

То:	Community Services Committee
From:	Ron Diskey, Commissioner, Community Services Department
Report Number:	CS-21-28
Date of Report:	March 17, 2021
Date of Meeting:	March 22, 2021
Subject:	Phased B.M.X. Bike Park Facility
File:	F-6105

1.0 Purpose

The purpose of this report is:

- to respond to Council Direction CS-21-11 on February 22, 2021: "That staff investigate and report back to the Community Services Committee on March 19, 2021 the opportunity to build a temporary B.M.X. bike park on the southwest side of City-owned Thornton lands, close to Thornton Road including costing and timing."; and,
- 2. to obtain direction from Council on the future of the unsanctioned trails and riding features based on the options provided in Report CS-21-11 appended as Attachment 1 and outlined under Section 5.6 given the financial and resource considerations.

After reviewing matters related to a temporary bike park facility that would likely involve considerable "throw away" costs staff recommend that the City advance Phase 1 of the ultimate permanent bike facility. The intent would be to design Phase 1 such that it could be integrated with a future phase of the ultimate bike facility and enhanced as appropriate while minimizing as best as possible any "throw away" costs.

2.0 Recommendation

That the Community Services Committee recommend to City Council:

1. That pursuant to Report CS-21-28 dated March 17, 2021 a new Capital Project be approved for \$100,000 to be funded through the Parks and Recreation Facilities Reserve for the construction of the Phase 1 bike park facility; and,

2. That Council provide direction on the future of the unsanctioned bike trails and riding features based on the options and financial implications outlined in Section 5.6 of Report CS-21-11;

3.0 Executive Summary

N/A

4.0 Input From Other Sources

- Finance Services
- Legal Services
- Durham Municipal Insurance Pool
- Engineering Services

5.0 Analysis

5.1 Background

In response to CS-21-11 dated February 10, 2021 being a report outlining options for the existing unsanctioned bike track and features Community Services Committee modified its Recommendation by replacing:

- "3. That the Community Services Committee recommend to Council direction on the future of the unsanctioned bike trails and riding features based on the options and potential financial implications outlined in Section 5.6; and,
- 4. That Council approve the necessary funding to address remedial work pending Part 3 direction chosen."

with:

"That staff investigate and report back to the Community Services Committee on March 19, 2021 the opportunity to build a temporary BMX bike park on the south-west side of City-owned Thornton lands, closer to Thornton Road including costing and timing."

The following provides staff's review of the potential option to build the first phase of the B.M.X. bike park including timing and costing. The facility will be part of a phased approach towards the ultimate permanent facility and allow for elements of the Phase 1 facility to be incorporated into the permanent facility.

5.2 Phased Facility Review and Considerations

On February 22, 2021, Council directed staff to proceed with Option 1 to include a B.M.X. facility as part of the Thornton Road Sport Field Study.

It should be noted that Capital Budget for the construction of an ultimate permanent facility has not been approved. However, Project 50-0052 Thornton Community Park

Development has been endorsed through the 2019 Development Charge Background Study at a total cost of \$3 Million scheduled for 2028.

Staff undertook a preliminary review of the lands and have identified that the area could accommodate both the Phase 1 and ultimate permanent bike park, shown in Attachment 2. The Phase 1 facility will consist of a dirt track and riding features of which elements will be considered during the permanent bike park design process. In order to limit potential delays the Phase 1 area would need to be located outside of the Central Lake Ontario Conservation Authority (C.L.O.C.A.) regulated area so as not to require a C.L.O.C.A. permit and additional technical studies such as an environmental impact assessment and archeological.

Based on the available space outside of the regulated area and setback requirements of 20 m from the road and adjacent neighbours, the Phase 1 would be no larger than 0.5 ha. A facility of this size will not provide the same diverse riding experiences, complexity or address the need for multi-skill levels recommended by Frank Cowan Company ("F.C.C."). This may be a barrier to attracting some of the existing users. However, it is a phased approach that may appeal to some of the existing users.

5.3 Timing and Cost

Table 1: summarizes the timing and the rationale for each step of the design, construction and operating stages in order to fast track the Phase 1 bike park facility. The rationale includes the consideration of the recommendations from F.C.C. aimed at reducing the City's risk and liability as appended as Attachment 3. The costs outlined below are estimates based on limited understanding of the site as studies typically undertaken as part of due diligence have not been undertaken (note: any issues uncovered may result in increased costs and additional time).

Table 1: Schedule

Key Milestones	Timeline	Rationale	
Council Approval	March 29, 2021		
Stage 1: Technical Studies and Design			
Estimated: \$25,000 +/-			
Prepare /Issue/Award R.F.Q. for Consultant to provide O.A.L.A. stamped drawings, construction specifications, construction/volunteer administration and signoff post construction.	April 2021	F.C.C. recommends hiring under contract a "professional bike park builder" and a member of Ontario Association of Landscape Architects ("O.A.L.A.") to sign off on the design to mitigate risks.	
Prepare /Issue/Award R.F.Q. to undertake background site	April 2021	F.C.C. recommends that the site be reviewed to confirm site suitability (soil	

Key Milestones	Timeline	Rationale
investigations including topographic survey, geotechnical study and compliance with excess soil regulations.		composition, drainage, etc.) to inform the type of bike features the site can accommodate. These studies are the minimum necessary studies. City must also comply with O. Reg. 406/19 under the <i>Environmental Protection</i> <i>Act</i> , R.S.O. 1990, c E.19 for excess and imported soil. May require additional time.
Preliminary Master Plan of Community Park including Conceptual Design of Phase 1 Bike Park	May 2021	To provide initial concept of site and confirm fit.
Establish Volunteer Stakeholder Group and Park Stewardship Program	May 2021	Allows for minimal review with B.M.X. stakeholders. Necessary to ensure engagement and commitment from volunteers for the construction phase.
Finalize design drawings (with O.A.L.A. stamp) and construction specifications	June 2021	F.C.C. recommends only building a facility that has been designed and stamped by an O.A.L.A.
Region Permit application and approval	June 2021	Access onto Regional Road requires a permit and may require additional studies. May require additional time. This is required for emergency access and access to a parking area.
Stage 2: Site Construction Estimated: \$100,000 +/-	June- August 2021	Utilizing City Forces and equipment registry, staff will complete all works including access, parking, fencing, sign development and installation, site preparation and supply/placement of materials for bike park. Volunteers to assist with minor site work and final touches. Weather permitting and pending volunteer commitment.
Post construction inspection/sign off by an O.A.L.A.	August 2021	F.C.C. recommends that an O.A.L.A. conduct a field review after the park is built to ensure that the built park matches the approved drawings. May result in delays if additional work is needed prior to sign off.

Key Milestones	Timeline	Rationale
Open Facility (pending O.A.L.A. sign off)	September 2021	F.C.C. recommends that the park should not open to the public until final sign-off is received from the O.A.L.A. landscape architect.
Stage 3: Operating Maintenance, Monitoring and Repairs of Phase 1 Bike Park Facility Estimated: \$50,000 +/-	Annually	Phase 1 dirt track and riding features are prone to alteration by users and weather requiring regular and ongoing maintenance. Regular monitoring is needed in accordance with F.C.C. Operating costs include other maintenance needs such as waste and litter management.
Stage 4: Community Park Development (e.g. possible sports fields, ultimate bike park, splash pad, basketball court and site amenities)	TBD	Design and Background Study to be undertaken in 2022 which will include public engagement. The timing for Project 52-0052 for construction will need to be addressed by a future Council.

Note: Timing are estimates and may be impacted by weather, unforeseen site conditions, excess soil regulation and permit delays.

It is important to note that given the aggressive schedule there would be no time to undertake a comprehensive public consultation process with area residents, community, or potential users as Corporate Communications typically requires 10 weeks to undertake a proper public engagement process. Staff would also consult with Advisory Committees including the Active Transportation Advisory Committee, Oshawa Environmental Advisory Committee or the Oshawa Accessibility Advisory Committee for the overall community park project.

Delaying the removal and restoration of the existing unsanctioned facility until the completion of the Phase 1 bike park facility is not recommended. To eliminate risks the unsanctioned area should be removed and the area restored to natural conditions as soon as possible.

6.0 Financial Implications

6.1 Future of Existing Unsanctioned Area

As highlighted in Report CS-21-11 the unsanctioned trails and riding features cannot continue to operate, either formally or informally, in the current state. Report CS-21-11 outlined three options including the option to decommission the unsanctioned area (Option 3). Report CS-21-11 identifies the financial implications associated with the various

Options in Section 5.6 and 6.3. Financial implications will depend on Council's direction as to the next steps.

6.2 Phase 1 B.M.X. Park

6.2.1 Stage 1

The \$25,000 +/- associated with Stage 1 for the technical studies and design of the Phase 1 bike facility can be accommodated as part of the approved funding through project 18-500043 Thornton Road Sport Field Study.

6.2.2 Stage 2

Costs associated with the construction of Phase 1 of the bike park was not considered as part of the 2021 Capital or Operating budget process. The construction of the Phase 1 bike park falls outside the scope of the approved Project 18-500043. Finance Services has confirmed that \$100,000, required for the construction of the Phase 1 bike park facility, can be funded from the Parks and Recreation Facilities Reserve.

6.2.3 Stage 3

Going forward, the Parks Operating budget will require an estimated \$50,000 annually for Phase 1 bike park facility to undertake the ongoing daily monitoring, maintenance including the provision of water, and both major and minor repairs expected with a dirt facility. Once the design and construction is complete staff will confirm the operating costs to be incorporated into the annual Parks Operating Budget going forward. The operating costs will be reviewed and amended when the permanent facility is completed.

