

MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

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BULLETIN MEL 12-09

Date: January 30, 2012
To: Fund Commissioners of Member Joint Insurance Funds
From: Underwriting Manager
Conner Strong & Buckelew Companies, Inc.
Re: **Skateboard Facilities Guidelines and Coverage Requirements**

The bulletin does not apply to the members of the NJUA JIF, members of NJPHA JIF and “workers compensation only” members of the First Responders Joint Insurance Fund.

This will serve as a reminder of the MEL’s skateboard facility insurance guidelines, safety guidelines and coverage requirements. The MEL provides limits of **\$5,000,000** excess of the member JIF retention for member entity owned and “approved” skateboard facilities. The extension of coverage is contingent on the member town’s respective member local Joint Insurance Fund adopting and implementing insurance and safety guidelines similar to the guidelines enclosed. The guidelines are also a requirement of the MEL’s excess liability re-insurer.

The enclosed guidelines address insurance and safety issues. Please note that items #1 and #2 require evidence of adequate insurance from the architect, engineer and contractor. Items #3 and #7 require proper safety and loss control. Items #4, #5, and #6 require governing body approval via resolution for the design and construction, posting of signs and on site supervision. By obtaining governing body approval via resolution, the design immunity is further strengthened. Item #8 requires member JIF approval.

Also included are a “definition” of a skateboard facility and a “basic description” of the type of facility the MEL would consider insuring. An “approved” facility is one that has implemented similar guidelines to those enclosed and has been accepted for coverage by the local member Joint Insurance Fund.

If you have any questions concerning this bulletin, please contact your Risk Management Consultant, JIF Executive Director or Conner Strong & Buckelew (973-659-6577).

This bulletin is for information purposes only. It is not intended to be all-inclusive but merely an overview. It does not alter, amend or change your coverage. Please refer to specific policies for limits, terms, conditions and exclusions.

cc: Risk Management Consultants
Fund Professionals
Fund Executive Directors

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SKATEBOARD FACILITY *Insurance and Safety Guidelines*

Skateboard Facility Definition

A skateboard facility is defined as a facility constructed specifically for the use of skateboarding and designed with special ramps. It is not a flat paved composite or wooden area. The local JIF currently excludes coverage for skateboard facilities except those that have already been approved.

Eight (8) Step Requirement for Approval of Coverage

The Executive Committee of the local JIF must approve the application for coverage prior to the MEL extending coverage. The member must submit to the Executive Committee of their local JIF for review documents outlined in items (1) through (7). The MEL wants to ensure that Title 59 immunities will be triggered where at all possible in the event of a claim.

- 1) A **qualified architect or engineer** must design the facility. The member town must obtain **certificates of insurance** from this individual/firm prior to the start up of the project. The member town should consult with their RMC (where applicable) on the limits and extent of coverage required. Evidence of insurance is required for workers compensation, general liability, professional liability and automobile liability. The member town must be named as additional insured on the general liability policy of the architect and/or engineer.
- 2) The facility must be constructed by a **qualified outside contractor**. The member town must obtain **certificates of insurance** from the contractor prior to the start up of the project. Again, the member town should consult with their RMC (where applicable) on limits and extent of coverage required. Evidence of insurance is required for workers compensation, general liability and automobile liability. The member town must be named as additional insured on the general liability policy of the contractor.
- 3) The member town must provide a copy of the design specifications to the local JIF for review by the local JIF and its Safety Director. The facility must receive a satisfactory pre construction inspection in writing by the local JIF Safety Director. Attached is a basic description of the type of facility the local JIF and MEL would consider insuring.
- 4) The governing body of the member town must adopt a **resolution/ordinance** approving the **design and construction** of the skateboard facility.
- 5) The governing body of the member town must adopt a **resolution/ordinance** requiring the posting of signs at the skateboard facility requiring the wearing of **safety equipment**, including helmets, elbow and knee pads.
- 6) The governing body of the member town must adopt a **resolution/ordinance** on whether or not **supervision** is required.

Eight (8) Step Requirement for Approval of Coverage (continued)

- 7) The facility must receive a **satisfactory post-construction inspection** in writing by the local JIF Safety Director.
- 8) The local **JIF Executive Committee** will approve the facility for coverage upon receipt and review of the:
 - Safety Director's satisfactory reports for pre-construction inspection including compliance with any pre-construction recommendations (Step #3) and for post-construction inspection (Step #7),
 - Resolutions as required in Steps #4, 5 and 6 described above.

Coverage and Pricing

The coverage afforded for an “approved” facility is currently provided by the MEL at a limit of \$5,000,000 less the local JIF's retention. Skateboard facilities are not eligible for the optional excess liability coverage offered by the MEL. Therefore, \$5,000,000 is the maximum limit. There will not be a MEL additional assessment. However, there may be a local JIF assessment.

