



Loss Control TIPS

Technical Information Paper Series

Innovative Safety and Health SolutionsSM

Skateboarding Parks And Ramps: Minimizing Municipal Liability

Introduction

Skateboarding has been popular for more than thirty years. Having started as an alternative to surfing when wave conditions were less than desirable, the sport has grown. There are estimates of well over 20 million participants.

Most skaters learned to skate on city streets, sidewalks, and other public and private places. Many municipalities have passed ordinances that prohibit skating on public streets and sidewalks, or in places where they might be a nuisance or a potential danger to the public.

This presents a dilemma for skateboard enthusiasts. Where can they skate legally? Skaters have organized and approached their municipal officials to request that the municipalities provide skateboard tracks and facilities just as they provide tennis courts, basketball courts, soccer fields, and baseball and softball fields for other citizens of the community.

Some communities have undertaken such programs. From the municipality's viewpoint, there are two objectives for doing this.

One is to get skateboarders away from city streets and sidewalks, where skateboarding is dangerous, inappropriate, and, in some cities, prohibited.

The other is to acknowledge that skateboarding is a sport, and that a skateboard track would provide a place where skaters could enjoy their sport and improve their skills.¹

The Dilemma

When a municipality considers providing a specific place for skateboarders, it places itself between the proverbial rock and hard place. If the municipality *does not* provide the facility, skateboarding might take place in undesirable places that may not only present a danger to the skaters, but also to the general public. However, if the municipality *does* provide a facility for the activity, it must also be willing to accept the attendant liability.



Typical Skateboard Facilities

In general, the needs of the recreational skateboarder can be categorized into four areas:

1. A flat area for freestyle tricks
2. A gradient for speed and slalom
3. A bowl with sloping sides, or half pipe
4. A mixture of bumps, curves, and straight-aways, for variety²

Four types of skateboard structures generally meet these needs:

1. *Concrete mounded tracks*, or *snake tracks*, offer a smooth running surface which enables riders to have continuous momentum. The provision of such a facility on flat ground will cater more adequately to the beginner. Mounds and bends can be added to provide interest and movement.
2. The *Concrete Performance Bowl* enables the skater to use gravity and momentum to keep himself/herself on a vertical wall. This type of structure is really only suitable for advanced skaters.
3. The *Flat Area or Open Bowl* is used for freestyle skating, and can be of any shape, provided it can accommodate a reasonable number of skaters safely. The general rule of thumb is that one skater requires about 33 square feet (10 square meters.). Where both sides of the flat area are banked, it is known as an *open bowl*.
4. *Ramps*. There are three different types of ramps:
 - a. The *half pipe* is considered one of the best structures for advanced skateboarding. This type of facility can be landscaped into a mound or a bank, or can be freestanding as a portable, with stairs leading to one platform.
 - b. The *quarter pipe* resembles one half of a half pipe and, depending on its height, will generally be located at the bottom of a slope. This can either be freestanding or landscaped into a mound. It is ideal for skaters from beginner through advanced levels.
 - c. A *street ramp* is a scaled down version of a quarter pipe, which allows riders to practice jumps or allows beginners to learn basic moves, without the excessive height of a quarter pipe.³

Design Issues and Concerns

In deciding whether or not to construct a facility, a municipality should consider the following safety issues:

1. *Select a qualified contractor to design and install the facility*. Although there are no actual standards for construction, there are contractors who are in the business of fabricating such facilities. Pre-qualify any contractor; i.e., verify and view previous work, verify adequate levels of liability insurance coverage (certificates of insurance), implement hold harmless agreements favorable to the entity, and, where possible, be named as an additional insured on the contractor's policy. Check with established sources for construction specifications (see *Additional Sources of Information* at the end of this article).
2. *Site the facility appropriately*. Landscape appropriately to facilitate adequate drainage of moisture. Locate the facility away from overhead trees and shrubs to reduce the possibility of leaves and branches, etc. from accumulating on the track.

3. Where appropriate, *construct fencing or railings*. Use perimeter fences and railings to stop runaway skateboards and to prevent people from falling into the facility during times of low visibility.

4. *Use a design that accommodates skaters of various age groups and abilities*. Problems can occur where younger children, older children, beginners, and advanced skaters are located in the same area.

Liability Issues and Concerns

Additionally, consider these liability concerns:

1. *Potential for Liability*. Once the facility is constructed, by virtue of it being under the public entity's control and purview, the public entity will assume whatever liability attaches. Therefore, *whenever the facility is used, either for authorized or unauthorized use, a potential for liability exists*.

2. *Adequate Supervision*. Because of this potential, the question of adequate supervision must be addressed. Ideally, *the facility should not be operated without adequate supervision*. This supervision should include instructing beginners, and enforcing the use of appropriate protective equipment and clothing. Make provisions to prevent unauthorized use during times when there is no supervision (e.g., by using fencing, gates, etc.).

3. *Inspection and Maintenance*. The fact that the facility exists requires that appropriate *periodic inspection and maintenance be performed and documented*. Where deficiencies are noted, timely corrections should be made and appropriately documented.

4. *Install Appropriate Signage*. Signs should indicate that users of the facility must wear proper protective clothing and equipment, in particular, helmets, arm pads, and knee pads. Furthermore, the signs should warn that the skateboarding facility may be dangerous if used by inexperienced skaters. Lastly, the sign should indicate that children under the age of seven must be accompanied by a competent adult.

5. *Transfer Operations to a Third Party*. *Where feasible, the entity should attempt to transfer the operation of the facility to another party*, usually a contractor who may make a charge. The contractor may provide rental equipment, such as, boards, pads, and helmets, and may also provide instructional assistance. Confirm that the contractor has adequate levels of liability insurance coverage (Certificate of Insurance), provide hold harmless agreements in favor of the entity, and, where feasible, be named as an additional insured on the contractor's policy. The inspection and maintenance function should also be transferred to the contractor. This step will go far in limiting the entity's liability.

6. *Determine Insurance Coverage*. *Make sure that the skateboard facility is covered under current insurance programs*. Determine if any exclusions are in force and make arrangements to cover the gaps.

Summary

When making decisions about providing skateboarding facilities, a municipality must weigh the costs and benefits of providing such facilities to its citizens. Once the decision has been made to do so, appropriate risk management controls should be implemented.

Notes

1. Ken Wormhoudt, "Staying on Track with Skateboards." *Parks and Recreation*, August 1994, vol. 28, no. 9, p. 43.
2. Fay Lewis, *The Provision of Skateboard Facilities by Local Government*. Skateboard Facilities Seminar, Melbourne, Australia (1987), p. 12.
3. *Ibid.*, pp. 12-13.

Other Sources of Information

City of Mission Viejo [California]. *Municipal Code*. "Skateboarding, rollerskating prohibited in certain designated areas." (Chapter 11.20)

Hesselgrave, C. "Ramp Ingredients: What You Need to Build a Ramp. *Action Now*, May 1981, vol. 7, no. 10, pp.42-45.

Sandlin, Claudia. Taking Skateboarders Off the Streets: Prince William Hopes Park Will Reform Sidewalk Surfers." *The Washington Post*, June 21, 1990, p. B01.

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