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Death on slopes raises issues

SAFETY, LIABILITY AT RESORTS A skier's fatal collision with a snowmobile at Vail has led state ski areas, wary of any potential negligence, to assess when and where crews are deployed on the hill.

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A teen ski racer's fatal collision with a snowmobile at Vail last weekend has renewed discussions of safety practices at resorts around the state and raised questions about ski-area liability.

Several similar cases in the past decade have resulted in substantial monetary awards to injured skiers, and while Colorado has severe restrictions on legal damages, ski areas are increasingly wary of any potential negligence.

"Of course, because of the incident in Vail, we're all assessing (snowmobile policies), making sure we do all that we can to prevent a tragedy like that," said Katie Singer, spokeswoman for Telluride ski resort.

Ashley Stamp, 13, of Steamboat Springs died Sunday when she collided with a race-crew snowmobile coming over a blind knoll while she was warming up for a slalom race.

Resort officials told the Colorado State Patrol that the snowmobile was traveling uphill about 10 mph with its siren wailing. But witnesses from the Steamboat Springs Winter Sports Club insist the machine ridden by two members of the race crew was moving much faster than reported and used no signaling device.

Jim Chalot, a Denver lawyer who specializes in ski-injury cases, said skier collisions with snowmobiles are not unheard of.

"It's usually the same story - with the snowmobile coming over a crest and the skier coming downhill," he said.

Chalot won a \$100,000 award from the Aspen Skiing Co. after a federal jury ruled the resort was negligent in operating a snowmobile involved in a 1997 wreck with a snowboarder at Snowmass.

And he reached an undisclosed settlement with the same company after a champion Yugoslavian pro racer was run down by another snowmobile at the same resort in 1992 and suffered a career-ending knee injury.

"Typically, the snowmobile has to yield," Chalot said, noting that a moving snowmobile usually is not considered an "inherent risk" that skiers accept when they head to the slopes.

A Virginia case in which a 17-year-old skier was critically injured after falling and sliding into the blade of a moving snow groomer resulted in the largest jury award ever in a ski-injury case, \$8.3 million.

In Colorado, however, ski areas typically are shielded from awards of more than \$250,000 under the

state Skier Safety Act.

Amendments to the landmark 1979 measure that were passed during the last legislative session spelled out that skiers and snowboarders take their own risks when entering race arenas, terrain parks and extreme terrain.

"Certainly, the intent of this bill was not to remove all liability from ski-area operators under all circumstances," said state Rep. Al White, R-Winter Park. "My bill was not a general recess on liability for ski-area operators."

Chalat disputes that contention, saying he fears the effect is to "grant absolute immunity" from negligence claims.

While the topic of a potential lawsuit has not come up in the wake of the incident Sunday at Vail - Aaron Stamp said his only focus was on his daughter's funeral Thursday and getting through the holidays - the State Patrol is continuing its investigation.

Officials at Vail Resorts have declined to discuss the collision.

"The investigation into the circumstances surrounding this tragic accident is ongoing, and therefore it continues to be inappropriate to comment any further," said resort spokeswoman Jen Brown.

Disinclined to appear critical of Vail, officials from several ski resorts refused to comment publicly about snowmobile safety but insisted it is a common topic of discussion.

Every resort in the state has policies regarding snowmobile use by employees - none allows the recreational use of snowmobiles - ranging from operator training and testing to strict limits on their use during operating hours.

"Each area is different," said Michael Berry, executive director of the Lakewood-based National Ski Areas Association. "But it's a common training element that goes on industrywide."

In general, resort employees use snowmobiles for many purposes: Lift mechanics ride them to inspect lift towers or to conduct maintenance and repairs; ski patrols pull sleds and haul equipment; and some non-skiing workers even use them to get to their on-mountain jobs.

Snowmobile use is particularly common during races, when crews ferry race officials and coaches to various parts of the course; zip racers back to the top in situations when they have been flagged off the course because of crashes ahead of them; and reset displaced gates or haul gear.

At Telluride, snowmobiles are restricted to designated routes and daytime speeds are capped at 20 mph, Singer said.

"We really discourage the use of snowmobiles when the mountain is open, and, really, when you see one on the mountain, it's a serious situation," she said. "Our vice president of mountain operations (Jeff Proteau) is fond of saying, 'If you're having fun, you're going too fast.'"

Staff writer Jason Blevins contributed to this report.

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