



michigan municipal league

Liability & Property Pool Workers' Compensation Fund

RISK CONTROL SOLUTIONS

A Service of the Michigan Municipal League Liability and Property Pool and
the Michigan Municipal League Workers' Compensation Fund

REDUCING THE EXPOSURE OF OPERATING SKATEBOARDING AND IN-LINE SKATING FACILITIES: A MANAGEMENT BRIEF

OVERVIEW



Many municipalities are exploring the possibility of establishing controlled environments in which individuals can skateboard and in-line skate. The liability risks associated with allowing individuals to use public sidewalks and streets include personal injury claims and claims that the agency has not properly maintained sidewalks. Additionally, skateboarders and in-line skaters might injure other citizens. Citizens might also complain of harassment by skateboarders and in-line skaters, thus creating poor publicity for the community.

A controlled environment has the advantage of reducing the liability risks associated with skateboarders and in-line skaters who use community streets and sidewalks. However, there are other risks associated with operating a skating facility. The potential for serious injury to both participants and spectators exists. This is especially true if the community has not taken measures to:

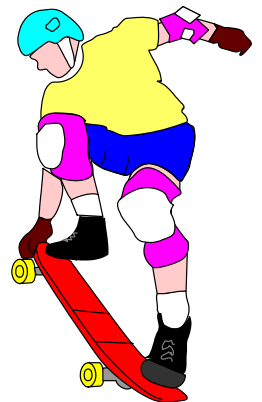
- Assure the physical safety and integrity of the facility;
- Train facility personnel;
- Establish and communicate safety rules to participants and spectators; and
- To provide appropriate safety and health supplies and equipment if an emergency occurs.

GUIDELINES FOR REDUCING YOUR EXPOSURE

Transfer the Risk

One way municipalities can minimize their exposure to loss is by transferring the risk. Municipalities should consider having another entity own and operate the facility and provide the necessary insurance.

Whether municipalities choose to transfer the risk or build, maintain and operate their own facilities, they should consider the following recommendations.



The Facility

The design and layout of the skateboard and in-line skating park are important. The park might have:

- A flat area for freestyle skating,
- A slalom course,
- A bowl,
- A ramp,
- A vertical wall,
- A full and half pipe, and
- Dunes and valleys.

The park may resemble an in-ground pool or be set up with “street obstacles”. Configurations may be constructed of concrete, plywood or connected sections of molded fiberglass, Plexiglas or polycarbonate (plastic), braced with wood or metal. Generally, the facility will also have a building or buildings housing a pro shop, equipment rental and repair shop, refreshment concession, ticket booth and, perhaps, an amusement machine area.

- The design of the park’s layout and obstacles should meet or exceed the best practices currently in place in the industry.
- Perimeter fencing and a locking gate should secure the park to prevent unauthorized access and to protect observers.
- A licensed architect or engineer should approve all obstacle design plans.
- The municipality should arrange for testing of the facility by qualified professional skaters and safety experts to determine the degree of difficulty.
- Park staff should inspect the runs and obstacles daily for damage. Staff should document all repairs.
- A distance of 20 feet should separate obstacles, runs and fences to allow for participant recovery and protection.
- The facility should have a barrier or protective netting around the skateboard run to deflect flying boards.
- Runs should have signs or color-coding to indicate degree of difficulty.
- The facility should have easy access for ambulances or other emergency vehicles.
- Runs and ramps should have adequate drainage to eliminate water from ramps.
- Indoor facilities should have adequate lighting, panic hardware and properly marked exits.
- No standard for skateboarding helmets exists. However, municipalities should require participants to wear ANSI or SNELL approved bicycle helmets. Post signs about this requirement at entrances and throughout the facility.

The Obstacles

- Obstacles and runs should be free of sharp edges.
- “Temporary” obstacles should be secure and stable to prevent shifting while they are in use.
- Obstacles and ramps constructed of wood should use pressure treated materials and be over a space sufficiently deep to allow the wood to breathe.
- Wood structures require more frequent and vigilant inspection to assure there are no nails or screws protruding that could injure a participant.

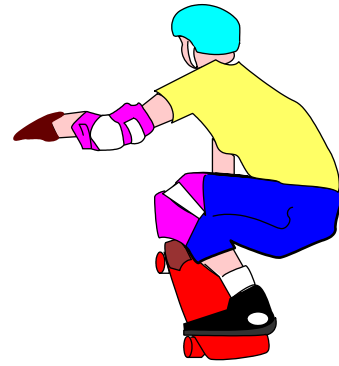
Participants and Spectators

Park staff should:

- Keep observers behind the perimeter fencing to protect them from flying skateboards.
- Control the number of participants on each run and obstacle to prevent participants from colliding.