6.2.4 Stage 4

The timing of the development of the entire community park should be considered during the next term of Council as appropriate.

7.0 Relationship to the Oshawa Strategic Plan

This report addresses many of the goals set in the Oshawa Strategic Plan, including the goal of "Economic Prosperity and Financial Stewardship" through the theme of "Safe and Reliable Infrastructure and Wise Land Use", the goal of "Social Equity" through the theme of "An Active, Healthy and Safe Community", and the goal of "Environmental Responsibility" through the theme of "Proactive Environmental Management and Combat Climate Change".

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Mike Saulnier, Director, Operations Services

Ron Diskey, Commissioner, Community Services Department



Public Report

To:	Community Services Committee
From:	Ron Diskey, Commissioner, Community Services Department
Report Number:	CS-21-11
Date of Report:	February 10, 2021
Date of Meeting:	February 16, 2021
Subject:	Unsanctioned Bike Park Review and Proposed Alternate Locations
File:	F-6105

1.0 Purpose

The purpose of this report is to:

- 1. Address Correspondence CS-20-61 being a petition opposing the demolition of unsanctioned bike trails and riding features on City owned land south west of the Oshawa Executive Airport which was referred to staff for a report by Community Services Committee on October 19, 2020; and,
- 2. To respond to Council motion dated November 4, 2019 to table CS-19-130 pending a public meeting to determine the level of interest for a bike park before proceeding with the staff recommendation to retain a consultant to undertake a feasibility assessment for a bike park; and,
- 3. To seek Council direction on a preferred site for a Bicycle Moto Cross (B.M.X.) park and timing based on staff's preliminary recommendations; and,
- 4. To seek Council direction on the existing unsanctioned bike trails and riding features.

2.0 Recommendation

That the Community Services Committee recommend to City Council:

That pursuant to Report CS-21-11 dated February 10 2021, that the October 19, 2020 Correspondence CS-20-61 being a petition opposing the demolition of the unsanctioned bike trails and riding features be taken as an indication of the need and interest in a bike park in Oshawa thereby fulfilling Council direction to determine the level of interest rather than holding a public meeting; and,

- 1. That the Community Services Committee recommend to Council a preferred alternative site based on the options identified in Section 5.5; and,
- 2. That if the preferred alternative site is determined to be the Thornton Road Community Park lands that the project description under Project 18-500043 titled Thornton Road Sport Field Study be replaced with the following wording "This project includes funding for the completion of background and technical investigations, conceptual design development of the Thornton Road Community Park which will include potentially sports fields and a B.M.X. facility."
- 3. That the Community Services Committee recommend to Council direction on the future of the unsanctioned bike trails and riding features based on the options and potential financial implications outlined in Section 5.6; and,
- 4. That Council approve the necessary funding to address remedial work pending Part 4 direction chosen.

3.0 Executive Summary

Based on a thorough review and assessment of the existing conditions including potential concerns around user safety and risk associated with the unsanctioned bike trails and riding features this report demonstrates the need for a sanctioned bike park facility within Oshawa. The assessment outlined below has brought to light key concerns, considerations and recommendations highlighting the need for a properly designed, constructed, monitored and maintained facility in order to manage the inherent risks associated with a facility of this nature. In order to proceed staff require further direction from Council on the existing unsanctioned trails and bike features as well as direction on a future bike park facility.

4.0 Input From Other Sources

- Durham Municipal Insurance Pool
- Central Lake Ontario Conservation Authority
- Oshawa Executive Airport Manager
- Municipal Law Enforcement and Licensing Services
- Oshawa Fire Services
- Finance Services
- Legal Services
- Transitions Bike Parks Inc.
- Other area municipalities including City of Toronto

5.0 Analysis

5.1 Background

5.1.1 Motions and Council Direction

On June 24, 2019, Council directed staff through DS-19-135 to investigate the feasibility, including costs, impacts and safety liabilities of developing a bike park including locations options and cost for the 2020 budget. Staff reviewed and determined that due to the specialized nature of such a facility it would be best to retain a qualified consultant given that the specific expertise does not exist in house. To address this staff brought forward the following item CS-19-130 dated October 28, 2019:

That the Community Services Committee recommend to City Council:

"Whereas the Development Services Committee recommended to City Council on June 24, 2019, through Item DS-19-135:

Whereas mountain biking and B.M.X. biking are growing sports nation-wide; and,

Whereas there is a growing number of cyclists engaging in these two activities in Oshawa and surrounding areas; and,

Whereas mountain biking is an Olympic sport and B.M.X. has been a demonstrator sport at the Olympics; and,

Whereas Brantford has just opened its Rotary Bike Park and have invited staff and Council to visit their facility;

Therefore be it resolved that the Development Services and Community Services staff be directed to investigate the feasibility, including costs, impacts and safety liabilities of developing a bike park for both mountain biking and B.M.X. biking and prepare a report for a Joint Community Services and Development Services Committee meeting, including location options and costs in time for consideration in the upcoming 2020 budget.'

Whereas the Parks, Recreation, Library and Culture Facility Needs Assessment (P.R.L.C.) recommends that the City investigate whether a need for a B.M.X./mountain bike park exists; and,

Whereas staff have undertaken a preliminary scan of other municipalities including Mississauga, Brantford and Kingston to review operating practices, maintenance and risk mitigation; and,

Whereas staff have estimated that a cost of a Bike Park would be between \$500,000 and \$1,500,000 depending on location, size, and design; and,

Whereas staff do not have the capacity or the technical expertise to complete this study;

Therefore be it resolved that the City engage a consultant to determine the feasibility of establishing a bike park and that \$120,000 be placed for consideration in the 2020 capital budget."

This motion was subsequently Tabled on November 4, 2019 by Council pending a public meeting to determine the level of interest prior to proceeding further with investigations. A public meeting planned for the spring of 2020 was delayed due COVID-19 restrictions.

5.1.2 Unsanctioned Facility

Staff were made aware of an unauthorized bike park located within the city lands on the southwest side of the Oshawa Executive Airport (see map appended as Attachment 1), which included unsanctioned trails and riding features such as jumps. The unsanctioned site is approximately 1.05 hectares (2.6 acres) located within a wooded C.L.O.C.A. regulated area.

The unsanctioned trails and features, which are in contravention of the City's Parks and Facilities By-law 83-2000, as amended ("Parks and Facilities By-law), pose a number of concerns related to the unauthorized activity including but not limited to suitable emergency access and egress, lack of user information signage, traffic flow/control, and inspection and maintenance activities. The unofficial use of the area has also resulted in negative impacts to the natural environment including damage to trees and vegetation affecting slope stability.

To address the issue of liability and risk, staff were prepared to remove the unsanctioned jumps. However, subsequent concerns from the users resulted in the installation of gates and no trespassing signage to restrict access pending further review and discussions with the users.

5.2 Risk and Occupiers' Liability

Staff consulted with the Durham Municipal Insurance Pool (D.M.I.P.) who confirmed that the unofficial ad hoc trails and structures represent a significant exposure and liability to the City and recommended the immediate removal of bike ramps, obstacles and terrain until such time as the liability exposures are addressed.

Courts in Canada have held that occupiers or property owners must take reasonable care for the safety of people who are permitted on their premises. If the property owner takes no actions to reduce potential hazards or dangers, then the property owner can be held liable under the Occupiers Liability Act, R.S.O. 1990, c. O.2 ("Occupiers Liability Act").

The courts will assess what the occupiers' "duty of care" is owed to those individuals entering onto the premises. If the City continues to allow access to these unsanctioned bike trails, then the City's liability will be assessed based on what measures undertaken to establish whether the City has fulfilled its "duty of care" and the reasonableness of the system of inspection and maintenance. D.M.I.P. recommended the development of a procedure and process for inspections and removal of any new features if and when they are created.

Given this set of legal parameters, courts often struggle to find recovery for injured parties wherever they can. The trend in recent court cases is to impose greater liability on occupiers of municipal property given that municipalities are perceived as having "deep pockets". Such cases often find that a standard of care is to be met by the occupier.

The recommended actions by D.M.I.P. are aimed at ensuring due diligence, which includes recommendation to retain a consultant to assess the site. It is important that the City has taken appropriate action in establishing the requisite duty of care so as not to be held liable under the Occupiers Liability Act (e.g. lock gates and no trespass signs). The City needs to consider managing the risks of a bike park including the information provided by Frank Cowan Company appended as Attachment 2.

5.3 Existing Site Conditions and Assessment

Correspondence CS-20-61 dated October 19, 2020, being a petition opposing the demolition of the unsanctioned dirt jumps received 1,259 signatures to save the dirt jumps and 104 comments. The petition requested "evidence that the demolition was necessary and if so that a new location be found before the City demolishes the jumps". The petition indicated that the site although unsanctioned had been in existence for over a decade attracting users from the community and beyond and that it was being maintained by many users volunteering their time. The Correspondence was referred to staff for a report.

Based on the response of the petition and Direction from Council through Correspondence CS-20-61, staff met with a core group of users to discuss concerns and subsequently retained a consultant, Transitions Bike Parks Inc. to conduct an assessment of the site including the track, trails and riding features.

The consultant's assessment, appended as Attachment 3, outlines a number of safety concerns, risks and areas of liability with the unsanctioned trails and riding features. The consultant's report was considered in conjunction with the recommended guidance provided by D.M.I.P. The following are the main areas of concern.

5.3.1 Site Visibility and Access

The site consists of a number of unsanctioned trails and riding features, which wind their way through a wooded area with no formal signage, entrance or exit. Users are accessing the site from a number of different locations but the main access route is from the South Field of the Airport through a narrow unmaintained path, which is not visible or accessible to emergency vehicles or maintenance equipment.

