

# Equine Safety Manual

**GILLINGHAM & ASSOCIATES**  
a division of Philadelphia Insurance Companies



## The Great Outdoors Insurance Program

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## **Equine Manual**

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## **Comments from the Underwriter /Program Administrator**

Gillingham & Associates, Inc. is an underwriter of insurance policies for outdoor recreation enterprises. We founded the company in 1990 for the purpose of insuring the outdoor recreational industry and now insure over 180 Dude Ranches and over 1200 Outfitter & Guides and Hunting Preserves. Besides having an abiding passion for fishing, nature, shooting sports, equestrian activities and our outdoor heritage, we perceive a need for reasonable, dependable and quality insurance for the outdoor operators. To accomplish this, we have been thorough in our homework and selective of our insurance carriers and clients. Our intent is to provide you with a product delivering peace of mind that comes from sharing your burden of liability with a trustworthy associate.

The purpose of a Risk Management Program is to further promote the valued association of operator and insurer. We have attempted to offer you a system of controlling risks that will ultimately result in the greatest safety to your guest, while allowing you to maintain the element of adventure. Your industry is dynamic, and so is this manual. We will continue to look for a better way and recognize the best suggestions often come from you. We welcome your input and your suggestions.

We thank you for your confidence, your business and for keeping the outdoor experience alive and available.

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## SECTION I

# Equine Operations

## **I-A INFORMATION MANAGEMENT**

Ensure that all of the promotional material available to your client is accurate, up-to-date, and presented in simple, straightforward terms that can be easily interpreted. This applies to written word, artwork, photographs, videotapes, mass media coverage, websites, and oral remarks. Give special care to visual material; **ensure that it depicts activities in which guests can expect to participate.**

Review your promotional material periodically and make appropriate modifications before any significant change in operations.

## **I-B RIDER ASSESSMENT AND EVALUATION**

### GENERAL

Our insured equine operations are varied. Guides/outfitters use saddle and pack animals to transport guests and their equipment on fishing, hunting, and sightseeing trips. At guest ranches and resorts, riding may be one of several guest options or the primary activity. Some equine operators offer only hourly trail rides. Whatever the setting, this mix of guest and equine (horse, mule, burro, etc.) involves considerable risk potential. Equine operators should assume that prospective riders have little ability/experience until they have demonstrated otherwise. Therefore, the operator must have a method for assessing and evaluating riding. The process will vary in detail and duration. It need only be adequate to qualify/prepare the guest for the specific upcoming riding experience, but must be performed.

Occasionally an operator expresses concern that preliminary guest questionnaires and statements of liability describing risk and riding tests may adversely affect marketing and/or guest morale. An overview of successful guest ranches and outfitters indicates otherwise. To the contrary: often guest dissatisfaction – and litigation – arises from those who felt that they were not adequately informed, screened, or prepared for the activity.

The lack of appropriate assessment and evaluation of a guest's riding ability has been successfully used by attorneys to prove negligence on the part of a equine operator.

We suggest that this assessment be accomplished in three stages:  
at BOOKING, on ARRIVAL, and POST ARRIVAL at your facility.

### BOOKING

Provide each prospective guest with a Physical/Medical/Riding Questionnaire (Sample Form 1) for completion and return with booking paperwork. Review the completed document for any condition requiring special attention or additional explanation and retain the form with the guest file. Be certain to address areas of concern or special attention with the guest and your staff.

Provide a copy of your **Risk Warning, Liability Release** (See paragraph 1b, below) for the guest's review. A number of operators have published a reduced version of one or both of these documents as part of their promotional material. If you do so, remember that you must later present the liability release in full size (10 point) type for signature. Further, Liability Releases will require certain statements or verbiage that will differ by state and situation. It is imperative that your attorney prepare such documents.

Provide information on your **Policies, Requirements** or **Prohibited Activities** that might substantially affect a decision to book. You may include the following: minimum age, maximum weight, requirement for a riding test, or information on riding experience.

Provide a list of **Clothing and Equipment** that you consider mandatory. Over the ankle boots with smooth soles, long pants and stampede strings for hats are generally included.

1. **Assessment.** This function is generally administrative. The first two documents require completion and signature by the prospective rider. Your request for relevant information is as legitimate as a prospective guest's questions about your operation. It is general knowledge that there are contractual and liability issues in the recreation business. Presented positively, the questions need not be viewed as intrusive or offensive. It is good business, however, to obtain this information early on in the booking process. If your activity is not suitable for a particular individual, it is preferable to state it at the outset. In case this paperwork seems unduly formal, remember that it may be your only tangible evidence that the assessment process actually took place.

**a. Rider Questionnaire; Sample Form (1)**

The type, duration, and location of the horseback activity will determine the amount of information needed. A ten-day backcountry trip obviously requires more than a two-hour trail ride. At a minimum, the prospective rider must describe his riding experience (even though you may take it with a grain of salt) and any medical, physical, or emotional conditions which might affect his ability to safely participate in the activity. Adverse or questionable responses should be discussed with the guest. If a safe accommodation cannot be made, deny the ride.

**Handicapped**

For guests with **physical** and **mental disabilities**, advanced age, or frail condition, we recommend a courteous, personal inquiry as to how the special need could be accommodated. You should provide only those services which you can safely accommodate without excessive risk to the guest, other riders, or your horses. Be certain your employees are aware of these circumstances. For more information on riding for the disabled contact: North American Riding for the Handicapped Association, Inc., P.O. Box 33150, Denver, Colorado 80233; Telephone: 1-800-369-RIDE, or your insurance agent.

### **b. Risk Warning and Liability Release Document**

These documents are common to all commercial, and many private recreation activities that involve risk to the participant. The Supreme Court has recognized that an individual may agree to limit another's liability. The documents, properly worded, presented, and executed, are valid in almost every jurisdiction. Use of such a document can reduce your liability and mitigate claims against you. The example provided in **Sample Form (2)** is intended to show the general nature of such documents. It contains some of the basic elements required by law **but it is by no means suitable to use in your business as is**. Individual states require or disallow specific statements or verbiage. Colorado, for example, requires that the state equine statute be included. **It is critical for your protection that your attorney provides the proper language in creating such a document and approves same prior to putting it into use.**

Should your attorney not be completely familiar with law pertaining to recreational issues, we can provide him/her with information on reference specialists.

Legal opinions have noted the importance of giving the prospective guest ample opportunity to read and, if desired, get advice before signing the document. It is desirable, as previously noted, to present it early in the booking process. Many operators who take advance reservations send a copy along with their brochure, questionnaire, and booking material. This may not be practical for those dealing in short-fused reservations or "walk-ins", but the practice of rushing a guest to sign such an important document at the last minute must be avoided.

The document presented for signing must be printed in type size – 10 point or larger – that may be easily read. Critical points should be highlighted in bold print

### **c. Policies, Procedures, and Prohibited Activities; Sample Form (3)**

While this sort of document is not mandatory, it adds a considerable degree of professionalism and is very helpful to guests, management, and employees alike. It ensures consistency and saves a lot of time and talking. The safety procedures will probably be repeated orally during the pre-ride briefing, Sample Form (4), and that is desirable.

- Rider Evaluation** This function focuses on the physical aspects of instruction and observation of riders with their mounts. The depth and duration need only be that which is necessary for the particular riding experience. The session should begin with an equine safety briefing by a staff member. We recommend a standardized lecture and demonstration from a written checklist Sample Form (4). Experience shows that this is most effectively absorbed when the guests are afoot and visually oriented in a direction away from the corral area or other distractions. It should always be done prior to the presentation of mounts.

The presentation of mounts is covered in the next section. The observation/evaluation phase should be conducted in a controlled area, preferably a large corral or arena. It may include all or part of the criteria on the rider evaluation form, Sample Form (5). The point is that the rider must demonstrate sufficient competence in any horsemanship activity that may be later required on the trail. In larger, or more varied horse operations, this evaluation is usually the basis for assigning riders to varying grades of trail rides.

### **3. Riding Instruction**

An increasing number of guest riders, of all abilities, are showing their interest in horsemanship instruction as an addition or alternative to standard trail riding. They note that the learning experience is more stimulating. Recent popularity of celebrity horse trainers and books/movies like “The Horse Whisperer” have promoted or reinforced this interest. From both the risk management and managerial standpoint this activity has considerable advantage. For example, it takes place in a controlled situation, with level, soft surface material underfoot, proximity to solid communication, good emergency access, and addition staff assistance available. It also requires less logistics support and supervision per guest. It may also be easier on livestock.

We suggest that, if horsemanship instruction is included in your activities, it should be offered at no additional charge.

#### **FURTHER RIDER QUALIFICATION**

##### **A. Rider Size (General Recommendations)**

Weight: No more that 20% weight of mount  
Maximum of 240 lbs.

Height: Minimum of 54 inches  
Rider’s feet should reach at least half-way down sides of mount.

- B. Rider Age:** The general standard for participation in trail riding is six years of age. We recommend that you maintain that age as your requirement and mount younger children only in exceptional cases. Exceptions might be granted for children with previous riding experience and demonstrated ability, coupled with appropriate maturity and size.

Some operators will permit a child under six (6) years of age to sit on a mount and be led by a guide/wrangler who is afoot. This is acceptable if done with care and with parent/guardian request.

- C. Pregnant Riders: The prudent policy for equine operators is to refuse horseback riding to any woman known to be or claiming to be pregnant. Horseback riding during pregnancy may present a significant risk to the rider and/or the unborn. Your standard forms and oral questions must require information pertaining to the rider's medical/physical condition and include questions regarding pregnancy.
- D. Double Riding: Prohibited
- E. Unguided/Unsupervised Guest Riding: Prohibited
- F. Intoxication: prohibited around livestock.

