective May 1, 1994; Chapter ILHR 33 was renumbered chapter Comm 33 under s. 13.93 (2m) (b) 1., Stats., Register, May,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.

#### Subchapter I — Administration and Enforcement

**Comm 33.01 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 the public and employes by establishing minimum design, construction, installation, operation and inspection standards for aerial tramways, aerial lifts, surface lifts and rope tows.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.02 Scope.** This chapter applies to all locations where aerial tramways, aerial lifts, surface lifts and rope tows are installed, constructed, altered or operated.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.03 Application.** (1) **NEW INSTALLATIONS.** This chapter applies to all aerial tramways, aerial lifts, surface lifts and rope tows installed or constructed on or after May 1, 1994.

(2) **ALTERATIONS.** This chapter applies to all alterations of and additions to an aerial tramway, aerial lift, surface lift or rope tow which affect a system's design, structural strength or operation or which replace any piece of major equipment on a system. This chapter does not apply to minor repairs necessary for a system's maintenance.

(3) **EXISTING INSTALLATIONS.** The applicable operation and maintenance requirements of this chapter apply to aerial tramways, aerial lifts, surface lifts and rope tows installed or constructed prior to May 1, 1994.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.05 Petition for variance.** (1) **PROCEDURE.** The department shall consider and may grant a variance to any requirement in this chapter upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalency is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of any condition under which the petition is granted shall constitute a violation of this chapter.

Note: A copy of the Petition For Variance Application (SBD-9890) is available from the department at the Division of Safety and Buildings, Customer Service Center, P.O. Box 7162, Madison, Wisconsin 53707, telephone 608/261-8471.

Note: Section 101.02 (6), Stats., and ch. ILHR 3 outline the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(2) **PETITION PROCESSING TIME.** Except for priority petitions, the department shall review and make a determination on a petition for variance within 30 business days of receipt of all calculations, documents and fees required to complete the review. The department shall process priority petitions within 10 business days.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.06 Fees.** Fees for plan examinations, inspections and certificates of operation shall be computed and submitted to the department as specified in ch. Comm 2.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.07 Penalties.** Penalties for violations of this chapter shall be assessed pursuant to s. 101.02 (12) and (13) (a), Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who 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 who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employer, employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each such offense.

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

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.08 Appeals.** (1) **APPEAL OF LOCAL ORDER.** Pursuant to s. 101.02 (7) (b), Stats., any person affected by a local order which is in conflict with a rule of the department may petition the department for a hearing on the grounds that the local order is unreasonable and in conflict with the rule.

Note: Section 101.01 (8), Stats., defines "local order" as any ordinance, order, rule or determination of any common council, board of alder persons, board of trustees or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the department has jurisdiction.

(2) **APPEAL 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. Register, April, 1994, No. 460, eff. 5-1-94.

#### Subchapter II — General Requirements

**Comm 33.10 Department review.** (1) **PLANS AND SPECIFICATIONS.** (a) Before commencing the construction, erection or relocation of or addition to an aerial tramway, aerial lift, surface lift or rope tow, plans and specifications for the proposed system shall be submitted to the department for review and approval.

**Note:** Plans and specifications are to be submitted to the department at the Division of Safety and Buildings, Plan Review Section, P.O. Box 7162, Madison, Wisconsin 53707.

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

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

(c) Plans shall include the following applicable information:

1. Name of the owner and the location of the system;
2. Name and address of the system's designer;
3. Site plan and profile map showing location of towers, power units, counterweights and pits;
4. Clearances of towers, system path and counterweights; and
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 system, the capacity of the equipment, and the performance of the system 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 system 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 erection. A conditional approval issued under this subsection shall not impose any responsibility or liability upon the department for the design or construction of the system.

(b) If the department determines that the plans or the specifications for the proposed system 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.** (a) At least one set of plans of the system bearing the department's stamp of conditional approval and a copy of the specifications for a new system shall be kept at the installation site. The plans shall be open to inspection by an authorized representative of the department.

(b) At least one set of approved plans of the new system shall be retained at the installation area for at least 3 years after the system's installation. The plans shall be open to inspection by an authorized representative of the department.

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

(5) **PLAN REVIEW PROCESSING TIME.** The department shall review and make a determination on an application for plan review within 15 business days of receiving the required information and fees.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.11 Notification of alterations.** No alteration of an aerial tramway, aerial lift, surface lift or rope tow which affects the design, structural strength or operation of a system or which replaces any piece of major equipment of a system may be initiated until written notification has been sent to the department indicating the proposed alterations or modifications to be undertaken.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.12 Department inspections.** (1) **NEW INSTALLATIONS.** (a) Every new system, addition to or relocation of an existing system and every system that has not been operated for routine maintenance within the previous 2 years shall be inspected by an authorized representative of the department to

ascertain whether the construction or installation conforms to the written conditional approval and the requirements of this chapter.

(b) Notice shall be given to the department at least 10 days prior to the time the system is ready for inspection.

(c) The department shall complete its inspection within 14 days after the system is ready for inspection, or the department may issue a temporary permit to operate until an inspection is completed and the installation is approved or disapproved.

(2) **PERIODIC INSPECTIONS.** All aerial tramways, aerial lifts, surface lifts and rope tows, including existing systems erected or constructed prior to May 1, 1994, shall be subject to inspection at least once every 12 months by an authorized representative of the department. The inspection shall ascertain whether the systems meet the requirements of this chapter and, for applicable existing systems, the appropriate requirements in effect prior May 1, 1994.

**Note:** Prior to July 1, 1984, administrative rules for aerial tramways, aerial lifts, surface lifts and rope tows were specified in ch. Ind 46.

