

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

VERMONT PASSENGER TRAMWAY RULES

_____/s/ Michael Harrington_____, on 1/25/2024
(signature) (date)

Printed Name and Title:
Michael Harrington
Commissioner of Labor
Chair, Passenger Tramway Board

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

VERMONT PASSENGER TRAMWAY RULES

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P 031

3. ADOPTING AGENCY:

Vermont Department of Labor

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Dirk Anderson

Agency: Department of Labor

Mailing Address: P.O. Box 488, Montpelier, VT 05601

Telephone: 802-828-4391 Fax: 802-828-4046

E-Mail: dirk.anderson@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://labor.vermont.gov/>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Mike Nellis

Agency: Department of Labor

Mailing Address: P.O. Box 488, Montpelier, VT 05601

Telephone: 802-777-2242 Fax: 802-828-4046

E-Mail: mike.nellis@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

31 V.S.A. § 704

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

31 V.S.A. § 703 places the Passenger Tramway Board within the Department of Labor, and appoints the Commissioner of Labor chair of the Board, ex officio. 31 V.S.A. § 704 then authorizes the Board to adopt rules ensuring the safe construction, maintenance and operation of passenger tramways.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This is an amendment of an existing rule, which is being revisited primarily for the purpose of adopting by reference the most recent industry standard. This is the 2022 edition of the American National Standards Institute (ANSI) B77.1, the American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors Safety Requirements. The rule also includes a Vermont-specific Addendum, further supplementing the national standard.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

Nationwide, ski lifts are designed, engineered and manufactured in accordance with the most recent ANSI B77.1 standard. Adopting the newest standard is in furtherance of the policy set forth in 31 V.S.A. § 703, which is "making safe the operation of ski tows, ski lifts, and passenger tramways."

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The rule adopts a nationally recognized standard specific to the construction, maintenance and operation of passenger tramways, in accordance with the requirements of Vermont's Ski Tramways Act, 31 V.S.A.701 et seq.(1961).

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Ski areas, the Vermont tourist industry more broadly, and the members of the general public who ride on ski lifts.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

There should be little economic impact to ski areas when it comes to new lift construction, since new lifts are designed and built to the 2022 ANSI standard whether Vermont adopts it or not. One area of potential economic impact has been identified in Annex F.1.4, which may require additional fireproofing in some older lift machine rooms located in wooden structures.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 10/24/2023

Time: 01:00 PM

Street Address: 5 Green Mountain Drive, Montpelier VT

Zip Code: 05601

URL for Virtual: <https://labor.vermont.gov/>

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

12/31/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

passenger tramway

ski lift

ski tow

chairlift

ski area



State of Vermont
Department of Labor
Office of the Commissioner
5 Green Mountain Drive
P.O. Box 488
Montpelier, VT 05601
labor.vermont.gov

[phone] 802-828-4000
[fax] 802-828-2195
[tdd] 800-650-4152

January 24, 2024

Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Re: Vermont Passenger Tramway Safety Rules 2024

Members of LCAR:

This letter is submitted to inform the committee of both the changes that were made to the proposed 2024 rule from its last amendment in 2013, and the changes that were subsequently made to the proposed rule following public comment, and the reasons therefor.

The Passenger Tramway Safety Rules were last amended in 2013. The Department was unable to retrieve an editable version of that document, so we were unable to file the current proposed rule in conventional strike-through and underline format. In addition, the rule was significantly reorganized and reformatted. In the current rule submission packet filed with LCAR you will find both the 2013 rule in its entirety and the final proposed rule in strike-through/underline format, but the strike-through/underlining represents changes made to the proposed rule in response to public comment, as further explained below.

The initial proposed rule contained several substantive changes from the 2013 rule. They are summarized here:

1. The reference standard for passenger tramway construction, operation and maintenance is updated from the ANSI B77.1, 2011 edition and the ANSI B77.1A, 2012 supplement, to the ANSI B77.1 2022 edition. (Section 1.04)
2. Declaration of Policy added. (Section 1.01)
3. Penalties articulated. (Section 1.03)
4. Personnel and Safety (Section 3.05) expanded.



5. Special Provisions for Chairlifts (Section 1007) renamed Summer Operations (Section 3.10).
6. Use of drones addressed. (Section 3.01(c))
7. Rope Evacuation (Section 1006.2) rewritten as Lift Evacuation Plan. (Section 3.03)
8. Work carrier evacuation subsection added. (Section 3.08(m))
9. Conveyor subsection added. (Section 3.07)

Subsequent to the filing of the proposed rule, a public hearing was held on October 24, 2023. The only public comment received was from Thomas Buchanan, a member of the Passenger Tramway Board. Mr. Buchanan recommended numerous changes of both a substantive and a grammatical/typographical nature. They were submitted in writing and are attached to this filing. The Department held the public comment period open through December 31, 2023, but no additional public comment was received.

Both the Director of Passenger Tramway Safety and the Passenger Tramway Supervisor reviewed Mr. Buchanan's suggestions with him, and agreed to the grammatical and typographical changes. The substantive changes were discussed with the Passenger Tramway Safety Board at its meetings on November 2, 2023, and December 12, 2023. Following lengthy discussion, the Board agreed to adopt the majority of Mr. Buchanan's suggested changes, with the following exceptions.

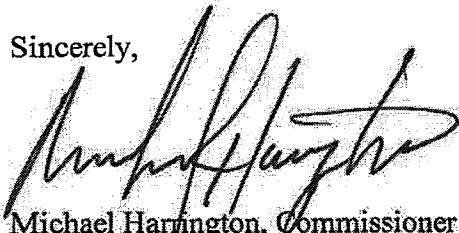
1. It was recommended that Section 1.04(c)(i) be added to require the owner/authorized operator of an aerial passenger tramway open to the public to maintain a copy of the ANSI B77.1 standard on the premises and make it available to the public for review. The Board agreed that the ANSI standard should be maintained on the premises, but felt it was sufficient to direct the public to the Department of Labor for review of the standard, as provided for in Section 1.04(c)(ii).
2. It was recommended that the definition of "Limits of Tramway" in Section 1.05 be amended to include a reference to conveyor lifts (path of the conveyor) and associated structures, and loading and unloading ramps. The Board agreed to include the reference to conveyor lifts, but declined to include associated structures and loading and unloading ramps, as being outside the scope of the definition of "line" in the ANSI B77.1 standard.
3. It was recommended that a subsection be added to Section 2.04(b) (definition of "incident") to include a reference to incidents involving injured employees. The Board declined to add that subsection, finding it to be redundant. An employee is a "person" and thus already included in Section 2.04(b)(i).