## I-C RIDER MANAGEMENT

1. **Sign-Up Procedure.** A standard procedure wherein guests may volunteer for particular riding activities should be practiced. This “signing-up” usually takes place on the evening prior to the ride and is accomplished by the visible posting of a ride form (Sample Form-6) or an oral announcement and taking of names by a staff member who then completes the roster.

In either case, the following information should be provided to prospective riders:

- (a) Type of Ride
  - (b) Date, Time of Departure/Return, and Meeting Place
  - (c) Location/Destination of Ride
  - (d) Rider Prerequisites
  - (e) Recommended Special Clothing or Equipment
  - (f) Staff Member in Charge
2. **Preparation of Mounts.** Mounts should be specifically selected for a particular ride based on previous individual rider assessment and evaluation (Sample Forms 1 and 5). Horse to horse compatibility should be considered for position in line. Mounts to be used should then be segregated from other livestock – out of sight if practical.  
After grooming, tacking, and final inspection by the staff member in charge of the ride, each animal should be “test mounted” by a staff member.
  3. **Briefing of Riders.** This briefing should be accomplished before mounts are presented to their riders and should cover:
    - (a) Safety: major points of guest safety brief (Sample Form 4)
    - (b) Location of Ride: Terrain (flat, steep, gentle)  
Surface (rocky, sand, dirt)  
Obstacles (water, logs, roads)  
Conditions (caused by weather)
    - (c) Trail Considerations: Trails must be inspected regularly and maintained free of hazardous conditions prior to taking guests riders on the trail. Horses should not be asked to move faster than is safe according to weather-altered footing. Riders must not depart from the stable in rain storms or other dangerous weather conditions. PACK TRIP OPERATORS generally provide a higher adventure trip, and may have little control over trail type, condition, or weather during a trip. Riders should be told well in advance that the group will accelerate to a faster gait or pace.
    - (d) Trail Rules: Trail safety and etiquette. This may be a re-statement of policies from Sample Form 3. Examples are:
      - Riding single file, no passing
      - One horse length between riders
      - Actions to be taken on departure, return, and halts
      - Carry-on objects

- (e) **Carry-On Objects:** Riders must not be allowed to carry or wear objects on a ride which may drop, bounce, flap, blow away, or otherwise possibly frighten a horse, such as: hats not securely tied under the chin, toys, purses, cameras, extra unworn clothing not tied securely to person or saddle, etc. Riders shall be advised not to put on or take off clothing while the trail group is moving.
4. **Presentation of Mounts.** The mount should be untied and led away from the hitch point and other horses for presentation to the rider. The staff member should advise the guest of any notable individual characteristic of the mount. Saddle girth tightness shall be checked just prior to mounting and adjusted as necessary. A staff member will assist all inexperienced riders in mounting by holding animal by the head and bracing saddle. **Use of a mounting block is strongly suggested.** Stirrup length shall be adjusted by the staff member and final instructions given as needed. If there is to be a significant delay before departure, the guest should be asked to dismount.
5. **Danger.** A period of great potential risk in guest riding activity occurs when mounts with inexperienced riders are temporarily standing at the halt. Idle animals may mill around, squabble among themselves, tangle equipment, try to graze, change positions and carry on other equine mischief that the riders may be unable or unwilling to control... and the staff may be too busy to notice. Some of these stand-by periods are unavoidable but prior planning can keep them few and short. Remember that the safest place to be is lined out on the trail.
6. **Trail Guides.** Operators must provide one fully qualified Trail Guide for every six (6) able bodied, able minded guest riders. Groups with disabled, less competent guests, or a high percentage of children, may require more supervision.

Two-way communication equipment (radios or cell phones) should be carried by the Primary Trail Guide on all rides. In instances when such equipment is not available or operable, an additional Trail Guide must accompany the ride. In no case may a single Trail Guide take out a guest ride, of any size, without operating communication equipment OR another employee to ride for help in an emergency.

NOTE: All overnight rides shall have a minimum of two trail guides and radio/telephone communications.

7. **Departure.** Make it quick and smooth. Use all available staff members to assist in guest mounting, stirrup adjustment, and final checks. Move out directly, using a route away from obstacles, livestock, vehicles, or other distracting ranch activities.

8. **Halts on Trail - Routine Halts.** Plan halts for locations that are conducive to livestock control. A narrow canyon trail helps hold halted stock in line. Animals stopped in a lush meadow will want to graze and wander; allowing horses to bunch up and drink at a stream crossing is inviting a wreck. Forewarn riders of the upcoming stop—give them specific instructions. **A halt for saddle girth check should be scheduled after 15 minutes of riding.** For extended stops (rest, lunch) insure that adequate tying points are available. Consider erecting a high line instead of using natural objects.
9. **Emergency Halts.** Whether or not to dismount riders in an emergency stop is a decision based on the immediate situation. Maintain calm among all riders and mounts while resolving the emergency. If there is a contagious anxiety among the other animals, common in livestock related incidents, riders should probably be dismounted. In any case, at least one staff member should supervise the unaffected riders.
10. **Return.** All rides should approach the dismount area at a walk. Staff members should issue specific instructions to guests concerning their actions for dismounting, i.e. dismount on their own or wait for assistance; hold mount in place or lead to hitch point, etc. Staff should insure that guest riders remove themselves from the immediate area once they are relieved of their mounts. Use of all available staff members is recommended to make this evolution as quick, efficient and safe as possible.
11. **Post Ride Comments and Report.** The staff member should note any significant incidents, unusual events, or matters requiring attention on the ride form (Sample Form 6) and sign the document.

Complete records must be maintained on file concerning guest riders for a minimum of 20 years. Such records can be helpful when guests come back to ride and request a specific horse or guide. These records also provide defense evidence.

12. **Special Events and Activities.** A number of equine operators desire to offer additional riding activities such as gymkhanas, team penning, and “working” cattle operations to their guests. We recognize that such activities, when properly planned, executed, and supervised, represent a viable part of the equine experience. Since each of these activities and their setting are somewhat unique, the specific concept and ground rules must be established by the individual operator. The following general guidelines apply:
  - (a) Staff supervision must be in a ratio equal to or greater than that of trail rides.
  - (b) The speed (gait) at which the guest rider performs must be consistent with his demonstrated ability from the Rider Evaluation Test (Sample Form 5).

- (c) Speed or timed events that generate competition among guest riders, or encourage them to exceed their ability, must be avoided.

13. **Livestock Working Operations.** The Great outdoors Insurance Program is intended to cover guest liability in low stress/low strain participation and “sightseeing” type recreation. High stress, strenuous, or “thrill” type activities increase your liability exposure. “Working” situations where guests are required, or permitted, to perform tasks that would normally be done by experienced ranchers also creates liabilities. The physical handling of cattle (branding, castrating, earmarking, holding, or inoculating) and the roping of any livestock by guests exposes them to serious risk of injury, and places your operation at risk of lawsuits. We recommend all “working ranch” activities be structured so your guests can experience the “working ranch” atmosphere without handling or roping any livestock.

14. **Wagons and Sleighs.** Multiple rider events such as a wagon, buggy, sleigh or hayrides represent a special category of risk since a single accident will generally injure more than one participant. Special attention must be given to route selection, rider conduct, equipment serviceability, livestock training and temperament, and alcohol consumption by guests prior to or during the event. Please refer to Section II, Wagon and Sleigh Operations.

## **I-D STAFF MANAGEMENT**

### **GENERAL:**

Commercial equine recreation activities, by their nature, can take place over extended geographical areas and in locations distant from immediate assistance or supervision.

The satisfaction, welfare, and possibly the lives of your guests may depend upon the competence and integrity of the accompanying staff members.

It is imperative, therefore that only the best, qualified personnel be entrusted with this responsibility.

#### **1. Employment Criteria – (Equine Staff)**

(a) AGE

Primary staff members: 18 years minimum

Assistants: 16 years minimum

(b) PHYSICAL CHARACTERISTICS

Weight/Height: Same standards as guests

Fitness/Strength: Suitable for duties

(c) MORAL CHARACTER

Established by references, records, law enforcement check and/or personal knowledge.

(d) FIRST AID QUALIFICATION

All staff members who accompany guest riders must possess a current certification in STANDARD FIRST AID.

(e) SKILL EVALUATION

It is suggested that operators conduct a formal skill evaluation of prospective employees.

#### **2. Worker's Compensation and Labor Laws. If you have part-time or full-time employees, or contract labor workers, be certain you are in compliance with Worker's Compensation and Labor Laws of your state. This can best be assessed by contacting an attorney or your state's Worker's Compensation Division and/or Department of Labor. EMPLOYEE INJURIES ARE NOT COVERED UNDER A GENERAL LIABILITY POLICY.**

3. **Employee Records** generally must be kept on file for fifteen to twenty years or as recommended by your legal counsel. Employment applications should be completed by each employee and references provided to the employer. Next-of-kin names, addresses, phone numbers, and forwarding addresses must be on file. Employees often become prime witnesses in claims or litigation and it is important that they can be found easily after termination of their employment. Seek legal counsel on all employee applications, agreements or contracts and be careful of what you promise verbally and in writing to employees.
  