Both the consultant and Frank Cowan Company highlight that a site with high visibility including a site that is adjacent to a roadway with parking and suitable access for emergency vehicles and response are key elements to actively manage the associated risks. To resolve this issue an access road would need to be constructed to allow for emergency response and maintenance activities. However, the site still lacks proper visibility. Frank Cowan Company specifically recommends that bike park facilities should be visible and not set back into a wooded areas off the beaten path.

5.3.2 Design and Maintenance

The consultant's report highlights the role of the many volunteers, including many accomplished riders, who have committed significant time and energy in the development and maintenance of the numerous trails, tracks and features over the years. Despite this

commitment, there is a need for greater resources and standards to ensure proper management and maintenance that is necessary to manage the inherent risks associated with such a facility.

A number of concerns related to the design and maintenance highlighted in the report pose a clear risk to users:

- Lack of proper planning has resulted in trail configuration with no standard direction of travel, the creation of ad hoc trail routes and trails crisscrossing throughout the site poses a risk for collisions/ user conflict.
- Tracks, trails and riding features are geared mainly to intermediate/advanced users with less attention to the maintenance of beginner tracks. In order to manage risk, the consultant and Frank Cowan identified the need to demonstrate appropriate 'skill progression' by ensuring that a facility offers something for beginners and intermediate level riders to learn-on.
- The widths and lengths of riding features fall short of what the consultant considers safe.
- Use of improper equipment (i.e. hand tools such as shovels and rakes) and lack of suitable material has resulted in steep slopes/grades; misshapen, uneven and inconsistent surfaces, gaps on jump features between take offs and landings, and erosion and weathering of riding features.
- Lack of water and the use of unsuitable sandy soil obtained from the site itself, as opposed to more suitable imported fill, resulting in numerous pits and holes throughout the site causing an additional hazard.
- Lack of any signage at the site. The provision of appropriate signage has been identified as a crucial part of managing risk and Frank Cowan outlines in detail the various information and requirements for posting signs within such a facility.

In general, the site clearly lacks the necessary policies and procedures, including regular inspection, maintenance and monitoring, and should not continue to operate in this ad hoc manner.

Additionally, the guidance from Frank Cowan Company clearly states the importance of a professional bike park builder and a landscape architect who is a member of the Ontario Association of Landscape Architects in the planning, design and construction of a facility. Assuming any responsibility of the existing site would contradict the guidance and recommended actions provided.

5.3.3 Other Concerns

Additionally the consultant's report identified other serious issues with how the site is being used including:

- mischief and disruption/conflict with adjacent land users;
- environmental degradation including illegal burial of garbage in excavation pits removal of trees and vegetation; and,

- the land exists within the regulated area thereby requiring permits from C.L.O.C.A. to undertake the work.

5.4 Consultation

Pursuant to motion on CS-19-130, staff recognize that the interest shown through the petition indicates a clear need and desire for a bike park in Oshawa. This supports the Parks, Recreation, Culture and Library Feasibility Study approved by Council in 2015.

It is obvious from the petition and discussions with users that an informal community has developed around the creation of the track resulting in riders taking great pride and a sense of ownership over the site.

5.5 Potential Alternative Sites: Options for Direction

Given that the current location does not meet the recommendations and guidance for such a facility including emergency access and visibility, staff reviewed potential locations across the City. Staff considered the recommendations and guidance obtained from the consultant, Frank Cowan Company and other municipalities as criteria for locations that would better support a B.M.X. facility. A review of available space and land size was undertaken to determine if an adequately sized B.M.X. park could be supported. Setback requirements from dissimilar land uses were also considered to avoid potential conflicts (i.e. residential houses and other park users).

The following table shows potential locations sorted from most ideal (1) to least ideal (3), along with opportunities and constraints for each site and estimated cost for development. Cost estimates are for reference only as the size and complexity of the B.M.X. facility have not been determined and geotechnical investigations are needed. Staff seek direction from Council on a preferred option:

Options	Opportunities	Constraints	Estimated Construction Cost*
 Thornton Road Community Park Ward: 2 Total Park Area: 7 6 ba 	 Adjacent to existing unsanctioned area addresses current need/users. High visibility and access from Thornton Road. Isolated from dissimilar land uses. 	 Background investigations are needed to confirm suitability. Access and parking facilities will need to be constructed. Portions of the area 	Low: \$520,000 Medium: \$885,000 High: \$1,550,000 (Excluding H.S.T.)
Note: Size of the B.M.X. facility is unknown until more detailed conceptual plans	 Large area would support a range of facility types including variety of bike features, skill levels and size. 	are within C.L.O.C.A. regulated area.	

ana available for			
	Currently vacant and not		
the Community	programmed.		
Park as a whole	 Future access to multi- 		
	use path along Thornton		
	Road North.		
Attachment 4:	Could utilize Capital		
Figure 1	Project funding 18-		
	500043 with a budget of		
	\$200,000 for the		
	background		
	investigation, conceptual		
	park and development.		
2. Delpark	 Shared facilities with 	 Remove and displace 	Low: \$480,000
Homes Centre	Community Centre	existing informal	Medium:
	including parking and	practice field.	\$815,000
Ward: 1	washrooms.	Potential for conflicts	
	 High visibility 	with other users	High:
Area: 0.7 ha	• Easy emergency vehicle	Smaller area would	\$1,150,000
		support a less	(Excluding
Attachment 4:	- Future Trail connections		H.S.T.)
Figure 2	• Future frail connections	fooility	,
	to the east and to multi-		
	use path along Harmony		
	Road North.		
3. Easton Park	 Existing parking 	 Partially in 	Low: \$480,000
	facilities.	CLOCA	Medium:
Ward: 3	Adiacent to main	regulated area.	\$815,000
	arterial road for easy	Small area would	High:
Area: 0.8 ha	emergency access	only support a	\$1 150 000
	and visibility	smaller scale	(Excluding
Attachment 4:		fooility	
Figure 3	Could be considered		11.0.1.)
	as part of the park	Adjacent to	
	redevelopment	residential.	
	tentatively		
	scheduled for 2025.		

*Note: As the size and complexity of the B.M.X. facility is not known the estimated costs for construction range from low, being a facility of low scale and low complexity, to high for a higher scale facility with greater complexity. A contingency has been applied for proposed new development sites due to unknowns and lack of existing facilities.

Each option ranges in dollar value based on the style, features and complexity of the B.M.X. facility. A minimum area of 1 ha is typically needed to accommodate a B.M.X. facility. A site with a wider range of riding features, rider experiences, multiple skill levels and complexity would typically require a greater budget commitment while a lower budget would provide a less complex facility with fewer riding features. The level of complexity and order of magnitude costs will be reviewed as part of the conceptual planning process.

5.6 Unsanctioned Existing Use: Options for Direction

The unsanctioned trails and riding features cannot continue to operate, either formally or informally, in the current state. The following are options for the existing unsanctioned area. Staff are seeking Council direction on the preferred option in order to move forward. It should be noted that given the less than ideal location of the existing trails Options 1 and 2 are temporary until a new more appropriate facility can be constructed in a suitable location. For both Options 1 and 2, due to the state of the existing trails and riding features the unsanctioned area would remain closed to public use until the recommended improvements are completed which is not expected until 2024 at the earliest.

Option 1: Improve, maintain and operate the existing facility

This option requires the City to undertake the recommended site improvements and necessary repairs listed in Section 3 of the Consultant's report as well as capital improvements also recommended by the consultant including the construction of a suitable access road to allow for emergency vehicle response and access for service vehicles. This would require staff to engage a qualified consultant to undertake the recommended site repairs and modifications. In order to allow access for both emergency response and maintenance/repair activities a suitable roadway into the site is required (estimated length of approximately 460 m). Additionally, because the site is within a C.L.O.C.A. regulated area, any work would require C.L.O.C.A. permits before proceeding. Once the repairs and maintenance activities are completed the site may re-open temporarily. Timing is dependent on C.L.O.C.A. approvals, repairs and the ability to plan, design and construct a suitable roadway into the site likely one to two years.

The existing site still represents significant challenges including its location in a secluded remote wooded area lacking ideal visibility for safety and emergency response. Therefore, this option is a temporary solution until a more suitable site is located and constructed, estimated to be a 3-4 year period depending on Council direction given the preferred alternative options highlighted in Section 5.5.

In addition, work is required to restore the area including removal of illegally buried waste and the replanting of trees and vegetation. Funding would be required for both capital and operating budgets.

To address proper due diligence, Parks Operations will need to develop and implement maintenance and monitoring procedures to include protocols for inspections and maintenance activities. Maintenance activities will be higher because the site lacks water access and the features are dirt made from material found onsite. This will require an additional level of ongoing inspections and maintenance to ensure the riding features remain safe. Additional staff resources and training will be necessary as well as the retention of a qualified contractor to undertake major repairs in the spring and throughout the year. The need for additional resources was determined based on discussions with other municipalities, such as the City of Toronto, which operates a comparable bike park and track in both size and style (dirt track) indicating that dirt tracks require ongoing maintenance. This option could include engaging interested users to formalize a volunteer group to take on some of the tasks including restoration work such as filling holes, replanting, some day-to-day monitoring activities and litter control. The volunteer group would be asked to undertake a fundraising/crowd sourcing campaign to assist with financing the costs for the work needed at the site. However, this may make it harder to restrict access to the property when it comes time to decommission the site posing further challenges in the future to mitigate risks.

This option requires the following Capital and Operating budget approval in order to proceed:

Estimated Capital Costs: \$400,000 (excluding H.S.T.)

