

MANAGING UPHILL TRAFFIC

With the growth in uphillers, prudent policies and ample communication can reduce risks for all involved.

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While most skiers and riders take the traditional route—chairlift up, ski/ride down—there is now an increasing amount of uphill traffic at ski areas around the country, and ski areas need to adjust. Skinning, hiking, snowshoeing, and other uphill activities can be a source of new customers. However, as with

mechanized uphill traffic (snowmobiles, groomers, etc.), ski area operators should implement policies and procedures to reduce the risk of these growing activities for both downhillers and uphill enthusiasts.

With the increase in uphill traffic comes increased (if not completely new) exposure to liability. This increased exposure is, or should be, giving ski area owners and operators around the country cause for concern, especially when one considers that in many states these hikers/skinners qualify as “skiers” under the various ski statutes.

The source of this increased exposure is multi-faceted. First, skimmers go against the flow of skier traffic, and many skiers are not used to encountering individuals heading uphill.

Second, unlike the average ski area patrons, these individuals are often intentionally hitting the slopes before or after a ski area’s regular business hours and are often more inclined to choose a

route on closed or out-of-bounds terrain.

Third, the Responsibility Code and existing signage generally does not adequately address this new population. Additionally, this group of individuals may not have been exposed to, or educated by, the risk management/personal responsibility messaging that is so pervasive at modern ski areas, since they are bypassing ticket windows and other areas where the Responsibility Code is likely to be posted.

And, finally, the risk of collision between uphillers and mountain operations (snowcats, snowmobiles, etc.) is a concern, especially during off hours.

Looking at each of these risks, it becomes clear why ski area owners and operators need to appropriately address this growing surge of uphill traffic.

In response to the increased uphill traffic, a number of ski areas have, or are, in the process of adopting policies in an attempt to address the risks posed by increasing uphill travel. (See also the



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United States Ski Mountaineering Association's *Resort Uphill Policies* at www.ussma.org/resort-uphill-policies). Unfortunately, many of these new policies are difficult to locate, and mountain employees have not been adequately trained to inform the public about them. (See "Mountain Spy," *SAM* January 2014).

Further, many of the policies adopted to date only address a singular component of the risk. For example, some ski areas limit up-hill traffic to certain times or certain designated trails or routes or require hikers/skinners to purchase a lift ticket.

On the other hand, other ski areas have chosen to address the issue by imposing an outright ban on uphill traffic, leading to disgruntled patrons who claim that a ski area on Forest Service land can't ban hiking or skinning.

Uphill Guidelines

So, what can ski area owners and operators do to effectively manage the risk and

limit their exposure, without ostracizing a new and growing client base? After all, many of these hikers/skinners are part of the winter sports community, and will probably eventually find their way into the lodge to buy a Powerbar or water—or even buy a lift ticket. Here are some suggestions to consider:

- Adopt and enforce a simple and clear uphill access policy.
- Educate all mountain employees about the uphill access policy so that they can explain it to the public and effectively enforce it.
- Make the uphill access policy readily available and easy to locate on the website and at various locations throughout the ski area. These include, but are not limited to, inside the lodge, at ticket windows, on trail maps, and in high traffic areas.
- Supplement the Responsibility Code with additional signage addressing uphill traffic (to educate both uphillers and downhillers).

• Impose reasonable time and location limitations on uphill traffic, and post those limitations (along with the reasons for them) at uphill traffic access points.

• Require uphill participants to obtain an uphill access card or ticket, free of charge or for a nominal fee (if permissible), from the ticket window.

• Require uphill participants to read the uphill access policy and sign an acknowledgement form (and possibly a liability release) prior to obtaining the up-hill access card or ticket.

• Make skier awareness devices (safety vests, safety tape, or beacon lights, etc.) available to uphill participants at no charge, to help make uphillers more visible to downhillers. ■

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