4. **Trail Guides and Drag Riders**. Trail guides lead and accompany each guest ride. Drag riders are trail guides who ride at the rear of the column.
  - (a) Trail Guides must be skilled and seasoned horsemen and the employees, owners, and official representatives of the business – NOT GUEST RIDERS; A minimum age of twenty (20) years is strongly recommended.
  - (b) Trail Guides must speak fluent English and have no less than average communication skills;
  - (c) Trail Guides must have reputable, responsible, authoritative personality traits, which will encourage both adult and child guest riders to follow their instruction. This can be critical in an emergency situation.
  - (d) Trail Guides must be thoroughly trained in stable procedures, public relations, emergency and safety procedures, and currently certified in Medic First Aid;
  - (e) Trail Guides must never be verbally or physically abusive to people or horses or use obscene language. They should never correct or reprimand horses while the public looks on. They should be carefully trained about what they may or may not tell guests;
  - (f) Trail Guides must never use or be under the influence of alcohol or drugs while on the job;
  - (g) Trail Guides shall provide clear signals to riders for changes of gait and other instructions as would be expected of a leader;
  - (h) Drag Riders shall watch over all riders from the last position in the trail string so as to notice riders having problems with a horse or riding in an unsafe or unruly manner. DRAG RIDERS will likely notice unsafe riders first, be the first to take corrective action, and be the primary witness if any injury occurs;

- (i) The trail guest group must never be left alone without a TRAIL GUIDE, except in an emergency with four (4) or less riders, at which time horses shall first be tied and secured well away from the guests.
  - (j) Trail Guide/Employee Apparel should be suitable and as required for personnel working around horses, to include shoes that cover the ankle (with at least one inch heels when riding), and long pants. It is recommended that staff members wear uniform clothing, i.e. same colored shirts or jackets. This assists both staff and customers in identification.
5. **Risk Reduction Meetings and Safety Drills.** Have monthly or **weekly** risk reduction meetings. Read and review rules and all applicable Risk Reduction Programs with staff. Drill employees on emergency procedures by setting up or discussing mock emergencies so they will be able to competently handle a similar real emergency. Document these meetings and retain documentation on file. Discuss the ranch stock and any unwelcome trends noticed with any particular horse. Discuss the prior week's incidents, what caused the incident, what could have prevented the incident, and what appropriate action was or should have been taken. We suggest that local emergency services personnel be invited to participate.
6. **Emergencies.** General – This section covers preparation of contingency plans and procedures for handling emergency situations which take place on the trail or at a distance from the main guest facility. Emphasis is on physical management; administrative management of incidents is covered in Section I-G, INCIDENT MANAGEMENT.

Professional adherence to Risk Management Principles by all hands will substantially reduce hazards. The unpredictable and spontaneous, however, are part of the equine business and must be planned for as if they were a certainty. Murphy's law applies.

- (a) **Emergency Equipment Kit.** Every trail ride must be equipped with an emergency kit. It should be the responsibility of the staff member in charge of the ride. It should be inventoried and inspected for serviceability and completeness daily. The kit should contain at minimum:
  - 1. First Aid Kit with the following items:
    - First Aid Emergency Manual
    - Aspirin (or substitute)
    - Antacid
    - Antihistamine (Benadryl)
    - Band-Aids
    - Butterfly Band-Aids or Steri-Strips

4x4 Gauze Pads  
Neosporin ointment  
Razor Blades  
Roller Gauze  
Rubber Gloves  
Soap, anti-bacterial  
Scissors  
Space Blanket  
Tape, adhesive  
Towelettes  
Triangular Bandage  
Tweezers  
Wire Mesh Splint

Additional items:

2. Emergency Procedure Checklist (yours)
3. Map(s), for extended rides
4. Notebook and Pencil
5. Knife
6. Watch
7. Camera and film
8. Tack Repair Kit
9. Flashlight
10. Waterproof Matches
11. Incident Report and Witness Statement Forms

- (b) **Portable Radio/Telephone Equipment.** We recognize that there are some locations where service or terrain relief render this equipment unavailable or impractical. Where coverage is marginal or better, the use of two-way radios and/or telephones is required. The equipment should accompany each trail ride and in the case of radio communication, a base station at the main facility should be manned for the duration of the activity.

Communication checks should be made before and periodically during the activity.

- (c) **Standard Emergency Procedure.** This procedure should be developed and written by each operator/manager to specify actions to be taken by the staff member(s), including office and support personnel throughout an emergency. It should be part of the Employee and Procedures Manual and part of the basic training program. A copy should be included in the trail emergency kit but all trail guides should know it from memory. The procedures should be coordinated and discussed with All Public Emergency Services Organizations that might become involved.

The procedures will be tailored for each particular business and location. A few general guidelines are:

1. Staff member in charge: Report initial assessment of situation to base.
  2. If an injury: Best qualified staff takes charge of injured.
  3. Other staff take charge of unaffected guests and livestock: Segregate from injured. If ride will not immediately continue, all dismount. Tie or hold mounts as appropriate. Establish calm.
  4. Staff in charge report detailed assessment to base.
  5. If injury: Application of first aid is continuous.
  6. Prepare for further action: Reinforcement, evacuation, return to base, etc.
  7. The ride activity should be reconstituted with appropriate staff and equipment and continue as soon as practicable.
7. **Manual for Trail Guides and Wranglers.** General – Many operators have combined instruction, local policies, procedures and guidance for their equine staff in a handbook or manual. Copies are provided to each employee for reference. (Sample Form 7).

Subjects usually included are:

- \* General information.
- \* Stable policies (regarding age, weight and height limits, rules related to smoking, alcohol use by participants, carry-on objects, use of cameras, riding double).
- \* Tack and equipment care.
- \* Familiarization with care and humane treatment of horses.
- \* Safety procedures.
- \* Release agreements, warning forms, completion procedures.
- \* Safety speech/instructions to participants.
- \* Familiarization with trails and maps.
- \* Any information about the area or environment to be provided to the riders.
- \* Review of incident/accident report and reporting procedures.
- \* Weather situations.
- \* Emergency procedures.
- \* Your operation's policy concerning the Americans with Disabilities Act (ADA).
- \* State statutes relating to equestrian activities.
- \* Any information which your insurance company requires you to ask or cover with your staff and riders.

Once the manual is created it does not take a lot of time to review and revise it. The time you spend will greatly help later on. Instead of relying on your memory of what training procedures were done, you will have documentation to prove how your wranglers were trained.

8. **Business Procedures/Employer Manual.** If you do not already have a business Procedures Manual, we strongly suggest that you develop one. Procedure manuals are becoming more important to business operations due to the current legal climate. Staff members generally want to do a good job, however, they may need consistent guidance and direction when other management is not available. Procedure manuals help fill this need by serving

as a trainer tool and providing consistency. Among items that should be contained in the Procedures Manual are:

- A. **Communications** – to insure the right thing is being said;
- B. **General Organization Of Your Business** – who reports to whom, who is responsible for what;
- C. **Procedures** – this is the main part of the manual and should include instructions on completing and filing forms, release agreements, inspection check lists, maintenance of records and other written materials, documenting phone calls, daily routines, company policy and procedure concerning sexual harassment, emergency procedures and any OSHA and Americans with Disabilities Act requirements; and any mandatory standards with which you are required to comply.

Several copies of the Procedures Manual should be located in an area that is accessible and visible to all staff members at all times. Staff should be advised at the time of hiring and again during Risk Reduction meetings where the Procedures Manual is located and that it must be read by them at the commencement of their employment.

Never throw away a discontinued manual or manual page, but keep these on file for no less than 20 years.

## **I-E LIVESTOCK AND EQUIPMENT MANAGEMENT**

### **GUEST MOUNTS**

- A. Guest Mounts must be well-trained, tested, and seasoned specifically for providing only the safest possible trail rides for beginners to lower intermediate riders. Guide horses must be calm and seasoned for guest use since it may be necessary for a guide to switch horses with a guest rider on the trail. No horse with a history of behavior problems may be used in the guest string, such as: kickers, biters, horses which run away, rear up, lay down or stumble with a mounted rider, or those which are difficult to control, have other dangerous vices or habits of any type which are potentially dangerous to people or other horses. A horse of this type must not be kept on the premises where the public is allowed.
- B. Equine Compatibility can be a major factor in reducing incidents: horses have a strong instinct toward pecking order and buddy systems. Make use of these factors when assigning mounts and order in line.

Mounts must be healthy, well-fed, receive regular farrier and vet care, and must be treated and handled humanely at all times. Mounts with loose shoes, sore backs or mouths, lameness, open wounds, or other ailments, must not be used until fully repaired or recovered. Guest mounts should be used no longer than nine hours per day and given at least 1 to 2 days rest per week.

- C. Guest Mount Basic Training should include: to stand still while being Mounted; to respond to word commands “WHOA” or “HALT”; to move forward at cues of slackening the reins and kicking or nudging inward with the inside of lower leg or heel; to slow down or stop easily by checking or pulling back on the reins and then releasing pressure; to move at an even pace on slack reins and to be accustomed to loud, sharp noise, objects dropping at their side, passing cars or machinery; etc.
- D. Individual Equine Records are as important as those for human employees. Maintain a file on each mount (Sample Form 8).

### **TACK AND EQUIPMENT**

- A. Saddles, bridles, and other tack and equipment must be suitable for the horse and the rider. Stirrups must be adjusted to the proper length for the rider prior to riding. The stirrup base must be wider than the rider’s shoes across the widest part of the arch. Extra large overshoe type stirrups are available.
- B. Use of both a saddle pad and blanket are suggested to avoid sore backs.
- C. Wide girths/cinches are suggested.