• Capital costs are estimates only based on what we know now and will be updated once consultants have undertaken background and technical studies and contingent upon C.L.O.C.A. permit approval.

Estimated Annual Operating Costs: \$105,000

• Operating costs include staff resources and contracted expertise to undertake major maintenance and repairs annually.

Additional Parks Development Staff Resources: \$100,000

• Additional staffing resources in Parks Planning and Development would be required in order to properly administer and manage the project including the planning, design, tendering and construction of the temporary roadway for emergency access.

Option 2: Licence agreement with interested stakeholder(s)

Staff would investigate the option of a licence with interested users/stakeholders who would be willing to organize themselves and take on the responsibility for managing and maintaining the existing trails and features at their own expense and liability. If a suitable agreement is in place with responsible parties then this would allow the site to remain until a new facility is developed, at which time the site would be formally closed and restored appropriately. The licensee would still be required to undertake all of the consultant's recommendations including appropriate access into the site. This has previously been explored with some of the stakeholders who have not expressed an interest to date.

The existing site still represents significant challenges including its location in a secluded remote wooded area lacking ideal visibility for safety and emergency response. Therefore, this option is a temporary solution until a more suitable site is constructed.

This would require the agreement holder to have the proper insurance in place, which might be an expensive option but would allow the site to be managed under their control and responsibility. The user group would have the option to engage their community, to fundraise/crowd source for funding and to manage their own volunteers without burdening the City resources or liability.

This option is an operating model that has been implemented for both public and private lands across many jurisdictions. Halton Region for example has an agreement with the Halton Agreement Forest Trail Association, a not-for-profit association that preserves, protects and promotes mountain bike access and diverse riding opportunities on Halton Region lands. The City of Kingston has an agreement with Kingston B.M.X., a not for profit organization run by volunteers, to operate a B.M.X. facility at Woodbine Park.

This option continues to encourage the sense of ownership and pride in the existing site while reducing the City's overall risk and liability. This sense of ownership may also make it harder to restrict access when it comes time to decommission the site and pose further challenges from an Operations perspective.

In the short term, there are no financial implications with respect to entering into an agreement pending confirmation of interested stakeholders and the development of a suitable agreement. Costs for removal of the temporary site have not been included in the estimates below and will be evaluated at the time. If no suitable agreement can be agreed upon Option 3 (as detailed below) would be the next step.

Estimated Capital Cost: N/A

Estimated Operating Costs: N/A

Option 3: Decommission the unsanctioned area and restrict access

This option would require staff resources to remove all bike features and restore the area back to its natural state thereby eliminating the numerous risks associated with the existing adhoc facility identified in Section 5.3. Staff would still be required to undertake restoration planting of the area, conduct regular inspections and removal of any features that might pop up. This cost can be accommodated within the existing Operations budget to address the immediate concerns.

Estimated Restoration Costs: \$20,000

6.0 Financial Implications

6.1 Consultants Costs

To address concerns raised by D.M.I.P. Transitions Bike Parks Inc. was retained to undertake the review and assessment of the existing unsanctioned area at a cost of \$2542.50. The results of the study assisted with determining the current state of the unsanctioned trails and riding features.

6.2 Cost for new facility

Financial implications are dependent on Council's direction as highlighted in Section 5.5.

In 2018 Council approved Capital Project 18-500043 titled Thornton Road Sports Field Study in the amount of \$300,000 for the following:

"This project includes funding for the completion of park design, technical investigations, survey and materials testing and inspections related to the development of the Thornton Road lands for sports field use."

To incorporate the addition of a B.M.X. facility into the Thornton Road Community Park development, as per Option 1, the description of Capital Project 18-500043 should be replaced with the following:

"This project includes funding for the completion of background and technical investigations, conceptual design development of the Thornton Road Community Park which will include potentially sports fields and a B.M.X. facility."

As part of the funding associated with Capital Project 18-500043 the project will include the necessary background and technical studies and conceptual design of the park as a whole including a B.M.X. facility as part of the process which was not considered originally.

Given the current workload and staffing resources in Parks Planning and Development it is estimated that this project could start in 2024. A typical project of this size and scale would require 3 years from background investigations to construction. If it is Council's will to expedite this project, additional staff resources are required to manage the project. A Parks Project Manager would be retained at approximately \$100,000 in order to properly administer and manage the project based on the schedule below.

The following outlines an expedited schedule for the timing of a new B.M.X. facility:

- **2021:** Request For Proposals (R.F.P.) and award for background and technical studies including but not limited to geotechnical studies, environmental impact studies, topographical survey, record of site condition review and archeological study for Thornton Road Community Park;
- **2022:** Consultation, conceptual design development and Class D cost estimate for Thornton Road Community Park including a B.M.X. facility;
- **2022:** Seek Council direction on the conceptual design for the Thornton Road Community Park and possible direction on phasing the construction portion of the project to prioritize the B.M.X. facility. Staff may be able to utilize budget from Capital Project 18-500043 for the detailed design and construction tender preparation pending pricing through the R.F.P. process;
- **2023**: Detailed design, class B estimate and construction tender preparation completed; and,

2024: Construction commencement and project completion pending capital budget approval in 2024.

The Development Charges By-law 60-19, as amended, has Thornton Road Community Park earmarked for 2028 with an estimated current construction value of \$3 million, which did not consider a B.M.X. facility. In the event that the project is constructed prior to 2028 and the Parks, Recreation and Trails Development Charge Reserve is utilized to fund the eventual construction of the proposed B.M.X. park would result in delays to other D.C. eligible projects.

Staff will also explore sponsorship for the park, which may assist with funding.

6.3 Costs related to unsanctioned existing use

Financial implications are dependent on Council's direction as highlighted in Section 5.6.

To undertake the capital work required under Option 1 an additional temporary Parks Project Manager would be added to Parks Planning and Development in order to properly administer and manage the project at a cost of approximately \$100,000. Without consideration for additional resources, the timeframe for the project would be start in 2024 and is anticipated to be a 4 year process.

The following outlines an expedited schedule for the timing of Option 1:

- **2021:** Issue R.F.P. and award for consultant to undertake the necessary background and technical studies including but not limited to geotechnical studies, environmental impact studies, topographical survey, record of site condition review and archeological study as well as detailed design for the access road and existing features. External consulting services is expected to require funding of \$80,000 (exclusive of H.S.T.). Detailed design would begin pending the completion of the background and technical studies. Based on cost estimates developed during the detailed design phase costs for construction will be added to the 2022 Capital Budget.
- **2022:** Construction tender preparation and award followed by construction. Operating budget would require an increase in 2023 in order to maintain the facility once open.
- **2023:** Construction access road completion and undertake trail and bike feature upgrades as recommended by the consultant prior to opening the site.

2024: Open the temporary site.

Option 1 costs have not been considered as part of the 2021 budget, however, there is uncommitted funds in the Parks Recreation Reserve to fund the initial \$80,000.

7.0 Relationship to the Oshawa Strategic Plan

This report addresses many of the goals set in the Oshawa Strategic Plan, including the goal of "Economic Prosperity and Financial Stewardship" through the theme of "Safe and Reliable Infrastructure and Wise Land Use", the goal of "Social Equity" through the theme of "An Active, Healthy and Safe Community", and the goal of "Environmental Responsibility" through the theme of "Proactive Environmental Management and Combat Climate Change".

M. Cal.

Mike Saulnier, Director, Operations Services

Ron Diskey, Commissioner, Community Services Department





Managing the Risks of Bike Parks

n May 17, 2016, The Court of Appeal for Ontario upheld a trial decision of the Ontario Superior Court of Justice that Bruce County was 100% liable for the injuries sustained by the plaintiff at the County's Mountain Bike Park in August 2008. The plaintiff, Stephen Campbell, a 43 year old male, critically injured himself when he fell over a wooden teeter-totter feature at the Park.

Bruce County was found to have breached its duty under the Occupiers' Liability Act in the following four ways:

- 1. Failure to post warning signs: There were no signs present that instructed riders at the Park to try easy trails or features first, nor were there any signs that provided guidance as to how to use the features present. The black diamond rating system employed by the Park, which was based on the standard signage system employed by the International Mountain Bike Association, was insufficient as it did not warn of the risks associated with the features.
- 2. Negligent promotion of the Park: The promotional material used by Bruce County did not provide sufficient warnings as to the skill level required to safely use the features at the Park, and instead promoted the Park as a family facility, which gave first time users a false sense of security.
- 3. Failure to monitor risks and injuries at the Park: Ambulance reports obtained during litigation showed that there had been several prior injuries at the Park, including one incident that bore significant similarities to the plaintiff's incident. Given the nature of the features in the Park, there should have been an incident management system to allow Bruce County to better determine which features posed a danger.
- 4. Failure to provide an adequate progression of qualifiers: The positioning of the features in the Park, particularly the placement of a smaller teeter-totter directly before the teeter-totter the plaintiff fell off of, encouraged the use of a feature that was substantially more difficult and dangerous.

Municipalities that build and operate bike parks must actively manage the associated risks. Special attention needs to be given to both the design and maintenance of the facilities as well as the tools and training provided to community-based volunteers.

We have prepared this guidance document to help you identify and actively manage the associated risks. This guidance document was prepared by Frank Cowan Company and Shillingtons LLP.

Step 1 – Budget

A lack of adequate funding is often the cause of unacceptable levels of risk. The budget process must extend beyond the funds required to build the park. It must also include the funds to provide on-going regular inspection and maintenance. Remember, if you build it, you have to maintain it.

Step 2 – Find a Strong Partner

It's strongly recommended that you consult with and involve your local cycling association. They can be a strong partner for you as they can provide their expertise in cycling; ability to fund-raise and provide volunteers to help you move the park forward. They will be strong proponents and the future users of the park.