The design of the facility should assure that:

- Platforms over three feet high intended for standing or recovery have standard handrails with mid-rails and stairs.
- Decks attached to obstacles intended for waiting participants have enough depth to offer protection from flying skateboards.
- Walkways should be sufficiently distant from runs and ramps to prevent collisions of participants and pedestrians. Walkways should provide safe and easy access.
- An adequate distance between spectators and participants should exist to prevent injury to spectators.



Supervision and Emergency Measures

Facility management should:

- Make certain that all personnel receive adequate training. Management should document training and maintain records in the department.
- Assure that trained personnel vigilantly supervise activities at the park during hours of operation.
- Post and communicate park rules clearly to participants.
- Post the disclaimer **“Use at your own risk”** prominently with the written rules.
- Require minors to provide written approval from a parent or guardian.
- Require safety equipment, such as helmets and kneepads, for all participants.
- Make training and instruction available to newcomers or require participants to provide proof that they have received safety instruction.
- Require organized groups to provide a certificate of insurance equal to or in excess of the limits that the municipality carries.
- Assure that first aid supplies are present at readily accessible locations within the park.
- Require staff members to have Red Cross First Aid Certification, including CPR.
- Assure that telephones are readily available to report all emergencies.
- Conduct equipment checks of all rental skateboards and in-line skates as well personal protective equipment.
- Conduct periodic inspections of facilities, documenting the inspection, repairs, and maintenance.
- Employ or contract with qualified technicians for maintenance and repair.
- Develop a registration form and waiver for participation in skateboarding activities. Require completion of the form before participation. If a participant is under the age of 18, require the parent or legal guardian to complete a waiver, releasing the municipality from any damages the participant might suffer.

Conclusion

Skateboarding and in-line skating are dynamic and fast growing sports. Many enthusiasts of these sports emphasize their inherent risks. Participants often rely on their experience and common sense when choosing the difficulty of the run or obstacle.

The skateboarding industry is developing documented industry standards to provide consistency in the design and construction of obstacles. While these standards are under development, a community can take steps to reduce its risks if it chooses to offer a controlled environment for skateboarding and in-line skating.

The community can obtain plans for the layout of a park as well as obstacle blue prints from sports publications and private businesses. A licensed architect or engineer should evaluate all plans unless the vendor can provide written proof of prior evaluation and certification.

Summary

A sound approach to constructing, maintaining, and operating your agency's skateboard and in-line skating facility benefits your community and every member of the Pool. If you have any questions or if we can assist in any other areas of risk management, please contact your the League's Loss Control Services.



Important Telephone Numbers

MML Risk Management Services	734/662-3246 or 800/653-2483
Loss Control Services	800/482-0626

Note:

This document is not intended to be legal advice. It does not identify all the issues surrounding the particular topic. Public agencies are encouraged to review their procedures with an expert or an attorney who is knowledgeable about the topic.



Liability & Property Pool Workers' Compensation Fund

SELF ASSESSMENT

Skateboarding And In-Line Skating Facilities Liability

Skateboarding and in-line skating are increasingly popular activities. Many public entities have constructed facilities in response to their communities' demands for safe locations for participating in these sports. To reduce their exposure to liability claims, communities should take appropriate actions to assure the safety of both participants and spectators.

Does your organization:

1. Have a design that meets current skateboard park industry standards?

Yes No →



Does the park

- Have a design that meets or exceeds the best practices that are currently in place in the industry.
- Have obstacle designs that have been evaluated by a licensed architect or engineer?
- Have all runs and obstacles separated by 20 feet?
- Have perimeter fencing with locking gate to control park access?
- Provide and clearly identify runs and obstacles for beginner, intermediate and advanced skill levels?
- Provide pads or soft material around obstacles to absorb the impact of a fall?
- Have temporary structures that are secure and stable to prevent shifting or movement while being used?
- Provide standard handrails with mid-rails and stairs for standing and recovery?
- Provide standard hand rails with mid-rails for platforms higher than three feet?
- Have decks intended for waiting participants that are deep enough to offer protection from flying skateboards?

2. Retain trained staff for the facility?

Yes No →



Do you

- Have well-trained, qualified staff who actively monitor the skating and other areas at all times?
- Document all training.?
- Require staff to be Red Cross First Aid certified?
- Provide staff with special clothing for easy identification?

3. Supply equipment?

Yes No



- Do you**
- Thoroughly inspect skateboards, skates and safety equipment before and after rental?
 - Use qualified and experienced staff to repair equipment?
 - Clean and inspect all park owned safety gear regularly?