- D. Breast collars must be used when riding in hilly country.
- E. Halters and lead ropes should be carried for each horse so they can be tied in an emergency.
- F. A daily tack and equipment checklist is recommended. Tack should be checked daily for completeness, wear and dangerous deterioration or breakage, particularly paying attention to condition of girth/cinch and latigos, stirrups and leathers, and stability of saddle tree and horn. Bridles shall be inspected for wear or breakage potential, paying particular attention to junctures, reins, throat latch, and bit condition. Damaged parts must be properly repaired prior to being used for riding or handling horses. (The use of screw type or snap type rein and bridle fittings is not recommended.) Leather tack should be cleaned regularly and maintained in supple condition through regular application of leather oil, soap, or other leather preparation. Saddle blankets and cloth or girths/cinches should be free of debris and washed and cleaned regularly.
- G. A tack maintenance checklist is recommended.
- H. A trail guide shall carry a basic equipment repair kit in a saddle bag on trail rides and be trained on how to make simple repairs.

#### **Security of Insured Tack and Equipment**

Saddles and other tack are highly desirable items and have been subjects of an illegal trade approaching that of old time rustling. Your tack storage building may be unlocked at times. We understand that it is normally under your observation during daylight. We recommend that it be secured at night, or when not directly observed, with high security padlocks or comparable devices.

## I-F FACILITIES MANAGEMENT

1. State Equine Activities Immunities Acts have been passed recently by several states. Such laws have been passed in order to limit and protect the legal liability position of the equine owner, equine business owner or manager. However, this will only be possible if mandated requirements are followed to the letter. If you operate an equine business in such a state, you must carefully study the law and immediately comply with any mandated requirements which would apply to your situation, including the posting of any state mandated signs. States which have passed such laws include, but are not limited to the following: AL, AZ, AR, CO, CT, FL, GA, HI, ID, KS, LA, ME, MI, MN, MO, MS, MT, ND, NM, OR, RI, SC, SD, TN, TX, UT, VA, WA, WI, WV, and WY. You should check with your local government annually to see what changes or new laws have been adopted.

- (a) Signs **REQUIRED BY STATE AND FEDERAL** law must be prominently posted.
- (b) Your own **STABLE RULES** should be prominently posted at the stable.
- (c) **“RIDE AT YOUR OWN RISK”** signs should be prominently posted in public high traffic areas.
- (d) **“CHILD SUPERVISION”** signs should be prominently posted.
- (e) **EMERGENCY PHONE NUMBERS** must be posted for police, veterinarian, fire department and hospital beside all phones.

### 2. Buildings.

- (a) Buildings used in equine operations should be kept orderly and in good repair. Buildings should be free of hazards such as sharp and pointed objects, corners or overhanging eaves that a horse or rider might contact.
- (b) Light fixtures should be high enough that horses or riders cannot reach them. If this is not possible, then bulbs should be covered with a protective shield.
- (c) Flammables or explosives should not be stored in or near equine buildings.
- (d) Motor vehicles should not be stored in stables.
- (e) Fire extinguishers should be installed in appropriate locations and should be checked annually in accordance with manufacturer instruction. We recommend a maintenance contract with a safety equipment company.

- (f) First aid kits must be maintained in accessible locations. Make certain your employees know where they are.

3. Riding Arenas and Schooling Corrals.

- (a) Fencing should be at least four feet high and constructed of materials which will create an adequate barrier. Rails or fencing material should be attached on the inside of posts.
- (b) Surface should be level, free of litter, obstructions and hazards such as rocks, holes or machinery. If used in all weather, the surface material should be appropriate and well drained.
- (c) The size of riding arenas, corrals and pens should be appropriate for the intended activity with portable mounting blocks available.
- (d) Ideally, the locations where guest mounts are used should be removed and out of sight from unused livestock. Large livestock must never be permitted to wander loose on the premises when guests are present.

4. Fencing (Gates, Hitch Rails, Etc.)

- (a) Fencing in areas used by guests must be well constructed, maintained and free of sharp edges, pointed corners, or objects that could injure people or animals. Barbed wire or electric fencing must not be used in proximity to guests.
- (b) Gate hardware (latches, bolts, hinges) should be positioned so as not to snag humans, animals or equipment.
- (c) Clearance under gate cross beams should be adequate for tallest riders.

5. Hazardous Conditions which suddenly arise must be marked clearly with a warning sign until the condition can be corrected.

6. Dogs and Pets. Vicious, noisy, darting dogs or other pets must not be allowed to roam when visitors are on the premises, nor should they be allowed to chase or follow horses.

7. Trails.

- (a) Trails (and terrain) selected for guest riders must be appropriate to the skill and comfort level of the least qualified individual on the particular ride. Weather conditions also affect the difficulty of the ride and must be considered. The principle of the least qualified rider also applies to the speed and gait of the ride.

- (b) Suitable trails (or terrain) must be determined by the physical inspection of experienced staff members and approved by management. Trails should be categorized by degree of difficulty, suitable gaits, level of rider skill, etc.
  
- (c) It is suggested that both topographical and sketch maps of the trail system be posted in a prominent location for staff use. The map(s) should be annotated to indicate the following features, where appropriate:
  - 1. Potentially hazardous areas or conditions;
  - 2. Points or areas where radio/telephone communication is possible (or impossible);
  - 3. Emergency vehicle access points;
  - 4. Suitable helicopter landing zones;
  - 5. Time/distance factors;
  - 6. Routine or suitable halt points
  - 7. Points of interest.

Copies of such map(s) should be included in the Trail Guide Emergency Equipment Kit.

- (d) Trails should be inspected and maintained free of obstacles, low hanging branches and other hazards as appropriate. In wooded areas the trail guide equipment might include a bowsaw.
  
- (e) At points on the trail where extended halts routinely take place it is suggested that high lines and mounting boxes be placed or cached to facilitate tie-up and remounting.
  
- (f) Experience proves that wet, slippery or muddy trails are a primary cause of accidents.

## SECTION I-G INCIDENT MANAGEMENT

Much of what we have included in this booklet was designed to help you avoid incidents and to help you prevent “accidents” from becoming lawsuits. The recreational industry however, by its very nature, is going to have its share of injured guests.

### **Time is of the Essence**

The brief period following the accident or incident can be the key to your legal defense several years later. Use that time wisely! These are the minutes you have to treat the injured party; the hour(s) before the evacuation; the minutes or days before the other guests leave and their memories of the events are changed or forgotten; the time before your guides forget the details or leave your employ; and the responses to the media following the incident. Let’s look at each of those.

### **Your Guests:**

Most lawsuits are entered by guests who either believe they were not properly informed of the requirements and hazards of the activity, or guests who feel you have not demonstrated the highest level of care and concern for his/her well being and personal safety. That care and concern starts in the mind of the guests at the beginning of their activity with you. So make a personal connection. Address guests **by their name**. Treat them, their concerns, and their family members as individuals.

If a guest is injured, we recommend trying to keep one staff member with the injured party from the time of the initial response and treatment through evacuation, waiting for him or her at the doctor or hospital, and following up afterwards. That personal relationship and consistency can reduce stress, help calm and assure the injured party, and is often the key factor in whether or not the injured party chooses to file suit. The personal care and attention **do** matter. Take the case of whitewater adventurers who were seriously injured. They or their attorneys subscribed to the belief that “...for every societal wound, there must be a financial poultice.” However, they enjoyed their guide and appreciated the care and concern demonstrated after the incident. So they didn’t sue the operator. They did sue the travel agent who booked them without providing adequate warning about the hazard of the activity!

### **What Do I Say?**

If an incident occurs, be responsive. It’s okay to let the guest know you’re sorry they are hurt and you are doing everything you can. Be both empathetic and sympathetic. Show care and concern both for the injured party and other participants. While one person may be injured, family members and other guests may be experiencing shock, concerned about their own safety, or generally “shaken” by what they have seen or experienced.

Help your guests feel they are in capable hands. Check in with them about how they are doing. You need to provide a calm, settling influence on the guests. It is okay to say things like, "I've sent for help. The techniques we practiced in the Red Cross first aid class seem to have stopped the bleeding. I'll do everything I can to keep you comfortable (until we evacuate, continue, etc.)..." Both injured parties and others need to be reassured. Their evaluation of what happened and how you handled the incident can be important issues if litigation ensues.

### **What Don't I Say?**

#### **Don't admit wrongdoing, e.g.,**

"Oh, you're the third person that darned horse has thrown."

"Gee, I must not have adjusted your stirrups correctly."

"That strap must have failed." Etc.

#### **Don't make value judgements, e.g.,**

"Well, that was a stupid thing to do."

"You said you were an experienced equestrian (so we gave you a spirited horse.)"

"Anybody with half a brain could have..." Etc.

**Don't guarantee a speedy evacuation.** You may have no control over the timing and your idea of "soon" may be very different from that of an injured party.

#### **Don't profess to be a medical expert.**

#### **Photographs:**

If you or guests have a camera available, get photographs of the incident site and of the injured party. Photos of the physical conditions encountered immediately prior to the incident, i.e., steep terrain, a fallen tree obstructed from view by snow, wet or slippery path or roadways, etc., may be especially helpful in reconstructing how the incident occurred.

### **The Media:**

If there is a serious accident or fatality, you can expect that the media will contact you. Often, that contact will be by phone. It is in your best interests to assign one spokesperson to handle those media inquiries. Let your staff know if inquiries are to go through one person. The person (with your supervision) should prepare a factual statement (which may need to be reviewed by legal counsel.)

