

**ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672**  
**7100 HOUSE LABOR & COMMERCE**

- (f) The grooming schedule will center around an evening shift beginning a half hour after closing.
- (g) During storm cycles, shifts may be adjusted to allow for greater safety and productivity. See Section 3.

4. Grooming Priorities

Because snow conditions vary widely on the mountain, priorities will be constantly changing. The following priorities assume the ability to generate good results top to bottom and moderate to heavy day and night traffic. Priorities indicate order in which runs should be done.

- a. Chair 3 and Pony lifts.
- b. ~~Star Run~~ ~~Star Run~~ ~~Star Run~~ including Mighty Mite, Upper Bowl, ~~Star Run~~ Ego Flats, Waterfall, E.Z. trail, lower Waterfall, and Cabbage Patch.
- c. Night Ski Areas - including top to midway, South Edge, Denali, von Imhof, and Lower Race Trail.
- d. Other runs based on need and cat time available.

3. Snow Clearing and New Snow Morning Safety

- a. Lift ramps and lift lines must be inspected for chair clearance and a free haul rope before lift moves.
- b. Avalanche guns must have snow cleared from backblast zone.
- c. Cats and operators are under the direct control of the Snow Safety Department until avalanche hazard reduction is completed. All personnel with cats must remain in cats until hazard reduction teams are secure.

4. Miscellaneous Guidelines

- a. The grooming crew will interface with the following:
  - (1) lift operators regarding ramp clearing
  - (2) pro-patrol regarding grooming procedures and avalanche control
  - (3) ski school regarding special grooming needs
  - (4) other departments as needed.
- b. Public comment is the major source of feedback by which the grooming operation is judged. Operators should be open and courteous when receiving comments. Complaints should be referred to the slope and trail supervisor or director of mountain operations.

- c. Sewage will be hauled from the Sundeck to the base area as often as is necessary.
- d. Artillery shell hauling will be conducted during the shift as needed. It will be the duty of the Snow Safety Department to advise the slope and trail supervisor as to machine needs well in advance.

5. Communications (See Appendix D.)

B. Parking Lot Guidelines

A safe, well-mannered parking lot is fundamental to overall smooth functioning and safety of the resort. To this end, a parking lot staff is employed to provide safety and service along the following guidelines:

1. Staffing Levels

- a. The parking lot is supervised by the Slope and Trail Supervisor through the Parking Lot Assistant Supervisor. At least one full-time parking lot attendant or the Parking Lot Assistant Supervisor will be present during weekday skiing, as needed.
- b. The Parking Lot Assistant Supervisor and/or one full-time attendant will be present during weekends and holidays skiing, as needed.
- c. Part-time personnel may assist during weekends, holidays and nights, as needed.

2. Duties of Full-Time and Part-Time Parking Lot Attendants.

a. Parking Lot Maintenance

- (1) Snow Removal Snow will be removed from resort parking lots in a timely manner, as needed. The Slope and Trails Supervisor will supervise and assist during peak snow periods to insure an efficient operation. Parking lot staff and Vehicle Maintenance staff will insure that snow removal vehicles are on line and ready to go in advance of anticipated needs.
- (2) Sanding Sanding will be conducted as deemed necessary by the parking lot staff to assist walking and driving traction. The parking lot staff will anticipate sanding needs and insure that equipment and material needs are met.

- (3) Signs, barrels and barricades This hardware will be deployed as needed to direct traffic and demarcate parking areas. All hardware will be kept in serviceable condition by the parking lot staff. Hardware will all be in place prior to the arrival of customer vehicles.

b. Customer Service and Safety

- (1) Barrels and barricades will be used to demarcate parking areas. The parking lot staff will direct incoming traffic to park in such a manner as to maintain the established fire and ambulance lanes and to insure safe and convenient customer access.
- (2) Information will be dispensed to skiers concerning rates and conditions as it is sought.
- (3) The parking lot staff will endeavor to maintain security in the parking lots.
- (4) The parking lot will be kept free of litter at all times. Trash barrels will be emptied in a timely manner.

3. Training

- a. The Slope and Trails Supervisor will supervise all facets of training. Snow removal equipment will be operated by trained personnel only.
- b. All parking lot personnel will become familiar with:
  - (1) Employee manual
  - (2) Operations and Safety Plan
  - (3) Trail map and all rate information

C. Snowmaking Guidelines

Communication with other departments is essential to maintain a safe and efficient daily routine.

1. The ski patrol leader must be informed daily of marking and fencing needs to adjust to new snow on runs, or equipment which has been relocated.
2. Any personnel starting chairlifts must follow specific start-up procedures when the snowmaking system is in operation.

3. The grooming crew must work closely with the snowmaking to provide optimum cover to ski runs.
4. The snowmaking crew must be aware of any avalanche work being done by the snow safety department. All personnel must be clear of the line of fire on gun missions and any potential avalanche runout zones. Always check with the snow safety supervisor and obtain an "all clear" before returning to work in these areas.

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VIII. SKIING DEPARTMENT PLAN

## A. Administrative Guidelines

### 1. Ski School Organization

An organized and adequately trained staff of instructors will be on duty during appropriate periods of operation to conduct classes in skiing and snowboarding in a safe and enjoyable atmosphere.

All class schedules will be set by the administrative staff to feasibly meet the demands of the skiing public.

### 2. Equipment and Uniforms

All instructors are responsible for their equipment and uniforms, whether owned or issued. It is expected that both will be kept in top condition and that all issued articles are to be returned at the end of each winter season or upon termination.

### 3. Conduct

As Alyeska employees, all ski school personnel shall conduct themselves in a manner so as to promote a highly professional image to the skiing public. Guidelines will be set by the administrative staff to reflect the use of common sense and judgement in all matters. Violations of this code of ethics may result in immediate termination of employment.

### 4. Safety

This area is of utmost concern. Any action to jeopardize the safety of others or to oneself will not be tolerated and will result in immediate termination of employment.

### 5. Accident Reporting

A. Employee Accidents while performing assigned duties must be reported to immediate supervisors within 24 hours, no matter how slight. Failure to do so could result in loss of insurance coverage.

B. Accidents involving students during formal class sessions must be reported to immediate supervisors on the same day as the accident occurs. There will be no exceptions.

### 6. Area Operations

All ski school personnel are advised of area operations and safety procedures of which they are directly related to (as set by the administrative staff of both the ski school and Alyeska Resort). This is to ensure the safety and satisfaction of all of our guests.

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IX. CHALLENGE ALASKA

## CHALLENGE ALASKA SAFETY POLICY

### Purpose

The purpose of Challenge Alaska's snow safety plan is to provide participants and the skiing public with a safe skiing experience through prevention, education and training.

The Challenge Alaska operational plan is designed to be incorporated within the Alyeska Operations and Safety Plan.

### A. Challenge Alaska Adaptive Ski Program Supervision: Ski School Manager

1. Function - Supervision of the Challenge Alaska Adaptive Ski Program including:
  - a. Program planning, development and evaluation.
  - b. Assisting Executive Director in the development of goals and objectives specifically related to the Adaptive Ski Program according to present evaluated and future projected needs.
  - c. Assisting Executive Director in developing, recommending, and implementing guidelines, procedures, and fees for the ski program--including changes and updates.
  - d. Maintain program records including participant information forms, contact time, evaluation forms, and ski program correspondence.
  - e. Act as liaison with Alyeska Resort and provide day to day management for all ski program activities.
  - f. Implement training programs.
2. Program Participation and Outreach
  - a. All Challenge Alaska ski program participants are screened and evaluated prior to and following activity. The following information is maintained:
    1. Participant information forms
    2. Adaptive equipment needs
    3. Adaptive teaching techniques
    4. Staffing concerns
    5. Medical concerns
    6. Payment plan
    7. Evaluation

### B. Operations

1. Staff
  - a. The Challenge Alaska Ski School Manager is responsible for the ski program operations.

- b. Names of full-time, part-time, and volunteer instructors are provided to Alyeska annually.
- c. All Challenge Alaska instructors will be trained ski instructors in adaptive ski teaching methods. (See training information)

2. Office

- a. The Challenge Alaska office is located in the Daylodge.
- b. Phone contact in Girdwood is 783-2925; in Anchorage, 563-2658.
- c. Mailing address: Challenge Alaska, P.O. Box 110065, Anchorage, AK 99511-0065.
- d. The Challenge Alaska office is handicapped accessible with three (3) handicap parking spaces.
- e. Hours of operation are 9 am - 6 pm, November 15 - April 30.
- f. The Challenge Alaska Anchorage office is year-round and the base of all program operations. All financial and administrative matters are handled through this office and are overseen by the Executive Director.

C. Accident Management

- 1. Assistance by Challenge Alaska staff will be rendered in the event no other area staff member is present.
  - a. If an Challenge Alaska participant is present and not involved, the staff member will insure the participant is out of traffic and safe.
  - b. Challenge Alaska staff member will flag down two or more passing skiers, asking their assistance in reporting the accident to the nearest lift station or emergency phone.
  - c. Challenge Alaska staff member will remove skis and place them in a visible area fifty feet above the victim in an "X" pattern.
  - d. In the event the accident area is a blind spot, the staff member will send a second skier to place a second pair of skis higher up.
  - e. Make the victim comfortable, do not move them or equipment, unless equipment removal will lessen chance of additional injury. Assure victim that help is eminent.
  - f. If possible, get names and addresses of any witnesses prior to their leaving. Names of witnesses will be turned over to patrol supervision as soon as possible.
  - g. As soon as the situation is stabilized with patrol personnel present, continue the lesson assuring the student they will not be penalized for time lost.
  - h. Report incident to the Ski School Coordinator.
- 2. Accidents involving Challenge Alaska staff/participants.

- a. Follow procedures under D-i.
- b. Fill out incident report taking note of witnesses present (attachment).
- c. If members of the skiing public are involved, offer patrol/medical assistance. If they have no visible injuries and refuse assistance, obtain their name and address and any witness present. Fill out an incident report stating assistance was refused.
- d. School Manager will coordinate all accident documentation required by the patrol.
- e. Ski School Manager will investigate the accident and implement measures to prevent future occurrences.

D. Training Instruction

1. Paid instructors will receive 30 hours of initial instruction in a group clinic format followed by ongoing clinics designed to upgrade skills throughout the year. All full time paid instructors will be Solomon certified binding mechanics and have taken part in a lift evacuation drill. Clinics will cover the following topics:
  - a. Safety issues related to ski instruction
  - b. ATM
  - c. Disability group
  - d. Participant evaluation
  - e. Adaptive equipment
  - f. Adaptive ski methods
2. Challenge Alaska volunteers will receive 20 hours of clinic instruction open to all individuals whose skiing ability is intermediate and above. Volunteers are encouraged to attend training clinics throughout the year.
3. All volunteers and paid instructors will receive training in the safe and proper use of lifts.

E. Lessons

1. Lessons are available on a prearranged or walk-in basis. Times and days are posted (Tue.-Sun.).
2. Screening process (student evaluation).
  - a. All students will be carefully screened prior to a lesson.
  - b. All students must have a doctor's okay if injury has been less than one year for para's and six months for amputees.
  - c. Students must fill out the release forms (parents if under 18) which include pertinent medical information, such as: medication information and schedule of dosage, seizure information, doctor's name and number.

- d. An evaluation of the ski technique will be done at this time.
- e. All students have an evaluation (progress report) done following each lesson to log progress.

### 3. Adaptive Ski Methods Available

- a. Two skis, no poles - ATM progression
- b. Two skis, with poles - ATM progression
- c. Three track - one ski with two outriggers
- d. Four track - two skis and two outriggers - widetrack parallel progression
- e. Sledskiing or sitskiing - fiberglass sled with tether line, seatbelt, cushion, lift evacuation line, etc.
- f. Mono skiing - "body boot" mounted on single ski with outrigging, safety belt, lift evacuation line, etc.
- g. Blind skiing - buddy system will be used at all times for skier and guide, and a bib to identify
- h. Adapted methods of all the above may be used. See manuals for specific teaching progression

### F. Equipment

- 1. Equipment systems are owned, maintained, adjusted and monitored by Challenge Alaska. All adjustments, changes, and adaptations will be made by a certified binding mechanic.
- 2. Examples of equipment used by Challenge Alaska students and instructors are:
  - a. Outriggers: an outrigger is a Canadian crutch with ski tips attached used by people requiring assistance with balance.
  - b. Ski bras: a device used on the tops of skis to stabilize skis laterally and/or keep tips from crossing.
  - c. Sleds, sitskis and mono skis: fiberglass shell device utilized by persons unable to walk. Skiers ski sitting down using short, modified poles. All sleds have a tether line (for beginners), lift evacuation system, cushion, seat and knee belt, roll bar, and cover.
  - d. Blind bibs: bibs for both the blind skier and instructor must be worn at all times when skiing at Alyeska.

