

Liability concerns prompt cities to limit sledding

By Scott McFetridge, AP

DES MOINES, Iowa — As anyone who has grown up around snow knows, part of the fun of sledding is the risk of soaring off a jump or careening around a tree.

But faced with the potential bill from sledding injuries, some cities have opted to close hills rather than risk large liability claims.

No one tracks how many cities have banned or limited sledding, but the list grows every year. One of the latest is in Dubuque, Iowa, where the City Council is moving ahead with a plan to ban sledding in all but two of its 50 parks.

“We have all kinds of parks that have hills on them,” said Marie Ware, Dubuque’s leisure services manager. “We can’t manage the risk at all of those places.”

A study by Columbus, Ohio-based Center for Injury Research and Policy at Nationwide Children’s Hospital found that between 1997 and 2007, more than 20,000 children each year were treated at emergency rooms for sledding-related injuries.

In meetings leading up to the ban, Dubuque council members lamented the move but said it was the only responsible choice given liability concerns and demands from the city’s insurance carrier. They pointed to judgments in sledding lawsuits in the past decade, such as a \$2 million judgment against Omaha, Neb., after a 5-year-old girl was paralyzed when she hit a tree and a \$2.75 million payment when a man in Sioux City, Iowa, slid into a sign and injured his spinal cord.

Some cities have opted for less drastic measures in the last

several years rather than an all-out ban, including Des Moines, Iowa; Montville, N.J.; Lincoln, Neb.; and Columbia City, Ind. By banning sledding on certain slopes or posting signs warning people to sled at their own risk, cities lessen their liability if someone is seriously hurt, but they're still more vulnerable to lawsuits than if they had adopted an outright ban.

And then there's the small central Illinois city of Paxton, where park district officials removed the sledding hill in 2013.

It was more of a dirt mound, created years ago to cover a pile of concrete, metal and other junk, recreation director Neal McKenry said, but given how flat the area is, the 20-foot rise often was crowded with sledders. There was concern someone would slam into trees that had grown on the mound.

"Obviously, many people used this area to sled in the winter, but the park district never promoted it as a sled hill," McKenry said. "It was simply a built-up mound of dirt that people happened to sled on." The area is now being used as a dog park.

In Omaha, the city banned sledding at a popular hill as a test one winter after losing a lawsuit, but decided to allow it again after most people ignored the restriction.

"It wasn't practical," assistant city attorney Tom Mumgaard said. "People wouldn't abide by the ban."

Instead, the city has posted signs warning of sledding risks and workers at the site of the failed ban put pads around posts and hay bales around trees. Mumgaard said courts in Nebraska have decided cities must protect people, even if they make poor choices.

Most people realize that cities must restrict potentially dangerous activities to protect people and guard against costly lawsuits, said Kenneth Bond, a New York lawyer who

represents local governments. In the past, people might have embraced a Wild West philosophy of individuals being solely responsible for their actions, but now they expect government to prevent dangers whenever possible.

"It's a great idea on the frontier, but we don't live on the frontier anymore," Bond said.

That doesn't sit well with Natasha Koss, 40, who frequently sleds with her 5-year-old daughter Elsa in Marquette, Mich.

Koss sometimes requires Elsa to wear a helmet. When they try a particular hill for the first time, her husband does a few runs solo as a precaution. She said she'd report any safety issues to city authorities but couldn't imagine filing suit over a sledding mishap.

"I would most certainly take personal responsibility," she said. "You need to have a mindset to make the best decisions for your own safety."

However, Steve King, who runs a website that promotes sledding, said he understands why cities impose restrictions. He notes that most sledders don't wear helmets and it's near impossible to steer away from trees, rocks or signs.

"We live in a lawsuit-happy society and cities are just being protective by banning sledding in areas that pose a risk for injury or death," King said.