\*Be clear about the assignment. It is to provide the who, what, where, and when that goes into a typical media story (though you may not want to tell “who” at the time when you are still trying to locate their family.) You will probably want to provide some background on your organization’s experience at providing the activities. It is **not** the place to assign blame, admit guilt, or speculate about what may have occurred. If a story is delivered in that manner **you will get more press than you want.**

\*Attempt to be accurate and provide the facts. If the answer to a question is unknown, say it is unknown. Don’t speculate.

\*If you are dealing with restrictions, such as not releasing names until family members are contacted or you are unable to talk with the injured party until the doctor gives the okay, etc., explain that to the media.

\*If you provide, see, or hear erroneous information, correct the error as quickly as possible. Provide correct information.

**\*No one (including your chosen spokesperson) is to release any information that assigns responsibility or admits liability for the accident without first consulting your insurer’s legal counsel.** Failure to observe this restriction can jeopardize your case and your insurance.

\*It is often best to say simply “the incident is under investigation at this time.”

### **After the Incident:**

When animals or equipment are involved in an accident, and could have contributed to the incident, pull them out of service and discuss what you should do with the insurer’s claims representative. They may suggest having equipment checked by an authorized dealer or repair facility, taking photographs, or returning it to service but marked for easy identification in the future.

Remember, everything doesn’t end after the doctor sends the person home or admits him/her into the hospital. Nor should it end when an injured and angry guest says “I’m going to sue you for this.” Follow up with the injured party to see how he/she is doing. Send or hand deliver a card, note, and/or flowers, or just make a phone call. Let the person know that his/her well-being matters to you. If the injury prevents the person from completing the activity, offer a refund fee. Consider giving them a voucher to come riding with you again after he/she recovers. You would be amazed

at the success other ranches and outfitters have had using the voucher to build positive relationships, even after serious accidents. Not only is it a great way to create customer goodwill, but the more friends he/she brings along, the less that “free pass” costs you.

Your personal attention, care, and concern can actually prevent a lawsuit. If you end up with a lawsuit however, remember that everything you said and did, before, during, and after the incident will be reviewed by the injured party’s attorney or by the Courts. Don’t forget that what you say and do, and what you don’t say and do are important parts of your Risk Management program!

**NOTIFY YOUR INSURANCE COMPANY IMMEDIATELY (within 48 hours of the incident) by calling your agent or designated insurance adjuster by phone. Follow up by also submitting to your company a written report. ALL INCIDENTS, NO MATTER HOW MINOR, MUST BE SUBMITTED TO YOUR INSURANCE COMPANY BECAUSE IF A COMPANY CAN INVESTIGATE THE INCIDENT IMMEDIATELY, THE COST OF ANY RESULTING CLAIM IS OFTEN REDUCED CONSIDERABLY. This, in turn, keeps insurance costs down and coverage available for horse operations. This is doubly important because some states have mandated by law that late notification of a potential claim incident (in one instance eight months after the incident took place), can make coverage for the resulting claim null and void.**

#### **INCIDENT REPORTS AND WITNESS STATEMENTS**

Keep several copies of the Incident Report and Witness Statement forms (Sample Form 9) with your first aid kit(s). That way required information can be gathered and easily recorded after an incident occurs and the guest has been taken care of by the guide or medical professionals.

Record the information as soon as possible, while memories are fresh and recollections are clear. These forms, and the information they contain, will be critical to your defense. Try to document everything that is said. Information you obtain immediately after the incident will usually be more accurate than statements taken at a later date.

#### **Discovery:**

This term generally refers to a pretrial device that can be used by one party, i.e. a guest injured while participating in an activity offered by you, etc., in order to assist in that party’s preparation for trial. Tools of discovery include facts, documents, or other things which are in your exclusive knowledge and possession. The litigating attorney can request and obtain any and all records. For that reason, it is essential that you (and persons working for or on your behalf) avoid comments which could be potentially damaging. Avoid writing or publicly expressing assumptions, opinions, and personal feeling which may arise during the stressful time at and after the occurrence of an incident. Even verbal statements can be subject to discovery.

**Incident & Accident Report:**

The Guide/Wrangler/Instructor in charge will complete the Incident & Accident Report Form (Sample Form 9.) However, if a witness is hostile, blaming, accusing, or otherwise unfriendly after a catastrophic accident, make sure you have their name and how to reach them, but leave it to your insurer's claims staff or legal council to take their written statement. Take the written statements of witnesses who are positive, friendly, or neutral. When interviewing, ask the question, "What happened?" It's a simple question that each person needs to answer. The statement may be completed by the witness or taken by someone from your organization. Once completed, the witness must review, sign and date the statement.

You can use the same form to note the injured guest's version of "what happened" and to note other comments, e.g., "...If I'd only followed your instructions about..." "...knew I was over ice. I didn't think the horse would..." or "...I looked down and panicked. It wasn't anything you did..." etc. Those comments may be of assistance in defending you in the event of a suit. However, your task is to make sure the person is cared for after an incident. We are not suggesting that you get a signed statement from the injured guest. That can be done by the insurer once the injury has been attended to and the shock is past. If the person is in pain, in shock, agitated or hysterical following an incident, it is not the time to play inquisitive reporter. Don't be insensitive or intrusive. If he/she makes comments about what happened, jot them down when you get a free moment. Like the old journalism adage states, "Before you be fancy, be fast. Before you be fast, be accurate." Try to put it on paper while the words are fresh.

SECTION II

**WAGON &**  
**SLEIGH**  
**OPERATIONS**

**General:**

These activities may be integrated with other guest ranch routines or may be the primary operation of a business. We support their traditional place in the commercial equine field but, as an insurer, recognize that they present a special risk.

The information drawn from investigations, litigation, and claims involving equine-drawn vehicles has been generally unfavorable to the operators. Unfortunately, the mix of livestock behavior, driver competence, harness suitability/adjustment, and the mechanical aspects of the vehicles themselves offer plenty of opportunity for a diligent lawyer to find negligence.

Additionally, protection under the "Equine Operator's Statute" is presently unclear when it involves these vehicles.

Replacement of equines with motor vehicles as prime movers eliminates livestock considerations described below but all other precautions apply.

We recommend that operators consider conducting Wagon/Sleigh activities ONLY if they can consistently devote the assets and attention to detail that safety requires.

**Vehicles:**

The preferred conveyances are those with low, wide beds and wheels/runners located on the outside of the load area. Modern wheels with rubber tires, steel undercarriage, tongue and trees are also preferred. Stout wood with metal hardware is acceptable if in good condition. Side boards/rails are mandatory. Forward-facing passenger seats are desirable. Seat belts or other passenger restraints are not. Some operators substitute hay bales for seats. These are acceptable, but only for use on level terrain.

We discourage the use of antique vehicles (or replicas) because they generally have narrower width, higher center of gravity, more primitive suspension, and iron tires. The construction material in a true antique may have decay, dry rot or metal fatigue.

Wagon brakes may be hydraulic, mechanical, or electrically activated. The brake shoe(s) should be installed on rear wheels. Wagons without brakes are acceptable only for use on completely level terrain.- in these cases, the harness must have breeching.

Conveyances used on public roads/areas must have a "Slow Moving Vehicle" triangular sign affixed to the rear. If it is used in public at dusk or in darkness, reflectors must be placed on sides of harness and the rear and sides of the vehicle.

**Livestock:**

In general, animals used in driving should be at least five (5) years old, and have a minimum of 120 hours training/working (together in a team) before being used with guests. Obviously the longer, the better. They should have been worked in harness within a week of the guest use. They should be trained to slow and stop at voice commands, and by application of the brake. Without such training, an animal may simply pull harder at the application of brakes.

Once a driving animal has caused or participated in an accident/incident, it must not be driven again until cleared for use, in writing, by the insurance company.

**Harness:**

Harness should be of strong construction and maintained in clean, supple condition. We suggest that reins should be “billet” or stitched at the bit, not attached with snaps. Breeching is recommended on most harness and mandatory for use with vehicles without brakes.

**Drivers:**

DRIVERS should have a minimum of 120 hours on the vehicle and behind the specific animals they are driving with guests aboard. Twenty years of age is a minimum unless there are exceptional qualifications. Whenever there are guests, passengers, the public, or traffic present, the DRIVER should be continually in the driver’s seat, in control of the animals and the brake system.

We suggest that an ASSISTANT DRIVER be used on all vehicles and REQUIRE one when more than seven (7) passengers are carried. The ASSISTANT should supervise passengers: help them embark and disembark, monitor their conduct and assist in crises. The ASSISTANT may be a trainee, but capable of assuming the DRIVER’S duties in an emergency.

Some operators utilize OUTFRIDERS, other employees on horseback, riding ahead, or to the flanks of the driven animals to block in case of bolting.

All DRIVERS, ASSISTANTS, and OUTFRIDERS must be thoroughly versed in emergency procedures for out-of-control animals or injured persons.

**Passengers:**

Multiple passengers can result in multiple injuries. The passengers themselves are likely to be children, elderly, or less athletic and unprepared to react quickly in an emergency situation. Supervisors must be vigilant to detect any persons unfit for participation. A safety briefing shall be given to passengers before they board. It should include a description of the ride, rules of conduct, and emergency instructions.

All passengers are required to read and sign an appropriate Risk Warning/Liability Waiver.

No intoxicated persons may be permitted on board and alcohol should not be consumed during the ride.

## SECTION III

**INDEPENDENT**  
**CONTRACTORS**

**INDEPENDENT CONTRACTORS  
AND  
BUSINESSES TO WHICH YOU REFER YOUR GUESTS**

I. What is the difference between an 1) employee and 2) independent contractor?

“Employee” means a person in the service of another who, under a contract of hire, express or implied, oral or written, the employer has the right to direct the means or details of the work and not merely the result to be accomplished.

