



# Risk Management Considerations for Skateboard Parks

A thirteen-year old child was riding his bike on a skateboard ramp that the municipality built using plans they found on the internet. There was no inspection schedule in place for the park and the municipality did not keep records of when they inspected the park. There were no warning signs around the ramps and the ramps were placed in a parking lot with no fencing around them. The boy was riding his bike on the ramps and missed a jump, falling face first into the ramp. He broke a number of his teeth and required dental reconstruction surgery.

## Background Information

Skateboard parks are becoming increasingly popular. However, they can lead to numerous problems and cause liability issues for the municipality. You have a duty, as an occupier, to keep the equipment and property in a safe condition to accommodate its intended purpose. Skate parks not only present risks to the users, but risks to the general public as well.

Injuries to participants typically result from:

- Lack of equipment maintenance.
- Conflicting users.

- The design of the equipment.
- Users not wearing proper equipment.
- Equipment not being suitable for skill level.
- Lack of supervision.

The type and severity of the injury are influenced by:

- The experience of the skateboarder.
- The surface on which they are skateboarding.
- The type and quality of the skateboard.
- The type and condition of the equipment in the park.
- The quality and use of protective equipment.

Injuries to the public can result from:

- Poorly maintained equipment.
- Height of equipment with no guardrails.
- Uncontrolled access – no fencing or not locked.
- Vandalism damage.
- Debris around the site – broken glass, nails, construction material.

## Statistics

- The average age of an injured skateboarder is 16 years old (2003).
- Lower leg and forearm breaks are the most common injuries

## Managing the Risk

Exposures to negligence in skateboard parks result from three main areas: design, supervision and maintenance. Address these key issues and the risk of liability can be greatly decreased.

### Design

#### (A) Location of Park

- The location of the park should be in open view and not hidden.
- It needs to be easily accessible by users (along routes of public transportation) and by maintenance staff for easy repairs.
- There must not be any danger for users in entering the park.
- There should also be separated areas for incompatible uses, such as skateboards, BMX bikes and inline skates.
- Consider fencing in the park to prevent vehicles, animals, small children, etc. from gaining access. Also, a fence can be locked at the end of operating hours and prevent skateboarders from using the park at night.

#### (B) Skill Level

- The difficulty level of the park must be well thought out.
- If the park is too difficult, there is a risk of injury for beginners.
- If the park is too easy, more experienced users will get bored and go elsewhere.
- There needs to be a variety of equipment with different difficulty levels.
- The difficulty of the ramps needs to be clearly defined through signs or a coding system (consider using “ski hill” markings).

#### (C) Park Layout

- The park layout must be designed to allow safe movement throughout the facility.
- Traffic flow is important, as is avoiding setups that invite zigzagging and other erratic and possibly dangerous movements.
- In most circumstances, we recommend that municipalities purchase equipment from an established and reputable manufacturer. In doing so, you transfer your exposure relating to improper equipment design, poor workmanship, etc.
- Provide safe areas for participants to rest and spectators to watch.
- Consult the skateboarding community when designing the park. Create open lines of communication between the user group and the municipality to help enforce park rules and deter any vandalism.
- Work with professional park designers and enter into a formalized contract with the designer. The contract should include a Hold Harmless/ Indemnification Clause as well as a requirement for a Commercial General Liability Policy and Errors & Omissions Insurance. This allows for a contractual transfer of the risks involved in design.
- If a third party is building the park, enter into a formalized agreement that includes a Hold Harmless and Indemnification Clause and a requirement for Commercial General Liability and Environmental coverage. Transfer the construction risks.

## Supervision

#### (A) Supervised

- If the park is supervised, safety requirements can be enforced and daily inspections can be completed. In addition, participants could be required to sign a waiver and classes or seminars could be offered to beginners.
- Supervisors should have a good knowledge of and experience in skateboarding in order to judge the skill levels of the users.
- Supervisors should be aware of all safety rules and operational procedures.
- Staff training and orientation should be documented and kept on file.

- Supervisor should be trained in first aid and CPR, have access to a complete first aid kit, have access to a phone and be trained in the completion and filing of accident reports.

#### (B) Unsupervised

- If the park is unsupervised, the equipment provided should be less difficult and easier to maintain.
- If a park is unsupervised, appropriate, clearly worded warning signs must be posted and participants and parents will have to assume more responsibility in park use.

### Signage

- Appropriate signage serves two purposes: prevention of accidents through warning signs and avoiding liability through disclaimer signs.
- Signs should be posted throughout the facility in highly visible locations.
- Signs should be written in simple language for the participants to understand. Use pictures to send a message – i.e.) no biking.
- When creating signs for a skateboard park, keep in mind the reading level of the users. Signs should be written in the most basic way so that all users can understand them.
- Include skateboarding lingo in your signs. An example of this would be to use the phrase “Wear the Gear” rather than “Use of protective equipment is mandatory”.
- Stay away from verbiage such as “must” and “mandatory” as these words require enforcement of the rules.
- Signs must be maintained and should give information such as:
  - Hours of operation – if there aren’t lights that allow for night use, clearly state when the park opens and closes.
  - Warnings of any danger, including use of the facility when it is wet or icy.

- Recommended use of protective equipment.
- Location of a telephone “The nearest phone is located \_\_\_\_\_. 911 is a free call.”
- The degree of supervision (supervised vs. unsupervised, hours of supervision).
- Adult supervision is recommended for children under the age of 10.
- Post a sign warning “Do not use equipment that is damaged. Call \_\_\_\_\_ to report damage”.
- Consider a sign that says the following “This facility is not supervised. Parental supervision is recommended. This is a high risk activity that can result in injury”.
- Provide a number that people can call to report problems with the park such as maintenance issues.

### Inspections and Maintenance

The single most important aspect in the operation of a recreational facility is the maintenance of that facility. Maintenance should be considered at the design stage, with equipment being designed to require minimal maintenance and using new materials. Safety inspections should be completed on a daily basis.

Consider the following steps when developing a maintenance program:

1. Visually inspect park areas daily.
2. Ensure you document all inspections.
3. Remove broken glass, garbage, and other debris.
4. Make minor repairs immediately.
5. Equipment with more serious damage should be removed immediately.
6. Document all inspections, repairs, and maintenance of the park and record it.

Taking these precautions to help reduce potential liability will help ensure that the skate park remains safe for all patrons.