

Kill the Bill: Vermont decides against backcountry fines

Contributed by David Crothers

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Two skiers their way to Smugglers' Notch backcountry. [Photo] David Crothers

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Proposed by Senator Kevin Mullin (R-Rutland), S.111 would have made skiing off a designated ski trail a criminal offense in Vermont should rescue be required. The bill stated, "A person who uses the facilities of a ski area to access terrain outside the ski area's open and designated ski trails and as a result must be rescued by a rescue organization shall be fined not more than \$500.00."

Goodman says that during the hearing, "it became apparent immediately...that the bill was flawed." Legislative Counsel member Erik FitzPatrick was presenting the facts surrounding S.111, when, Goodman says, things began to unravel.

"For example," he says, "[the proposed S.111 bill] referred to leaving a ski area.... Well, what is a ski area?" Goodman recounts that Senator Jeanette White (D-Windham District) asked if the Putney School cross-country trails comprise a ski area, to which FitzPatrick replied, "Well...yes." So, Goodman says, "We were going to see 'ski areas' multiply by many folds in Vermont by the virtue of this law."

S.111 would have affected summer visitation, too. "A lot of ski resorts in Vermont are now actively promoting summer activities," Goodman says, "so they would be subject to the law."

Even the Vermont State Police, who participate in many backcountry rescues, opposed the bill. "The police were very clear," Goodman says, "If you pose criminal sanctions and fine skiers in need of help, you can turn a routine rescue—one that happens in the afternoon—into a harrowing, perhaps life-threatening rescue because that skier will not call for fear of penalties."

"By the time I reached the witness chair," Goodman recounts, "the bill barely had a pulse." He says it had been beaten down

so hard by the State Police and the Senators, that he decided to bring everyone skiing. “I had prepared a slideshow so I could show them the kind of trails—accessed by ski areas—that would now be subject to criminal sanctions because of the bill.”

“Had backcountry skiers not spoken up,” Goodman says, “I would not assume this bill would have died.”

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