“Independent Contractor” means a person who, in the pursuit of an independent business, undertakes to do specific work for another person, using his own means and methods without submitting himself to the control of such other person with respect to the details of the work, and who represents the will of such other person only as to the result of his work and not as to the means by which it is accomplished.

II. Can an independent contractor hold you (the one that engaged his services) liable, for his/her injuries and property damage while leading your ranch guests in an activity? Under most circumstances, the answer is YES! And the coverage would come from your liability policy, not your workers compensation.

III. Can my guest, while in the care, custody or control of the independent contractor, hold the ranch liable for their injuries and property damage? Again, YES! For example, your guest wishes to go whitewater rafting, a service you do not provide. Ask yourself three questions. One, did you receive a rebate from the rafting company you referred your guest to? Two, did you refer your guest to one rafting company which gave you no rebate? Three, did you refer your guest to more than one rafting company and the guest chose which one they wanted to engage in? Under one, your liability insurance may be primary. Under two, joint and several, possibly primary, possibly excess. Under three, you are likely to not be liable to any degree.

IV. How did I avoid liability to the independent contractor and to my guest in his/her care, custody control?

A) It is doubtful you can “avoid any liability”, but you can help yourself significantly by making certain the independent contractor has general liability and worker’s compensation insurance. Each year obtain a Certificate of Insurance from the independent contractor with your company shown as an Additional Insured. By doing so, you are transferring the liability, for the most part, back to the independent contractor. Send a copy of the certificate to your insurance agent and ask if 1) the coverage and limits are adequate and 2) the insurance carrier is financially strong. Do not rely on the fact the USFS has approved the insurance, we have seen USFS approved insurance companies we would not approve.

B) It is smart to have a written agreement designed by your attorney, establishing the relationship and responsibilities. Do not find yourself in a situation where you are being held responsible for acts of others. It happens all too often and ends up hurting you and your company financially.

SECTION IV

**SAMPLE FORMS**

**RIDER STANDARD INFORMATION FORM**

**It is our goal to provide our guests with a safe, comfortable and enjoyable experience. We ask that you provide the following information:**

**NAME:** \_\_\_\_\_

1. Age: \_\_\_\_\_ Weight: \_\_\_\_\_ Height: \_\_\_\_\_

2. Riding Experience (please check whichever is the most applicable):

- I have never ridden before
- I have ridden a few times
- I ride frequently
- The last time I rode was \_\_\_\_\_.

3. Have you ever had or been diagnosed as having heart or coronary artery disease?

Yes  No. If yes, please describe any limitations on activities, medications or other relevant information: \_\_\_\_\_

4. Are you Pregnant?  Yes  No.

5. Allergies (including allergic reactions to specific medications)?  Yes  No.

If yes, describe condition and/or medication: \_\_\_\_\_

6. Dietary restrictions?  Yes  No If yes describe: \_\_\_\_\_

7. Any other condition that requires special consideration or taking/carrying of special medication or equipment?  Yes  No. If yes, describe condition, medications or equipment required, any restrictions caused by the same, and any special instructions needed.

\_\_\_\_\_

Client/Guest Signature  
(Parent/Guardian Signature for Guests under Eighteen)

## Participant Questionnaire; Risk Warning; Liability Waiver/Release; and Indemnification Document.

(This is for sample use only. Any form you use should be approved by your attorney)

### 1. PARTICIPANT QUESTIONNAIRE: (PLEASE PRINT CLEARLY)

- a. Name: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Telephone: \_\_\_\_\_ Age: \_\_\_\_\_
- d. Emergency Contact: \_\_\_\_\_
- e. Relationship: \_\_\_\_\_ Telephone: \_\_\_\_\_
- f. Do you have any previous experience in \_\_\_\_\_  
Yes/No \_\_\_\_\_. Seldom? \_\_\_\_\_. Frequent? \_\_\_\_\_. Last Time? (Mo/Year) \_\_\_\_\_
- g. Do you have any medical, physical or emotional condition that would be adversely affected by this activity? \_\_\_\_\_

Please Describe: \_\_\_\_\_  
\_\_\_\_\_

Are you pregnant? \_\_\_\_\_

### 2. RISK WARNING, WAIVER, WAIVER AND RELEASE AGREEMENT

Please read carefully before signing.

#### **THIS IS A RELEASE OF LIABILITY AND WAIVER OF CERTAIN LEGAL RIGHTS**

In consideration for my being permitted to participate in the activities of \_\_\_\_\_  
\_\_\_\_\_ and the use of the property, animals, if any, and facilities, I agree to the following:

I acknowledge that \_\_\_\_\_  
has inherent risks, hazards, and dangers for anyone, that cannot be eliminated. I UNDERSTAND THAT THESE RISKS, HAZARDS, AND DANGERS INCLUDE WITHOUT LIMITATION:

(Description of Risks)

I understand the risks, hazards, and dangers described above and have had the opportunity to discuss them with a staff member. I understand that these activities may require good physical conditioning and a degree of skill and knowledge. I believe I have that good physical conditioning and the degree of skill and knowledge necessary for me to engage in these activities safely. I understand that I have responsibilities. **I WILL PAY STRICT ATTENTION TO THE INSTRUCTION AND SAFETY LECTURE AND I WILL COMPLY WITH THE DIRECTION OF THE STAFF MEMBER(S).** I am not under the influence of alcohol or drugs. My participation in this activity is purely voluntary. No one is forcing me to participate and I elect to participate in spite of the risks. I AM VOLUNTARILY USING THE SERVICES OF \_\_\_\_\_  
\_\_\_\_\_ WITH FULL KNOWLEDGE OF THE INHERENT RISKS, HAZARDS, AND DANGERS INVOLVED AND HEREBY ASSUME AND ACCEPT ANY AND ALL RISKS OF INJURY, PARALYSIS, OR DEATH.

Lastly, I, for myself, my heirs, successors, executors, and subrogees, hereby KNOWINGLY AND INTENTIONALLY WAIVE AND RELEASE, INDEMNIFY AND HOLD HARMLESS \_\_\_\_\_, their directors, officers, agents, employees, and volunteers from and against any and all claims, actions, causes of action, liabilities, suits, expenses (including reasonable attorneys' fees) which are related to, arise out of, or are in any way connected with my participation in this activity including, but not limited to, NEGLIGENCE of any kind or nature, whether foreseen or unforeseen, arising directly or indirectly out of any damage, loss, injury, paralysis, or death to me or my property as a result of my engaging in these activities or the use of these services, animals or equipment, whether such damage, loss, injury, paralysis, or death results from negligence or from some other cause. I, for myself, my heirs, my successors, executors, and subrogees, further agree not to sue \_\_\_\_\_ as a result of any injury, paralysis, or death suffered in connection with my use and participation in these activities.

I HAVE CAREFULLY READ, CLEARLY UNDERSTAND, AND VOLUNTARILY SIGN THIS WAIVER AND RELEASE AGREEMENT

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print Name

**3. INDEMNIFICATION**

If under eighteen years of age, parent or legal guardian must sign the following indemnification:

Name(s) of Minor(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In consideration for the above minor being permitted by \_\_\_\_\_ to participate in the activities of \_\_\_\_\_ which include, without limitation, the use of its services, animals and equipment, I agree to the following waiver, release, and indemnification:

The undersigned parent, or legal guardian of the above minor, for himself/herself and on behalf of said minor(s), hereby joins in the foregoing Waiver and Release and hereby stipulates and agrees to save and hold harmless, indemnify, and forever defend \_\_\_\_\_, their directors, officers, agents, employees, and volunteers from and against any claims, actions, demands, expenses, liabilities (including reasonable attorneys' fees), and NEGLIGENCE made or bought by said minor or by anyone on behalf of said minor, as a result of said minor's participation in the activities of \_\_\_\_\_ and his or her use of the property, animals, if any, and facilities of \_\_\_\_\_. I, for myself and on behalf of said minor, further agree not to sue \_\_\_\_\_ as a result of any injury, paralysis or death that said minor suffers in connection with his/her participation in the activities of \_\_\_\_\_

\_\_\_\_\_  
Date  
\_\_\_\_\_  
Signature of Parent or Legal Guardian  
\_\_\_\_\_  
Print Name of Parent or Legal Guardian

## OUR RIDING PROGRAM

### The Riding Schedule

We vary the type of rides available each day according to the experience level of that day's riders.

**The Walking Ride** consists of walking, possibly a very slow jog trot if rider skill permits.

**The Intermediate Ride** includes trotting, faster loping and/or difficult trails that test the rider's ability as a horsemen.

Riders will be asked to demonstrate their ability in order to join the Intermediate and the Advanced Rides.

**The All Day Rides** are done at the skill level of the least experienced rider, and due to the terrain, are often ridden at a walk. Also, because of the terrain, they demand varying degrees of rider skill. Difficulty of the ride is advised on the sign up sheet.

1. Please sign up for your ride at dinner the evening before. This allows the wranglers to plan their horse assignments.
2. Please be at the corral at the designated Check Ride time on your first morning. All new riders are checked out in the round pen prior to their first ride; also we need to adjust your stirrups and match up horse and rider to everyone's satisfaction.
3. If you want to go on the intermediate rides, you will be asked to demonstrate your ability to sit the horse at a trot and a lope (canter) without bouncing, as well as your ability to control the horse at speed. For your own safety, riders who do not qualify will not be able to go on fast rides. On your second day, if you wish to be checked out for loping, please sign up for the Loping Check Ride the night before and be at the corral at 8:15am sharp.
4. We offer **lessons** at no additional charge for those who wish to improve their riding skills. Check with the barn for those times.
5. A Wrangler will get your horse for you. He/She will help you mount and dismount.
6. Do not walk behind horses. Keep clear of all horse's hooves by at least 6 feet. Upon dismounting, leave the saddling area immediately so as to prevent possible injury.