4. It was recommended that Section 3.01(a)(ii) be amended to require written authorization from the Department of Labor to transport “devices” on a passenger ropeway. The Board agreed to adopt the recommendation, but changed the term of authorization from one to three years to be consistent with the variances referenced in Section 2.05.
5. It was recommended that the new subsection regarding drone use, Section 3.01(c), be generally amended to reflect FAA regulations. This was agreed to, but a clause was added to the subsection in 3.01(c)(i) to allow owners/authorized operators to impose more restrictive standards.
6. It was recommended that Article III, Operation and Maintenance for Passenger Ropeways, contain a requirement that all tramways be compliant with the Americans with Disabilities Act (ADA). The Board felt this was unnecessary, as ski areas are businesses open to the public, and thus already subject to the provisions of the ADA.
7. It was recommended that Section 3.05, Personnel and Safety, be amended to require that tramway attendants be provided with a copy of these Rules at their work station. The Board disagreed, since attendants at their work stations are supposed to be observing lift operations and passenger loading and unloading, not reading. It was agreed that Section 3.05(a)(v) be amended to require that the Rules be made available to lift attendants in a common area.
8. It was recommended that Section 3.07(f) (Night Operation), be amended to include the entire text of the ANSI B77.1 rule for Night Operation. This was disagreed to by the Board, who did not see the need to incorporate language from the ANSI B77.1 into the Vermont rules, as the standard is already referenced and adopted in the rules.
9. It was recommended that Section 3.07 (Conveyors) be amended to require that decking alongside conveyors be kept reasonably clear of snow and ice accumulation during operation. This was agreed to, but the clause “at the beginning of each operating day” was changed to “prior to operation.”

At the conclusion of its December 12, 2023 meeting, the Passenger Tramway Board voted unanimously to forward the final proposed rule to LCAR with the amendments as agreed to and as set forth above.

Sincerely,



Michael Harrington, Commissioner of Labor and Chair of the Passenger Tramway Board



Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

-
1. TITLE OF RULE FILING:
VERMONT PASSENGER TRAMWAY RULES
 2. ADOPTING AGENCY:
Vermont Department of Labor
 3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):
 - **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
 - **NEW RULE** - A rule that did not previously exist even under a different name.
 - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):
SOS Log #13-022 August 13, 2013



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: August 14, 2023, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Jared Adler, Jennifer Mojo, John Kessler, Michael Obuchowski, and Nicole Dubuque

Members Absent: Diane Sherman and Brendan Atwood

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the June 12, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: The following emergency rules were supported:
 - 1) On 06/30/23: 'Pandemic-Era General Assistance Emergency Housing Transition' from the Agency of Human Services, Department for Children and Families
 - a) The Department for Children and Families must establish eligibility criteria to continue providing temporary housing assistance to the populations identified in Act 81 and the Executive Order dated June 30, 2023.
 - 2) On 07/28/23: 'Rules Governing Medication-Assisted Treatment for Opioid Use Disorder', Agency of Human Services
 - a) This emergency rule eliminates the X Waiver requirements, which can no longer be met due to federal changes. This update will ensure Vermont's MAT regulations do not inhibit access to MAT providers by those in need.
 - 3) On 08/03/23: 'Reportable and Communicable Diseases Rule', Agency of Human Services, Department of Health
 - a) This rule adds Mpox to the list of reportable diseases, due to the virus' increased public health threat. This also reduces the administrative burden for reporters by eliminating the need to report negative COVID results.
 - 4) On 08/07/23: Amyotrophic Lateral Sclerosis (ALS) Registry Rule, Agency of Human Services, Department of Health
 - a) 18 V.S.A. § 176 requires the Department to establish this registry by 7/1/23. The regular ALS Registry rule will not be adopted for several months. Without this e-rule, some incidence data may not be reported as required.
- Public comments made by Jay Greene, Office of Racial Equity, on the Health Benefits Eligibility and Enrollment Rules
- Presentation of Proposed Rules on pages 3-11 to follow.
 - 1) Vermont Passenger Tramway Rules, Vermont Department of Labor/page 3
 - 2) Health Benefits Eligibility and Enrollment Rule, General Provisions and Definitions (Part 1), Agency of Human Services, page 4
 - 3) Health Benefits Eligibility and Enrollment Rule, Eligibility Standards (Part 2), Agency of Human Services, page 5
 - 4) Health Benefits Eligibility and Enrollment Rule, Nonfinancial Eligibility Requirements (Part 3), Agency of Human Services, page 6

- 5) Health Benefits Eligibility and Enrollment Rule, Special Rules for Medicaid Coverage of Long-Term Services and Supports - Eligibility and Post-Eligibility (Part 4), Agency of Human Services, page 7
 - 6) Health Benefits Eligibility and Enrollment Rule, Financial Methodologies (Part 5), Agency of Human Services, page 8
 - 7) Health Benefits Eligibility and Enrollment Rule, Eligibility-and-Enrollment Procedures (Part 7), Agency of Human Services, page 9
 - 8) Health Benefits Eligibility and Enrollment Rule, State Fair Hearings and Expedited Eligibility Appeals (Part 8), Agency of Human Services, page 10
 - 9) Water Supply Rule, Agency of Natural Resources, page 11
- No Other Business
 - Upcoming Scheduled Meetings:
 - Wednesday, August 30, 2023 at 2:00 p.m. – Special Meeting for Committee Discussion only
 - Monday, September 11, 2023 at 2:00 p.m. – Regular monthly meeting
 - 3:15 PM Meeting Adjourned

Proposed Rule: Vermont Passenger Tramway Rules, Vermont Department of Labor

Presented By: Jared Adler and Mike Nellis

Motion made to accept the rule by John Kessler, seconded by Nicole Dubuque, and passed unanimously except for Jared Adler who abstained, with the following recommendations:

1. Proposed Filing – Coversheet:
 - a. #8: Define 'ANSI' and reference parenthetical.
 - b. #10: Include statutory reference number and date.
2. Economic Impact Analysis, #9: Include information as to what they were consulted about.
3. Environmental Impact Analysis:
 - a. #5 and #7: Describe reasoning on why the rule does not directly address the impact.
 - b. #9: Include information as to what they were consulted about.
4. Public Input Maximization Plan, #3: Clarify/define 'consensus body'.
5. Incorporation by Reference, #5: Include less expensive/free ways to view the information, and a phone number.
6. Proposed Rule: Work with the Agency of Transportation on Section 3.01 (c) to ensure it conforms to FAA regulations.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

VERMONT PASSENGER TRAMWAY RULES

2. ADOPTING AGENCY:

Vermont Department of Labor

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Ski lift owners, primarily ski area owners. There should be little economic impact to ski areas when it comes to new lift construction, since new lifts are designed and built to the 2022 ANSI standard whether Vermont adopts it or not, since lift manufacturers design and build lifts for a national market. One area of potential economic impact has been identified in

Annex F.1.4, which may require additional fireproofing in some older lift machine rooms located in wooden structures. Another category of affected parties are rope tow owners and operators, since the Vermont-specific addendum requires approval by a qualified engineer prior to public use of a new rope tow, whereas the ANSI standard does not.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

None. The few ski lifts owned and operated by educational institutions are either private schools or colleges.

5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

No impact.

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

The only small business impact identified was for a retail snowboard business that wished to install a small portable rope tow for its customers, but was unable to secure approval from a qualified engineer.