4. Post clearly stated rules in the park and have other measures to protect both participants and spectators?

Yes No



- Do you**
- Provide instruction for beginners including the proper way to fall?
 - Require participants to wear helmets, knee and elbow pads, gloves and wrist guards and proper shoes?
 - Retain the right to revoke the privileges of participants who are rowdy or who do not abide by the rules?
 - Control the number of participants allowed on an obstacle or run to minimize injuries resulting from collisions?
 - Have phones readily available to report all emergencies?
 - Have first aid kits easily accessible from each of the operating runs or obstacles?
 - Post and clearly communicate to participants all disclaimers, warnings and safety rules?
 - Require minors to provide a signed waiver from a parent or guardian?
 - Require spectators to stay outside the park and behind the perimeter fencing to protect them from flying skateboards and to protect the participants from interference or distractions?


5. Have a regular inspection program?


Yes No



- Do you**
- Inspect runs and obstacles regularly while the park is in operation?
 - Assure that all surfaces are smooth and even, free of cracks, moisture or foreign material?
 - Check obstacles made of wood daily for protruding nails or screws?
 - Inspect and document inspections of the runs and obstacles daily?
 - Document all repairs?

Conclusions

 If you were able to honestly answer “yes” to all five of the above questions and your organization is following most or all of the suggested practices, then your organization may have reduced its exposure to future claims. You should congratulate yourself.

 If you are unable to answer “yes” to one or more of the five questions, your organization may have an exposure to a liability claim. Missing components of one or more of the five recommended practices may also indicate a deficiency in your current program. You should take one or more of the following actions:

- Correct any deficiency that may exist;
- Contact an architect or engineer for advice;
- Contact an attorney for advice;
- Contact MML Risk Management Services at 800/653-2483; or
- Contact the League’s Loss Control Services at 800/482-0626.

NOTE: This document is not intended to be legal advice or implied to identify all skateboarding and in-line skating facility liability related exposures. Public agencies are encouraged to contact their attorney and an architect or engineer knowledgeable about constructing skating facilities for assistance in implementing these or other changes.

SAMPLE WAIVER

I am fully aware of the fact that there are special dangers and risks inherent in the activity of skateboarding, including the risk of serious physical injury, death or consequences that may arise or result directly or indirectly from skateboarding. Being fully informed as to these risks and in consideration of being allowed to participate in skateboarding activities at [Name of Facility], I hereby assume all risk of injury, damage and liability arising from such activities or use and hereby release [Name of Entity], its officials, employees and agents and waive any right of recovery that I might have to bring claim or a lawsuit against them for any personal injury, death or other consequences occurring to me arising out my voluntary participation in the activity of skateboarding.

Participant Name (Printed) _____

Participant Signature _____

I certify that I am the parent or legal guardian of the above-named participant; that I have read and understood the foregoing release and waiver; and that I in consideration of allowing [Name of Individual] to participate in [Name of Entity]'s skateboarding activities or on its facilities I join in the release and waiver without reservation and agree to release and waive any claim or legal cause of action that I might have arising out of any personal injury or death of the participant against [Name of Entity], its officials, employees and agents. I further agree to defend, indemnify, and hold harmless the [Name of Entity] for and against any claims that the above-named participant may assert or for any personal injury or property damage caused by the above-named participant. I hereby grant my full consent and authorization for the above-named participant to engage in the activity described above.

Parent/Guardian Name (Printed) _____

Parent/Guardian Signature _____

Date _____

Participant Name _____

Participant Address _____

Participant Telephone Number _____

SAMPLE MEDICAL INFORMATION FORM FOR SKATEBOARD PARKS

Participant's Name _____ Emergency Phone _____

Age: _____ Sex: [] M [] F

Address _____

City _____ State _____ ZIP _____

Hospital Preferred _____ Phone # _____

Allergies _____

Chronic Conditions _____

Regular Medications _____

Medical Problems _____

Learning Difficulties _____

List any illnesses within the past year _____

Does the participant wear (Check all that apply):

Glasses Contact lenses Dental appliance Braces

Has the participant had any past injuries of illnesses or does the participant have any sports limitations the city should be aware of? (Please provide specifics below):

PARENT/GUARDIAN MEDICAL AUTHORIZATION

As parent/ legal guardian, I hereby authorize a licensed physician to examine the above named participant and in the event of injury to render such emergency care as he or she deems necessary for the treatment of such injury, including consultation and treatment by a specialist, including a surgeon. As parent/legal guardian, I hereby authorize [Name of Department and/or Entity] to send the above-name participant to the hospital or doctor most accessible and to bill me for the medical services provided.

Parent or Legal Guardian Name (Print) _____

Parent or Legal Guardian Signature _____ Date _____

Must be signed in front of [Name of Department and/or Entity] staff.

Staff Name: _____

Staff Signature: _____