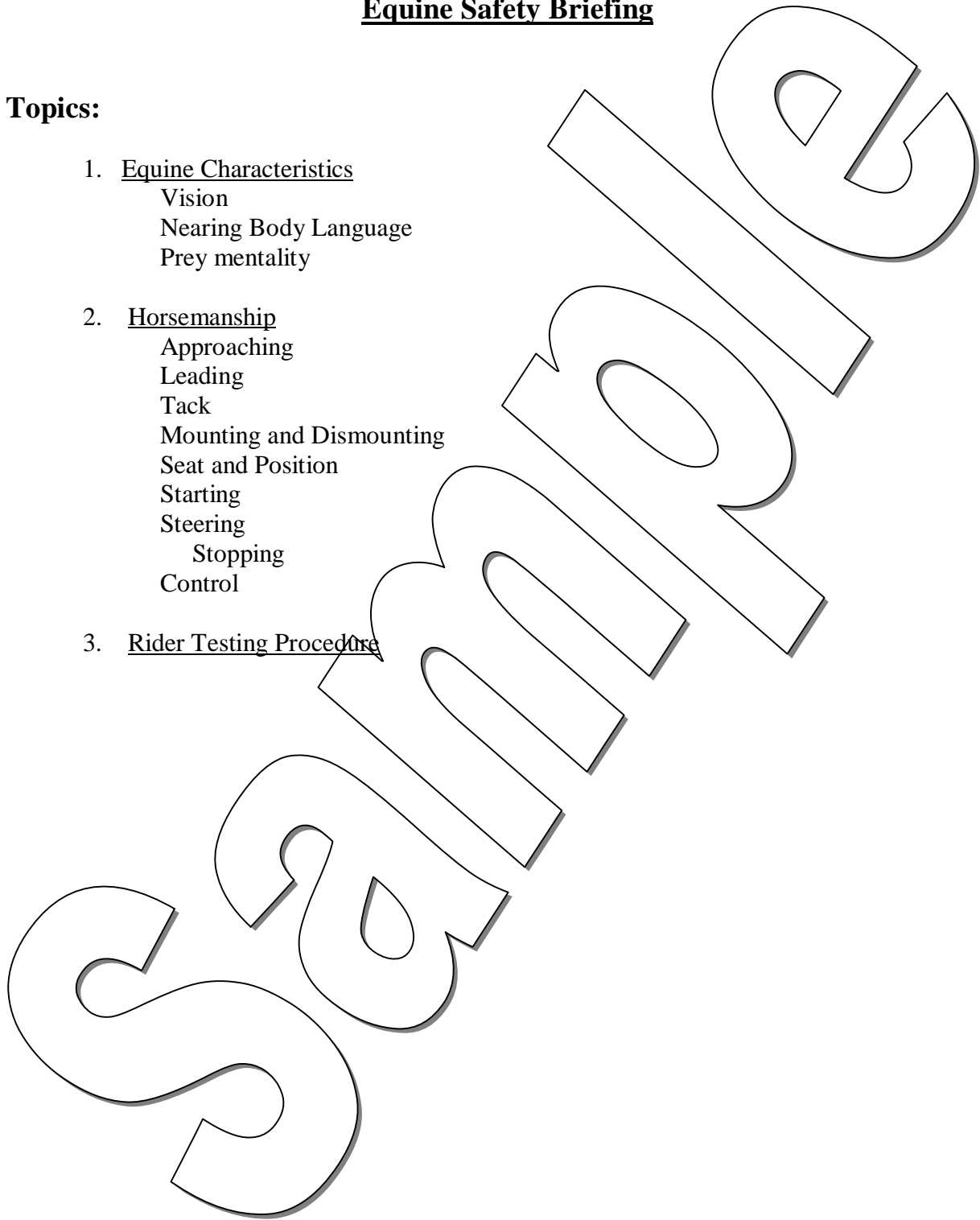
7. Always ride in a single file line, keeping one full length between your horse and the horses in front of and behind you. Horses too close to each other may kick. **Never pass other riders.** If you feel the need to exchange places in the line, ask the Wrangler first.
8. Don't intentionally hold your horse back in line. This may make your horse nervous and may frighten other horses when trotting to catch up.
9. Do not feed the horses. Our horses are extremely well fed. If someone feeds a horse one day and someone else goes to pet that horse the next day, it may bite their hand, thinking it contains food. While on a ride, do not allow your horse to put its head down to feed.
10. All hats (Western, baseball, golf, visors, etc.) must have stampede strings. These will prevent your hats from blowing off and spooking the horses behind you. Remember, hat strings are not for your own safety but for the safety of the riders behind you. Strings may be obtained at our Front Desk.
11. Removing jackets or sweaters while on horseback is strictly prohibited.
12. Cameras are only allowed on the slow, scenic rides and need to be secured while riding. Ask the Wrangler to stop the ride if you want to take any pictures.
13. No shorts are allowed on any ride. Boots with heels and smooth soles are required because heel-less shoes can slip through the stirrups.

FINALLY- If you experience any kind of problem during the ride, please let the Wrangler know immediately- he or she will be happy to help you. Thanks! We hope you enjoy your rides with us.

**Equine Safety Briefing**

**Topics:**

1. Equine Characteristics
  - Vision
  - Nearing Body Language
  - Prey mentality
  
2. Horsemanship
  - Approaching
  - Leading
  - Tack
  - Mounting and Dismounting
  - Seat and Position
  - Starting
  - Steering
  - Stopping
  - Control
  
3. Rider Testing Procedure



**SAMPLE FORM 5**

**RIDER EVALUATION FORM**

DATE: \_\_\_\_\_

RIDER: \_\_\_\_\_

HORSE: \_\_\_\_\_

EVALUATOR: \_\_\_\_\_

SAFETY BREIFING:  GIVEN

	SAT.	UNSAT.
<b>1. Tack Check</b>		
<b>2. Leading</b>		
<b>3. Mounting</b>		
<b>4. Dismounting</b>		
<b>5. Standing:</b>		
(a) seat		
(b) body position		
(c) rein position		
(d) foot position		
<b>6. Walking:</b>		
(a) start		
(b) seat position		
(c) body position		
(d) rein position		
(e) foot position		
(f) turn (right and left)		
(g) halt		
(h) control		
<b>7. Trot</b>		
(a) start (from walk)		
(b) seat (sit, stand or post)		
(c) body position		
(d) rein position		
(e) foot position		
(f) turn (right and left)		
(g) slow (to walk)		
(h) stop		
(i) control		
<b>8. Canter/Lope</b>		
(a) start (from trot)		
(b) seat		
(c) body position		
(d) rein position		
(e) foot position		
(f) turn (right, left, and reverse)		
(g) slow (to trot)		
(h) stop		
(i) control		

**SAMPLE FORM 6**

**RIDE FORM**

**RIDE (Type):**

(Instruction, arena, trail, difficulty)

**DATE – TIME:**

**LOCATION:**

(North Rim Trail)

**WRANGLER(S), GUIDE(S):**

(\*In charge)

**GUEST PREREQUISITES:**

(Basic trail for advanced trail, etc.)

**GUEST CLOTHING AND EQUIPMENT:**

(Boots, Poncho, Hat with stampede strings)

**GUESTS**

David Ryder  
Kathy Rider

- \*
- \*
- \*
- \*

**HORSE**

Buckshot  
Cinnamon

- \*
- \*
- \*
- \*

**Post Ride Report** (Completed by Wrangler in charge)

(Noting any special or unusual occurrences, behavior on items requiring attention. i.e: Stardust kicking and biting Diablo at lunch/halt. Latigo wearing on Blackie's saddle. All guests enjoyed ride.)

**SIGNED:** \_\_\_\_\_

## *Ranch Wranglers' Handbook*

Welcome to the Ranch barn crew. We hope you'll be happy working with us. If you should have any problems with anything, please see the Barn Boss or the Ranch Manager. **Do not discuss any problems or complaints with guests or other staff.**

### **THE BARN**

Wranglers' working hours are generally from 6:30am to 4:30pm. Sign in daily on your time sheet located in the staff room in a blue notebook. If you do not sign in, the pay clerk will consider that you did not work that day and your pay will be docked. You get half an hour for breakfast and half an hour for lunch. If you have to work overtime because of unavoidable circumstances, you will get time off in lieu. If you work a whole additional day, you will be paid for that day. Be sure to record your correct time in and out, so the pay can be correctly computed.

Information regarding salaries, pay days, vacations, conduct health insurance, etc. is in the General Staff Handbook which you will also be issued.

### **TYPICAL WORK PLAN**

Breakfast is at 6:30am and lunch is eaten with the guests at 1:00pm. Please be sure to wipe your feet clean of any manure before entering the dining room and observe good manners such as letting the guests help themselves first and so on. 7:00 to 8:00am, catch and saddle horses. Grain horses being used.

Guests are not allowed in the barn area before the day's rides leave. The reason is that it is a hectic time when many horses have to be saddled by a certain time. Both wranglers and horses are under pressure and accidents could occur.

8:15-8:30am. Loping tests in arena for those guests who signed up.