7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

It would be inconsistent with the Board's mission to loosen safety requirements based on the size of the business.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

As noted above, it would be inconsistent with the

Board's mission to loosen safety requirements based on the size of the business.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

Lift inspectors, engineers and ski industry officials familiar with the new ANSI standard were consulted on the relative economic impact of the rule.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

VERMONT PASSENGER TRAMWAY RULES

2. ADOPTING AGENCY:

Vermont Department of Labor

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

The ANSI code adopted by the rule does not directly address the emission of greenhouse gases.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

Annex F, (Fire hazard reduction, Combustion engine(s), and Fuel supply handling) contains various provisions designed to minimize and contain the leakage or spillage of fossil fuels.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

The ANSI code adopted by the rule does not directly address the impact on land, as the scope of the code is limited to passenger safety. However, new lift construction requires Act 250 approval.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

The ANSI standard, Vermont addendum, and the enforcement thereof by the Department of Labor has a net positive effect on tourism by ensuring the general public that Vermont ski lifts are safe to use.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

The ANSI code adopted by the rule does not directly address the impact on climate, as the scope of the code is limited to passenger safety.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

The ANSI code adopted by the rule does not directly address the impact on other environmental factors.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

Lift inspectors, engineers and ski industry officials familiar with the new ANSI standard were consulted about the environmental impact of the code.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

VERMONT PASSENGER TRAMWAY RULES

2. ADOPTING AGENCY:

Vermont Department of Labor

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The development and approval of the new ANSI B77.1 standard was done by a consensus body of both government and private sector entities, along with observer members, representing over 90 different lift manufacturers, ski resorts, engineering firms, and jurisdictional state and federal governing bodies across the country.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

See 3. above.

Incorporation by Reference

THIS FORM IS ONLY REQUIRED WHEN INCORPORATING MATERIALS BY REFERENCE. PLEASE REMOVE PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the incorporation by reference statement, an agency describes any materials that are incorporated into the rule by reference and how to obtain copies.

This form is only required when a rule incorporates materials by referencing another source without reproducing the text within the rule itself (e.g., federal or national standards, or regulations).

Incorporated materials will be maintained and available for inspection by the Agency.

1. TITLE OF RULE FILING:

VERMONT PASSENGER TRAMWAY RULES

2. ADOPTING AGENCY:

Vermont Department of Labor

3. DESCRIPTION (*DESCRIBE THE MATERIALS INCORPORATED BY REFERENCE*):

ANSI B77.1, 2022 Revision

Vermont Standard Specifications for Construction, Division 500, Section 501, "Structural Concrete" and Section 507 "Reinforcing Steel".

American Concrete Institute ACI-318 (current edition)

National Fire Protection Association (NFPA): Life Safety Code - NFPA #101

American Society for Nondestructive Testing ASNT TC-1A (current edition) and ASNT CP-189 (current edition)

American Welding Society (AWS) Standard Welding Procedure Specifications (SWPS) (current edition)

National Electrical Code NFPA 70 (current edition)

Vermont Fire and Building Safety Code (current edition)

The Fall Protection Code as defined by the American National Standards Institute-American Society of Safety Professionals ANSI/ASSP Z359.1(current edition)

4. FORMAL CITATION OF MATERIALS INCORPORATED BY REFERENCE:
ANSI B77.1, 2022 Revision: American National Standard for Passenger Ropeways - Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyors Safety Requirements
5. OBTAINING COPIES: *(EXPLAIN WHERE THE PUBLIC MAY OBTAIN THE MATERIAL(S) IN WRITTEN OR ELECTRONIC FORM, AND AT WHAT COST):*

The ANSI B77.1 may be purchased from the National Ski Areas Association at <https://nsaa.org/>. The cost is \$400. The B77.1 standard can be reviewed at no cost by appointment at the Vermont Department of Labor's central office in Montpelier. Interested parties should contact the office of the Director at 802-828-4391.

Upon reasonable request, assistance with accessing all other referenced standards will be provided by the Director at 802-828-4391.

6. MODIFICATIONS *(PLEASE EXPLAIN ANY MODIFICATION TO THE INCORPORATED MATERIALS E.G., WHETHER ONLY PART OF THE MATERIAL IS ADOPTED AND IF SO, WHICH PART(S) ARE MODIFIED):*

Modifications are contained in the Vermont Addendum, which is the subject of this rule filing.

Run Spell Check

October 17, 2023

To Members of the Vermont Passenger Tramway Board;

I have attached proposed changes to the version of the Tramway Rules filed with the Secretary of State on September 11, 2023. I am the newest member of the Tramway Board, which has given me the advantage of looking at the existing and proposed rules with fresh eyes. I have based my recommended changes on more than 20 years as a fulltime snowboard and ski instructor who uses tramways and interacts with riders every day of the ski season. Due to time and administrative constraints, the Board was unable to consider my proposed changes to the Draft Rules until the document was released for public comment.

The attached compilation of proposed changes is listed chronologically using the numbering system in the proposed rules. There are both policy changes and administrative/technical changes. Each section includes an overview of the proposed changes in italic. The proposed changes are then listed in a conventional strikeout/underscore style. Proposed substantial policy changes are highlighted in yellow. Administrative/technical changes are highlighted in gray so staff can review each and provide the Board with their own recommendations for action.

The proposed changes have the following objectives:

1. Improve public access to the ANSI B77.1 standard.
2. Improve ski area employee awareness of, and access to, Vermont Passenger Tramway Rules.
3. Improve the definition of Tramway Board authority by explicitly including associated structures and load/unload ramps.
4. Improve guest and staff safety by explicitly listing snow removal standards on decking alongside conveyors.
5. Improve work carrier safety by requiring a formal work carrier evacuation plan.
6. Improve injury reporting to provide better metrics and accountability.
7. Establish a sunset date for standard variances, while still allowing the Board to issue variances without a sunset.
8. Clarify the need for a variance by allowing devices other than skis to be transported on tramways if approved by Vermont Tramway Technicians, rather than through a variance issued by the Board or with simple notification of intent by the operator.
9. Clarify a proposed restriction on drone use so that it is easier for the public and pilots to understand, and so that it better aligns with FAA control of public airspace.
10. Generally clarify language, standardize text, clarify adopted third party standards, and correct typos throughout the document.