### G. Disabilities

- 1. Any person experiencing a disability is welcome to ski with Challenge Alaska as long as it doesn't interfere with participants medical advice and/or doctor's okay. Examples of individual methods of skiing are:
  - a. Amputees: three track or two skis
  - b. Post polio: three track or four track

- c. Paraplegics: sitskiing or four track, depending on level of injury and/or severity of involvement
- d. Ouadraplegics: same as paraplegics
- e. Cerebral palsy: two skis, ski bra, no poles
- f. Stroke: four track or two skis and poles
- g. Blind: buddy system, ATM progression, blind bibs
- h. Deaf: two skis, ATM progression, sign language used
- i. Developmentally disabled: two skis, ski bra to start
- j. Multiple sclerosis: any of the above methods--individual usually tires quickly
- k. Mentally ill

2. Any of the above may vary and require a combination of equipment tailored specifically for the students' needs.

H. Lift Use at Alyeska Resort

1. Procedure

- a. All Challenge Alaska instructors will be trained in use of lifts, hand signals, evacuation procedures prior to instructing.
- b. Challenge Alaska students have access to all chairlifts at Alyeska Resort. For safety reasons, beginning students are encouraged to ski during non-peak hours and seizure prone and blind students will never ride the lift alone.
- c. Challenge Alaska instructors and/or advanced skiers are responsible for lift instructions for students' safety. Information should be relayed at the bottom for the top attendant.
- d. All Challenge Alaska students and instructors must wear a lift ticket or pass when skiing.

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 FULL TIME INSTRUCTORS:

Lift Evacuation	1 hour
Lift Loading	30 minutes
Accident Management	15 minutes

PART TIME INSTRUCTORS:

Lift Evacuation	attend or video
Lift Loading	attend
Accident Management	attend

SUDDIES:

Lift Evacuation	video and/or attend
Lift Loading	video and/or attend
Accident Management	video and/or attend

SIT SKIERS:

Lift Evacuation	video and/or attend
Lift Loading	video
Accident Management	attend

I. Loading Instructions

1. Use "Ski School/Patrol Only" lane.
2. One helper removes skis and puts them out of the way by the "Wait Here" sign.
3. The chair lift will be slowed to medium speed by the chair lift operator.
4. When the lift attendant tells you, follow the chair to the 'LOAD HERE' sign.
5. The helper without skis will be on the opposite side of the lift attendant.
6. The helpers will load the sled and the lift attendant will guide the chair.
7. The lift attendant will speed up the chair lift after the helper in the chair has clipped in the sled.
8. The helper on foot will put on skis and board on the lift, preferably with another single.
9. The lift attendant will call up the chair number of the sled, where the lift will be slowed to medium speed for off loading.
10. Helper with the sled will unclip the sled before reaching the top.
11. The hand signals that will be used are:
  - Slashing knife hand across the throat = STOP.
  - Open hand, palm down = SLOWER.
  - Thumb up = OKAY.
12. Any special requests from the helpers will be made known to the lift attendant, prior to the sled getting to the load here sign.

J. Lift Evacuation

See Appendix J

K. Line Privileges

1. Challenge Alaska students may receive line privileges when necessary.
2. A student skiing with a Challenge Alaska instructor (in uniform or with a red gator) may need line privileges. The following are examples of people who may require line privileges:
  - a. Above the knee amputee (AK): for AK skier it is easier to ski than stand. This person will probably only ski 1-5 runs before tiring.
  - b. Below the knee amputee (BK): a BK skier may require line privileges when skiing without prosthesis (artificial leg). BK's are not allowed to use prosthesis in races, and therefore, may train without their limb.
  - c. Mono skier: balancing act requires quick loading.
  - d. Strength limitations: individuals with strength limitations (for example: MS or MD patients) may require line privileges. A person who can stand 20 minutes is usually able to ski 40 minutes. Standing and walking often require more energy than

- c. Paraplegics: sitskiing or four track, depending on level of injury and/or severity of involvement
- d. Quadraplegics: same as paraplegics
- e. Cerebral palsy: two skis, ski bra, no poles
- f. Stroke: four track or two skis and poles
- g. Blind: buddy system, ATM progression, blind bibs
- h. Deaf: two skis, ATM progression, sign language used
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- d. All Challenge Alaska students and instructors must wear a lift ticket or pass when skiing.

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Accident Management	attend

BUDDIES:

Lift Evacuation	video and/or attend
Lift Loading	video and/or attend
Accident Management	video and/or attend

SIT SKIERS:

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Accident Management	attend

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1. Challenge Alaska students may receive line privileges when necessary.
2. A student skiing with a Challenge Alaska instructor (in uniform or with a red gator) may need line privileges. The following are examples of people who may require line privileges:
  - a. Above the knee amputee (AK): for AK skier it is easier to ski than stand. This person will probably only ski 1-5 runs before tiring.
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  - c. Meno skier: balancing act requires quick loading.
  - d. Strength limitations: individuals with strength limitations (for example: MS or MD patients) may require line privileges. A person who can stand 20 minutes is usually able to ski 40 minutes. Standing and walking often require more energy than

skiing. These individuals will probable always be accompanied by instructors.

- e. Sitskiing: only during lessons or if ramp is unapproachable.
- f. Time limitations: in a few specialized cases, a student may require line privileges due to a time limit for the lesson. Most classes last 2.5 hours. Challenge Alaska's use of line privileges should not affect the overall lift line. Very few skiers are able to ski all day, and those who can will be asked to wait in line.

- 3. All Challenge Alaska participants skiing independently (either after lesson or otherwise) are encouraged to ski with a buddy and are required to pair up prior to using the lift as a.b. skiers are.
- 4. Other reasons may exist for line privileges. If abuse of line privileges is in question, lift attendant should direct questions to the Challenge Alaska Ski School Manager.

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APPENDICES

## APPENDIX A - SAFETY VIOLATIONS AND ENFORCEMENT

Opening and closing areas, enforcing avalanche closure areas, and enforcing safe skiing practices are all responsibilities of Alyeska Resort. The U.S. Forest Service will cooperate closely with Alyeska management and staff to promote and enforce safe skiing practices.

Skiers will be expected to ski slowly in areas marked slow. Going with the flow, with average skier traffic speed, will be considered a reasonable rate for these marked areas.

Jumping is a part of skiing which many skiers enjoy. It is the responsibility of the jumper to insure a clear outrun which is away from other skiers and all main runs. No inverted jumps, such as flips, will be allowed at Mt. Alyeska due to the high risk factor of these maneuvers.

A skier in violation of the slow skiing or jumping statements above will be considered to be an unsafe skier. A skier losing control might be another example. In the interest of safe skiing, Alyeska Resort reserves the right to revoke or suspend the ticket or pass of any person creating a hazard to others or who otherwise detracts from the skiing enjoyment of others.

Those in violation of safe skiing practices may be given an initial caution. The caution is effected by tearing off a corner of the lift ticket/pass. Beyond cautions, suspension or revocation is the logical and appropriate action when unsafe skiing practices persist. When either action is warranted, the violator's name and ticket/pass number are obtained. This information will be recorded later on a master list for future reference. This list is a ready reference of repeat offenders.

Revocation of a lift ticket/pass must be accomplished with the greatest amount of tact and diplomacy. Any person losing skiing privileges must be given a complete and immediate explanation of his/her offense using the Resort's safe skiing policy as a reference. Diplomacy cannot be emphasized enough. Today's offender can be tomorrow's safety conscious returning skier if he/she is dealt with in a courteous and professional manner.

Once a skiing privilege has been suspended/revoked, Alyeska must confiscate the ticket/pass and surrender it to the pro-patrol leader for safe keeping. Once in his possession, the patrol leader is responsible for all such surrendered tickets/passes.

Violations of designated closed areas on forest service lands will be reported to the U.S.F.S. Snow Ranger. The snow ranger will issue a warning notice or federal citation to the violator according to forest service policy. The Alyeska patroller witnessing the violation will supply the forest service representative with appropriate documentation necessary for the issuance of the notice or citation. The location, nature and severity of the closure violation will be considered when implementing the Alyeska safety violation enforcement guidelines.

## Safety Violation Enforcement Guidelines

### 1. Avalanche/Terrain Closure

- a. 1st offense: Revocation of skiing privileges for a minimum of 7 days and a Warning or Federal Citation.
- b. 2nd offense: Revocation of skiing privileges for a minimum of one season and Federal Citation. (Mandatory court appearance.)

### 2. Trail Closure/Night Closure

- a. 1st offense: Caution or revocation of skiing privileges for one day.
- b. 2nd offense: Revocation of skiing privileges for one week.
- c. 3rd offense: Revocation of skiing privileges for one season.

### 3. Jumping from Chairlift

- a. 1st offense: Revocation of skiing privileges for one week.
- b. 2nd offense: Revocation of skiing privileges for one season.

### 4. Bouncing on Chairlift

- a. 1st offense: Caution or revocation of lift privileges for one day.
- b. 2nd offense: Revocation of lift privileges for one week.
- c. 3rd offense: Revocation of lift privileges for one month.

### 5. Line Crashing

- a. 1st offense: Caution or revocation of skiing privileges for one day.
- b. 2nd Offense: Revocation of skiing privileges for one week.
- c. 3rd Offense: Revocation of skiing privileges for one month.

### 6. Fraudulent Use of Ticket/Pass

- a. 1st offense: Revocation of skiing privileges for one month and possible prosecution for theft in the fourth degree.
- b. 2nd offense: Revocation of skiing privileges for one season and prosecution for theft in the fourth degree.

7. Unsafe Skiing

- a. 1st offense: Revocation of skiing privileges for one day.
- b. 2nd offense: Revocation of skiing privileges for one week.
- c. 3rd offense: Revocation of skiing privileges for one month.

8. Littering

- a. 1st offense: Pick up garbage or prosecution (\$1,000 fine).
- b. 2nd offense: Revocation of skiing privileges for one month and prosecution.

9. Interference of Personnel in Performance of Duties (i.e. verbal abuse)

- a. 1st offense: Caution or revocation of skiing privileges for one day.
- b. 2nd offense: Revocation of skiing privileges for one season.

10. Threatening Harm

- a. 1st offense: Revocation of skiing privileges for one month and possible prosecution.
- b. 2nd offense: Permanent revocation of skiing privileges and prosecution.

11. Physical Assault or Property Damage

- a. Any Offense: Revocation of all skiing privileges and possible prosecution.

All violators will have their name, address, phone number, date of birth, date and violation placed on file in the Aid Room and Sundeck. These files will be maintained for a full season and be archived each year. Whenever violators are apprehended, the files will be checked for previous offenses.

For Restrictions and Closures, see Appendix H.

APPENDIX B - TIME GUIDELINES  
Full Avalanche Hazard Reduction - 10:30 a.m. opening

SNOW SAFETY

5:30 a.m.	Base weather observations
6:00 a.m.	Weather Service consultation
6:30 a.m.	Notify Gun 1 and Gun 2 Crew and Bomb Crew
6:45 a.m.	Avalanche hand charge route and forecast sheets
7:15 a.m.	Discuss shot priorities with Gun 1 and Gun 2 Crew
7:30 a.m.	Gun crew(s) transport to guns
8:00 a.m.	Notify hand charge route persons
8:00 a.m.	Upload - observe Gun 2 results
9:00 a.m.	At Sundeck to coordinate activities

BOMB MAKE-UP TEAM

6:30 a.m.	Notification
7:30 a.m.	On lift
8:00-9:15 a.m.	Make up charges and observe Gun 2 results
9:15 a.m.	Proceed with primary hand charge route
9:45 a.m.	Secondary routes

GUN #2 CREW

6:30 a.m.	Notification
7:15 a.m.	Preparation and control priorities
7:30 a.m.	On lift
7:45-8:15 a.m.	Prep for firing
8:15-9:00 a.m.	Fire mission
9:00-9:20 a.m.	Clean and secure weapon
9:30 a.m.	South Face back-up route
9:45 a.m.	Center Ridge sign line and results check

GUN #1 CREW

6:30 a.m.	Notification
7:15 a.m.	Preparation and control priorities
7:30 a.m.	Out the door
8:00 a.m.	Fire mission
8:30 a.m.	Clean and secure weapon
8:45 a.m.	Up chair to Sundeck to assist wherever needed

ROUTE TEAMS

8:00 a.m.	Notification
9:00 a.m.	On lift
9:00-9:45 a.m.	Do primary routes
9:45-10:00 a.m.	Secondary routes and sign lines

CHAIRLIFTS

Lower mountain lifts affected by the firing of Gun 1 will cease operation during the fire mission. Access to the upper mountain during fire missions of Gun 1 and/or Gun 2 will be limited to authorized personnel only. Authorized staff must check with snow safety for safe routing to destinations.