Step 3 – Park Design & Public Consultation

You'll need to choose an appropriate location for the park. From a risk management standpoint, choose a location that is in open view, not a location that is set back into a wooded area or off the beaten path. Keep it close to the roadway and parking areas. Remember if injuries occur, EMS/Fire/ Police must be able to quickly access the park. Don't have your emergency responders searching wooded areas looking for the injured party.

Next, you will need to hire a professional bike park builder to provide an initial review of your site location to determine the type of facility that your site can accommodate. Soil composition and drainage patterns are unique to each site and these factors determine the type of facility that can be built.

^{*}The Court of Appeal's reasons are reported as Campbell v Bruce (County), 2016 ONCA 371, and can be found online on CanLII at: http://canlii.ca/t/grpz1. An application for leave to appeal to the Supreme Court of Canada was dismissed on February 16, 2017.

Once you receive this report, you can move forward with public and user consultations. Any residents in the area should be notified very early in the process so they can express their concerns. You need to know their issues early in the process so you can address them appropriately.

The purpose for the user consultations is to get their input into the type of facility they will want to use and therefore support. If you build the park free of challenges, the user group will not use the facility; they will use social media to spread the word that the park isn't worth riding or they will take it upon themselves to redesign to a more challenging level. Creating open lines of communication between the user group and your municipality can help to enforce park rules, deter any vandalism and discourage a redesign.

Step 4 – Types of Features and Facilities

When designing and building a park, there are several types of features that may be included, each of which carries its own unique risk management issues:

Pump Track

This type of track consists of banked turns and a continuous loop of hills and berms that are ridden by pumping the bike rather than pedalling. There are two main options with a pump track:

- **Paved Surface:** Involves higher initial construction costs offset by lower maintenance cost. Paved tracks are less susceptible to being altered or modified by users, but this also means that any teardown or rebuilding will also be expensive.
- **Dirt Surface:** Normally involves the compaction of soil, meaning a lower initial construction cost. However, maintenance tends to be more extensive, and more often required as the surface will break down more easily than a paved surface. Also, access to a water source is a requirement. Finally, dirt surfaces are more susceptible to alteration by users.

Skills Park

Skills parks include artificial structures that are designed to test biking skills, often called technical trail features or TTFs. Skills parks are often associated with skills progression, and TTFs are often built to accommodate progressively higher skill levels.

If building a skills park, you will need to determine the type of features that will be incorporated into the park design. Will the features be articulating such as (teeter-totters) or fixed objects (ladders, balance beams)? What will be your elevation heights? Building materials are also an issue with respect to maintenance. Some features can be built out of stone, wood, or packed earth, but these different materials involve a progressively higher ongoing maintenance cost. From a risk management and liability perspective, we strongly discourage articulating features as they can be unpredictable to the rider using them, especially novice riders. Riders need the correct speed to reach the fulcrum pivot point and then be prepared for the descent, all while maintaining balance. More complex articulating features may also pose the risk of a rider not fully comprehending how they may operate when ridden over. Articulating features are one of the leading causes of litigation.

Jump Lines

These are jumps and ramps constructed of wood or dirt. The safest type is a table top design which provides a safe landing surface if the jump can't be completed. It allows for a margin of error.

Multi-Purpose Park

Parks can, and very often do, incorporate some or all of the above features. Parks will often have separate areas solely dedicated to TTFs (often designated "skills areas" or "trials areas"), or will have features, tracks or jump lines staggered throughout a system of trails, allowing users to have access to multiple experiences.

Step 5 – The Construction Phase

We recommend hiring a professional builder. Enter into a formal contract with the builder and include in your contractual terms that the builder must work with a landscape architect who is a member of the Ontario Association of Landscape Architects (OALA). Require that the landscape architect give final sign off on the design before the park is built and conducts a field review after the park is built to ensure that the built park matches the approved drawings. Do not open the park to the public until you receive final sign-off from the landscape architect.

Never use someone else's bike park plans as the soil can be different and the degree of erosion can vary.

Keep the original design drawings. You may have to refer to them at a later date. Without the original design drawings, you will never be able to determine if your park has been redesigned.

Step 6 – The Contract

The contract should:

- Clearly define the responsibilities of all the parties involved.
- Include a Hold Harmless & Indemnification Clause in your favour.
- Insurance Requirements including CGL from the builder and Professional E&O from the Landscape Architect.

- You must be added as an additional insured to all of the CGL policies.
- Don't let the work begin until you receive the Certificate of Insurance.

Step 7 – Signage

Signs are a crucial part of managing the risks. Consider the following:

- At the main entrance point(s) there should be signs that state the rules of the park, safety warnings, and a description of the difficulty rating system employed for features and trails.
- A difficulty rating system should be established via signage which is regularly and consistently employed throughout the park.
- Signs should inform riders they should walk over features, jumps or unique sections of trails that they are contemplating riding in order to familiarize themselves with the area.
- Signs should advise riders to be conscious of the existence of different skill levels for different features of the park, and the need to consider skills progression. Riders should not be encouraged to try more difficult features first, but should practice on easier features first.
- Use your signage to alert users of hidden hazards (sharp turns; steep descents).
- Pictorial signs are the universal language understood by different age groups.
- Make sure your signs don't blend into the natural environment no green or brown signs.
- Incorporate your signs into your regular inspection and maintenance schedule.

Step 8 – Inspection & Maintenance

You must decide who will provide the inspection and maintenance services. Will it be your staff or will you contract with the park designer or builder?

Choosing Your Staff

- Do they know what to look for?
- Do they know how to repair the surfaces including the features?
- If not, who will provide the training?

Contracting with the Designer/Builder

 There must be rules written into the contract that strongly disallow them from redesigning the park during maintenance. These changes may prove to be hazardous for the user group that is now familiar with the original design. Another danger of a redesign during maintenance is your carefully worded signage no longer applies to the area or park. Your difficulty rating system may now be different.

Develop your inspection and maintenance policies, procedures, schedules and documentation. Your documents must be used by all parties. Conformance to your policies, procedures and schedule is mandatory.

Step 9 – Monitoring Injuries

Privacy is an issue with respect to specific details. Can EMS provide you with general information on a monthly basis? General information would include: number of calls to the park; types of injuries sustained; area of the park where accidents are occurring. For example a report could look like this:

Over the last month we had 10 incidents -90% were broken bones; 10% lacerations/bruises/sprains. Of these incidents, 5 involved children under the age of 10. Of these 10 incidents, 7 occurred at the same feature

Step 10 – Before the Park Opens

It's prudent to take your emergency responders on a tour of the park. Let them gain familiarity with its layout. Give them a copy of the design. Encourage them to use the design map as their reporting tool. They can indicate the area of the incident location on the map. This will allow you to know if the incidents are occurring in a particular area. If yes, then you need to determine if the area has a design fault and modifications need to take place.

Step 11 – Training Your User Group

It's prudent to offer your user group instruction on how to use the various features. This training can be provided by your local cycling association.

Step 12 – Promoting the Park

Include in any brochures/pamphlets:

- General warnings about the risks associated with biking. Parks should not be marketed as a low consequence activity, but instead as a challenging activity that carries some level of risk.
- Pictures of features.
- Difficulty level of each feature.
- Encourage parents to stay and watch their kids ride.

This is a guidance document only. This document provides general guidance and information only. It does not constitute legal advice and no liability can attach to Frank Cowan Company and/or Shillingtons LLP arising from the use or non-use of the information contained in this document.



Site Assessment and Recommendations Plan

'Greenland' Bike Track Facility

City of Oshawa, ON

Prepared by: Transitions Bike Parks Inc.

December 29th 2020





1.0 Background and Overview

The Greenland 'dirt jumps' in the City of Oshawa is an un-sanctioned, bicycle trail and track system located in a municipally owned greenspace east of Thornton Road, west of Airmen Park / Ontario Regiment museum and between Summerglen park and the Oshawa Airport Golf club. Access to the site is generally from Airmen park behind the Regiment museum.

The site has been created informally as a grassroots initiative, built by the local riding community, and has been in existence in various forms since around 2006-2007 and has seen more active expansion and use since approximately 2010. According to discussions with local users, the greenspace property has been used for informal recreational purposes such as hiking and motorized vehicle use since the late 1980s.



Transitions Bike Parks Inc. was retained by the City of Oshawa to conduct a site inspection and assessment of the existing track and trails to provide an objective overview of the site, the track and feature conditions and report any potential concerns.



The purpose of the assessment was to determine the condition and layout of the existing track, and to review the condition of the facility and its individual features from a safety, sustainability and environmental perspective, while also seeking opportunities for improvement from a riding perspective.

A tour of the site and track was conducted by Transitions Bike Parks Inc. in the afternoon of October 19th 2020. The conditions were cool and overcast, with several periods of moderate rain occurring just prior to our visit. The tour was

conducted firstly as a general tour of the property guided by municipal staff to the site, followed by an independent tour of the track and covered the extent of the subject site.

2.0 Track Site - Findings and Analysis

Site Location

The overall area for the site is about 1.05 hectares (2.6 acres) and is in a small clearing within a municipally owned, wooded parcel of land. The site is zoned UR – Urban Reserve in the Oshawa Zoning By-law and is located within the Central Lake Ontario Conservation Authority 2019 regulation limit. The site is adjacent to a small watercourse but is outside the regulated floodplain area as shown.

The track site is accessible mainly from the rear of the Ontario Tank Regiment Museum in Airmen's park, via an existing walking trail approximately 400m from the rear of the museum, or 600m from the main parking area. The access trail is slightly winding and undulated, with an approximately 1.5m wide natural surface trail, with vegetation on both sides, and is accessible only by foot or bicycle in its present condition.

