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Report Says Death Was Avoidable

By LORETTA WALDMAN
COURANT STAFF WRITER

BRISTOL — A police investigation into the death last June of a maintenance worker at Lake Compounce Theme Park has concluded the fatality could have been avoided had employees followed the park's safety procedures.

But Michael D'Amico, a Waterbury lawyer representing the estate of Wilfredo Martinez, says a lack of safety procedures is the more likely reason the 23-year-old was struck by the Boulder Dash roller coaster while he was trimming weeds beneath the tracks.

In his report, Southington Police Detective Nicholas Spratto called the incident an "accident." His report cites three sections of the operating manual for the Boulder Dash that, he said, could have averted the accident had they been followed by workers or enforced by park managers.

One section of the manual tells the operator not to dispatch the train with anyone in the track area; another instructs the operator to check that the area around the ride is clear of personnel and equipment, and the third warns guests and employees not to enter restricted ride areas while the coaster is operating.

Martinez was working with two other men under the tracks when he was struck in the head by the front car of the



MARTINEZ

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Lack Of Safety Precautions Blamed In Death

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yellow Boulder Dash train, which was traveling about 44 mph. By the time co-workers reached him, he was dead.

According to testimony given by park workers during two depositions, there were no procedures in place to make sure the tracks of the Boulder Dash were clear before staging the morning test run, D'Amico said Monday.

Both the mechanic running the ride and the grounds manager overseeing Martinez and other grounds workers had radios, D'Amico said. Neither man checked with the other before releasing the ride, because, they said, "we were never told to do it."

"What happened there that day was obviously something that should not have happened and would not have happened had they had the most rudimentary procedures in place," D'Amico said.

In his deposition, John Fitch, the mechanic at the controls of the Boulder Dash at the time of the accident, said no protocol existed to check for the presence of groundskeepers along the mountainside roller coaster's 4,600 feet of track. Though he and grounds manager Bernard Jaworski, as well as other supervisors, could have communicated by radio, they had not been trained, or instructed, to do so.

"It was a complete lack of communication between everybody who was in charge," D'Amico said.

Investigations by both D'Amico and the Southington Police also identified a lack of training for grounds workers. Those workers received general orientation, but were never instructed on how to safely work near rides, they said.

At the time of his death, Martinez and his crew were working in a high-risk area known as a "Red Zone." Spratto, the Southington Police detective, said he found no mention of "Red Zones" in his re-

view of the training documents and handbooks given to groundskeepers. The park's General Manager Tom Wages told him there were no maps or documentation of those areas, he said.

Two groundskeepers working with Martinez — Eli Baez and Donald Provost — told D'Amico they were specifically instructed to work beneath the tracks by Jaworski. Their statements contradict assertions after the accident by park officials, who said the workers had been told to work near, but not under, the tracks.

During his deposition, Jaworski, when asked by D'Amico about his instruction, at first denied giving the order and later said "I don't remember."

The report by Southington Police cleared Martinez of any wrongdoing in his own death, noting that he had not been playing "chicken," as had been rumored. According to toxicology reports, he was not under the influence of drugs and or alcohol.

According to interviews with other employees, however, Martinez was aware the roller coaster was being tested, the report said. Spratto speculated that the sound of the gasoline-powered weed cutters he and other workers were using may have prevented Martinez from hearing the approaching cars.

Wages declined to comment on either investigation, saying only that the report by the Southington Police confirms the finding by park officials that Martinez' death was a "tragic accident."

Within 24 hours of the accident, park officials voluntarily implemented a new safety procedure to prevent similar accidents. Groundskeepers are now issued the same cards used by other park workers to keep rides from running while maintenance work is being performed.

The new procedures prompted the federal Occupational Safety and Health Administration to reduce a penalty against the park by half, to \$14,500.