

## **Part 2**

### **Safety Committee - Registration of Ropeways - Enforcement**

#### **72-11-201 Passenger ropeways -- Purpose and scope.**

- (1) In order to safeguard the life, health, property, and welfare of citizens while using passenger ropeways, it is the policy of the state to:
  - (a) protect citizens and visitors from unnecessary mechanical hazards in the design, construction, and operation of passenger ropeways, but not from the hazards inherent in the sports of mountaineering, skiing, snowboarding, mountain biking, and hiking, or from the hazards of the area served by passenger ropeways, all of which hazards are assumed by the sportsman; and
  - (b) require periodic inspections of passenger ropeways to ensure that each passenger ropeway meets "The United States of America Standard Institute Safety Code for Aerial Passenger Tramways," or an equivalent standard established by rule under Section 72-11-210.
- (2)
  - (a) Except as provided in Subsection (2)(b), the committee, through the Department of Transportation, shall:
    - (i) register all passenger ropeways in the state;
    - (ii) establish reasonable standards of design, construction, and operational practices; and
    - (iii) make inspections as necessary to implement this section.
  - (b) The committee has no jurisdiction over the construction, modification, registration, or inspection of a private residence passenger ropeway.

Amended by Chapter 212, 2010 General Session

#### **72-11-202 Passenger ropeways -- Creation of Passenger Ropeway Safety Committee within Department of Transportation -- Members.**

- (1) There is created within the Department of Transportation a Passenger Ropeway Safety Committee.
- (2) The committee is comprised of six appointive members and one ex officio member who shall be appointed by the executive director of the Department of Transportation.
- (3) The appointive members shall be appointed by the governor from persons representing the following interests:
  - (a) two members to represent the industry;
  - (b) two members to represent the public at large;
  - (c) one member who is a licensed engineer in Utah; and
  - (d) one member to represent the United States Forest Service.
- (4)
  - (a) Except as required by Subsection (4)(b), as terms of committee members expire, the governor shall appoint each new member or reappointed member to a four-year term.
  - (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed every two years.
  - (c) The governor may not consider or seek to discover the political affiliation of a person when considering the person for appointment or reappointment to the committee.

- (5) The governor, in making the appointments, shall request and consider recommendations made to him by:
- (a) the membership of the particular interest from which the appointments are to be made; and
  - (b) the Department of Transportation.

Amended by Chapter 156, 2019 General Session

**72-11-203 Procedures -- Adjudicative proceedings.**

The committee shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Amended by Chapter 382, 2008 General Session

**72-11-204 Vacancies -- Expenses -- Reimbursement -- Use of facilities of Department of Transportation -- Functions, powers, duties, rights, and responsibilities.**

- (1) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (2) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (3) Reimbursement shall be made from fees collected by the committee for services rendered by the committee.
- (4) The Department of Transportation shall supply the committee with office accommodation, space, equipment, and secretarial assistance the executive director considers adequate for the committee.
- (5) In addition to the functions, powers, duties, rights, and responsibilities granted to the committee under this chapter, the committee shall assume and have all of the functions, powers, duties, rights, and responsibilities of the Division of Outdoor Recreation in relation to passenger ropeway systems pursuant to that chapter.

Amended by Chapter 68, 2022 General Session

**72-11-205 Passenger ropeways -- Registration of ropeways.**

- (1) Except as provided in Subsections (2) through (4), a passenger ropeway may not be operated in this state unless it is registered with the committee.
- (2) The initial application for registration of a passenger ropeway permits the operator to operate the passenger ropeway until final action on the application is taken by the committee.
- (3) If an operator files an application to renew registration of a passenger ropeway, then the operator may continue the operation of the passenger ropeway under the existing registration until the committee takes final action on the pending application and has:
  - (a) issued a certificate to the operator; or
  - (b) given written notice to the operator that the passenger ropeway has not qualified for certification.
- (4) A private residence passenger ropeway may be operated in this state without fulfilling the registration requirements of this section.

Amended by Chapter 212, 2010 General Session

**72-11-206 Annual application for passenger ropeway registration.**

- (1) Every operator of a passenger ropeway, or person who plans to operate a passenger ropeway, shall, prior to operating the passenger ropeway, apply to the committee on forms provided by the committee for registration of the passenger ropeway.
- (2) Passenger ropeway registrations are valid for a one-year period as established by rule of the committee under Section 72-11-210.
- (3) The application shall contain sufficient information for the committee to determine if the passenger ropeway to be registered complies with Section 72-11-201 and the rules made by the committee under Section 72-11-210.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-207 Passenger ropeways -- Registration certificates.**