Chair #6 crew will load on Chair #1 or #4 after Gun #1 ceases fire or will go up at 8:30 a.m., offload at midway Chair #1 and proceed directly to the base of Chair #6. Any other route must be cleared by the Snow Safety Department.

## APPENDIX C - SIGNS AND MARKING

### 1. Lift Sign Plan

Each lift will display instructional and safety signs in compliance with ANSI codes.

#### a. Chairlifts

- (1) Base: Loading instructions  
"Remove Pole Straps from Wrists until Unloaded"  
"Check for Loose Clothing and Equipment"  
"Load Here" at loading point  
Avalanche warning and explanation  
Inherent risk of skiing
- (2) Midway: "Do Not Unload Here" - where applicable  
"Keep Ski Tips Up"  
"Prepare to Unload" - where applicable (50' ahead of unloading)  
"Check for Loose Clothing and Equipment" - if unloading  
"Unload Here" - where applicable
- (3) Line: "Danger: Do Not Swing, bounce or Jump Out of Chair"
- (4) Top: "Check for Loose Clothing and Equipment"  
"Keep Ski Tips Up"  
"Prepare to Unload" (50' ahead of unloading)  
"Unload Here"  
"Stop Gate" - where applicable  
"Please Wait Here" - at downloading stations  
Downhill Loading Capacity

#### b. Surface Lifts

- (1) Base: Loading instructions  
"Load Here" Loading board
- (2) Top: "Unload Here"  
"Stop Gate"

### 2. Trail Signs

Trail signs giving the names and degree of difficulty of primary ski runs should be posted at prominent locations to allow the public points of reference. Trail signs should be placed so as not to obstruct normal traffic or create hazard.

A trail sign system will be maintained clearly marking the least difficult route off the mountain. All signs will comply with the National Ski Areas Association (NSAA) trail symbols for relative difficulty with the exception of Alyeska's "Star Route" signs.

Slow Skiing Areas, due to congestion, cross traffic, or novice ski traffic, will be signed appropriately and safe practices enforced by pro-patrollers. Areas to be considered should include: Main Street through the Wier; Top of Chair No. 4 and Skyride area; Chair No. 3 area; Base of Chair No. 6 area and other areas as crowds dictate.

### 3. Avalanche and Closed Area Warning Signs

Only those avalanche and closed area warning signs which are approved by the Forest Service and Alyeska Resort will be used to indicate closures due to avalanche danger and hazardous areas. These signs will be spaced close enough together to be easily seen, one to the next. The credibility of these open and closed signs will be greatly increased by prompt and current posting. Snow ranger approval is required for initial placement and subsequent removal of avalanche warning signs except when their posting or removal is related to normal sign maintenance.

There exists a permanent closed area sign line beginning at the top of the Mighty Mite ridge and extending down through LoLo's Leap following along the North Edge boundary. A gate controlled sign line extends down Center Ridge marking the closed area.

Closed avalanche area warning signs will be used on a temporary basis to designate hazard areas. They will display Open when the area is again considered safe for skiing. These signs may be used or placed at obvious entries to areas in line formation, subject to avalanche hazard. At the discretion of the pro-patrol leader and/or snow safety, signs may be temporarily placed in hazardous areas as long as the snow ranger is in concurrence.

### 4. Night Skiing

The sign line along the North Edge sign line down to Picnic Rock through the Dog Leg marks the northern boundary of skiing included in night operation. Areas of the South Face and Bowl that are closed for night skiing will be indicated by manually flipped signs, closed for night operations. Sourdough run will also be closed during night operations. All slopes outside these boundaries are closed to night skiing and violations will be enforced.

A sign stating "The South Face and Bowl are Absolutely Closed and Not Patrolled During Night Operation -- Violators Will Lose Skiing Privileges" will be located at or near the top of Chairs 1 and 4.

### 5. Hazard Marking

Marking will be accomplished by bright flagging, bamboo poles, painted posts, signs, barrier fencing, or brightly colored warning ropes. Placement of warning ropes and markings varies continually throughout the season, as well as

from one season to the next. As a result, no set plan can be devised. Constant observation, sound judgement, and close cooperation among all responsible parties is a must. This cooperative effort must be the foundation on which our hazard marking program is built.

The ski patrol under the direction of the ski patrol leader will be responsible for marking hazards. However, it should be understood that all area personnel will look for and report potential hazards.

## APPENDIX D - COMMUNICATIONS

A good communication system with reliable backups is essential to the safe operation of Alyeska Resort. It is often necessary to have immediate lines of communication between the lift stations, the ski patrol, and various other mountain personnel. In addition when power outages disrupt the main communication lines, back up and other alternative communication systems must be relied on.

### 1. FM Radios

FM base station console units are maintained in the Aid Room, Skyride, base of Chair #6 and ticket office. Remote station FM units (transmitting through the base facilities) are located at the base terminals of Chairs 1, 2, 3, and 4; the Business Office; the Hotel Front Desk; and the Ticket Office. Each ski patroller carries a battery operated hand-held FM unit while on duty, if available. Hand-held FM units are also carried by the Forest Service snow ranger, the director of mountain operations, lift maintenance personnel, lift operations supervisor, slope maintenance personnel, and other key resort personnel, as needed.

### 2. Telephones

Every chairlift station will have one of several possible communications systems: a voice-activated system, a battery-powered system, or a regular telephone system. A conventional telephone system is available with extensions to service the Business Office, the Aid Room, the Skyride patrol room, and the terminals of all chairlifts.

In the event that voice-activated telephones become inoperable, the FM units will be substituted at each of the lift stations. This will be accomplished before the lift is opened for the public.

Clear, concise English is to be used to transmit normal communications. The standard 10-code may be used when it results in speedy, efficient communications.

Confidential information will be transmitted using telephones rather than radios. No personal or nonessential communications will be tolerated over the FM system. A minimum of such communication will be tolerated over the telephone system.

APPENDIX E - AVALANCHE CACHE EQUIPMENT LISTS

1. Sundeck Avalanche Cache

2 Hasty Search Packs (five-man) containing:

- . 1 hasty search leader's instruction envelope
- . 4 sectional probes
- . 3 collapsible shovels
- . 50 flag wand markers
- . 2 rolls of survey flagging
- . 1 headlamp
- . 2 flares

1 Column Pack containing:

- . 4 rolls flagging
- . 4 headlamps
- . 4 flares
- . 2 rolls black tape
- . 50 wand markers

1 Mountain Extrication Pack containing:

- . climbing rope
- . slings
- . biners
- . rescue pulley and snow belay hardware

1 avalanche rescue plan and instruction set  
30 non-sectional probes  
6 shovels mounted 3 per pack frame  
1 oxygen withambu bag on pack frame  
150 flag wand markers  
3 rolls survey flagging  
200 ft. 1/8" nylon cord  
15-15-minute flares  
10 headlamps with batteries  
1-12mm x 120 ft. nylon climbing rope  
1 large space blanket  
25 high visibility orange vests  
Climbing Skins  
100 bamboc poles with 45-minute flares attached

2. Ski Patrol Aid Room Avalanche Cache

1 Hasty Search Pack (five-man)

1 Column Pack

1 avalanche rescue plan and instruction set 40 non-sectional probes

12 shovels mounted on pack boards

100 flag wand markers

4 rolls of survey flagging

32 15-minute flares

6 headlamps with batteries

3. Top Lift

- 2 Hasty Search Packs (five-man)
- 1 avalanche rescue plan and instruction set
- 20 non-sectional probes
- 6 shovels mounted 3 per pack frame
- 1 oxygen with demand valve
- 150 flag wand markers
- 2 rolls survey flagging
- 1 rescue sled complete with padding, quickie spint, covers, and handles

APPENDIX F - AVALANCHE ALERT AND RESCUE PLAN

AVALANCHE ALERT PLAN

IF AN AVALANCHE IS REPORTED TO YOU . . .

1. HOLD THE WITNESS
2. ASK WHERE - the avalanche is.
3. HOW MANY - people may be involved?
4. NOTIFY - the ski patrol.  
Sundeck - ext. 266 and FM radio  
Aid Room - ext. 219 or 271 and FM radio
5. RESTRICT - uploading of lift to rescuers only.
6. AWAIT - instructions.

REMEMBER - DO NOT LET THE WITNESS SKI AWAY!!!

QUALIFIED RESCUE LEADERS:

Avalanche Technicians	Jim Kennedy Peter Zug	#266 or 783-2611 783-2839
Patrol Leader	Jim Veatch	#279 or 783-2202
Assist. Patrol Leader	Michael Polzin	#266 or 783-2292
Night Assist. Super.	Bob Christie	#266 or 783-2973
Volunteer Patrol Leader		#266
Pro Patrol Members		#266
Director of Mt. Ops.	John Heiser	#303 or 783-2023

INSTRUCTIONS FOR RESCUE LEADER

1. Assume command upon notification of accident.
2. Secure complete briefing from calling station and witness.
3. Organize hasty search effort; get team moving. (Time is of the essence.)
4. Notify: Alaska State Troopers -911  
Alyeska Management-----783-2222  
Forest Service -----783-3242  
All lift stations-(231, 233, 234, 235, 236)
5. Direct all lift stations to ALERT rescue personnel.
6. Appoint & Instruct qualified personnel to assume duties as:
  - . Scribe
  - . Column Leaders
  - . Accident Site Commander
7. Assign an Aid Room staff member or alternate to send physician's kit up the mountain.
8. Contact available physicians for support.
9. Direct and coordinate manpower continuously to assure a safe, efficient, and rapid rescue operation.
10. Refer the news media to Alyeska management or the U.S. Forest Service spokesman.
11. Designate 3rd stage leader to ORGANIZE support groups when rescue appears lengthy.
12. Account for personnel and equipment at the close of the operation.
13. Document the rescue operation and all pertinent information in the required reports.

## INSTRUCTIONS FOR HASTY SEARCH LEADER

### A. INITIAL RESPONSE:

1. Screen - available manpower for suitable volunteer (2 - 5 volunteers) and record names.
2. Secure - hasty search pack, shovel pack and probes (one for each rescuer).
3. Select - safe route to accident site. flagging when necessary.
4. Communicate - in route with Rescue Leader for further needs and information from the witnesses.

### B. AT ACCIDENT SITE:

1. Evaluate - existing hazard and devise an escape route, inform all members in your column.
2. Post - avalanche guard when situation warrants (if sufficient manpower is available).
3. Search - the slide area visually and with locator beacons (rapidly but thoroughly) utilizing every available clue: entry tracks, point where victim was last seen, clothing/ equipment of victim --remember the description of victim(s).
4. Flag - articles of equipment found and the perimeter of the slide area (if sufficient manpower is available).
5. Spot Probe - likely burial areas (around discovered articles of the victim(s) clothing and/or equipment, above stands of trees, & in debris along transition areas or in gullies.
6. Course Probe - the most likely burial areas. Work uphill in established probe lines.
7. Communicate - progress to the Rescue Leader.
8. Direct - incoming personnel until relieved by the Accident Site Commander.

INSTRUCTIONS FOR ACCIDENT SITE COMMANDER

1. Assume -command upon reaching accident site.
2. Secure -most complete briefing from former Accident Site Leader and get manpower lists.
3. Select -the most effective means for search; redistribute manpower and probe lines as necessary.
4. Communicate - to the Rescue Leader and Scribe of all significant events and on-going needs.
5. Evaluate -the physical conditions of rescuers and relieve exhausted members.
6. Post -avalanche guard if necessary.
7. Search -the likely burial areas using Coarse Probe techniques.
8. Probe -use the Coarse Probe until rescue turns into recovery.
9. Communicate - to the Rescue Leader of on-going needs for additional 2nd and 3rd stage support when rescue appears to be lengthy.
10. Direct -all on site rescue operations.
11. Account -for all departing personnel and equipment.

INSTRUCTIONS FOR COLUMN LEADERS

1. Screen -available manpower for suitable volunteers & record their names.
2. Secure -equipment:
  - .shovel pack
  - .probe poles
  - .rescue pack
  - .resuscitation gear
  - .toboggan
  - .backboard
  - .miscellaneous equipment (required by Leader)
3. Select -route to accident site as communicated by the Accident Site Commander. Make route improvements where necessary.
4. Communicate -with the Site Commander for specific instructions upon arrival.