(3) **LOAD TESTS.** (a) Prior to public use of an aerial tramway or an aerial lift system, a load test witnessed by a representative of the department shall be conducted for every new system, relocation of or addition to an existing system and every system that has not been operated for routine maintenance within the previous 2 years.

(b) A load test shall include:

1. Thorough operating tests under full loading and any partial loading that may provide the most adverse operating conditions;

2. Test loads per carrier of at least 110% of the design live load; for the purposes of design, passenger weight shall be considered to be at least 170 pounds;

3. Passing a loaded carrier with 110% of the design live load around the bull wheel at full speed where loaded carriers can pass around a terminal;

4. Checking the functioning of all push-button stops, automatic stops, limit switches, selected deropement switches and communication devices;

5. Checking acceleration and deceleration rates under all loadings;

6. Proving the adequacy of all brakes and backstops under the most adverse loading; and

7. At least 6 hours of continuous operation with empty carriers to check for overheating of moving parts, excessive vibration or excessive deflection of mechanical or structural components and excessive free movement of the tensioning systems.

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

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.13 Owner's responsibility.** No owner may construct or alter any system or portion of a system, or permit any system 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.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.14 Accident reporting.** An accident resulting in bodily injury as a result of a system malfunction shall be reported to the department within 2 business days of the injury. Fatalities shall be reported within 24 hours of occurrence.

**Note:** Accidents are to be reported to the department at the Division of Safety and Buildings, Bureau of Field Operations, P.O. Box 2538, Madison, Wisconsin 53701. Forms for reporting accidents may be obtained from the department at the same address.

**Note:** The department can be contacted at 608/266-3151 during normal business hours. The State Division of Emergency Government can be contacted at 608/266-3232 during nonbusiness hours.

**History:** Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.15 Construction and operation.** All aerial tramways, aerial lifts, surface lifts and rope tows shall be

designed, installed, maintained and operated in accordance with the American National Standard Safety Requirements for Passenger Tramways, ANSI B77.1-1992, subject to those changes, additions and omissions specified in subch. III.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.16 Incorporation of standards by reference.** (1) CONSENT TO INCORPORATE. (a) Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the American National Standard Safety Requirements for Passenger Tramways, ANSI B77.1-1992, subject to the changes, additions and omissions specified in subch. III.

(b) The American National Standard Safety Requirements for Passenger Tramways, ANSI B77.1-1992, subject to the changes, additions and omissions specified in subch. III, is hereby incorporated by reference into this chapter.

(2) INTERIM SUPPLEMENTS. Interim supplements of the ANSI B77.1-1992 standard shall have no effect in the state of Wisconsin until such time as this chapter is correspondingly revised to reflect the changes.

Note: Copies of the ANSI B77.1-1992 standard can be purchased from the American National Standards Institute, Inc., 11 West 42nd Street, New York, New York 10036.

Note: Copies of standards incorporated by reference are on file in the offices of the department, the secretary of state, and the revisor of statutes.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

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

**Comm 33.20 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 Comm designation and section title and precedes the text of the rule.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.21 Scope and purpose [B77.1 1.1, 1.2 and 1.3].** B77.1 Rule 1.1 – Scope, Rule 1.2 – Purpose, and Rule 1.3 – Reference to Other Codes and Standards do not apply in Wisconsin.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.22 Definitions [B77.1 1.4].** (1) ADDITIONS. The following are department definitions in addition to the definitions in B77.1 1.4:

- (a) "Department" means the department of commerce.
- (b) "Evacuation" means an emergency unloading procedure to remove passengers at other than designated unloading areas.
- (c) "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 1.4:

- (a) "Approved" means acceptable to the department.
- (b) "Authority having jurisdiction" means the department.

(3) DELETIONS. B77.1 Rule 1.4.37 does not apply in Wisconsin.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94; correction in (f) (a) made under s. 13.93 (2m) (b) 6., Stats., Register, May, 1998, No. 509.

**Comm 33.23 Quality programs [B77.1 1.5].** B77.1 Rule 1.5 does not apply in Wisconsin.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.24 Tests and inspections [B77.1 2.1.1.11].** B77.1 Rules 2.1.1.11, 2.3.4, 3.1.1.11, 3.3.4, 4.1.1.11, 4.3.4, 5.1.1.11, 5.3.4, 6.1.1.11, and 6.3.4 do not apply in Wisconsin.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.25 Additional signs for detachable grip chair lifts [B77.1 3.1.1.9.2].** The following department rule is in addition to the requirements of B77.1 Rule 3.1.1.9.2:

Detachables grip chair lifts shall be posted with a sign at the appropriate location directing the rider to ski away and under control after unloading.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.26 Additional signs for fixed grip chair lifts [B77.1 4.1.1.9.2].** The following department rule is in addition to the requirements of B77.1 Rule 4.1.1.9.2:

Fixed grip chair lifts shall be posted with a sign at the appropriate location directing the rider to ski away and under control after unloading.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.27 Signs for surface lifts [B77.1 5.1.1.9.2].** The following department rule is in addition to the requirements of B77.1 Rule 5.1.1.9.2:

Surface lift systems shall be posted with a sign at the appropriate location directing the rider to ski away and under control after unloading.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.28 Rope tow speed [B77.1 6.1.1.5.2].** The following department rule is a substitution for B77.1 Rule 6.1.1.5.2:

The rope speed for a fiber rope tow shall not exceed 1200 feet per minute.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

**Comm 33.29 Signs for rope tows [B77.1 6.1.1.9].** The following department rule is in addition to the requirements of B77.1 Rule 6.1.1.9:

Rope tow systems shall be posted with signs at the appropriate locations directing the rider to:

- (1) Remove pole straps from wrists before loading.
- (2) Ski away and under control after unloading.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-94.