- (1) The committee shall issue to the applying operator registration certificates for each passenger ropeway owned, managed, or operated by the operator if:
  - (a) the facts stated in the application enable the committee to fulfill its duties under this chapter; and
  - (b) each passenger ropeway to be registered complies with the rules of the committee under Section 72-11-210.
- (2) In order to verify that the conditions described in Subsection (1) have been fulfilled, the committee may make or direct the inspections described in Section 72-11-211 as necessary.
- (3)
  - (a) When an operator installs a passenger ropeway subsequent to registration in any year, the operator shall file a supplemental application for registration of the passenger ropeway.
  - (b) Upon receipt of the supplemental application, the committee shall immediately initiate proceedings to register or reject registration of the passenger ropeway under the provisions of this chapter.
- (4) Each registration expires on the date established under Section 72-11-210.
- (5) The registration certificate for each passenger ropeway shall be maintained on file at the area and available to the public for inspection and copying.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-208 Passenger ropeways -- Registration fee.**

The application for registration, or supplemental application, shall be accompanied by an annual fee adopted by the committee in accordance with Section 63J-1-504.

Amended by Chapter 183, 2009 General Session

**72-11-209 Passenger ropeways -- Fees deposited in Transportation Fund.**

Any fee collected by the committee shall be deposited in the Transportation Fund.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-210 Passenger ropeways -- Additional powers and duties of committee.**

The committee may:

- (1) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing:
  - (a) public safety in the design, construction, and operation of passenger ropeways that:
    - (i) adopt the American National Standard for Passenger Ropeways;
    - (ii) modify the standard under Subsection (1)(a)(i); or
    - (iii) establish an equivalent standard; and
  - (b) the annual registration date;
- (2) hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the committee;
- (3) subpoena witnesses;
- (4) administer oaths;
- (5) compel the testimony of witnesses and the production of books, papers, and records relevant to any inquiry;
- (6) approve, deny, revoke, and renew the registrations provided for in this chapter;
- (7) cause the prosecution and enjoinder of all persons violating the provisions of this chapter and incur the necessary expenses;
- (8) elect officers and adopt a seal which may be affixed to all registrations issued by the committee; and
- (9) employ, within the funds available, and prescribe the duties of a secretary and other personnel as the committee considers necessary.

Amended by Chapter 382, 2008 General Session

**72-11-211 Passenger ropeways -- Inspection.**

- (1) The committee may order inspections of the design, construction, operation, and maintenance of passenger ropeways as the committee may reasonably require.
- (2) If, as the result of an inspection, it is found that a violation of the committee's rules exists, or a condition in passenger ropeway construction, operation, or maintenance exists that endangers the safety of the public, an immediate report shall be made to the operator whose passenger ropeway has received the inspection and to the committee for appropriate investigation and order.
- (3) A private residence passenger ropeway is not subject to the inspection requirements under this section.

Amended by Chapter 212, 2010 General Session

**72-11-212 Passenger ropeways -- Violations -- Order of committee.**

- (1) If, after investigation, the committee finds that a violation of this chapter or any of its rules exists, or that there is a condition in passenger ropeway construction, operation, or maintenance that endangers the safety of the public, it shall immediately issue its written order setting forth its findings, the corrective action to be taken, and setting a reasonable time for compliance.
- (2) The order shall be served upon the operator involved in the violation personally or by registered mail at the committee's election. Return shall be made as provided in the Utah Rules of Civil Procedure.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-213 Passenger ropeways -- Failure to comply with order -- Suspension -- Injunction.**

- (1) If any operator fails to comply with a legal order or rule of the committee, the committee may:
  - (a) suspend the registration of the affected passenger ropeway until the operator complies; or
  - (b) bring injunctive proceedings in the district court of the judicial district in which the affected passenger ropeway is located to compel compliance.
- (2) In these proceedings the committee is not required to post bond.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-214 Passenger ropeways -- Not common carriers or public utilities -- Cooperative agreement with United States Forest Service.**

- (1) Passenger ropeways are not common carriers or public utilities.
- (2) To avoid duplicate effort by authorities having jurisdiction over passenger ropeways on National Forest System land in the state, the committee may enter into a cooperative agreement with the United States Forest Service to establish reasonable standards for design, construction, maintenance, operational practices, and inspection.
- (3) Upon application for registration of a passenger tramway, the operator shall pay to the committee a reasonable inspector's fee, plus a surcharge, that would have been charged had the inspection been made by the committee and its inspectors.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-215 Passenger ropeways -- Use in dangerous manner unlawful.**

A person who rides or uses a passenger ropeway may not do so in a manner that may endanger the life and safety of another person or cause damage to passenger ropeway equipment.

Renumbered and Amended by Chapter 195, 1999 General Session

**72-11-216 Passenger ropeways -- Violation of act a misdemeanor.**

A person who violates Section 72-11-215 is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 195, 1999 General Session