INSTRUCTIONS FOR SCRIBE

1. List -all persons assigned to various columns who enter and leave the accident area.
2. Record -time, source, and messages (or action) of significant events during all phases of the rescue operation.
3. Assist -Rescue Leader with tasks as directed.

INITIAL SCRIBE REPORT

Time Accident Reported \_\_\_\_\_

Name(s) of Witness(es) \_\_\_\_\_  
\_\_\_\_\_

Location of Accident \_\_\_\_\_  
\_\_\_\_\_

Time Accident Occurred \_\_\_\_\_

Number of Victims \_\_\_\_\_ Names \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HASTY SEARCH

Dispatched Location \_\_\_\_\_

\_\_\_\_\_ Time \_\_\_\_\_

Leader's Name \_\_\_\_\_

<u>Members Names</u>	<u>Equipment</u>
_____	_____ Hasty Search Pack
_____	_____ Probe
_____	_____ Shovel Pack
_____	_____ Rescue Beacon(s)

FIRST STAGE COLUMN MEMBERS

Service Log:

1	/	2	/	3	/
(leader)		(leader)		(leader)	
	/		/		/
	/		/		/
	/		/		/
	/		/		/
	/		/		/
Time out safely	/	Time out safely	/	Timeout safely	/

EQUIPMENT CHECKLIST

(record times in appropriate boxes)

	Hasty	Column 1	Column 2	Column 3
HASTY SEARCH PACK				
PROBES				
SHOVEL				
RESUSCITATOR				
TOBOGGAN				
BACK BOARD				
DOCTOR(S)				
OTHER: (itemize)				

COMMUNICATIONS AND EVENTS LOG

Time	Source	Messages,	events/action

INSTRUCTIONS FOR THIRD STAGE LEADER

1. Secure a complete briefing from the rescue leader.
2. Coordinate with the Alaska State Troopers (783-2525 or 269-5711) for additional manpower and supplies to meet the rescue needs.
3. Manpower, Equipment, Communications, Vehicles:
  - . Denali Ski Patrol, Jon Blasco . . . . .H: 354-0660
  - . Girdwood Mountain Rescue, Lewis Leonard W: 783-2511  
H: 783-2256
  - . Scourdough Ski Patrol. . . . .ROSTER
  - . State Park Rangers. . . . . W: 345-5014
  - . U.S.D.A. Forest Service . . . . . 783-3242
  - . Office of Emergency Management . . . . .
    - Bob Stewart . .W: 267-4908
    - Will Abbott . .W: 267-4904
  - . American Red Cross . . . . . W: 277-1538
  - . Crow Creek Mine . . . . . VHF Radio

APPENDIX G - STATE OF ALASKA INHERENT RISKS OF SKIING

The State of Alaska's  
Inherent Risks of Skiing

AN ACT

Relating to the inherent risks of skiing; and providing for an effective date.

Section 1. LEGISLATIVE FINDINGS AND INTENT.

The legislature finds the sport of skiing is practiced by a large number of residents of the State, and attracts a large number of non-residents, significantly contributing to the economy of the State. It further finds that insurance carriers are increasingly reluctant to provide liability insurance protection to ski area operators; and that the premiums charged by insurance carriers have risen sharply in recent years, due to confusion as to whether a skier assumes the risks inherent in the sport of skiing when he participates actively in the sport. It is the intent of the legislature in enacting this Act to clarify the law in relation to skiing injuries and the risks inherent in that sport; and to provide that, as a matter of public policy a person engaged in that sport may not recover from a ski area operator for injuries resulting from those inherent risks.

Section 2. AS 09.10 is amended by adding a new section to read:

ARTICLE 2: LIMITATIONS ON CLAIMS ARISING FROM INHERENT RISKS OF SKIING

Sec. 09.10.300. LIMITATIONS ON CLAIMS ARISING FROM SKIING

- (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing, unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.
- (b) A ski operator shall post trail signs at prominent locations within a ski area, which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.
- (c) In this section:
- (A) "inherent risks of skiing" means the dangers or conditions which are integral parts of the sport of skiing, including, but not limited to:
    - (i) Changing weather conditions;
    - (ii) Variations or steepness in terrain;
    - (iii) Snow or ice conditions;
    - (iv) Surface or subsurface conditions such as bare spots, forest growth, and rocks;

- (E) Collisions with lift towers, other structures, and their components, unless the skier is on the lift;
- (F) Collisions with other skiers, and;
- (G) A skier's failure to ski within the limits of his own ability.

- (2) "injury" means a personal injury or property damage or loss;
- (3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a ski-bob, or other device for recreation in snow;
- (4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the State;

HSC CSSB 470 am H

ORDER

SPECIAL CLOSURE

AVAILANCHE AND TERRAIN HAZARDS

Chugach National Forest  
Anchorage, Alaska

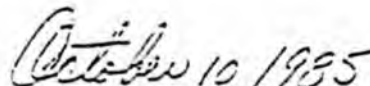
Pursuant to 36 CFR Sec. 261.50(a&b) and 261.53(e) any area behind a sign designating a closed area due to avalanche or terrain hazards is closed to the public for the protection of public health and safety.

Pursuant to 36 CFR Sec. 261.50(e) the following persons are exempt from this order:

1. Any Federal, State or local officer, or member of an organized rescue or fire fighting force in the performance of an official duty.
2. Any other person meeting exemption requirements specified in the order.
  - a. Alyaska Ski Patrol personnel
  - b. Other Alyaska management personnel whose duties require being upon these areas, for official business only.



DALTON DULAC  
Forest Supervisor



DATE

Violations of these prohibitions is punishable by a fine of not more than \$5,000 or imprisonment for not more than six months or both. (Title 16 USC Sec. 551.)

- (E) Collisions with lift towers, other structures, and the components, unless the skier is on the lift;
- (F) Collisions with other skiers, and;
- (G) A skier's failure to ski within the limits of his capability.

(2) "injury" means a personal injury or property damage or loss

(3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a ski-bob, or other device for recreation in snow;

(4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the State;

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## APPENDIX I - EMERGENCY LIFT PROCEDURES

### A. LIFT FAILURE DESCRIPTIONS:

There are two (2) classifications of LIFT failure:

1. LIFT PROBLEM: THE LIFT IS OPERATIONAL, BUT WARRANTS ATTENTION AS SOON AS POSSIBLE. Examples could be unusual noise from towers, motor room machinery, bullwheel, lift house heater doesn't work, etc.
2. LIFT BREAKDOWN: THE LIFT IS NON-OPERATIONAL AND WARRANTS IMMEDIATE ATTENTION. Examples could be the lift will not start; there is a tower fault indication; there is a drive safety indication which will not clear.

### B. OPERATOR PROCEDURES FOR LIFT FAILURE:

1. The lift operator will follow normal restart procedures, checking all safeties, stop buttons, emergency brake pressures and tension of carriage limit switches, twice. NOTE TIME
2. If the normal restart procedures are not successful after three (3) minutes, notify Patrol dispatch, ex. 266 and report:
  - a. Name/number of lift
  - b. Time of failure
  - c. Operator reporting failure
  - d. Nature of failure, lift problem or lift breakdown
  - e. Injuries

Lift maintenance will acknowledge F.M. radio transmission or patrol dispatch will notify.

3. WHENEVER THERE IS A DERAIL INDICATION, INFORM LIFT DISPATCH OF THE SITUATION IMMEDIATELY. Dispatch will notify Lift maintenance and Ski Patrol who will send a patrolier to visually inspect the entire lift line. AGAIN, NEVER ATTEMPT TO START THE LIFT ON ELECTRIC OR AUXILIARY WHEN THERE IS AN INDICATION OF A TOWER SAFETY PROBLEM.
4. Operator may start auxiliary motor; however, DO NOT ATTEMPT TO START AUXILIARY IF GREEN TOWER SAFETY LIFT IS NOT ON.
5. Auxiliary evacuation in a breakdown situation will be authorized by a Lift Maintenance technician, the Director of Mountain Operations, Lift Operations Supervisor, Assistant Lift Operations Supervisor or Ski Patrol Director. Operator will run lift on auxiliary motor only to unload remaining passengers on lift.
6. Phones are to remain clear, at all times, of any extraneous conversation.
7. Operators are to remain at their duty stations until receiving instructions from Lift Maintenance, their supervisor or foreman.

Pay particular attention to the times that each of these tasks are performed (i.e., time of breakdown, auxiliary hook-up, engine turned on and record on lift log).

C. OPERATOR PROCEDURES FOR LIFT EVACUATION

1. Upon determination by authorized personnel (see B.5) that rope evacuation is to be undertaken, the lift power shall be disconnected and the evacuation plan initiated.
2. The operator will call the Lift Evacuation Leader and advise that the lift power is off.
3. AT NO TIME DURING AN EVACUATION WILL THE LIFT BE RESTARTED OR WILL AN ATTEMPT BE MADE TO START THE LIFT WITHOUT PROPER AUTHORITY.
4. The Lift Evacuation Leader will give the only official OK to restart the lift after the evacuation has been completed or the lift has been repaired.
5. Phones are to remain clear at all times of any extraneous conversations.
6. The operators are to remain at their duty stations until receiving instructions from their supervisors.

## APPENDIX J - CHAIRLIFT EVACUATION PLAN

Because of potentially severe mountain weather (i.e. extreme winds and cold temperatures), it is imperative that Alyeska provide a fast, safe, and efficient method of chairlift evacuation. Because power outages could necessitate emergency clearing of the lifts, auxiliary internal combustion engines are maintained as standby power units. In case of power failure or other electrical problems, these units can be put into action within 10 minutes. However, if a mechanical failure occurs such as cable derailment, manual evacuation of the lift would be necessary.

### 1. Training

Personnel involved with lift evacuations will be well trained in rope handling, knot tying, belay techniques, tower climbing, and people handling. Alyeska's pro-patrol, the volunteer patrol, and the Forest Service snow ranger will hold training sessions and field exercises prior to the beginning of each ski season so that all participants involved in evacuations are fully acquainted with equipment, techniques and procedures. Additional training will be scheduled during the season to train new employees and as a refresher for others. Pro-patrollers and key lift personnel will also be trained in self-evacuation procedures that are considered safe.

### 2. Action Plan

- a. The operator of the lift involved will immediately notify the pro-patrol leader, lift operations supervisor and or the director of mountain operations.
- b. The pro-patrol leader or volunteer ski patrol leader (in that order) will take immediate charge of the evacuation operation. The evacuation leader will consult directly with the lift operator or lift maintenance to determine the reason for stoppage and length of time the lift will be inoperative.
- c. The evacuation leader will evaluate time and weather factors such as wind, temperature and remaining daylight in order to decide on a course of action. If weather conditions are ideal, a maximum of one hour will be allowed for attempts at corrective action before evacuation is started.
- d. The evacuation leader will notify the lift operator, lift operations supervisor, director of mountain operations, and general manager of any decision for manual evacuation. Once evacuation has begun, only the evacuation leader has authority to have the lift restarted.
- e. All available ski patrollers and other competent trained persons should be alerted to stand-by for instructions. One person will be instructed to ski along the lift line to inform occupants of the situation and to "stay in the chain."

- f. The person skiing the line will report to the evacuation leader the number and location of occupants on the lift which will determine distribution of manpower. Normally, teams of two will proceed as follows (as manpower allows).

Chair 1: Two teams from the top working down; one team from midway working down; and one team from the base working up.

Chair 2: Two teams from the top working down; two teams from the Skyride working down; and one team from the base working up.

Chair 3: One team from the top and one team from the bottom.

Chair 4: Two teams from the top; one team working down from Tower 18; and one team working up from the base.

Tanaka: One team from the top and one team from the bottom.

- g. The evacuation leader will make a complete report upon completion. The report will contain the following:

- (1) Time and reason for stoppage
- (2) Times evacuation begun and completed
- (3) Number of people evacuated
- (4) Personnel involved in the evacuation operation
- (5) Accident reports or any injuries sustained
- (6) Recommendations

Copies of the report will be sent to the area managers and Forest Service snow ranger.

### 3. Equipment

Evacuation and rescue gear will be maintained in serviceable condition. It will be kept in locked boxes with Forest Service seals which will be inspected daily. Equipment will be inspected monthly for defects and completeness in conjunction with pro-patrol safety inspections. Any abnormalities or deficiencies will be reported immediately to the pro-patrol for correction.