Site Visibility



Visibility to the track area is low, except for a portion of the adjacent Oshawa Airport golf course that directly abuts the site. This characteristic was likely considered to be an asset for the original development of the track, where its informal creation could carry on relatively unnoticed and without disturbing nearby residents, which is very similar to most types of informal BMX style jump tracks. From the municipality's standpoint however, the low visibility presents a concern for CPTED, general awareness of the facility, and safety in the event of someone being injured without being noticed by passersby. Although the physical location of the site cannot be changed,

consideration should be given to increasing the awareness of the facility.

*Signage indicating emergency contact phone numbers, municipal addressing and general safety regulations should be posted in key locations on the site to mitigate risk.

Neighbouring Land Uses



As noted, the site is adjacent to a portion of the Oshawa Airport golf course and remains the only opportunity for visibility into the site from the public and is separated by an approximately 3-4' tall post and wire fence. Further, the area visible to the golf course is near the track staging area, where riders begin their runs, congregate and store personal belongings. There is also an informal garbage collection, rain barrel and tool storage area at this location currently, and it can be reasonably perceived that the portion of track visible to the golf course may appear to be somewhat of an eyesore to non-users, particularly in contrast with a manicured golf course.



Further, due to the different types of recreational uses and their proximity to each other, a small opportunity exists for potential conflict between opposing user types such as unwanted noise or disruption leading to verbal exchanges, as there have been concerns alleged of minor disruption or mischief on the golf course possibly by track users, which has led to some complaints at various times.

*Repairs or improvements to the fence between properties is recommended, with consideration being given to a privacy screening material or mesh to limit visual impact to surrounding properties, while maintaining several locations of visibility into the site for safety and awareness purposes. Simple signage on the track side of the fence is also recommended, with wording that could include 'please keep off the golf course' or 'please respect the neighbours'.



Site Access

A metal gate and 'no trespassing' sign has been posted near the site entrance, and a small water crossing is necessary upon entering the site. *A culvert or bridge crossing is recommended at this location

Access to the track site poses a considerable challenge, particularly for service vehicles, machinery, equipment, and emergency vehicles due to its poor condition and length. The narrow and winding trail features a number of potholes, ruts, overhanging vegetation and low-lying wet spots that make access difficult, particularly in Likely the biggest challenge facing the facility, with rough and narrow terrain passable only on foot or by bike, and in its current condition gives users the feeling of an unsanctioned facility that is 'off the beaten path' and may present hesitation for use for some people and parents of young riders. *The access road is recommended to be improved by clearing vegetation from the corridor to approx. 4m width, and the installation of a durable surface such as gravel or stone-dust, approximately 3m width, and being capable of withstanding medium sized vehicles and equipment. This formalized access will provide the necessary route for service vehicles or emergency vehicles, including small equipment and medium size dump trucks for material delivery to perform maintenance, and should include a turnaround area or hammerhead for maneuvering.

Entrance signage should be posted at key locations indicating the type of facility and include a site map, emergency contact information and general regulations for use.

Overall Site Configuration

The existing system of trails has been organically developed over a period of multiple years by a variety of local riders and user, and as a 'grassroots' initiative it has been constructed intermittently and built using hand tools only, with materials extracted from the site and surrounding area. For simplicity and reference purposes, the track can be divided into 3 general areas as noted:



A – Beginner doubletrack area. This section can be found when entering the site and is comprised of 2 linear sections that run side by side, allowing two riders to travel side by side, and consists of small to medium sized, rolling features.

B – Main Track. The main track area occupies most of the site and has been the focus of the local riders' efforts. This portion of the track is built in the open space area and has several individual lines and options and consists of intermediate to advanced level features.



A - Double track section

C – Secondary Sections. There are a handful of other smaller sections adjacent to the main track site that have received a fair amount of attention and maintenance, and include a rolling 'rhythm section' ending in a concave bowl, and a large 'step up / style jump' that is accessed from a long downhill runway. These sections consist of mainly intermediate level features, with the large step up jump being described as intermediate / advanced.

The track site has grown to take advantage of the usable and available site area, the rolling terrain and accessible open space. While the overall site appears to have a general pattern of flow and direction, some features and lines have been created that do not align with any overall 'master plan' and standard direction of travel. The bike track and individual sections and individual features appear to be constructed to cater mainly to the core group of rider's preferences, while some consideration has been given to less experienced users and beginner riders. As such, the focus has been on the ongoing development, maintenance and shaping of the larger, intermediate, and advanced skill level features, with the smaller and more beginner level features seeing correspondingly less maintenance and attention.



In addition to the main track riding sections, several informal access trails exist throughout the property that feature a narrower trail width and winding configuration, somewhat suited towards hiking or crosscountry mountain bike use. There are also several pathways and access routes around the site that have developed over the years, as connections between the various



sections, or return lines to the starting area from the end of the individual sections or runs.

Many of the access trails are fitted into the site in the available space and are aligned to fit wherever possible and as required. Limited site area and open space has made these types of connections inevitable and a more formal pathway alternative challenging.

In the main track area, several of the parallel running sections appear to link or join together, to form new and varied riding lines, and in several spots cross 2 or more lines, posing a potential risk for collisions. While

adding increased interest and challenge, these 'transfer lines' should connect only to the line directly beside it, so that crossing over parallel lines in one or more spots is avoided.

*Removal or reduction of 'double crossing riding lines' should be considered, to reduce the risk of collisions when crossing more than one section to allow riders to connect or transfer to another line.





Track Site – Strengths and Opportunities



The Greenland dirt jump track appears to be a classic example of a grassroots initiative to construct a BMX style track on municipally owned lands, like many other cities and riding 'scenes' around the world. The sport can be considered as 'freestyle' in nature and has often catered to people less interested in traditional team sports and activities. As the sports of BMX and MTB have been less structured that many household activities, users have often created their own riding spots where possible to pursue their hobby and interests.

Many riders are deeply passionate about their sport, that they are willing to work countless unpaid hours year after year, to

craft their riding facilities to their requirements, often improving and progressing the track year after year. Notable riders have developed their skills partially by visiting this facility over the years, including X-Games dirt jumping gold medalist Mike Varga. Other users have included riders of all ages and skill levels, including both male and female riders.

This type of recreational activity often leads to the creation of remarkably similar facilities, and an informal community is created around the track, with local riders taking great pride and ownership over the site and its features. This appears to be the case in Oshawa, evident from the extent of the riding features that have been created, and through discussions with local riders and enthusiasts. A petition to support the existence of the facility has garnered nearly 6,500 signatures to date, including support from a range of people including riders, parents, and community members.



Overall, with a few exceptions, the track is guite well constructed in the majority of areas and has a mainly consistent riding surface and with fairly transitions reasonable feature sizes and difficulty. The track has several skill levels represented including beginner, intermediate and advanced level lines and features, and appears to be quite enjoyable to ride for both BMX and MTB users.

The track also appears to be fairly well used by a core group of riders, with potential for a secondary group of riders to gain interest and continue to progress and participate in the sport given the right circumstances, including the potential regulation and sanctioning of the facility. The track also seems to be creatively laid out, to take advantage of the available space and topography.

The development of much of the track and features has been possible by a moderate lowering of the general track area to gather the necessary material, with only a few open extraction pits visible. This technique is impressive and results in fewer safety concerns from open pits and less aesthetic and visual concerns.



Landscape and Vegetation

The overall site appears to be constructed on a sandy loam soil base and appears to drain well with the parent soil material and irrigation channels that have been created in key spots around the track. Some disruption to vegetation has occurred, with a minor amount of tree removal or cutting evident during our inspection.

The sandy soil found in the area is easy to extract, quite welldraining, however it is not very ideal for feature construction and can cause some instability and sandy conditions during hot summer months. With this soil type, frequent watering is required during summer months to avoid crumbling and reduce dust, and maintenance and construction must be conducted on rainy or wet days for the material to bind together into the correct shapes and slopes.

*Removal of dead vegetation, overhanging branches and replacement or repairs of significant vegetation is recommended in consultation with environmental staff or agencies.

Weaknesses and Concerns - General Site Construction



As the track has been created using hand tools such as shovels, wheelbarrows and rake, with material extracted from around the site only (as opposed to imported fill) there are several areas that have open extraction pits that have been created by the riders in order to harvest the necessary material to construct the track and features.

Several smaller, shallower areas are evident around the site and pose less concern than deeper, steeper pits that pose a significant fall concern.

*Infilling extraction pits, starting with any holes deeper than 30cm, using imported material where possible, is recommended.

Garbage / Waste Collection



An obvious area of concern to the average person is any accumulation of garbage and recycling that may be visible from time to time and was present during our inspection. Most items observed during our inspection appeared to be recyclables such as drink containers and garbage such as food wrappers and product packaging.



An informal collection area was observed near the main staging / starting area and was visible from the adjacent golf course. At the time of inspection, a small amount of garbage overflowing the bin was observed, and accessory tools such as watering cans, buckets and a rain barrel could potentially be mistaken for additional garbage.

Of other concern, was 2-3 landfill / garbage deposits that have been placed at various locations around the site in older, unused extraction pits, and have multiple bags of garbage and recycling deposited. There were two main landfill spots

observed, one at the top of the hill near the 'step up' jump by the watercourse, and adjacent to the trail in the secondary section, area C.

*Removal of garbage collection areas and miscellaneous refuse is recommended, either by local users through the main trail or by collection and piling for removal through the adjacent golf course lands by maintenance vehicle.