-Tom Buchanan, Member of the Vermont Passenger Tramway Board

3
4 October 17, 2023
5

6 **Section 1.04 Adoption of Standards Applicable to Passenger Tramways**

7 *The initial filing of the draft rules with ICAR listed the cost of the ANSI B77.1-2022 standard as*
8 *\$400. The ICAR review instructed the Department to “include less expensive/free ways to view*
9 *the information, and a phone number.” Vermont law already requires that an agency*
10 *incorporating a rule by reference must, at the very least, make that standard available for public*
11 *inspection at its principal office (3 V.S.A. § 838(d).*

12 *The ANSI B77.1 is a proprietary standard that is maintained and sold by the National Ski Areas*
13 *Association (NSAA), a ski industry trade organization. The NSAA offers the B77.1 standard for*
14 *sale to the public as a paper only document for \$200 (member price \$55), or as a combined*
15 *paper document and single license pdf for \$400 (member price \$90). Vermont libraries do not*
16 *have recent versions of this standard, and it is not available as a publicly accessible document to*
17 *view on line.*

18 *Employees of ski areas and the general public should have easy access to this 200 page*
19 *standard, which forms the bedrock of the Vermont Tramway rules and is directly referenced*
20 *more than 25 times. Every ski area with an aerial lift open to the public should already have the*
21 *B77.1, and should make it available for inspection by the public upon reasonable request, and*
22 *the Tramway Department should make it available at the state office in Montpelier. Limiting*
23 *public availability to ski areas that have aerial lifts will minimize the financial burden on small*
24 *surface-lift-only ski businesses, while still providing the public with distributed access. This*
25 *serves the public interest and is consistent with Vermont’s approach to open and accessible*
26 *government. It is rare for members of the public to request a ski area show them a copy of the*
27 *B77.1 standard, and since that is unlikely to change, requiring ski areas to provide access will*
28 *not add a significant burden.*

29 *Section 1.04(b)(ii) should also describe what the ACI-318 standard is (spell it out), and identify*
30 *which version/date is applicable (probably use “current edition”).*

31 *Section 1.04 should include all other standards that are required or referenced in these rules.*

32 **Add:**

33 (c)(i) The Owner/Authorized Operator of an aerial passenger tramway open to the public shall
34 maintain on the premises a physical or electronic copy of each ANSI B77.1 standard applicable
35 to their licensed tramways. The standard(s) shall be made available for review by the public upon
36 reasonable request.

37 (c)(ii) The Department shall maintain a physical or electronic copy of each ANSI B77.1 standard
38 applicable to tramways operating within the State of Vermont, and shall make the standard(s)
39 available for review by the public upon request.

40 (c)(iv) The Department shall maintain a physical copy of all other applicable standards
41 referenced in these rules, or shall maintain electronic access to those standards. The standards
42 shall be made available for review by the public upon request.

43 Modify:

44 (b)(ii) ACI-318 The American Concrete Institute ACI-318 (current edition) may be used as a
45 reference for structural concrete design.

46 (b)(iv) Nondestructive testing as defined by American Society for Nondestructive Testing
47 (ASNT), current edition ASNT TC-1A (current edition) and ASNTCP 189 (current edition).

48 *[Editing Note: Section 3.02(a)(i) references the ASNT TC-1A and also includes ASNTCP 189-*
49 *2001. It is not clear if one or both of these standards are being adopted under Section*
50 *1.04(b)(iv). The listed version of ASNTCP189 appears to be dated 2001, but the current version*
51 *of the ASNTCP 189 appears to be 2020, with a 2024 version soon to be released. The listings for*
52 *these documents under both 1.04(b)(iv) and 3.02(a)(i) should be checked for consistency and*
53 *then clarified.*

54 *All references to “nondestructive” testing throughout the rules should be checked for*
55 *consistency regarding hyphenation and capitalization. ASNT appears to treat it as one word with*
56 *no hyphenation or special capitalization.]*

57 (b)(v) The Fall Protection Code as defined by the American National Standards Institute-
58 American Society of Safety Professionals ANSI/ASSP Z359.1 (current edition).

59 *[Editing note: Section 3.03(a)(i) identifies this standard as ANSI/ASSE Z359. It is my*
60 *understanding the American Society of Safety Engineers (ASSE) changed its name to the*
61 *American Society of Safety Professionals (ASSP) and recent editions of this standard reflect that*
62 *name change. If that is the case, the text in this section and Section 3.03 should be reviewed and*
63 *adjusted.]*

64 **Section 1.05 Definitions**

65 *Loading and unloading ramps are integrally related to the operation of all lifts (B77.1 Section*
66 *4.1.1.9), and when not properly designed and maintained can cause serious injuries. The Board*
67 *already requires reports of injuries from “falling on ramps” as described in the Tramway*
68 *Forms Manual, and should maintain clear jurisdiction over this component of tramways.*

69 *Some lifts have control buildings and other structures such as counter weights and storage*
70 *structures that extend outside the ANSI B77.1 defined “line” or beyond the bull wheels. These*

71 rules already assert control over structures within 100 feet of a tramway and connected
72 buildings by requiring fire notification to the lift operator (3.05(d)(ii) and 3.05(d)(v)), but the
73 Board does not assert original jurisdiction over this area. These structures and spaces should be
74 explicitly under the jurisdiction of the Department. Additionally, the current limits of tramways
75 are based on a bull wheels, but conveyor lifts do not have bull wheels, so an alternative
76 jurisdictional limit should be established for conveyors.

77 The existing definition of "Limits of Tramway" is cited to simply "ANSI," but that should be
78 listed here so readers of the rules do not need to obtain a copy of the B77.1 to learn what the
79 jurisdiction of the Tramway Board is.

80 **Modify:**

81 "Limits of tramway" An area defined by the outward swing clearance of the carriers or tow
82 handles as they move around the bull wheel and along the "line" as defined by ANSI B77.1 as
83 "the path of the wire rope on the up-going or return side of a ropeway," and all associated
84 structures. The limits of a conveyor lift shall be defined by the path of the conveyer, and all
85 associated structures. The limits of each tramway shall include load and unload ramps extending
86 20 feet outward. This defines the jurisdiction of the Passenger Tramway Board.

87 **Section 2.02(c)(iii) Tramway Inspections**

88 The inspection criteria assume a tramway has two terminals with operating buttons at each.
89 Some tramways may have a mid-station with associated controls. Inspection criteria should
90 cover all stations and terminals.

91 **Modify:**

92 (iii) Proper function of all stop and slow buttons at ~~both~~ all terminals.

93 **Section 2.04 Incident Reporting Requirements**

94 Oftentimes a person who is injured getting on or off a lift or while riding a lift will make their
95 way to the ski area first aid station under their own power. The current regulation may not
96 require reporting of these injuries because the injured person reached rescue staff, and staff was
97 not "called to assess." The language should be modified to be inclusive of injured riders who
98 are seen by the ski areas rescue or medical team at any location, and then referred to higher
99 levels of care.

100 Injury reporting to the Department should also explicitly include employees who are injured
101 while working or riding on a lift regardless of the cause or operating status of the lift.

102 **Modify**

103 2.04(b)(i) Tramway-related serious injury or death (a serious injury is defined as one where
104 rescue staff is called to assess assesses the injured person and that person is referred to a higher
105 level of care.

106 2.04(b)(iv) An employee has been assessed by rescue staff and referred to a higher level of care
107 following an injury that occurred while using, operating, or maintaining a tramway.

108 2.04(c)(iii) The web address listed for the “Vermont Tramway Incident Form” only links to the
109 main DOL webpage and has a typo (http://www.labor.verm,ont.gov). The typo should be
110 corrected, or preferably a more specific/complete link should be used if possible.

111 **Section 2.05 Variances**

112 *A variance should be valid for a specific default period and then sunset, with reconsideration by*
113 *the Board if the Owner/Authorized Operator wishes the variance to continue. Establishing a*
114 *sunset for future variances will allow the Board to reconsider each variance based on an*
115 *updated risk analysis, practical experience, and changing industry standards. The Board should*
116 *be authorized to issue a variance valid for non-standard lengths of time or without a sunset, but*
117 *should specify the non-standard time period when the variance is issued.*

118 Add:

119 (c) A variance issued after [DATE] shall be valid for three years, unless the Board specifies
120 otherwise when the variance is issued.