#### Equipment Locations

##### A. Skyride

The Skyride pro-patrol room (avalanche cache) will contain four complete evacuation units for use as needed, adjunctive rescue equipment (ropes, slings, biners, etc.) and special evacuation units consisting of rope, throwline, and T-bar seat or evacuation bag. These will be located as follows:

## B. Lift Stations

- Chair 1: One unit at the base terminal; one at midway; and one at the top.
- Chair 2: One unit at the base terminal and two at the top. Equipment for the Main Street area will be from Skyride.
- Chair 3: One unit at the base terminal and one at the top. As necessary, units from Chairs 1 and 4 could be used.
- Chair 4: One unit at the base terminal; one at midway; and one at the top terminal. Again, Skyride units can be used also.
- Tanaka: One unit at the base terminal and one unit at the top.

## 4. Special Situations

### A. High Spans and Terrain

High spans and precipitous terrain present difficult situations for any manual evacuation operation. To facilitate safe, efficient evacuation in these problem areas, a cable trolley is at the Sundeck. Ski patrol and lift maintenance personnel will be thoroughly trained and practiced in the safe operation of this device and will wear clothing and foot gear compatible with the equipment. Evacuation of high spans using this equipment or other techniques considered safe will be practiced by personnel involved.

Night lift evacuations require special techniques and illumination which are addressed in the night operations section of this Operations and Safety Plan.

### B. Evacuation Method for Chair #6

Rope evacuation is the last resort for evacuating any chairlift. Auxiliary unloading or fixing the problem is much better when possible.

The most efficient means of getting the evacuation gear to the people is as follows:

1. Have the people in the chair keep the bubble and safety bar down.
2. throw the rope or throw line attached to ropes over the fronts of their skis.

3. have them raise the bubble leaving safety bar in place.
4. Instruct one of them to use their ski pole to bring the rope to them while remaining seated.
5. Have them draw up some slack with a person seated on the outside of the chair holding the slack.
6. Instruct the tallest - middle person to place the end of the rope through the ring welded on the front of the chair hanger and pull the rest of the rope through, passing it on down to the ground.
7. After the rope is hung and belayed, have people raise the safety bar and continue with the standard evacuation procedures .
8. Be sure to take a wrap around the rope for added friction.
9. Evacuate from the middle of the chair. When the middle two seats are empty, have outside people slide into middle positions.
10. Clear rope and move to next chair.

C. Evacuation for Sled Skiing - Challenge Alaska

1. All siskis owned and used by Challenge Alaska are equipped with specific gear for the safety of the user. They are inspected on a regular basis i.e. the following:
  - a. Lift evacuation system - identified by three pieces of yellow webbing and a locking carabiner situated on rollbar and side of sled.
  - b. Tether line
  - c. 50' of 7mm rope
  - d. Seat and knee belts and cushions
  - e. Chairlift safety hook
  - f. Cover
2. All siski lessons include identification and instruction of the various parts of the sled and why they are important, prior to even sitting in the sled.
3. All Challenge Alaska staff instructors have participated in a lift evacuation demonstration with ski patrol. All beginning siskiers ski with at least one Challenge Alaska staff person.

Advanced skiers are required to have a ski buddy and have been briefed or participated in a mock lift evacuation. All advance skiers receive a copy of the lift evacuation procedures.

#### 4. Evacuation Procedure

- A. The basic procedure for lift evacuation for persons utilizing the sitski (or sledski) system at Alyeska is the same as for able-bodied persons except for the following:
  1. The evacuation system locks into the ring of evacuation seat. The sitskier and assistant must make sure the straps on the sled lift evacuation system are not twisted.
  2. The sitskier does not put on the secondary harness. The sitskier simply hugs the seat of harness as sled is lowered.
- B. Once patrolier and sitskier are ready to evacuate, unclip chairlift safety hook. (Do not unclip until ready to evacuate.) Evacuation will be done under direction of patrolier and coordinated with sitskier and assistant.
  1. Voice communication should be maintained with patrolier throughout evacuation procedure. Relay any injuries or an emergency situation.
- C. Slowly and gently contact snow. Position sled across fallline. Secure sled until assistant is down. This can be done manually by another patrolier or sled can be anchored by tether or rope to immobile object (such as lift tower).
- D. Once evacuation is complete check with patrol person to find "safest" way down.
  1. If location is precarious, wait for further instruction from patrol person in charge as to how to proceed.
- E. Proceed to bottom of mountain and check in with patrol person at bottom of hill.
  1. Fill out any necessary paper work.
  2. Report to aid room if any injuries were sustained.

- F. Any Challenge Alaska staff involved in a lift evacuation should report to Ski School Director and complete critical incident report. Ski School Director will report incident to Challenge Alaska Executive Director.
  - G. Sitskiers will receive priority only if an emergency situation exists (frostbite due to poor circulation, etc.) and only if feasible to do so. Otherwise, sitskiers will be evacuated in the order determined by patroller.
  - H. This procedure has been conducted and approved by Challenge Alaska Ski School Director and Alyeska Resort Ski Patrol. These procedures will be reviewed and conducted annually.
5. For other general guidelines regarding teaching progression or specific policies and procedures, refer to sitski teaching progression or contact Challenge Alaska Ski School Director who can be reached at 783-2925.

Advanced skiers are required to have a ski buddy and have been briefed or participated in a mock lift evacuation. All advance skiers receive a copy of the lift evacuation procedures.

#### 4. Evacuation Procedure

A. The basic procedure for lift evacuation for persons utilizing the sitski (or sledski) system at Alyeska is the same as for able-bodied persons except for the following:

1. The evacuation system locks into the ring of evacuation seat. The sitskier and assistant must make sure the straps on the sled lift evacuation system are not twisted.
2. The sitskier does not put on the secondary harness. The sitskier simply hugs the seat of harness as sled is lowered.

B. Once patroller and sitskier are ready to evacuate, unclip chairlift safety hook. (Do not unclip until ready to evacuate.) Evacuation will be done under direction of patroller and coordinated with sitskier and assistant.

1. Voice communication should be maintained with patroller throughout evacuation procedure. Relay any injuries or an emergency situation.

C. Slowly and gently contact snow. Position sled across fallline. Secure sled until assistant is down. This can be done manually by another patroller or sled can be anchored by tether or rope to immobile object (such as lift tower).

D. Once evacuation is complete check with patrol person to find "safest" way down.

1. If location is precarious, wait for further instruction from patrol person in charge as to how to proceed.

E. Proceed to bottom of mountain and check in with patrol person at bottom of hill.

1. Fill out any necessary paper work.
2. Report to aid room if any injuries were sustained.

## APPENDIX K - SPECIAL SITUATIONS

### 1. Races

Alyeska Resort sponsors and allows race organizations many racing activities each season. Racing programs include all age groups of the skiing public from the Mighty Mites to the Seniors and receive large amounts of public support.

Certain areas of the mountain have been designated for race activities to help prevent possible conflicts between races and other public skiing activities. These areas include:

- a. Tanaka Lift area
- b. Lower Race Trail
- c. Silver Tip
- d. The South Edge

Race coaches should request in writing the use of any of these areas to the pro-patrol leader at least 48 hours in advance. Approval is subject to use. At times, some areas may be restricted from races. Periodically, the director of mountain operations, pro-patrol leader, and snow ranger will assess the areas being used for racing activities.

Any organization holding races, race practices, race camps, or special events will be responsible for safety precautions (fences, signs, ski control) in an effort to close off the race area to the general public.

Removal of all poles (especially broken ones), the smoothing out of ruts, the fencing off of hazardous racing areas, and other safety measures will be the responsibility of the user. Adequate segregation of race courses from public skiing traffic will be maintained. Failure of the user to abide by these guidelines will result in loss of the privilege to use the racing courses.

### 2. Paragliders

The activity of paragliding will be allowed only if the following criteria is met:

- a. Pilot must be a full American Paragliding Association member.
- b. Pilot must be a full United States Hang Gliding Association member.
- c. Pilot must be a full Arctic Air Walkers club member.
- d. Pilot must be a Class I Certified Paraglider Pilot.
- e. Pilot must have logged a minimum of seventy-five flights from at least five different flying sights.

#### 4. Helicopter Assistance

Avalanche control work on Max's Mountain will be performed as necessary or as required by either the Snow Safety Specialist or the Snow Ranger. This control work may be done in conjunction with or immediately after normal control activities on the ski area. Snow Safety and snow ranger will always be notified. Their approval is mandatory when avalanche control is to take place on Max's Mountain. The control activities will NEVER be done when the area is occupied by the skiing public. All applicable regulations, license requirements, and procedures for helicopter avalanche blasting will be followed.

#### 5. Search and Rescue

Alyeska Resort assumes no responsibility for hikers and climbers on the mountain regardless of method of entry. Public may climb from the base or use the lift to gain access to the higher elevations. However, if it is believed that someone is lost or in trouble on the mountain, the facilities and personnel of the area (to the extent possible) will be available to assist in the search and rescue.

The Alaska State Troopers have responsibility for search and rescue. Any incident involving a missing person will be reported to them if it becomes necessary to start a search or rescue operation. Any employee receiving a report of a missing, injured, or stranded person will immediately notify the snow ranger, director of mountain operations, ski patrol leader, or acting director of mountain operations. It is very important to detain those persons reporting the problem so that necessary information relating to the incident may be obtained.

The mountain management will attempt to locate the missing person(s) once information has been gathered. The search will include all possible locations at the base and in the Girdwood area. Once it is determined that the person(s) is/are probably lost or in trouble on the mountain, the State Troopers will be notified; search personnel will be gathered; and the search will begin.

Sources of search personnel are:

- A. Alyeska employees
- B. Known local mountaineers
- C. Alaska Rescue Group (through State Troopers)
- D. U. S. Forest Service personnel

The areas to be searched and the method of search will be determined by the circumstances of the incident.

APPENDIX L - MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES FOREST SERVICE, DEPARTMENT OF AGRICULTURE AND THE STATE OF ALASKA, DEPARTMENT OF PUBLIC SAFETY

Whereas on June 12, 1980, the Governor of the State of Alaska signed into law an act relating to the inherent risks of skiing ... Under Sec. 18,60,822 of this act, a ski area may not be operated except under a snow safety plan approved by the Commissioner of Public Safety, or by the agency of the United States which manages the land on which the ski area is operated.

At Alyeska Ski Resort, Girdwood, Alaska, the ski area is located on National Forest lands, State and private lands. Therefore, both the Commissioner of Public Safety, State of Alaska, and the Forest Supervisor, Chugach National Forest approve and sign the Alyeska Resort Snow Safety Plan.

Therefore, the United States Forest Service, acting by and through the Forest Supervisor, Chugach National Forest, Anchorage, Alaska and the State of Alaska, Department of Public Safety, acting by and through the Commissioner of Public Safety, Juneau, Alaska, agree as follows:

a. The Forest Service will:

1. Through the Chugach National Forest Snow Ranger Assist and work cooperatively with the Commissioner of Public Safety, State of Alaska.
2. For the State of Alaska, the United States Forest Service Snow Ranger will monitor the Alyeska Resort State and private lands skiing facilities (ski slopes, lifts, buildings, and operations) for compliance with the operation and snow safety plan.
3. The Snow Ranger will, upon discovery of deficiencies, first report them to the management of the resort. If compliance is not received within a reasonable time period, the Snow Ranger will then report the deficiencies to the Commissioner.

b. The Department of Public Safety will:

1. Through the Commissioner of Public Safety, assist and work cooperatively with the Forest Supervisor, Chugach National Forest.
2. In the event a serious deficiency is discovered at the ski area on State and private land, and the ski resort is not willing to correct the item in compliance with the safety plan, the Commissioner will then request and enforce compliance with the safety plan and the laws of the State.
3. Accept liability for the actions of the Snow Ranger when he is acting on behalf of the State of Alaska.

## APPENDIX M - ALYESKA RESORT DAYLODGE AVALANCHE HAZARD REDUCTION PLAN

The site of the Alyeska Daylodge is located in what is considered a Blue Zone. This is defined as an avalanche zone of moderate hazard and acceptable risk. Avalanches reaching the terminus of the blue zone are very unusual and infrequent events. This has been determined through historical occurrence evaluation.(')

Alyeska Resort currently participates in a very aggressive Avalanche Hazard Reduction Program. This is done under the auspices of the United States Forest Service. Their involvement is due to the fact that Alyeska Resort has a Special Use Permit for federal land being utilized as a private ski area. Also because of our use of 105mm artillery in the avalanche hazard reduction program. For this reason, the USFS assigns a snow ranger to Alyeska Resort. The main objective of the avalanche hazard reduction program is to create smaller and more frequent avalanches than would occur naturally. The result of this objective is far less destructive and more predictable avalanches.

