Beat suits by being proactive, Hurdzan urges supers

By MARK LESLIE

COLUMBUS, Ohio — The word "accident" no longer exists in this litigious society, so the slogan on U.S. golf courses is Superintendent Beware, according to Dr. Michael Hurdzan.

Hurdzan, a course architect headquartered here, cited soaring insurance costs and court settlements as reasons superintendents have to take special care to make their facilities accident-safe.

"As golf course architects, we’ve never had a claim against our insurance," Hurdzan said, and yet Hurdzan Design Group’s premium for $2 million in insurance has doubled from $750 two years ago to $1,400 today.

Increases like this are driven by such incidences as the Florida case in which a jury awarded a man $3.2 million for loss of his right eye when hit by an errant golf ball.

The personal suing will go after the people or institutions with the most money, Hurdzan said.

From an individual’s point of view, "You are responsible once the golf ball leaves your club," he said. "You may have a homeowner’s policy that will pay $50,000 or $100,000. But what of the costs beyond that?"

He added that unless a superintendent is an independent contractor, they are "an agent of the club and the club has the responsibility to back you. In the same way, if you send an employee out on a club vehicle, he is the club’s agent," Hurdzan said.

The superintendent and other club officials should study their courses with an eye for safety in every area imaginable, and be prepared to defend themselves and their actions.

"Every designer and every person who decides where something is going had better be prepared to answer why they put it there," he said. "The fact that it used to be OK doesn’t cut it in court. It doesn’t even matter that a golf course was there first, before a (neighboring) house.”

Hurdzan singled out golf cars as "the best and worst thing that ever happened to golf."

On one hand, they allow people to play in all kinds of weather; people to play who otherwise could not; and are a source of revenue.

But poorly constructed cart paths have led to numerous accidents — and court actions. And serious injuries, including at least one death, have occurred when the back-up buzzer on a cart did not work and a golfer was run over.

"Keep in mind, they are golf cars and roadways, and there are standards," Hurdzan said. "A good golf cart path has signs like Steep Slope and Dangerous When Wet. Treat bridge approaches like you would a regular bridge, with wings walls to keep them on course.”

He pointed out a number of areas in which superintendents and designers can reduce accidents on their golf courses:

• Watch for trees needing trimming.
• Fix a back-up buzzer on a cart or have something that is not slick.
• Along steep banks, install fencing, signs and posts so that errant golf balls don’t fly off them and strike people.
• Put a main disconnect near the pumphouse.
• Inform local emergency and fire personnel how to get to the buildings on the property.
• Landscape to force people away from potentially dangerous areas.
• Put padding on tee markers, handrails, signs and posts so that errant golf balls don’t fly off them and strike people.
• Install a wind warning device, which can be purchased for $400.
• Use bilingual signs if people of another language play the course. And "do not assume people can read. You have to have a graphic symbol as well.”
• Along steep banks, install fencing, break down the banks, grow the grass higher, and/or install caution signs.
• Put a main disconnect near the pumphouse.
• Inform local emergency and fire personnel how to get to the buildings on your course in case of emergency.

To combat the unforeseen, Hurdzan suggested that superintendents perform a risk assessment of their courses to recognize problem areas; train employees and write an employee handbook; try to get the major hazards out of their lives; and "don’t assume liability you can’t support.”

Hurdzan also implored superintendents to maintain a journal, keeping notes on every safety, security and risk management item on their course.

He added that, in case of an accident, "get as many eyewitnesses and pictures as possible to support your case.”

Dr. Michael Hurdzan