121 **Section 3.01 General**

122 *It is my understanding that the Board currently issues variances for transport of devices other*
123 *than those used by skiers, such as ski-bikes and snow skates, and is contemplating shifting this*
124 *approval process to Tramway Technicians. Authorization to transport devices generally requires*
125 *an application, review, and then written approval. The proposed rule (3.01(a)) would ease the*
126 *process through “notification” alone, and appears to all but eliminate the review and approval*
127 *components. The way the proposed rule is written an Owner/Authorized Operator will be able to*
128 *simply notify the Department, and is then by default authorized to carry whatever devices it has*
129 *specified in the notification without any other limitation or time limit. The rule should clarify the*
130 *roles of Tramway Technicians and the Board, and at least require review and written*
131 *authorization by a Tramway Technician. Written authorization assures the proposal has been*
132 *properly reviewed, and will assist the Department with tracking approvals.*

133 *The rule should not cite to the definition of a “skier” in the ANSI B77.1 when a more accessible*
134 *definition is available. The definition of “skier” listed in Section 1.05 of these rules is copied*
135 *from the ANSI B77.1. Citing to the definition of a “skier” in section 1.05 of these rules, rather*
136 *than to the ANSI B77.1, will make it easier for users to find the definition.*

137 *Skiers and snowboarders use standard skies and snowboards that do not require additional*
138 *approval. This should be more clearly defined with regard to the requirement for a “safety*
139 *leash,” which is new language that has been added to this revision of the Vermont Passenger*
140 *Tramway Rules. Until recently so-called “leashes” for snowboards and similar equipment had*
141 *been required under the nationally recognized “Your Responsibility Code,” which stated*
142 *“Always use devices to prevent runaway equipment.” The current “Your Responsibility Code”*
143 *adopted in 2022 does not require leashes or devices, but instead states “You must prevent*
144 *runaway equipment.” The Vermont Tramway rules should avoid using the word “leash” which*
145 *has a negative connotation and has long been associated with snowboarding equipment, and*
146 *should clarify that a safety tether is only required for devices other than those used by “skiers”*
147 *as defined in Section 1.05.*

148 **Modify:**

149 (a)(i) Owner/Authorized Operator may permit the use of hang-gliders, ski bobs, tubes, sleds,
150 bicycles or other devices to be transported on their passenger ropeway by providing safeguards
151 for public and lift equipment, if the Department is notified and provides written authorization.

152 (a)(ii) The Department shall be notified in writing of devices to be transported on passenger
153 ropeways beyond what is described in ANSI B77.4 Section 1.05 of these rules as meeting the
154 definition of “skier.” Notification shall include passenger ropeways permitting additional
155 devices, operating procedures, staff training, and evacuation plan for guests/devices.
156 Additionally, Owner/Authorized Operator shall be prepared to perform a demonstration of
157 evacuation during inspection of the passenger ropeway. Devices shall not be transported without
158 written authorization from the Department. Authorization will be valid for up to one year and
159 may be renewed, or a longer term variance may be requested from the Board.

160 (a)(iv) Devices to be transported on passenger ropeways, other than those used by a “skier” as
161 defined in Section 1.05 of these rules, must have an adequate safety leash tether.

162 **Section 3.01 General**

163 *The initial proposed drone rule was not workable, and ICAR requested that it be modified with*
164 *the assistance of the Vermont Agency of Transportation (AOT). AOT has in turn requested the*
165 *Department contact FAA. The intent of the rule is apparently to protect lifts from drone*
166 *collisions, but drone flight is regulated by the FAA and the draft rule may be preempted as*
167 *written. I have proposed modified language to limit preemption, based on my experience as a*
168 *commercial pilot and my understanding of Federal Aviation Regulations.*

169 *The description of drones as “Unmanned Aerial Aircraft” should be changed to “Unmanned*
170 *Aircraft Systems (UAS)” to be consistent with Vermont AOT and the FAA.*

171 The term “directly over” should be deleted because it is ambiguous and would likely cover all
172 the regulated airspace from the surface to 60,000 feet, and is superseded by the specific distance
173 in the B77.1, Section 2.1.1.4.

174 The “clearing envelope” should be described within the rule so a drone pilot does not need to
175 access the B77.1.

176 Modify:

177 ~~(c) Drones (Unmanned Aerial Aircraft)(Unmanned Aircraft Systems)~~

178 ~~(c)(i) Drones may not be operated directly over any tramway, or within the clearing envelope of~~
179 ~~a tramway, defined as “within five feet (1.53 meters) of ropes, track cables, and carriers under~~
180 ~~design operating conditions,” during public operation of the tramway (reference ANSI B77.1~~
181 ~~Section 2-2.1.1.4)~~

182 **Section 3.01 General**

183 There is a new rule listed for “Summer Operations under Section 3.10(d) that requires tramway
184 “Loading and unloading areas shall be constructed in compliance with American Disability Act
185 (ADA) guidelines” [sic]. If we choose to add that provision to the rules, it should apply to all
186 seasons, all lifts, all equipment, and all loading and unloading areas. If that is our intent, new
187 broader language should be added to Section 3.01, which would make listing the ADA
188 requirement under 3.10(d) unnecessary/redundant. If there is a relevant publication or standard
189 for tramways under the ADA it should be added here too.

190 Add:

191 (e)(i) All Tramways, including loading and unloading areas, shall be constructed and operated in
192 compliance with the Americans with Disabilities Act.

193 **Section 3.02(a)(i) Certification, Calibration and Testing**

194 The standard for nondestructive testing is listed as “Reference document ASNTCP 189-2001”
195 which appears to reference a 2001 version of this standard. The current version appears to be
196 dated 2020, with a 2024 version soon to be released. The nondestructive testing standard listed
197 under Section 1.04(b)(iv) is identified as the “(ASNT), current edition” but the specific document
198 is not listed. The listings for these documents under both 1.04(b)(iv) and 3.02(a)(i) should be
199 checked for consistency and clarified.

200 All references to “nondestructive” testing throughout the rules should be checked for
201 consistency regarding hyphenation and capitalization. ASNT appears to treat it as one word with
202 no hyphenation or special capitalization.

203 Review/Modify:

204 Two references should be made compatible, probably by removing the 2001 reference in
205 3.02(a)(i) and being more specific about the standard in 1.04(b)(iv). Specific language should be
206 developed.

207 The term “nondestructive testing” should be reviewed for consistency throughout the rules. In
208 3.02(a)(i) and (b)(i) it is hyphenated and randomly single or double capitalized, but the standards
209 agency we cite to is the American Society for Nondestructive Testing, which apparently does not
210 hyphenate or capitalize the term in general use. Also see 3.06(a)(ix) and 3.10(e).