Even with this commitment to safety, the maritime climate of South Central Alaska often produces large storm events that can increase the likelihood of unforeseen avalanche activity. The magnitude and regularity of these hazardous events may be reduced by the use of artillery and other methods of delivering shock to the snowpack. However, over the design period of 100 years, conditions are likely to prevail that have not previously been observed. These conditions can produce avalanches that exceed the historic limits in spite of our best attempts at avalanche hazard reduction.

There are generally three methods utilized in avalanche hazard reduction at Alyeska Resort. They are: the use of artillery, dynamite cast primers and ski cutting. The avalanche hazard reduction method used for the zone effecting the Daylodge will be artillery. This particular technique utilization is determined by the distances and inaccessibility for the avalanche starting zone.(')

Avalanche hazard management approaches for the Alyeska Daylodge will include the following:

1. Signs. Appropriately located signs will be in place that will specifically inform of the avalanche zone.
2. Gates. Closeable gates will be installed to restrict motorized access.
3. Education. A display will be posted in the Daylodge describing the possibilities of avalanches and our attempts to mitigate their hazards.
4. Placement of Key Facilities. There will be rescue, first aid and communication facilities located outside of any potential avalanche paths; i.e., sundeck, hotel.
5. Hazard Management Plan. Our Safety and Operations Plan as well as our Emergency Plan include a rescue response to an avalanche that may occur in spite of our best efforts to eliminate such large

events through explosives control. These plans take into account the possibilities of structures and people being overrun.

6. Evacuation and Restriction. A plan will be in place to evacuate the daylodge during extreme avalanche conditions.
7. Identification of Safe Areas. Areas free from avalanche risk will be identified.

Avalanche hazard forecasts are based upon, but not limited to the following data inputs:

1. New snow amounts
2. Water content of new snow
3. Wind speed and direction
4. Temperature
5. Precipitation intensity
6. Snow pits (snow pack structure)
7. Current and past avalanche activity
8. National weather service forecasts
9. Local meteorological measurements
10. Ski and explosives tests
11. Extensive field observations

After evaluating all available data it will be determined by Alyeska Resort Snow Safety personnel as well as the USFS Snow Ranger, the degree of avalanche hazard reduction necessary in relation to existing conditions. All avalanche work performed will be in accordance with the Alyeska Resort Safety and Operations Plan and the U.S.D.A. Avalanche Handbook.<sup>(1)</sup>

When existing avalanche conditions are likely to produce larger avalanches affecting the "blue zone", the following measures will be taken:

1. All entrances to the parking lot will have closeable gates monitored by personnel with radios.
2. The daylodge building will be cleared and monitored by personnel with radios.
3. No unauthorized travel will be permitted in a hazard zone during avalanche hazard reduction.
4. Signs indicating a closed avalanche area will be at appropriate locations.
5. Travel clearances will be given by Alyeska Resort Snow Safety personnel or the USFS Snow Ranger only.

The science and application of avalanche hazard reduction methodology is made up of an infinite amount of variables. Therefore, it can never be considered exact. This plan proposes the use of reasonable and prudent techniques accepted in the

field today. This plan is designed solely as a set of guidelines for solving the unique problems that exist in avalanche hazard reduction.

APPENDIX N - ACCIDENT REPORTING

The following procedures will be followed in notifying the U.S. Forest Service when a serious injury ("red flag") or death occurs on National Forest land or lifts that run onto National Forest Service land.

The following phone contact should be made as soon as possible and no later than 24 hours after the incident.

1.	Vic Baer	work	783-3242	home	345-1866
2.	Steve Henning	work	783-3242	home	345-5837
3.	John Dorio	work	783-3242	home	344-5650

1. Anchorage Snow Avalanche Zoning Analysis: Art Mears
2. USFS; Region 10 Artillery Avalanche Blasters Supplement
3. Alyeska Operations & Safety Plan; Alyeska Resort  
Girdwood, Alaska (Revised October 1987)



## INTRODUCTION

Heather Hiibschman sued the City of Valdez in tort for injuries incurred as she went over a ski bump-jump at a city ski hill. The superior court granted part of the City's summary judgment motion and let part of Hiibschman's case go to the jury, which found against her. She appeals and the City cross-appeals, both primarily questioning the interpretation of Alaska's 1980 Limitations on Claims Arising From Skiing Act ("Ski Act"), AS 09.65.135.<sup>1</sup>

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### 1. Limitations on claims arising from skiing.

(a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

(b) A ski area operator shall post trail signs at prominent locations within a ski area which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.

(c) In this section

(1) "inherent risks of skiing" means the dangers or conditions which are an integral part of the sport of skiing, including, but not limited to,

(A) changing weather conditions;

(B) variations or steepness in terrain;

(C) snow or ice conditions;

(D) surface or subsurface conditions such as bare spots, forest growth, and rocks;

(continued...)

STATEMENT OF FACTS

Salmonberry Ridge, the only downhill ski facility in Valdez, opened to the public in January 1986. It is considered a beginner's hill, measuring 1,300 feet from top to bottom with a 208 foot vertical rise. From the base of the hill, one can view almost the entire hill.

Several bump-jumps could be found on the hill at the time of Hiibschman's accident.<sup>2</sup> The jump at issue was located at the

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1. (...continued)

(E) collisions with lift towers, other structures, and their components unless the skier is on the lift;

(F) collisions with other skiers; and

(G) a skier's failure to ski within the limits of the skier's ability;

(2) "injury" means a personal injury or property damage or loss;

(3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or other device for recreation in snow;

(4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the state;

(5) "ski area operator" means the operator of a ski area.

2. While the City contends that this was more of a "bump" than a "jump," the term "jump" will be used. We draw the inferences in Hiibschman's favor, as she was the party opposing summary judgment. Wilson v. Pollet, 416 P.2d 381, 383-84 (Alaska 1966).

lower left side of the hill if one looked at the hill from its bottom. The jump was located on a relatively flat area of the hill, although there was a steeper area just uphill of the jump. The jump was estimated to be from two feet to four feet in height. It was the only jump in that area of the hill and was a "focal point" of the run on that side of the hill.

On March 13, 1986, Heather Hiibschman, a fifteen year old, went skiing at Salmonberry Ridge. Hiibschman was a beginner skier. She had gone downhill skiing approximately six to ten times prior to the accident, although she had also cross-country skied. Prior to March 13, Hiibschman had been skiing at Salmonberry every day of the week.

Hiibschman had never taken the jump in question. She said, "Most of the time I just didn't feel like I was ready . . . I couldn't find anybody who would teach me, show me how to do it, and I wanted to be shown how to do it before I went and just tried it myself." The day of her accident, she decided to try the jump. Hiibschman watched at least four of her friends take the jump. While they were slightly more advanced than Hiibschman, she also observed people of her ability level go off the jump. Her friend Aaron Kelly specifically showed her how to ski the jump. He advised her, "stay down, stay forward." Hiibschman stated that she felt fairly familiar with the approach and the takeoff, gaining that familiarity from watching people as she skied beside them, looking at the jump, and reading ski magazines to learn what she was supposed to do.

Hiibschman stood in line to take this jump. As she approached the jump, she concentrated on what she was doing. Hiibschman states that she snowplowed all the way to keep her speed as low as possible and that she was going slower than the skiers on the other side of the hill. As she approached the jump, she leaned forward. She also straightened out her skis so they would not cross when she hit the jump.<sup>3</sup> However, Hiibschman stated, the jump

threw me way high, higher than I thought it would, and threw me back. And I was -- still upside down in the air, and I was struggling to get forward, lean forward as hard as I could and I just didn't have enough time. My butt and the backs of my skis hit the ground at about the same time and then I rolled down the hill -- slid actually.

Others confirmed that the jump "lofted you straight up into the air. . . ." Hiibschman testified that when she landed, her skis "were almost perpendicular to the ground." She fell and landed on her tail bone, resulting in permanent paralysis from the waist down.

At the time Hiibschman jumped, a big pit existed at the base of the jump, where people had been landing. The ski lift operator explained, "[A]t the end of the day you have this pit right here, this is an average distance where everybody's going to land, and they always fall and hit their butts on the snow and it

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3. Others dispute Hiibschman's account. Some say that she was traveling quickly, approaching the jump at "full speed," becoming rigid as she neared the jump, and leaning too far back which caused her ski tips to go straight up. Again, we construe the facts in Hiibschman's favor at this stage.

just keeps digging it out and digging it out." Hiibschman never observed the landing area nor did anyone mention to her anything about it. The lift operator further explained, "as you landed it was kind of a flat surface, not too much incline so you had . . . a hard landing . . . because if you have an incline it tends to be more soft because you glide off it, but instead you kind of landed hard, boom, you know." Another lift attendant also said the jump was dangerous because the landing was too flat and a skier would get too much air time for the jump. About half the people taking the jump fell, some of whom were beginners.<sup>4</sup> Some skiers who fell also landed on their rear or back.

During testimony, when asked whether he thought the jump was dangerous, the ski lift operator answered, "Yes." He admitted that "I should have told them not to take the jump until they had learned how to ski better, because they kept getting behind on their skis. . . ."<sup>5</sup> However, while the ski patrol would destroy jumps it considered unsafe or mark them as out of bounds, this jump was not so destroyed or marked. An expert in ski area design and planning thought it was inappropriate to have this jump, or any

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4. The testimony varied widely on the success rate for navigating the jump. Some testimony indicated that hardly any of the skiers navigated it successfully and even intermediate skiers would fall. Yet, others said most skiers navigated this jump successfully.

5. The head of the ski patrol at the time of the accident stated, however, that to his knowledge, no other skier had ever been injured on that jump. The ski lift operator concurred.

jump, on a beginner's hill unless the jump were marked as appropriate only for more advanced skiers.

One other key fact exists regarding the accident. Before skiing, Hiibschman and her friends stopped at the Valdez Bottle Stop Liquor Store. Hiibschman estimated that she had consumed between one and one-half and three beers before the accident. She believed that she was in control at all times while skiing and that the beers made no difference to her skiing performance. Hiibschman asserted that she had taken four runs between her last drink of beer and the time of the accident and she did not fall on any of those runs. She said she was clear headed as she started her descent towards the jump. An emergency medical technician who subsequently attended Hiibschman stated, "I could smell alcohol on her breath, but she was not obviously intoxicated."

On the day of Hiibschman's accident, there were at least five inherent risk of skiing signs posted at Salmonberry Ridge: one on the outside of the lift shack, one by the door to the warming hut, one inside the warming hut, and one on the inside of each bathroom door.<sup>6</sup> These signs were posted in places the Parks &

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6. The signs read as follows:

INHERENT RISKS OF SKIING

AS REQUIRED BY ALASKA STATE STATUTE SEC. 09.65.135, THIS NOTICE IS TO INFORM YOU OF THE INHERENT RISKS OF SKIING. INHERENT RISKS OF SKIING MEANS DANGEROUS CONDITIONS WHICH ARE AN INTEGRAL PART OF THE SPORT OF SKIING. THESE RISKS INCLUDE BUT ARE NOT LIMITED TO:

(continued...)

Recreation Service thought were "the most prominent places on the ski hill."

Based on the Ski Act, the City moved for summary judgment, which the superior court granted in part and denied in part. The court held that Hiibschman's injuries resulted from "an inherent risk of skiing" which specifically included "variations or steepness in terrain," "surface . . . conditions," and/or "a skier's failure to ski within the limits of the skier's ability." The superior court rejected Hiibschman's contention that the statute's categories violated equal protection. However, the superior court found that a genuine issue of material fact existed regarding whether the signs were posted "at prominent locations within [the] ski area. . . ."

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6. (...continued)

- A. CHANGING WEATHER CONDITIONS;
- B. VARIATIONS OR STEEPNESS IN TERRAIN;
- C. SNOW OR ICE CONDITIONS;
- D. SURFACE OR SUBSURFACE CONDITIONS SUCH AS BARE SPOTS, FOREST GROWTH, AND ROCKS;
- E. COLLISIONS WITH LIFT TOWERS, OTHER STRUCTURES, AND THEIR COMPONENTS UNLESS THE SKIER IS ON THE LIFT;
- F. COLLISIONS WITH OTHER SKIERS;
- G. A SKIER'S FAILURE TO SKI WITHIN THE LIMITS OF THE SKIERS ABILITY.

LIMITATION ON CLAIMS ARISING FROM SKIING

A SKIER MAY NOT RECOVER FROM A SKI AREA OPERATOR FOR INJURY RESULTING FROM AN INHERENT RISK OF SKIING.

PLEASE BE SAFETY CONSCIOUS AND HAVE A GOOD TIME.

