

History

Bowles v. Squaw Valley Ski Corp (1992)

Common Carrier Status Applies: The California liability statute, Civil Code section 2168, defines a common carrier as any entity that holds itself out to the public as transporting goods or persons from place to place for profit.

- Chair lifts determined to be a “common carrier” which requires lift operators to function with the “highest duty of care” vs “reasonable duty of care”. Operators must not ensure safety, but “must use the utmost care and diligence for their safe carriage, must provide everything necessary for that purpose, and must exercise to that end a reasonable degree of skill.”
- Operators are bound to this as soon as a paying customer, in good faith, attempts to load any chairlift.
- Operators are released from this once the chair-rider disembarks from the chair.

These findings were presented in print by the Loyola Consumer Law Reporter, Volume 4 number 3/Spring, 1992.

***Surface lifts do not hold this level of accountability. They are considered a travel aid and not a common carrier.**

Operators must:

- Complete resort lift-training program
- Grade all ramps and clear snow to 18” for take-off and arrival zones
- “Bump” ALL chairs for guests and personnel on a fixed-grip lift: Quail, Madden & Ellis
- Be aware of all people/guests and chair locations
- Stop lift promptly to avoid a “hanger” or guest from falling from a height due to a failed load
- Postpone guests from loading when attending to any business/communication within shack

****All Chairlift accidents: 35% during loading + 50% during unloading = 85% (DATA 2001 – Chalatlav)**

Placer County Ski Ordinance 9.28.060 Skier duties—General

E. Skiers shall not board rope tows, wire rope tows, J-bars, T-bars, ski lifts or other similar devices unless they have sufficient ability to use such devices, and skiers shall follow any written or verbal instructions that are given by the ski area operator or representative regarding the use of the devices delineated in this section.

SUMMARY

While proving lift operator negligence is difficult in a court of law, the point is WE WANT TO FACILITATE SAFETY ON CHAIRLIFTS.

Educate our guests: Placer County Ski Ordinance 28.070 - Notice of skier duties. *Ski area operators shall provide notice to skiers of their duties as delineated in this article in a manner reasonably calculated to inform skiers of those duties. (Prior code § 12.136)*

RIDER RESPONSIBILITY

“Your Responsibility Code” – Part of Placer County Ski Ordinance

Summary: Must obey all signs. Must attach equipment properly. Must not be under the influence of drugs/alcohol (an illegal activity). Must safely slide on and off during loading/unloading. Must sit calmly; no reaching out or forward to touch towers or trees. Must load/unload at designated areas only.

KIDS ON LIFTS!

Teach kids to load lifts properly without any adjustment to the speed or function of the lift. (Exceptions should be exceptional)

Small children (less than 7 yrs or 130cm/50in tall) must not ride alone or in the middle without an adult beside them.

Always have kids HOLD ON. Safety/Comfort bars are a hazard if the children are not able to easily grab them. Prefer to have them HOLD ON and SIT STILL.

***Ski Instructors/Coaches**

Loading Procedure:

- Line up side by side
 - Teach children to ALTERNATE
 - Approach WAIT HERE sign as a group
 - Follow the chair AS A GROUP
 - Smallest child goes near Lift Op
 - Back to back, bottom to bottom = bottom to back
 - SIT STILL = tell stories, but screaming or pretending to push someone is unacceptable
 - No child rides alone!
- TRIPLE CHAIR = \Child---Empty---Child/ or \Child---Adult---Child/

Quad Express= \Child-Empty-Empty-Child/ or \Child—Adult—Child—Child/

***Lift Ops & Kids on lifts**

When kids are around, lift operations is a very ACTIVE and full time job!

- Coach all guests and kids on proper Loading Procedure
- For kids less than 130cm/50in tall, follow the chair and gently scoop child to back of the seat
- Assist with the Comfort Bar when necessary

******Assist or coach EVERY kid EVERY time!**

******Set up bamboo at WAIT HERE with height measurement to make it easier to tell height.**

******When in doubt, help them out**

WIND MANAGEMENT: During wind events, it is safer to fully load each chair and put the bar down. Please work hard to have an adult chaperone on each lift, or mix older kids with the younger kids.

As a Chairlift Rider

- Prior to using any lift, you must have sufficient physical dexterity, ability and knowledge to safely board, ride, and unload lifts.
- It is illegal for a skier/rider to use a lift while alcohol or drugs impair their abilities.
- Be ready to load before you get to the load board.
- If the lift is equipped with a comfort bar, use it.
- Sit back as far as possible and don't lean on the comfort bar. Follow all posted information and directions from the attendants.
- Move away from the unload area as soon as you've unloaded from the lift.

As a Chairlift Operator

- Before an employee, as a lift assistant, assists any guests on or off a chairlift they will be required to go through the company lift-training program.
- Shovel and grade lift ramp before starting the chairlift.
- Slow chairs to shovel and grade lift ramp during business hours.
- Always be aware of the positions of moving chairs and stay clear of their pathways.
- All employees/lift operators must know and follow the operating procedures of that particular lift.
- Use Designated Trails Only! Remember, skiing or snowboarding on Non-Designated Trails while on the clock is a safety rule violation