211 **Section 3.03(a)(i) Lift Evacuation Plan**

212 *The ANSI-ASSE Z359 standard is referenced here but not defined, nor is it listed as an adopted*
213 *standard under Section 1.04 of these rules.*

214 Review/Modify:

215 The ANSI-ASSE Z359 should probably be added to Section 1.04 and ANSI-ASSE should be
216 spelled out. If this document is available in multiple editions, then the adopted standard should
217 probably be identified as “current edition.” It is my understanding the American Society of
218 Safety Engineers (ASSE) changed its name to the American Society of Safety Professionals
219 (ASSP) and recent editions of this standard reflect that name change as ANSI/ASSP Z359.1.
220 Check for consistency.

221 **Section 3.05 Personnel and Safety**

222 *A requirement should be added that all lift attendants be provided with Vermont Tramway Rules*
223 *through display or posting/availability at each work station or in shared workspace. It is*
224 *troubling that the people who operate this equipment are not even required to know the*
225 *Tramway Department exists or regulates their operation.*

226 *Many lift attendants are young seasonal workers, often visiting from abroad on H-2B or J-1*
227 *visas, and are not aware of how regulations work in Vermont, or how to access regulations. We*
228 *should make that easier for them. Additionally, many lift attendants are entry level workers who*
229 *would gain a sense of professionalism if they were introduced to the oversight process early in*
230 *their careers, which could enhance staff retention and career development.*

231 *Most lift attendants have down time during a work shift when they sit in their booth/shack. The*
232 *public would be better served if during down time the attendants had easy access to the rules*
233 *that govern operations. Most lift facilities already include printed material such as operating*
234 *instructions, checklists, logbooks, emergency procedures, guest service guidelines, and phone*
235 *lists. Most ski areas already post required legal notices from the Department of Labor in*
236 *employee locker rooms, break spaces or time clock areas, along with other company and*
237 *employee provided informational postings. Tramway rules could be easily added to these areas.*

238 *Managing the distribution of printed Tramway Rules would occur alongside existing document*
239 *distribution and would not add a significant cost burden.*

240 *The location and use of stop buttons should be reviewed to require stop buttons at all load and*
241 *unload stations in all operating seasons, which seems to be the overall intent and consistent with*
242 *the B77.1 (example 3.1.5 and 4.1.5). Section 3.10(c) of these rules covering only summer*
243 *operations requires “All loading and unloading areas shall be equipped with a means of*
244 *stopping the lift,” while stop button requirements in Section 3.05(f)(ii) covering all seasons*
245 *pertain only to foot passengers as follows: “The load and unload stations shall be equipped with*
246 *a means of stopping the lift at any point along the load/unload platform when operating*
247 *primarily for foot passengers.”*

248 *The text describing where a stop line is to be placed for downhill loading (Section 3.05(f)(iii)) is*
249 *confusing and should be reviewed.*

250 **Add:**

251 (a)(v) Attendants assigned to operate a tramway shall be provided with a printed copy of
252 Vermont Passenger Tramway Safety Rules at their work station; alternatively a printed copy of
253 the rules may be prominently posted in employee common area(s) where they are available to all
254 lift attendants each work day.”

255 **Review:**

256 Section 3.05(a)(iv) covers age requirements for lift attendants and maintenance personal, and
257 references an apprenticeship program administered by the “Vermont Ski Areas Association.”
258 Should this reference be to “Ski Vermont” instead?

259 3.05(f)(iii) It is required that a permanent red “stop line” be provided on the ramp where
260 downhill loading occurs. The location of the stop line is to be determined taking into account the
261 length of the ramp and the speed of the lift, making certain the chair stops on the ramp line once
262 the stop occurs.

263 **Modify:**

264 3.05(f)(ii) The load and unload stations shall be equipped with a means of stopping the lift at any
265 point along the load/unload platform when operating primarily for foot passengers.

266 *[Edit note: consider moving number ii and v to the top of the stack and renumbering such that*
267 *the first two elements under “Loading and Unloading” pertain to all lift operations, and*
268 *subsequent elements under this heading pertain to foot passengers. If all load and unload*
269 *stations are required to have a means of stopping the lift for all riders, and that is specified here,*
270 *then 3.10(c) becomes redundant and could be removed.]*

271 **Section 3.06 Surface Lift & Tows**

272 *The requirement for rollback devices on surface lifts is written to cover only tubing operations,*
273 *but might better cover all “recreational devices” as described in Section 1.05 (Definitions). I*
274 *have suggested additional language below to be used if that is the original intent, plus identified*
275 *a small typo.*

276 *There appears to be a misdirect to the ANSI B77.1 covering stop gates.*

277 *There is a requirement for NDT that refers back to “Article 3 Section 3.02,” which should*
278 *probably be listed simply as Section 3.02 for document consistency. Take note that this*
279 *requirement for NDT is listed under Section 3.06(a)(ix) Surface Lifts & Tows, but not listed*
280 *under Section 3.08 Chair Lifts. That raises the question whether a reference in 3.06 and/or 3.08*
281 *is necessary given that it is spelled out in 3.02.*

282 **Review:**

283 3.06(a)(ii) All tows used for “recreational devices” as described in Section 1.05, including those
284 used for tubing operations, must have a rollback device installed that acts directly on the drive
285 train sheave assembly.

286 3.06(a)(iv) The correct reference appears to be Section 6.2.3.2.

287 3.06(a)(ix) NDT (~~non-destructive testing~~) (nondestructive testing) is required on all grips, and
288 hangers as spelled out in ~~Article 3 Section 3.02~~ Section 3.02.

289 **Section 3.07 Conveyors**

290 *Snow removal issues should be clarified to explicitly require clearing snow from integrated*
291 *decking/walkways adjacent to conveyors. The single rule covering snow removal (Section*
292 *3.07(d)) appears to refer to clearing snow from the pit (lockout procedures,) and otherwise*
293 *refers to manufacturer’s recommendations which are not readily available to lift attendants.*

294 *The requirements for nighttime operations should be specifically listed so Owner/Authorized*
295 *Operators and the public do not need to reference the B77.1.*

296 **Modify:**

297 (f) COPY THE VERY LIMITED NIGHT OPERATIONS TEXT FROM THE ANSI B77.1
298 SECTION 7.2.12 AND LIST THEM HERE, RATHER THAN BY REFERENCE ALONE.

299 **Add:**

300 () The Owner/Authorized Operator shall assure required decking alongside conveyors is clear of
301 snow and ice at the beginning of each operating day, and that decking remains reasonably clear
302 of snow and ice accumulation while the conveyor is open to the public.