Track and Riding Features – Constraints and Concerns

Gaps





Safety and sustainability of features is a key concern of these types of facilities. Often due to the limited availability of building materials, one of the biggest and most common concern is the presence of gaps on jump features between take offs and landings. These gaps are the result of limited material and that they are not entirely required from a riding perspective, as the jumps are intended to be 'cleared' by intermediate and advanced riders when riding at the appropriate speeds.

When travelling at lower speeds, or being ridden by younger or less skilled riders, features with the middles filled in to create 'tabletop' jumps or with more shallow, rollable jumps such as 'rolling doubles' allow users to rider over the top of the jump without consequence, in case of user error or hesitation.



*Infilling centre gaps or pits on all jump features is recommended, to a maximum dip of 40cm.

Sideslopes

A second main source of concern on un-sanctioned dirt jump facilities is often the steep slopes on the side or out-slopes of features. These steep slopes are again the result of limited material availability during construction, with the focus being on

the riding surface and secondary consideration being given to the side of features. Limited time is also a

factor as the track has been constructed entirely from volunteer forces, with most of the effort going toward riding surfaces. In addition to steep grades, misshapen or uneven surfaces can be found throughout the site on the sides of several features, with sporadic vegetation growing.

*Sideslopes should be increased, where possible, to achieve a greater outslope of 1:1, or more where possible, and should be shaped to produce a consistent surface, and seeded with grass or similar plant material.



Feature Widths

Another source of potential safety and stability concerns can be found on the width of features. With the common theme of limited material, time and human resources available, the width of many features is often reduced in order to save valuable material and time, particularly on landing features. Several areas on the track were noted to have narrow landings, that can cause concern if riders veer of course in mid air and landing on the sides or off the landings.

While the minimum width of features is dependent on the height, scale and shape of the individual feature, a good benchmark for an intermediate level feature would have a take off width of 3.5' and a minimum landing width of 5'. Smaller, lower elevation features can be narrower.

*Features should be widened to the minimum recommended width, where needed.



Feature Lengths

Feature widths were determined to be overall quite reasonable, with a maximum horizontal gap distance of approximately 13'. This length could be considered the maximum safe length for an advanced level feature at this type of facility, depending on the individual feature characteristics and placement of the feature. Maximum length features were found in the main track area, toward the end of the sections, where riders can be expected to have committed to the line and know what to expect upon progressing down the line. A similar 13' length feature was found on the Secondary track area C - with the 'step up' feature measuring approximately 13' distance with about 4' of elevation change.

*Jump features should be kept to a maximum 'gap length' of 12-13' or less, depending on the individual requirements, assuming the centre gaps are filled in, and with appropriate 'case plates' built on landings to increase safety and allow riders a greater margin of error.



Feature Shapes

Feature shapes were determined in several spots to be irregular or misshapen, on the overall feature and most importantly on the riding surface itself which is likely due to a combination of age, weathering, erosion, limited maintenance and riding damage.





Carpets were also noted on several features to limit damage from erosion and riding. To preserve the intended shape, appearance, and durability of all riding features, a consistent, uniform and somewhat manicured shape is to be strived for, which will enhance the overall appearance and functionality of the site.

*Reshaping, minor adjustments / modifications, grooming, maintenance, and general improvements are recommended throughout the site where required, with additional attention being given toward lesser used and beginner level features that have seen less work and focus.

A combination of imported material, machine assistance and hand shaping and compaction will result in the intended finished product and more professional facility. Carpets, where needed, should be replaced with a uniform colour and material carpet or similar product.

3.0 Summary and Recommendations

After consideration and analysis of the track site we have determined several recommendations throughout the trail system that will result in a safer, sustainable, and fun and progressive and layout. The goal and philosophy of our recommendations will be a sustainable, safe, well maintained, and fun network of trails that appeal to the broadest possible user group and skill level, while satisfying municipal liability concerns and mitigating potential neighbour complaints.

Brief Summary

The recommendations proposed are simple, achievable and will result in a greatly improved facility with minimal investment and cost.

General Site Improvements

- Modifications to site amenities, track and features as noted in *italics* throughout document
- Formalized site access and entrance
- Removal of garbage landfill areas and creation of designated garbage receptacles
- Improve fence line between golf course and add privacy screening
- Create designated tool storage area
- Create more formal and efficient water collection system such as a rain roof

- Install site specific signage including master sign, entrance signs and simple rating symbols
- Repair or replace vegetation as required
- Drainage improvements where required
- Ensure skill progression with beginner, intermediate and advanced level sections available

Track Specific Improvements

- Expanded and improved beginner and intermediate level sections to foster skill development
- Removal of obsolete or dangerous features
- Removal of 'multiple line' crossings and transfers, over more than one line
- Infilling or reduction of centre gaps on doubles
- Regular shaping and modifications to irregular surfaces and side slopes
- Vegetate sideslopes and increase to 1:1 out slope or greater, where possible
- Further consideration of step up gap feature in section C to reduce potential for wrong way travel
- Importation of new material to infill extraction pits
- Regular maintenance program implementation
- Ensure clear routes and direction of travel
- Replace carpets with appropriate or consistent alternative

Other Recommendations

- Utilize existing volunteer workforce to ensure local riders needs are being met to foster sense of ownership and community
- Continue to collaborate and work with riding community
- Provide professional assistance from qualified builders for increased efficiency and oversight

Detailed Recommendations (Findings Summary)

- I. Signage indicating emergency contact phone numbers, municipal addressing and general safety regulations should be posted in key locations on the site to mitigate risk.
- II. Repairs or improvements to the fence between properties is recommended, with consideration being given to a privacy screening material or mesh to limit visual impact to surrounding properties, while maintaining several locations of visibility into the site for safety and awareness purposes. Simple signage on the track side of the fence is also recommended, with wording that could include 'please keep off the golf course' or 'please respect the neighbors'.
- III. The access road is recommended to be improved by clearing vegetation from the corridor to approx. 4m width, and the installation of a durable surface such as gravel or stone-dust, approximately 3m width, and being capable of withstanding medium sized vehicles and equipment. This formalized access will provide the necessary route for service vehicles or emergency vehicles, including small equipment and medium size dump trucks for material delivery to perform maintenance, and should include a turnaround area or hammerhead for maneuvering.

Entrance signage should be posted at key locations indicating the type of facility and include a site map, emergency contact information and general regulations for use.

- IV. Removal or reduction of 'double crossing riding lines' should be considered, to reduce the risk of collisions when crossing more than one section to allow riders to connect or transfer to another line.
- V. Removal of dead vegetation, overhanging branches and replacement or repairs of significant vegetation is recommended in consultation with environmental staff or agencies.
- VI. Infilling extraction pits, starting with any holes deeper than 30cm, using imported material where possible, is recommended.
- VII. Removal of garbage collection areas and miscellaneous refuse is recommended, either by local users through the main trail or by collection and piling for removal through the adjacent golf course lands by maintenance vehicle.
- VIII. Infilling centre gaps or pits on all jump features is recommended, to a maximum dip of 40cm
- IX. Sideslopes should be increased where possible to achieve a greater outslope of 1:1, or more where possible, and should be shaped to produce a consistent surface, and seeded with grass or similar plant material.
- X. Features should be widened to the minimum recommended width, where needed.
- XI. Jump features should be kept to a maximum 'gap length' of 12-13' or less, depending on the individual requirements, assuming the centre gaps are filled in, and with appropriate 'case plates' built on landings to increase safety and allow riders a greater margin of error.
- XII. Reshaping, minor adjustments / modifications, grooming, maintenance, and general improvements are recommended throughout the site where required, with additional attention being given toward lesser used and beginner level features that have seen less work and focus. A combination of imported material, machine assistance and hand shaping and compaction will result in the intended finished product and more professional facility. Carpets, where needed, should be replaced with a uniform colour and material carpet or similar product.

4.0 Conclusion

The Greenland dirt track is currently an unsanctioned, 'grassroots style' recreational bike track facility that has been constructed over the years by a dedicated group of riders who are passionate about the sport of BMX and MTB. As evident by the tracks' ongoing, informal development over the years, the local users and riders have gone to great lengths to create a facility where they can practice their sport. The facility has developed an informal community surrounding the track, with a positive and friendly atmosphere that has provided a constructive outlet for a demographic of people who may not prefer to participate in traditional team sports such as hockey, soccer, and football.

With some noted exceptions, overall, the facility has been well fairly developed and offers a range of difficulty levels that appeal to both beginner, intermediate and advanced skilled riders. With a relatively simple improvement and formalization of the site, we believe the facility can complement the City of Oshawa's existing recreational offerings, and / or provide a temporary solution to satisfy local requirements for the riding community until a more permanent and designated facility can be constructed by the Municipality.

Transitions Bike Parks has appreciated the opportunity to assist the City of Oshawa and the local riding community with this assessment, and we look forward to providing additional solutions including construction and maintenance solutions and assistance.

Sincerely,

Chris Dewar, CPSO President + Development Specialist Transitions Bike Parks Inc. P: 519 590 3478 E: <u>chris@transitionsbikeparks.ca</u>

Potential Alternative Sites: Locations and Approximate Size

Option 1: Thornton Road Community Park

- Ideal/preferred location
- Approximately 7.6 hectares of programmable space. (Note: This location will also include other park facilities such as sports fields, parking, supporting infrastructure and amenities).





Option 2: Delpark Homes Centre

• Approximately 0.7 hectares of programmable space.



Figure 2

Option 2: Easton Park

- Least ideal location
- Approximately 0.8 hectares of programmable space.