Hiibschman filed a motion for reconsideration. While the court concluded that artificial objects can qualify as an inherent risk of skiing within the statute, the court agreed with Hiibschman that negligent or defectively made or designed artificial conditions would not constitute an "inherent risk of skiing" and could be actionable in tort. However, the superior court stated that no competent evidence was presented to raise a genuine issue of material fact that the jump was negligently or defectively made or designed. The court also found it unnecessary to consider whether the slope was negligently maintained, instead treating the claim as one of negligent design.

Hiibschman then filed a second motion for reconsideration which the superior court granted in part, and denied in part. The court considered an expert affidavit stating that allowing a jump on a beginner hill was negligent and found that it raised a genuine issue of material fact as to whether the jump constituted an inherent risk of skiing. However, the court reaffirmed its prior conclusion that Hiibschman's attempt to ski over the jump was, as a matter of law, "a skier's failure to ski within the limits of the skier's ability." Thereafter the court submitted the issue of adequate signing to a jury. The jury returned a verdict in favor of the City on this issue. Hiibschman now appeals and the City cross-appeals.

I. DID THE JUMP CONSTITUTE AN INHERENT RISK OF SKIING OR A NEGLIGENTLY CREATED ARTIFICIAL CONDITION?

The superior court found that a genuine issue of material fact existed as to whether the jump constituted an inherent risk of skiing, i.e. whether the jump was a non-negligently created or maintained variation in terrain. The City, in its cross-appeal, is asking the court to hold, as a matter of law, that the jump constituted an inherent risk of skiing.<sup>7</sup> The City contends that the jump was a "variation[] or steepness in terrain" or a "surface condition[]." The City also asserts that the jump was open and obvious and knowingly encountered, and argues that Hiibschman's alcohol consumption magnified any risk inherent in the jump. It claims the greater weight of authority would deem the jump an inherent risk of skiing.

Hiibschman maintains that the jump was an artificial condition created by a neglected stack of brush cut and stacked by the City. Alternatively, she submits that it may have been built by children with shovels borrowed from the City employees, and intentionally groomed by the employees. Her theory of negligence is that this jump was inappropriate for a beginners' hill, particularly as no warning of its danger was given.

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7. The superior court's grant of summary judgment is reviewed as to whether a genuine issue of material fact exists and whether the moving party is entitled to judgment on the law applicable to the established facts. Sea Lion Corp. v. Air Logistics of Alaska Inc., 787 P.2d 109, 116 (Alaska 1990). All legal questions are afforded de novo review. See Walsh v. Emerick, 611 P.2d 23, 30 (Alaska 1980).

We affirm the superior court's determination that a genuine issue of material fact existed as to whether the jump constituted an inherent risk of skiing.

A. Evidence of Negligence

First, we note that the statute does not eliminate a ski area operator's liability for negligence. The legislative history of the statute makes this clear. Industry proponents of the bill stated repeatedly that they did not wish to avoid any responsibilities that were rightfully theirs, but they wanted to reduce nuisance claims. The statute was intended to bar recovery for those actions which only the skier could control and that were beyond the ski area operator's control. That the legislature intended to "clarify" the law and not change it, and that it sought to limit recovery for "inherent risks," reinforces our conclusion that industry liability for negligence was maintained.<sup>8</sup>

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8. The statement of legislative intent reads as follows:

The legislature finds that the sport of skiing is practiced by a large number of residents of the state and attracts a large number of nonresidents, significantly contributing to the economy of the state. It further finds that insurance carriers are increasingly reluctant to provide liability insurance protection to ski area operators and that the premiums charged by insurance carriers have risen sharply in recent years due to confusion as to whether a skier assumes the risks inherent in the sport of skiing when he participates actively in the sport. It is the intent of the legislature in enacting this Act to clarify the law in relation to skiing

(continued...)

Therefore, the Ski Act preserved the common law duties of ski area operators at the time of the act's passage. In Webb v. City and Borough of Sitka, we said,

The rule that we adopt is this: A landowner . . . must act as a reasonable person in maintaining his property in a reasonably safe condition in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden on the respective parties of avoiding the risk.<sup>9</sup>

561 P.2d 731, 733 (Alaska 1977).

Further, at the relevant time the law on assumption of risk had been clarified, restricting it as an affirmative defense, but leaving intact the concept in its "no duty" form. We explained,

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8. (...continued)  
injuries and the risks inherent in that sport and to provide that, as a matter of public policy, a person engaged in that sport may not recover from a ski area operator for injuries resulting from those inherent risks.

9. When AS 09.65.135 was passed in 1980, ski area operators were also under a statutory duty to avoid liability for negligence. Former AS 05.20.012, enacted in 1967, read:

Liability For Accidents In Skiing Areas. No owner or operator of ski equipment may be held liable for the negligence of persons other than employees who use designated skiing areas owned or controlled by him, unless the owner or operator has negligently maintained the designated skiing areas or has furnished or supplied defective equipment, the use of which is the proximate cause of any injury sustained by a person while engaged in skiing activities within the designated skiing areas. [§ 2 Ch. 25 SLA 1967] (Emphasis added).

The concept of assumption of risk was developed from the common law action of a servant against his master. The master was held to be not negligent if he provided a reasonably safe place to work, and the servant was said to have assumed the inherent risks that remained. In this sense assumption of risk was not an affirmative defense, but rather was another way of saying the master was not negligent; for the servant had the burden of proving that his injury resulted from a risk other than one inherent in a place that was a reasonably safe place to work.

Leavitt v. Gillaspie, 443 P.2d 61, 67-8 (Alaska 1968). We continued,

But where assumption of risk was a defense, the question was whether plaintiff had voluntarily entered into a situation involving obvious danger, with knowledge of the danger, and without regard to whether he had acted in such a situation as a reasonably prudent man would have acted. . . .

As a matter of policy we disapprove of a concept which could result in a situation where an accident victim, even though not contributorily at fault, could be barred from recovery because he knew or should have known of a negligently created risk. The just concept should be whether a reasonably prudent man in the exercise of due care would have incurred the risk despite that knowledge, and if so, whether he would have conducted himself in the manner in which the plaintiff acted in the light of all the circumstances, including the appreciated risk.

Id. Consequently, only the person who voluntarily and unreasonably assumed a negligently created risk was contributorily negligent and barred from recovery. Hale v. O'Neill, 492 P.2d 101, 103 (Alaska

o Inherent Risk = West. Sge

1971); Young v. State, 491 P.2d 122, 125 (Alaska 1971); Bachner v. Pearson, 479 P.2d 319, 328-330 (Alaska 1970).<sup>10</sup>

While we believe the statute codified this case law in the ski context, it also aids trial courts by listing those risks which are considered inherent in the sport: those risks which are

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10. Given the law of assumption of risk codified by the statute, we reject the City's argument that assumption of risk bars Hiibschman's claim on the basis that the jump was open and obvious and knowingly encountered. Similarly, the City cites cases indicating that the assumption of risk doctrine codified by statute "renders the reasonableness of the skier's . . . behavior irrelevant." E.g., Schmitz v. Cannonsburg Skiing Corp., 428 N.W.2d 742, 744 (Mich. App. 1988). We reject this interpretation.

obvious<sup>11</sup> and necessary<sup>12</sup> to it. Evidence of negligence on the part of the ski area operators, however, takes the case out of the inherent risk of skiing context.

In the case at bar, it is not clear that the condition was an inherent risk of skiing, given that a jump is not specifically listed in the statute and its risk is not necessarily obvious or necessary.<sup>13</sup> Hiibschman stated she didn't think the jump was hazardous in the way it was designed or constructed before she went off of it. She said, "I didn't think it would be there if it was." She knew that the ski hill staff allowed the children to take the jump and therefore assumed it was safe for beginners.

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11. The frequent notices provided by trail signs makes the risk obvious.

12. A risk must be "necessary" to be an inherent risk of the sport.

The question of whether a risk is necessary relates to the issue of the operator's duty; . . . . If a given danger could be eliminated or mitigated through the exercise of reasonable care, it is not a necessary danger. Necessary dangers, therefore, must be those which cannot reasonably be eliminated by the area operator.

Assumption of Risk After Sunday v. Stratton Corp.: The Vermont Sports Injury Liability Statute and Injured Skiers. 3 Vermont L. Rev. 129, 141-2 (1978) (emphasis in original).

13. A risk not listed in the statute may still be an inherent risk of the sport if necessary and obvious. The risk must be subjectively obvious to the skier. The plaintiff must know of the risk's presence, understand its nature, and freely and voluntarily choose to encounter it. W. Keeton, Prosser & Keeton on Torts, § 68, at 486-87 (5th ed. 1984).

Our review of the record persuades us that evidence of negligence also exists in the case at bar. For example, one witness stated that the jump should be torn down because "it wasn't fit, suitable . . . because it was built to where you got too much air, and it was a flat landing." Hiibschman's expert witness stated that there should not have been any jumps at all on a beginner's slope and that if the ski area were intended for more than beginner skiers, the jumps should have been clearly marked as being suitable only for expert skiers. Others also testified that the jump was not safe for beginner skiers. In fact, the ski area had rules prohibiting artificial jumps, unless authorized by ski area management. With all inferences drawn in Hiibschman's favor, we conclude that genuine issues of material fact exist as to whether the jump was an inherent risk of skiing.

**B) Artificial versus Natural Conditions**

Hiibschman makes much of this distinction in her brief; the City, however, contends it is irrelevant to the legal question of whether the jump was a "variation[] or steepness in terrain," or a "surface . . . condition[]." The City maintains the origin of the jump is irrelevant, as it is an inherent risk of skiing even if it was an artificial condition.

An artificial item can produce an inherent risk of skiing. The statute covers, for example, collisions with lift towers. AS 09.65.135(c)(1)(E). Other artificial items may also produce inherent risks assuming they are not negligently designed

or maintained or assuming the risk is obvious and necessary (e.g. moguls on an expert trail).<sup>14</sup> See Rowett v. Kelly Canyon Ski Hill, Inc., 639 P.2d 6, 7 (Idaho 1981) (no negligence by ski area operator when night skier injured by skiing into traffic control device which was adequately illuminated and discernible at a distance); see also Smith v. Seven Springs Farm, Inc., 716 F.2d 1002, 1009 (3rd Cir. 1983) (advanced intermediate skier voluntarily assumed the risk when he skied down a trail marked most difficult, aware of an icy headwall lined by an unprotected telephone-like pole).

Therefore, we hold that the duty owed to a skier for a natural or an artificial condition is governed by Webb, 561 P.2d 731 (faulty sidewalk) and Moloso v. State, 644 P.2d 205 (Alaska 1982) (rock slide during state highway project). Primarily, the origin of the danger figures into the Webb calculus, as it affects the burden on the respective parties of avoiding the risk. It is also relevant to the issue of the ski resort's knowledge of the danger.

We also hold, however, that an artificially created jump can not be, as matter of law, "variations or steepness in terrain" or "surface . . . conditions." AS 09.65.135(a)(1)(B) or (D). While the statute does not differentiate explicitly between a ski operator's responsibility for artificial versus natural conditions,

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14. If, as the City contends, moguls originate from "terrain variations, skier patterns, and snow and ice conditions," then they are not artificial conditions intentionally put on the run comparable to the jump.

the items it lists, as well as the intent to retain liability for negligence, indicate that ski area operator protection from liability for artificial conditions should be construed narrowly. The legislative history explained, "The intent of this legislation is to clarify the law concerning the natural, inescapable risks that are a part of the sport of skiing and to specify that a ski area operator is not liable for injuries resulting from these inherent risks." (Emphasis added).

We find particularly compelling the testimony provided by the National Ski Patrol System, Inc. during the bill's consideration:

We agree with the concept of S.B. No. 470 which addresses the risks inherent in the sport of skiing. Ski area operators in the state definitely need protection from unjustified liability insurance claims associated with the natural risks of the sport. At the same time, we are concerned that skiers must also be adequately protected against any form of negligence caused by ski area operators. We believe with a few modifications, the proposed statute can achieve equitable protection for both ski area operators and the using public.

Suggested revisions to sec. 09.10.320 definitions are:

. . . .

2. (D). Eliminate the word "stumps". These are probably man induced obstacles that should be either eliminated, reduced, or marked as hazards by the ski area operator.

(Emphasis added). The recommendation to eliminate the word "stumps" was adopted, indicating that altering natural conditions (e.g. cutting a tree) removes them from the category of inherent

risks which are explicitly listed by the statute. Our conclusion is reinforced by the presence of the word "stumps" in the Utah ski statute, upon which the Alaska statute is modeled. UCA § 78-27-52(1). Similarly, the National Ski Patrol System, Inc. recommended the following, which was not adopted:

1. (C) Expand on snow or ice conditions to clarify that variations may occur because of weather factors and/or hill grooming.