303 **Section 3.08(m) Work Carriers**

304 *The B77.1 Work Carrier standard is new, as is the Vermont rule for annual demonstration of*
305 *work carrier evacuation. There have been several trial demonstrations of work carrier*
306 *evacuations in Vermont since the proposed rules were first drafted. If there are any lessons*
307 *learned I'd like to see them incorporated into the rules.*

308 *General lift evacuation rules proposed under Vermont Tramway Rule Section 3.03 require a*
309 *"comprehensive plan" which must include a list of required equipment along with its storage*
310 *location, and considerations for night or other special conditions. A similar written plan should*
311 *be required specifically for work carrier evacuations, and should include the minimum number*
312 *of rescuers needed based on where an evacuation occurs. For example, a simple evacuation of a*
313 *work carrier located over flat ground near a base station during regular operating hours would*
314 *be different than for a nighttime high angle evacuation involving an injury or medical*
315 *emergency, and the number of needed rescue/responders would likely be different. If work*
316 *carriers are used in the off-season, overnight, or during other non-business hours, traditional Ski*
317 *Patrol resources might not be available. The plan should identify a local staffing level required*
318 *to meet anticipated work carrier evacuation scenarios, and procedures for activating additional*
319 *off site emergency services if needed, and then transporting responders to the evacuation site.*
320 *For efficiency it might be easier for an Owner/Authorized Operator to incorporate the specifics*
321 *of work carrier evacuation planning within the general Lift Evacuation Plan required by Section*
322 *3.03.*

323 *There are several places where the terms "work carrier" and "lift carrier" appear to be used*
324 *interchangeably. If there is no intended difference, the language should be standardized within*
325 *the rules. If there is an intended difference both terms should be listed in Section 1.05*
326 *(Definitions).*

327 *Section 1.05 (Definitions) lists only "Carrier, work." The B77.1 has definition listings for*
328 *"Carrier," and "Carrier, work." If we intend to have only one carrier listing in our definitions it*
329 *might be clearer to list it as "Work carrier."*

330 **(m) Lift-Work Carrier Evacuation Demonstration**

331 (i) A Work Carrier Evacuation Plan shall be filed with the Department each operating season.
332 The plan shall include the number of trained personal required to evacuate a work carrier, a list
333 of available equipment and its storage location(s), and consideration for special circumstances
334 including night evacuations. The plan shall also include procedures for activating off site
335 emergency services, as well as procedures for transporting arriving responders to the evacuation
336 site. The Work Carrier Evacuation Plan may be incorporated into the Lift Evacuation Plan
337 required by Section 3.03, or into an alternative workplace emergency plan maintained by the
338 Owner/Authorized Operator. Reference ANSI B77.1 Section 2: 2.3.2.5.7 and ANSI/ASSP
339 Z359.1.

340 (ii) Annually a work carrier evacuation demonstration to shall be performed by area maintenance
341 personnel.

342 (iii) ~~Lift~~ Work carrier to be installed on the line and moved to an area designated by Vermont
343 Tramway Technician.

344 **Section 3.10 Summer Operations**

345 *I assume the lift speed of 250 fpm referenced in 3.10(a) refers to chairlifts, and not conveyors,*
346 *which have a maximum speed under 3.07(b) of 160 fpm. This should be clarified.*

347 *Typos should be corrected. If a relevant ADA standard is available it should be referenced. This*
348 *provision could be moved elsewhere in the rules to have greater applicability and effectiveness.*

349 *Requirements for stop buttons in Section 3.10(c) should be reconciled with Section 3.05(f)(ii).*

350 Modify:

351 (a) Aerial Lift loading and unloading speed not to exceed 250 feet/minute.

352 (d) Loading and unloading areas shall be constructed in compliance with Americans with
353 Disability ~~Disabilities~~ Act (ADA) guidelines.

354 [Editing note: Is there a specific ADA guideline for tramways, or a specific reference to point to?
355 Is there a reason this rule is listed under Summer Operations, and not more broadly applicable,
356 for example by inclusion in Section 3.01 (General)? Perhaps a new rule could be added as
357 3.01(e) All Tramways, including loading and unloading areas, shall be constructed and operated
358 in compliance with the Americans with Disabilities Act.]

359 (e) Mountain bike racks are to be non-destructive ~~testing~~ tested (NDT) annually.

361 **All Sections, General Edit**

362 *There are four places where we refer to a tramway Owner/Authorized Operator as a “resort*
363 *owner/operator.” These references strike me as limiting and should be reviewed. There is one*
364 *place where we refer to the Owner/Authorized Operator as “the area.”*

365 *“Owner/Authorized Operator” is defined in Section 1.05 as a fully capitalized proper noun.*
366 *There are multiple variations of that term throughout these rules, including “owner/authorized*
367 *representative,” which appear to be treated interchangeable. We should settle on a single*
368 *treatment for consistency. My preference is “Owner/Authorized Operator,” although the most*
369 *common usage in these rules is “owner/authorized operator.” Any standard is better than no*
370 *standard.*

371 Review the use of the word “resort” in Section 3.05(a)(i), 3.05(a)(iii), 3.05(f)(i), and 3.07(c).
372 Review use of the word “area” to denote a ski area, rather than Owner/Authorized Operator in
373 Section 3.02(b)(iv) and elsewhere. Review all uses of owner, operator, area, and resort for
374 consistency.

375 *Review all references to the ANSI standard for consistency. Formatting of numbers/punctuation*
376 *is inconsistent. Examples:*

377 A.N.S.I B77.1 Section 1-1.4

378 ANSI B77, section 2-2.3.2.5.9

379 ANSI B77.1 Section 2-2.1.1.4

380 ANSI B77.1 Section 2: 2.3.2.5.7

381 ANSI B77.1 Section 7 7.2.9

382 ANSI. B77.1 Section 7 7.2.12

Vermont Passenger Tramway Safety Rules
And Addendum to ANSI B77.1-2022

ANNOTATED VERSION

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Article I. General Provisions

Section 1.01 Declaration of Policy

- (a) It shall be the policy of the State of Vermont to prevent unnecessary hazards in the operation of ski tows, lifts, and tramways (collectively referred to as passenger tramways), to ensure that reasonable design and construction are used, that accepted safety devices are provide for and that periodic inspections and adjustments are made, all for the purpose of making safe the operation of passenger tramways (31 V.S.A. §701). The board shall have no jurisdiction over the construction, modification, or periodic inspection of a passenger tramway at a private residence when such passenger tramway is not used, or intended to be used, by the general public.

Section 1.02 Authority

- (a) These rules are adopted under the provisions of 31 VSA § 704 authorizing the Passenger Tramway Board to adopt reasonable rules relating to public safety in the construction, operation, maintenance, and inspection of passenger tramways.

Section 1.03 Penalties

- (a) Operating without passing inspection: Any owner/authorized operator who operates a passenger tramway without first passing the annual inspection by the Department shall be fined not more than \$1000.00 for each day of operation.
- (b) Operating without paying fee-due-State: Any owner/authorized operator who operate a passenger tramway without paying the fee-due-State as provided in 31 V.S.A. § 707 of this title shall be fined not more than \$50.00 for each day of operation.
- (c) Operating after an order to cease: Any owner/authorized operator who operates a passenger tramway after being ordered to cease operations shall be fined not more than \$5000.00 for each day of illegal operation. (31 V.S.A. §712).