Basic Description of an Insurable Type Facility

The design of a skateboard facility must include considerations for safety; be economically feasible; be compatible with other uses if built in a public park; and not adversely impact any nearby residents. It should incorporate features allowing skaters of different levels of ability to be challenged; it may contain convex and concave shapes in the form of bowls, ridges, valleys, channels, curbs, platforms, ramps and level areas. All features should be interconnected, so skaters can move continuously throughout and around the track.

The design of the facility should be a reasonable compromise between fun and safety. It is essential that the design of the skateboard facility should not only involve input from the township staff and the township's risk management consultant, but also involve input from skateboarders.

Safety Guidelines

The local JIF and MEL will only insure those facilities, which are designed with safety in mind. The member town must provide a copy of the design specifications to the local JIF for review by the local JIF and its Safety Director. The following guide has been developed for the convenience of the members developing skateboard parks. Some of the items identified are required for coverage, others are offered as suggestions. Be reminded that this is not a complete list and that the criteria are subject to change without notification.

Safety Guidelines (continued)

Administration

- A qualified architect or engineer must design the facility. The member town must obtain certificates of insurance from this individual/firm as noted above. Written plans for the skateboard park must be approved by the Safety Director.
- The facility must be constructed by a qualified outside contractor. The Member Town must obtain certificates of insurance from the contractor as noted above.
- The governing body of the member town must adopt a resolution/ordinance approving the design and construction of the skateboard facility as noted above.
- The governing body of the member town must adopt a resolution/ordinance requiring the posting of signs at the skateboard facility requiring the wearing of safety equipment, including helmets, elbow and knee pads.
- Signs are to be conspicuously posted at the skateboard park. Both your solicitor and the Safety Director's office should review the text.
- The governing body of the member town must adopt a resolution/ordinance on whether or not supervision is required.

If the park is unsupervised, the town must alert the Police to the ordinance and require that they enforce it. To enable the Police to enforce an unsupervised park, a tag system should be used in indicating who has signed a waiver and a commitment to abide by the rules.

For supervised parks: Included in this policy should be a medical waiver and/or release signed by both the parent and child allowing the township to provide emergency medical treatment. This information should be on the back of the ID card issued by the township for skateboard park users.

Possible color coding of attractions tied in with age guidelines that would be incorporated on the "users" permit; or, identification badges should be considered if the park is supervised.

For both unsupervised and supervised parks there should be an accident/incident procedure in place and the attendant should have multiple means to contact the police or emergency units (cell phone, two-way radio and emergency landline phone being installed).

- Maintenance procedures must be provided.
- Member must set up a specific inspection program in accordance with Mfg./Installers Guidelines.

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Safety Guidelines (continued)

Site of the Attractions

- Separate the beginner and more experienced attractions. See "Equipment", below.
- Shared BMX and Skating activities are not acceptable unless the skateboard park attractions have been designed for both activities and separate usage times have been posted and enforced.
- Trees and shrubs should be planted far enough away from the track to avoid leaves and twigs from falling on the track. Ground covers are likely to be trampled if planted too close to the facility.
- There must be a transition area extending around the facility on all sides between five and ten feet depending on the location within the park. This area acts as a buffer zone between the attractions and the fence.
- Site drainage should be evaluated to assure that water would satisfactorily run off the site and the equipment.
- There must be a way to close the skateboard park off at night or in off-hours. A ten-foot high chain link fence is suggested however an eight-foot high perimeter fence is a minimum requirement. The fence should have a gate for people and another gate large enough for maintenance equipment to get on site.
- If the park is to be open after dark, it must be well lighted.
- Smooth concrete or asphalt surface free of cracks that could catch wheels.
- Sign(s) at facility, which posts rules, hours, and suggested PPE. See Administration above.
- Phone service readily available with emergency numbers posted.
- Spectator areas are ADA compliant and protected from skaters rolling into the spectators.
- Spectator areas should be protected from flying skateboards.
- Storage area for bags and equipment should be provided out of traffic flow and skating areas.
- Water fountain advisable
- Rest room facilities advisable.

Safety Guidelines (continued)

Equipment

- Attractions should be physically separated and arranged according to the skill level of potential users.
- Height limitation of less than 6 feet
- Vertical slopes and sharp edges should be eliminated from the design with, instead, a gently rounded lip at the top edge of all slopes.
- Edges of attractions should be sanded so there are no burrs to cause splinters.
- Meet applicable B.O.C.A. and/or Township construction codes.
- Anchoring of equipment. - countersunk or recessed fastenings.
- Rounded corners on equipment with no protruding bolts or fasteners
- Enclosed sides and ends of attractions and platforms (Solid stops advisable or stops with vertical rails of 4 Inch on center or less acceptable.)
- Transition or buffer area distance between attractions and the adjacent fence requires a minimum of 5 to 10 feet to reduce potential of impact incidents. The minimum is 15 feet between attractions.
- Attractions should be fully enclosed thus preventing unauthorized individuals tampering with connective bolts. The bolts could require a special wrench to be removed.

Additional Requirements

- A final inspection by the installer and sign-off by the engineer that all work was done in accordance with contract specifications.
- A specific training program conducted by the Mfg./Installer regarding equipment inspection activities.