8:30-9:00am. Orientation ride/lesson. This is a demonstration to the new guests concerning how we like our horses handled. Also at this time we make sure that stirrups are correctly adjusted, people know how to mount and dismount safely and how to stop and turn their horses, and so on. The orientation ride is handled by one of the wranglers, as directed by the Barn Boss. The Barn Boss makes out the ride tickets in duplicate and hands each wrangler his ticket. On the ticket is a list of his/her riders and their horses for easy reference. Upon return, the wrangler in charge makes comments on the bottom of the ticket and signs it.

9:00-9:30am. All rides leave.

12:00pm. The three-hour ride returns.

4:00pm. The all-day ride returns.

All-day rides are scheduled and allocated to wranglers who then specialize in those rides. However, wranglers should know something about the other rides as well so they can answer guests who ask about them.

There are afternoon rides available on Tuesdays and Thursdays during the winter months. These are handled by the wranglers not on the all-day ride.

### **RIDING LESSONS AND CLINICS**

We have walking trail rides, loping rides and challenge rides (which are more difficult in terms of either terrain or speed.) Riders are evaluated in the arena prior to their first ride here.

According to their capability, guests are kept to the slower rides or are allowed to join faster rides. The decision of the wrangler doing the check ride is final. Our reason for not allowing guests to join a faster ride if they are not capable is that first of all, it is unsafe for them to do so, and secondly, it is not good for the horse to have the rider bouncing up and down on its kidneys. At the same time, as many people have exaggerated ideas of their ability, you must be tactful if explaining that a rider's skill is insufficient for them to join a faster ride.

### **SPEED OF RIDES AND REST STOPS**

Remember that for the sake of safety, you can only go as fast as the slowest rider. Also, be sure to take adequate rest stops. This will vary with the types of riders, the weather, the terrain, etc. If you are not sure, ask your riders if they want to stop, get off their horses, etc. It is restful both to the horse and rider if the riders get off and walk for a few minutes during each hour - remember that cavalry dismounted and walked 10 minutes in every hour.

### **CATTLE WORK**

We do seasonal cattle work in which qualified guests can participate. Guests must have passed the Intermediate Rider Test. Most cattle work is done at a walk so the cattle are not stressed. It is a good idea for the wranglers to explain this to guests (many will have the idea that all cowboys ride at a constant gallop.) At the same time, we do require that all riders can control their horses at whatever speed so they do whatever is necessary.

### **EMERGENCIES**

Before each trail ride, the wrangler in charge will check out an Emergency Kit from the Barn Boss. Inside the kit there is an inventory card and an Emergency Procedures Checklist. Check the contents against inventory and for serviceability. You should be completely familiar with the Emergency Procedures for the General Ranch Handbook and/or previous safety meetings. If you have any questions, ASK!!!

## **YOUR BEHAVIOR**

Remember that to the guests, YOU represent the Ranch. For this reason, you must always be polite and pleasant. On the ride, be sure that the guests feel you are communicative and that you tell them some history, natural history, types of grasses, animals in the area, or whatever is your specialty; at the same time, do not dominate conversations. Allow for guests to enjoy moments of peaceful riding, with a chance to admire the country and solitude. Have a gauge on what your riders want and act accordingly. Remember that guests are there to enjoy a good time, therefore their enjoyment of the ranch and their eagerness to return depend largely on the quality of the experience you give them. Be sure that all of your riders are mounted before you get on your own horse. You alone are responsible for your riders. Make certain that their cinches are tight, their bridles fit properly, and particularly that their stirrups are the correct length. Check that riders are not sitting too far back on the saddle, soiling the horses' back. Make sure that riders' reins are not too long so they have difficulty stopping the horse and do not allow reins to be pulled with unnecessary force. Do not discuss with guests horses' ages or illnesses, or any other internal barn or ranch business, plans, or work.

If you see a cigarette butt, a drink can, or any other garbage on the trail, please pick it up and put it in your saddle bags for later disposal. Also, do not let your riders throw garbage on the ground and emphasize the fire danger of smoking in this dry country.

## **USE OF TWO-WAY RADIOS**

Each wrangler is issued a two-way radio which is mandatory on the ride. Please be sure to take your radio with you. As these cost around \$600 each, you are responsible for its safety and well being. The Barn Boss will show you how to use the radio – make yourself familiar with its operation. Also please be sure to have it turned on during the ride, so the ranch can call you if necessary.

## **DRIVING COMPANY VEHICLES**

You will probably be required to drive the ranch truck and trailer on and off the ranch rides. Top speed allowed while pulling a ranch trailer loaded with horses is 55 mph on black top roads and 35 mph on dirt roads. NO EXCEPTIONS.

Please remember that you are responsible for the safety of the vehicles and more importantly, the safety of the horses. Before you leave, either make sure Maintenance has checked the oil and tires or check them yourself. Check the trailer hitch and make sure it is properly connected. After you load the horses, make certain the back gate is securely latched. Become familiar with individual horses' behavior, e.g. which horse should not be tied hard and fast in the trailer, which horse might kick and therefore should be loaded last and so forth. On the return trip, before you load the horses, loosen each one's cinch a little so their backs can cool off and they can relax. Be sure to collect the guests' water canteens and lunch carriers from the horses and put them into a carry bag for return to the kitchen.

## **WEATHER**

We ride in all kinds of weather, as long as the guests want to ride. Be sure to have a good slicker as you may be riding in the rain. Should you get caught out in a thunderstorm and you feel that it is overhead and dangerous, make sure your riders dismount. Tie the horses to low bushes or trees, tying the reins as high on the bush as possible so the horses can't step over the reins. Then guide guests away from the horses into a ditch, wash, or some kind of low-lying area. Instruct them to squat down so that the smallest possible area of their feet touches the ground and wait the storm out. Of course, if you happen to be near buildings, other ranches or another form of shelter, take cover there. If you think it advisable and you are in an accessible area, radio the ranch and someone will come and pick you up with the horse trailer.

## **CONCLUSION**

We sincerely hope you enjoy working with us. We operate on the principle that unless everyone works as a team, the ranch will not succeed. Therefore, we welcome everyone's input, ideas, and efforts. You will be invited to attend our weekly meetings with ideas on continuous improvement. We recognize monthly an Employee of the Month award and an Employee of the Year at the year's close. We hope you strive to earn these honors and that you stay with us for years to come. From our employees, we ask for loyalty, enthusiasm, and support.

**SAMPLE FORM 8**

**LIVESTOCK INFORMATION**

**NAME:** Dynamite  
**SEX:** Gelding  
**BIRTH YEAR:** 1985 (Approx.)  
**COLOR/MARKINGS:** Copper Bay with Black mane, tail and stockings  
**IDENTIFICATION/BRAND:** AB on left shoulder  
**SHOE SIZE:** O  
**ACQUIRED FROM:** Born on Ranch  
**SPECIAL CHARACTERISTICS:**  
\* Use for basic or intermediate riders  
\* High withers, sores easily, use three pads, curb bit  
\* Low on pecking order, afraid of Clipper and Apache  
Buddies with Jasper, follows Dollar or Jasper;  
Follower, slow but pulls back if tied too short

SAMPLE FORM 9

INCIDENT/ACCIDENT REPORT  
AND WITNESS STATEMENT

NAME INSURED: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CONTACT PERSON: \_\_\_\_\_ BEST TIME TO CONTACT: \_\_\_\_\_  
HOME PHONE: \_\_\_\_\_ OFFICE PHONE: \_\_\_\_\_  
AGE: \_\_\_\_\_

PERSON INVOLVED IN ACCIDENT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_

EMPLOYER: \_\_\_\_\_  
PHONE: \_\_\_\_\_

DATE OF INCIDENT: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm  
LOCATION OF INCIDENT: \_\_\_\_\_  
ACTIVITY: \_\_\_\_\_

Did Incident occur in NPS, USFS, or BLM Land? yes no

Was an accident or incident report made by any police or government agency?  
yes\* no \*If yes, attach copies of reports.

Are photographs available? yes no

Describe in detail how the accident occurred: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was First Aid administered? yes no Taken to doctor or hospital? yes no  
If so, who and where? \_\_\_\_\_

Treatment given: \_\_\_\_\_  
Injured person's reaction to incident: \_\_\_\_\_  
\_\_\_\_\_

Was this an aggravation or re-injury of a prior condition? yes no

Name of employee in charge of activity: \_\_\_\_\_  
Other employees involved, witnesses, or those involved in post incident care: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Person making report \_\_\_\_\_ Date \_\_\_\_\_

**WITNESS STATEMENT**

NAME OF WITNESS: \_\_\_\_\_  
PERMANENT ADDRESS: \_\_\_\_\_  
HOME TELEPHONE: \_\_\_\_\_ WORK: \_\_\_\_\_  
OCCUPATION: \_\_\_\_\_  
RELATIONSHIP TO INJURED: \_\_\_\_\_  
TEMPORARY ADDRESS: \_\_\_\_\_  
UNTIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

**NAME OF INJURED PARTY:** \_\_\_\_\_

DATE OF INCIDENT: \_\_\_\_\_

SPECIFIC LOCATION OF INCIDENT: \_\_\_\_\_

What happened? Describe the incident – Who? What? When? How? \_\_\_\_\_

Use reverse side or additional pages if needed.

Describe Accident Site Conditions: \_\_\_\_\_

Had the guide provided any instructions which the injured person was not following at the time of the incident? yes no If yes, explain: \_\_\_\_\_

Did the injured person state that the accident was his or her fault? yes no

STATEMENT TAKEN BY: \_\_\_\_\_ DATE: \_\_\_\_\_