Section 1.04 Adoption of Standards Applicable to Passenger Tramways

- (a) The American National Standard for Passenger Ropeways – Aerial tramways and lifts, surface lifts tows and conveyors- Safety Requirement, ANSI B77.1-2022, except as amended, altered or added to in this rule, shall apply to all construction, operation, and maintenance of passenger tramways.
- (b) In addition to the standards and codes cited in ANSI B77.1-2022 as supplemented the following standards shall apply:
 - (i) Vermont Standard Specifications for Construction, Division 500, Section 501, “Structural Concrete” and Section 507 “Reinforcing Steel”.
 - (ii) ~~ACI-318~~ The American Concrete Institute ACI-318 (current edition) may be used as a reference for structural concrete design.
 - (iii) National Fire Protection Association (NFPA): “Life Safety Code”- NFPA #101 (editions adopted by the Department of Public Safety).
 - (iv) Nondestructive testing as defined by American Society for Nondestructive Testing (~~ASNT~~), ~~current edition~~ ASNT TC-1A (current edition) and ASNT CP-189 (current edition).

- (v) American Welding Society (AWS) Standard Welding Procedure Specifications (SWPS), current editions
 - (vi) National Electrical Code NFPA 70, current edition.
 - (vii) Vermont Fire and Building Safety Code, current edition.
 - (viii) The Fall Protection Code as defined by the American National Standards Institute- American Society of Safety Professionals ANSI/ASSP Z359.1 (current edition).
- (c) (i) The owner/authorized operator of an aerial passenger tramway open to the public shall maintain on the premises a physical or electronic copy of the current ANSI B77.1 standard(s) applicable to their licensed tramways.
- (ii) The Department of Labor shall maintain a physical or electronic copy of each ANSI B77.1 standard applicable to tramways operating within the State of Vermont, and shall make the standard(s) available for review by the public upon reasonable request.
- (iii) The Department of Labor shall maintain a physical copy of all other applicable standards referenced in these rules, or shall maintain electronic access to those standards. Such standards shall be made available for review by the public upon reasonable request to the Department.

Section 1.05 Definitions

All definitions found in A.N.S.I B77.1 Section 1-1.4 apply.

All definitions found in 31 V.S.A. §702 apply.

“ANSI B77.1” refers to the current version of ANSI B77.1

“Attendant” The individual assigned to particular duties or functions in the operation of a passenger ropeway.

“Carrier, work” Structural and mechanical assemblage in or on which authorized personnel and equipment are transported on a limited basis to perform line maintenance. Unless qualified, the work carrier includes, for example, the carriage, grip or clip, hanger, and work platform.

“Certified Welder” A person who has met the requirements of the American Welding Society for the type of welding to be performed.

“Circuit (s), bypass” A circuit (s) that partially or entirely circumvents monitoring devices and remote signal inputs of a malfunctioning device to allow operation of the system, under the specific conditions set forth for each ropeway type.

“Commissioner” Commissioner of the Department of Labor

“Department” the Passenger Tramway Division of the Department of Labor.

“Limits of tramway” An area defined by the outward swing clearance of the carriers or tow handles as they move around the bull wheel and along the line as defined by ANSI B77.1 as “the path of the wire rope on the up-going or return side of a ropeway.” The limits of a conveyor lift shall be defined by the path of the conveyor. This defines the jurisdiction of the Passenger Tramway Board.

“Other classifications” Tramway configurations that do not conform to any of the classifications specifically provided for in these rules shall be evaluated by the Department on the basis of relevant codes and standards subject to wide enough use to justify a separate category and addition to this code.

“Owner/Authorized Operator” A person, who owns, manages or directs the operations and maintenance of a passenger ropeway, or the authorized operator by such owner.

“Passenger Ropeway/Passenger Tramways” Includes all devices that carry, pull, or push passengers along a level or inclined path (excluding elevators) by means of a haul rope or other flexible element that is driven by a power unit remaining essentially at a single location. This includes aerial tramways, detachable grip aerial lifts, fixed grip aerial lifts, surface lifts, tows, and conveyors.

“Qualified personnel” Individuals who, as a result of training and experience, understand and demonstrate competence with the design, construction, operation or maintenance of a passenger ropeway and associated hazards.

“Recreational Device” Tube, sled, luge, cart, etc., except a skier, which is pulled uphill on the surface with a passenger riding on the device.

“Passenger Ropeway modifications” as described by ANSI B77.1, Section 1.2.4.4 with the following additions:

A change in the lift’s electrical drive unit from AC or DC.

All modifications to be reviewed by a Qualified Engineer.

“Tramway” See passenger Ropeway

“Safeguarding” Protection of personnel from hazards by the use of guards, devices, or methods.

“Skier” A skier is any person utilizing a device that attaches to at least one foot or the lower torso for the purpose of sliding on a slope. The device slides on the snow or other surface of a slope and is capable of being maneuvered and controlled by the person using the device.

“SMB” (Sit-Ski, Mono-Ski, Bi-Ski) Common Adaptive Ski Equipment. Includes (Sit-Ski) structures in which the skier sits with metal edges attached underneath for control and maneuverability, skiing equipment consisting of a body support structure mounted over one ski (Mono-Ski) or tow skis (Bi-Ski) that articulate when the device leans side-to-side (*ANSI B77.1, Section 1.4).

“Vermont Passenger Tramway Technician” person hired by the State of Vermont to inspect passenger ropeways for public safety and monitor construction, operations, and maintenance of passenger ropeways with the State.

“Unseated Passenger” A passenger who is unable to get seated in a chair on an aerial ropeway during the loading process, or who fails to stay seated between the loading point and unloading point, resulting in being suspended or falling from the chair.

Article II. Vermont Tramway Rules

Section 2.01 Registration and Fees

- (a) Registration and Fees shall be determined and submitted in accordance with 31 V.S.A. §707.
- (b) The registration plate shall be posted in public view at the lift to which it pertains.

Section 2.02 Tramway Inspections

- (a) An annual inspection for the entire installation shall be made by a Vermont Passenger Tramway Technician and a copy of the inspection report shall be filed promptly with the Department and with the owner/authorized operator.
- (b) An additional inspection is required prior to operating outside the scope of the current inspection (i.e., summer, special events, modifications, and night operation). Other demonstrations, tests, or inspections may be required as they pertain to the safe operation of the passenger ropeway.
- (c) During the annual inspection, the area owner/authorized operator shall be prepared to demonstrate the following, as applicable:
 - (i) Operation of the auxiliary power unit (APU) motor and related emergency evacuations procedure during a total loss of control power. AUP shall operate the lift at a minimum of 100 feet per minute.
 - (ii) Operation of the evacuation power unit and related emergency evacuation procedures, evacuation power unit shall operate the lift at a minimum of 100 feet per minute.
 - (iii) Proper function of all stop and slow buttons at ~~both~~ all terminals.
 - (iv) Brake Testing, Service Brake, Bull Wheel Brake, Rollback Device(s) High-speed backstop.
 - (v) Tension System: Demonstrate low pressure will stop the lift, demonstrate high pressure will stop the lift. Lock all check valves.
 - (vi) All required signs in place
 - (vii) Lift houses and terminals. Appropriate fire extinguishers in place as required with current inspection tags. Smoke and carbon monoxide detectors in place as required.
 - (viii) Documentation. Pertinent NDT records (grips, hangers, bull wheels, carriers, and similar as required.
 - (ix) Wire rope annual inspection report.
- (d) RPD (Rope Position Detection) Switch check records (Detachable lifts)