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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.

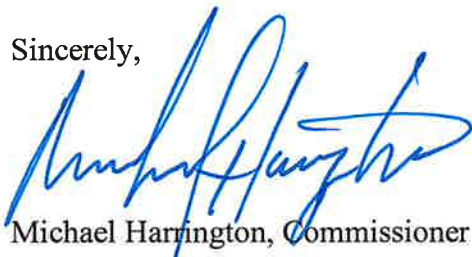
1. It was recommended that Section 1.04(c)(i) be added to require the owner/authorized operator of an aerial passenger tramway open to the public to maintain a copy of the ANSI B77.1 standard on the premises and make it available to the public for review. The Board agreed that the ANSI standard should 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