Figure 3

Item: CS-21-28 Attachment 2





SHILLINGTONS

Managing the Risks of Bike Parks

n May 17, 2016, The Court of Appeal for Ontario upheld a trial decision of the Ontario Superior Court of Justice that Bruce County was 100% liable for the injuries sustained by the plaintiff at the County's Mountain Bike Park in August 2008. The plaintiff, Stephen Campbell, a 43 year old male, critically injured himself when he fell over a wooden teeter-totter feature at the Park.

Bruce County was found to have breached its duty under the Occupiers' Liability Act in the following four ways:

- 1. Failure to post warning signs: There were no signs present that instructed riders at the Park to try easy trails or features first, nor were there any signs that provided guidance as to how to use the features present. The black diamond rating system employed by the Park, which was based on the standard signage system employed by the International Mountain Bike Association, was insufficient as it did not warn of the risks associated with the features.
- 2. Negligent promotion of the Park: The promotional material used by Bruce County did not provide sufficient warnings as to the skill level required to safely use the features at the Park, and instead promoted the Park as a family facility, which gave first time users a false sense of security.
- 3. Failure to monitor risks and injuries at the Park: Ambulance reports obtained during litigation showed that there had been several prior injuries at the Park, including one incident that bore significant similarities to the plaintiff's incident. Given the nature of the features in the Park, there should have been an incident management system to allow Bruce County to better determine which features posed a danger.
- 4. Failure to provide an adequate progression of qualifiers: The positioning of the features in the Park, particularly the placement of a smaller teeter-totter directly before the teeter-totter the plaintiff fell off of, encouraged the use of a feature that was substantially more difficult and dangerous.

Municipalities that build and operate bike parks must actively manage the associated risks. Special attention needs to be given to both the design and maintenance of the facilities as well as the tools and training provided to community-based volunteers.

We have prepared this guidance document to help you identify and actively manage the associated risks. This guidance document was prepared by Frank Cowan Company and Shillingtons LLP.

Step 1 – Budget

A lack of adequate funding is often the cause of unacceptable levels of risk. The budget process must extend beyond the funds required to build the park. It must also include the funds to provide on-going regular inspection and maintenance. Remember, if you build it, you have to maintain it.

Step 2 – Find a Strong Partner

It's strongly recommended that you consult with and involve your local cycling association. They can be a strong partner for you as they can provide their expertise in cycling; ability to fund-raise and provide volunteers to help you move the park forward. They will be strong proponents and the future users of the park.

Step 3 – Park Design & Public Consultation

You'll need to choose an appropriate location for the park. From a risk management standpoint, choose a location that is in open view, not a location that is set back into a wooded area or off the beaten path. Keep it close to the roadway and parking areas. Remember if injuries occur, EMS/Fire/ Police must be able to quickly access the park. Don't have your emergency responders searching wooded areas looking for the injured party.

Next, you will need to hire a professional bike park builder to provide an initial review of your site location to determine the type of facility that your site can accommodate. Soil composition and drainage patterns are unique to each site and these factors determine the type of facility that can be built.

^{*}The Court of Appeal's reasons are reported as Campbell v Bruce (County), 2016 ONCA 371, and can be found online on CanLII at: http://canlii.ca/t/grpz1. An application for leave to appeal to the Supreme Court of Canada was dismissed on February 16, 2017.

Once you receive this report, you can move forward with public and user consultations. Any residents in the area should be notified very early in the process so they can express their concerns. You need to know their issues early in the process so you can address them appropriately.

The purpose for the user consultations is to get their input into the type of facility they will want to use and therefore support. If you build the park free of challenges, the user group will not use the facility; they will use social media to spread the word that the park isn't worth riding or they will take it upon themselves to redesign to a more challenging level. Creating open lines of communication between the user group and your municipality can help to enforce park rules, deter any vandalism and discourage a redesign.

Step 4 – Types of Features and Facilities

When designing and building a park, there are several types of features that may be included, each of which carries its own unique risk management issues:

Pump Track

This type of track consists of banked turns and a continuous loop of hills and berms that are ridden by pumping the bike rather than pedalling. There are two main options with a pump track:

- **Paved Surface:** Involves higher initial construction costs offset by lower maintenance cost. Paved tracks are less susceptible to being altered or modified by users, but this also means that any teardown or rebuilding will also be expensive.
- **Dirt Surface:** Normally involves the compaction of soil, meaning a lower initial construction cost. However, maintenance tends to be more extensive, and more often required as the surface will break down more easily than a paved surface. Also, access to a water source is a requirement. Finally, dirt surfaces are more susceptible to alteration by users.

Skills Park

Skills parks include artificial structures that are designed to test biking skills, often called technical trail features or TTFs. Skills parks are often associated with skills progression, and TTFs are often built to accommodate progressively higher skill levels.

If building a skills park, you will need to determine the type of features that will be incorporated into the park design. Will the features be articulating such as (teeter-totters) or fixed objects (ladders, balance beams)? What will be your elevation heights? Building materials are also an issue with respect to maintenance. Some features can be built out of stone, wood, or packed earth, but these different materials involve a progressively higher ongoing maintenance cost. From a risk management and liability perspective, we strongly discourage articulating features as they can be unpredictable to the rider using them, especially novice riders. Riders need the correct speed to reach the fulcrum pivot point and then be prepared for the descent, all while maintaining balance. More complex articulating features may also pose the risk of a rider not fully comprehending how they may operate when ridden over. Articulating features are one of the leading causes of litigation.

Jump Lines

These are jumps and ramps constructed of wood or dirt. The safest type is a table top design which provides a safe landing surface if the jump can't be completed. It allows for a margin of error.

Multi-Purpose Park

Parks can, and very often do, incorporate some or all of the above features. Parks will often have separate areas solely dedicated to TTFs (often designated "skills areas" or "trials areas"), or will have features, tracks or jump lines staggered throughout a system of trails, allowing users to have access to multiple experiences.

Step 5 – The Construction Phase

We recommend hiring a professional builder. Enter into a formal contract with the builder and include in your contractual terms that the builder must work with a landscape architect who is a member of the Ontario Association of Landscape Architects (OALA). Require that the landscape architect give final sign off on the design before the park is built and conducts a field review after the park is built to ensure that the built park matches the approved drawings. Do not open the park to the public until you receive final sign-off from the landscape architect.

Never use someone else's bike park plans as the soil can be different and the degree of erosion can vary.

Keep the original design drawings. You may have to refer to them at a later date. Without the original design drawings, you will never be able to determine if your park has been redesigned.

Step 6 – The Contract

The contract should:

- Clearly define the responsibilities of all the parties involved.
- Include a Hold Harmless & Indemnification Clause in your favour.
- Insurance Requirements including CGL from the builder and Professional E&O from the Landscape Architect.

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- You must be added as an additional insured to all of the CGL policies.
- Don't let the work begin until you receive the Certificate of Insurance.

Step 7 – Signage

Signs are a crucial part of managing the risks. Consider the following:

- At the main entrance point(s) there should be signs that state the rules of the park, safety warnings, and a description of the difficulty rating system employed for features and trails.
- A difficulty rating system should be established via signage which is regularly and consistently employed throughout the park.
- Signs should inform riders they should walk over features, jumps or unique sections of trails that they are contemplating riding in order to familiarize themselves with the area.
- Signs should advise riders to be conscious of the existence of different skill levels for different features of the park, and the need to consider skills progression. Riders should not be encouraged to try more difficult features first, but should practice on easier features first.
- Use your signage to alert users of hidden hazards (sharp turns; steep descents).
- Pictorial signs are the universal language understood by different age groups.
- Make sure your signs don't blend into the natural environment no green or brown signs.
- Incorporate your signs into your regular inspection and maintenance schedule.

Step 8 – Inspection & Maintenance

You must decide who will provide the inspection and maintenance services. Will it be your staff or will you contract with the park designer or builder?

Choosing Your Staff

- Do they know what to look for?
- Do they know how to repair the surfaces including the features?
- If not, who will provide the training?

Contracting with the Designer/Builder

 There must be rules written into the contract that strongly disallow them from redesigning the park during maintenance. These changes may prove to be hazardous for the user group that is now familiar with the original design. Another danger of a redesign during maintenance is your carefully worded signage no longer applies to the area or park. Your difficulty rating system may now be different.

Develop your inspection and maintenance policies, procedures, schedules and documentation. Your documents must be used by all parties. Conformance to your policies, procedures and schedule is mandatory.

Step 9 – Monitoring Injuries

Privacy is an issue with respect to specific details. Can EMS provide you with general information on a monthly basis? General information would include: number of calls to the park; types of injuries sustained; area of the park where accidents are occurring. For example a report could look like this:

Over the last month we had 10 incidents -90% were broken bones; 10% lacerations/bruises/sprains. Of these incidents, 5 involved children under the age of 10. Of these 10 incidents, 7 occurred at the same feature

Step 10 – Before the Park Opens

It's prudent to take your emergency responders on a tour of the park. Let them gain familiarity with its layout. Give them a copy of the design. Encourage them to use the design map as their reporting tool. They can indicate the area of the incident location on the map. This will allow you to know if the incidents are occurring in a particular area. If yes, then you need to determine if the area has a design fault and modifications need to take place.

Step 11 – Training Your User Group

It's prudent to offer your user group instruction on how to use the various features. This training can be provided by your local cycling association.

Step 12 – Promoting the Park

Include in any brochures/pamphlets:

- General warnings about the risks associated with biking. Parks should not be marketed as a low consequence activity, but instead as a challenging activity that carries some level of risk.
- Pictures of features.
- Difficulty level of each feature.
- Encourage parents to stay and watch their kids ride.

This is a guidance document only. This document provides general guidance and information only. It does not constitute legal advice and no liability can attach to Frank Cowan Company and/or Shillingtons LLP arising from the use or non-use of the information contained in this document.