For instance, standard grooming practices could cause variable snow surface conditions which skiers should accept as normal inherent risks on a managed ski run. Negligent grooming practices could cause unsafe conditions, such as leaving dangerous berms or cutbanks on groomed runs. Ski area operators should not be absolved from such negligence.

That the statute did not include snow variations from hill grooming as an inherent risk also reinforces the importance of this dichotomy.

Case law from other jurisdictions also emphasizes the importance of "natural conditions."

What the challenged statute does is to recognize that there are certain risks inherent in the sport of skiing that neither the skier nor the ski area operator can reasonably control. Indeed, the risk and often-rugged natural setting provides both the greatest attractions of skiing as well as the greatest elements of danger. Natural conditions, such as vegetation, snow cover and weather conditions, make trail conditions highly variable and difficult to manage.

Kelleher v. Big Sky of Montana, 642 F.Supp. 1128, 1130 (D. Mont. 1986) (emphasis added). Other cases identifying the "inherent risks of skiing" often speak generally of items such as "grade,

boundary, mid-trail obstructions, corners and varied conditions of the snow." Wright v. Mt. Mansfield Lift, Inc., 96 F. Supp. 786, 790 (D. Vt. 1951). This includes things such as roots, rocks, brush, ruts, and worn spots. Id. In Leopold v. Okemo Mountain Inc., the court spoke of the "apparent and necessary danger" inhering in "trees, rocks and adverse terrain which border every trail." 420 F. Supp. 781, 787 n.2 (D. Vt. 1976).

Here, conflicting evidence exists as to whether this jump was artificially made or naturally part of the terrain. This presents a factual question for jury resolution. The ski lift operator believed the jump was artificial because after it was removed, no dirt, alders or rocks were left. He saw just leveled snow, "nice clean snow." Nor was there newly moved brush around to indicate that it was formed by brush. Also, he had observed the hill prior to the snowfall and others had told him that the jump was an artificial structure. Some operators called the jump "Chet's jump," allegedly after the individual who built it. One witness testified that he saw Chet and another person build these jumps. Supposedly, each day, the employees would throw more snow on the jump to keep it built up, and would groom it or pack snow on it to change its characteristics. Testimony was presented that children made and groomed the jumps with the shovels given to them by employees at the hill. Yet, there was also evidence that it was not a jump, but rather a bump that was used as a jump. The person who removed the jump said it was created by alder.

It remains for the jury to determine whether the jump is a natural variation in terrain or surface condition. Thus, we conclude that the superior court's denial of summary judgment in this respect was correct.

II. WAS HIIBSCHMAN'S INJURY A RESULT OF A FAILURE TO SKI WITHIN HER ABILITY WITHIN THE MEANING OF AS 09.65.135(c)(1)(G)?

The superior court concluded as a matter of law that at the time of the accident Hiibschman was skiing beyond her ability, within the meaning of AS 09.65.135(c)(1)(G). Hiibschman argues that the trial court's reasoning produces absurd results, assumes the legislature intended to change tort liability, and is contrary to public policy. The City emphasizes that Hiibschman knew from personal observation what the jump entailed and knowingly assumed the risk. It argues that Hiibschman's alcohol consumption magnified any risk inherent in the jump.

The ski area operator is not liable for injuries resulting from inherent risks listed by the statute, including skiing beyond one's ability. A trial court should grant summary judgment only if no genuine issue of material fact exists. Sea Lion Corp. v. Air Logistics of Alaska, Inc., 787 P.2d at 116 (Alaska 1990). Here, a disputed issue of fact exists as to whether Hiibschman was skiing beyond her ability. We hold that the trial court erred in not submitting this issue to the jury.

For "skiing beyond one's ability" to bar an action, the skier must subjectively know he or she is skiing beyond his or her

ability, as an inherent risk of skiing must be necessary and subjectively obvious. On knowledge of risk, Prosser states,

[H]e must not only know of the facts which create the danger, but he must comprehend and appreciate the nature of the danger itself. . . . The standard to be applied is, in theory at least, a subjective one, geared to the particular plaintiff and his situation, rather than that of the reasonable man of ordinary prudence who appears in contributory negligence. If because of age or lack of information or experience, he does not comprehend the risk involved in a known situation, he will not be taken to consent to assume it. His failure to exercise ordinary care to discover the danger is not properly a matter of assumption of risk but of the defense of contributory negligence.

At the same time . . . the plaintiff will not be heard to say that he did not comprehend a risk which must have been quite clear and obvious to him.

Keaton, supra, at 487-88 (footnotes omitted and emphasis added); see also Rutter v. Northeastern Beaver County School Dist., 437 A.2d 1198, 1204 (Pa. 1981).

Viewing the evidence most favorably to Hiibsichman, we find that skiing this jump was within her ability level. The jump was located on a beginners' slope. The ski lift operator described Salmonberry Ridge as "very beginner, very slow. There is no difficulty to the run." Hiibsichman had taken some down-hill ski lessons before, and had evaluated how to take this jump. Hiibsichman watched beginners taking the jump, some mastering it. Others who mastered it, like Aaron Kelly, had fallen the first three times he jumped it. She did not notice anything dangerous about the way the jump was designed or constructed. Although

Hiibschman was drinking, she said it did not affect her that day. Moreover, evidence was presented that teenagers and beginner skiers are not as able to accurately assess a degree of risk presented by a dangerous condition. Because contrary evidence was presented,<sup>15</sup> a contested issue of material fact exists. The question of whether Hiibschman was skiing beyond her ability should have gone to the jury.

III. IS A CLAIM BARRED IF THE INJURY WAS CAUSED BOTH BY AN INHERENT RISK AND THE SKI AREA OPERATOR'S NEGLIGENCE?

As the statute does not insulate a ski area operator from liability for negligence, once evidence of negligence exists, the case must go to the jury. However, the ski area operator is free to argue that the skier voluntarily and unreasonably assumed a negligently created risk.<sup>16</sup> The skier's negligence would then reduce recovery under the doctrine of comparative negligence.

In 1986, six years after the most recent inherent risk of skiing statute was passed (Ch. 80, SLA 1980), our legislature enacted a comparative negligence statute.<sup>17</sup> While we generally

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15. For example, Hiibschman's mother told Chet Simmons that the accident was Hiibschman's own fault, that she was intoxicated and skiing out of control. As to this statement, Hiibschman's mother later submitted an affidavit denying she had said it.

16. Skiing beyond one's ability, AS 09.65.135(c)(1)(G), would constitute an unreasonable assumption of a negligently created risk.

17. Alaska Statute 09.17.060 reads as follows:

(continued...)

give preference to a specific statute over a more general one, City of Cordova v. Medicaid Rate Comm'n., 789 P.2d 346, 352 (Alaska 1990), we must harmonize the two statutes if possible. State Dept. of Highways v. Green, 586 P.2d 595, 602 (Alaska 1978).

Ordinarily, an unambiguous statute is enforced as written without judicial construction or modification; however, this rule is not controlling when a seemingly unambiguous statute must be considered in conjunction with another act. Hafling v. Inlandboatmen's Union, 585 P.2d 870, 872 (Alaska 1978). In that case, we will examine the legislative history and adopt a reasonable construction which realizes legislative intent, avoids conflict or inconsistency, and gives effect to every provision of both acts. Id. at 873, 875, 877.

Lake v. Construction Mach., Inc., 787 P.2d 1027, 1030 (Alaska 1990).

As such, we must interpret the Ski Act so as not to nullify the comparative negligence statute. The reason for this was explained in Rini v. Oaklawn Jockey Club, 861 F.2d 502, 508 (8th Cir. 1988):

"[W]here assumption of risk coincides with contributory negligence, application of the doctrine operates to frustrate the very result that the comparative negligence statute was designed to achieve." Rutter v. Northeastern Beaver County School District, 437 A.2d at 1210 n. 6 (plurality). Dean Prosser also noted that the retention of this form of

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17. (...continued)

**Effect of contributory fault.** In an action based on fault seeking to recover damages for injury or death to a person or harm to property, contributory fault chargeable to the claimant diminishes proportionately the amount awarded as compensatory damages for the injury attributable to the claimant's contributory fault, but does not bar recovery.

assumption of risk after legislative adoption  
of comparative negligence

[i]n all probability . . . defeats the basic intention of the statute, since it continues an absolute bar in the case of one important, and very common, type of negligent conduct on the part of the plaintiff. It can scarcely be supposed in reason that the legislature has intended to allow a partial recovery to the plaintiff who has been so negligent as not to discover his [or her] peril at all, and deny it to one who has at least exercised proper care in that respect, but has made a mistake of judgment in proceeding to encounter the danger after it is known.

W. Prosser, Prosser on Torts §68, at 457 (4th ed. 1971) (footnote omitted).

We note that this approach has been adopted by Oregon. Jessup v. Mt. Bachelor, Inc., 792 P.2d 1232, 1233 (Or. App.), rev. denied 799 P.2d 646 (Or. 1990). The Oregon Court of Appeals held that while recovery is barred for an injury caused solely by an inherent risk of skiing, comparative fault applies when the injury is caused by a combination of an inherent risk of skiing and the ski area operator's negligence. Id.

The City disagrees with this approach, placing emphasis on a Utah statute similar to Alaska's Ski Act. The City cites From Wright to Sunday and Beyond: Is the Law Keeping Up With the Skiers? 4 Utah L. Rev. 885, 893-97 (1985):

By extending immunity to ski resorts when an "inherent risk" causes the injury, the Utah legislature has pre-empted the comparative negligence statute for those risks. Thus, where an injury results from a hazard

categorized as an "inherent risk," the skier injured in Utah is contributorily negligent per se, despite the comparative negligence statute.

Two critical facts, however, differentiate Utah's statute from the Alaska Ski Act. First, the Alaska statute omits language contained in the Utah statute: "[n]otwithstanding anything in Sections 78-27-37 through 78-27-43 [78-27-38 is the specific provision adopting comparative negligence] to the contrary, no skier may make any claim against, or recover from, any ski area operator for injury resulting from any of the inherent risks of skiing." Utah Code Ann. 78-27-53 (1953). Second, Alaska's comparative negligence statute was passed after the Ski Act, whereas in Utah it was passed before the ski statute. The statutory enactment of comparative negligence in Alaska after the inherent risk of skiing statute, without acknowledging the Ski Act, indicates a legislative intent to allow principles of comparative negligence into the ski context. Cf. In re Tapp, 16 B.R. 315 (Bankr. Alaska 1981).

Moreover, because Alaska had comparative negligence as a matter of case law as early as 1975, e.g. Kaatz v. State, 540 P.2d 1037, 1049 (Alaska 1975), the Ski Act's failure to specifically eliminate comparative negligence in the ski context, as Utah did, indicates that the legislature did not intend to exclude comparative negligence analysis. Our conclusion is reinforced by the statute's legislative history, which indicates that the statute was not intended to eliminate ski area operator's liability for negligence.

On remand, questions of whether Hiibschman's actions were reasonable, including the relevance of her drinking and her knowledge of the risk of taking the jump, will be relevant to the issue of comparative negligence.

IV. WERE THE POSTED SIGNS INSUFFICIENT AS A MATTER OF LAW TO SATISFY AS 09.65.135?

The superior court found that a genuine issue of material fact existed as to whether the signs were posted at prominent locations in the ski area. Hiibschman contends that the posted signs were insufficient as a matter of law, for they were not "trail signs" nor were they posted at "prominent locations" as required by statute.

We find Hiibschman's arguments without merit. The superior court left for the jury the general issue of the adequacy of notice and signing. The issues of "the size, content, number, location, and prominence of the signs" were all tried by the jury, and the evidence in the record supports the verdict. Steven Weber, who was the Director of the Parks and Recreation Department in Valdez at the relevant time, explained that he had posted the signs so that "the average skier -- or the skier participating in the activity could stop and read the sign." It was typed in bold letters with some underlining. While there were no inherent risk of skiing signs on the hill itself, Weber stated:

[W]e felt . . . the best place to do that was at the bottom of the hill where most of the activity took place, where . . . the skiers had to initially go by to get to the ski lift. Posting signs throughout the hill . . . didn't really meet that requirement in my eyes. I felt that the intent or the spirit of this statute here was to inform the skiers, and I felt the best way to inform them was prior to skiing and not after skiing. And, skiers would traditionally normally use the restroom prior to skiing, use the warm-up hut prior to skiing to put their boots on and then . . . by the nature of the way they travelled to the