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SAFETY'S LINK TO LITIGATION

“**S**afety first” is an important mantra for golf courses because golf isn’t supposed to be dangerous.

No one likes to be involved with litigation, and because of that, the number of golf course-related lawsuits is small. Gradually, litigation has made golf courses more responsible for golfer safety. Older courses that have closely spaced holes often have the most problems.

If you’re currently preparing a master plan, you might evaluate your course in terms of risk rather than risk and reward. As a golf course architect, I’ve seen legal responsibilities arise from wayward shots, cart paths, ponds and steep slopes.

WAYWARD SHOTS

Most state laws consider golf inherently dangerous and unintended shots as recognized risks. Thus, golfers voluntarily have assumed the risk of wayward shots, often relieving courses from liability. However, courses must minimize their risk by keeping the preponderance of golf shots out of high-traffic areas such as greens, tees, practice areas and cart-path parking areas where danger is greatest.

Parallel fairways usually are less critical because golfers fan out. Protecting adjacent boundaries is more critical legally because people using adjacent property might not be as aware of risks as golfers. If one area of your course has repeated incidents, the danger is reasonably foreseeable legally, and you need to make changes.

Generally, the best defense is distance separation. Studies suggest most shots land within 150 feet (175 preferred) and 15 degrees (22.5 preferred) on either side of the intended line of play. That’s the minimum distance to place fairway centerlines from adjacent property in play areas. Fairway centerline spacing is often

as little as 225 to 275 feet apart because the common rough buffers both holes. Tees and greens might be closer but not much. We need to leave room for high-use cart paths.

Aligning critical areas outside the safety zone is just as important as pure separation for safety of adjacent areas. Older courses find that adding back tees for length often reduces the safety of other areas. Sometimes, it helps to realign them and use hazards to define the line of play to guide shots away from dangerous areas.

Adding vegetation buffers isn’t a foolproof screen, and balls occasionally ricochet unfavorably. Despite their ineffectiveness, courts generally view plantings as good-faith safeguard efforts. One club was found liable after a tree was removed, creating an area subject to wayward shots. The club argued that an open, unobstructed sight line made oncoming golfers more visible, and thus safer, although to no avail.

Netting and screens obviously are better for tight areas, but they’re such a visual distraction courses hate to use them, even if necessary.

CART PATHS

Because most golfers use carts, cart-path accidents have increased throughout the years. Many golf course architects recommend courses avoid serving alcohol (not practical) and/or use a qualified engineer for cart-path design (not inexpensive). Path designers – golf course architects or not – still must provide adequate room at tees and greens, gentle grades, speed bumps, broad curves, good drainage, and safety railings for bridges and drop-offs.

An issue that’s becoming more prevalent is safe road crossing. Tunnels are preferred more than surface crossing on

roads other than minor ones with good visibility.

PONDS

At least one irrigation pond is a necessity on a golf course, yet ponds can be risks to golfers. Some risk their lives to save a \$4 ball, and kids find ponds to be an attractive nuisance. There’s debate about how to make them safer. A safety shelf allows easier exit, but also easier entry. A steep-banked pond allows balls to roll to the bottom, eliminating temptation to retrieve them. Lawyers for victims will argue that whatever you have is unsafe, so the best recommendation is to control unwanted access, lest vandals damage the course or hurt themselves at night. Fencing all perimeter openings is great when practical. If you’re adding a pond, keep it within the course interior as much as possible.

Lightning protection (shelters or warning systems) is common, especially on courses spread throughout housing developments with no shortcut to the clubhouse. However, some experts recommend avoiding warning systems because it’s an admission that lightning is your responsibility and obligates you to provide even more protection.

STEEP SLOPES

Occasionally, golfers fall when they’re on steep slopes, steps, retaining walls and deep bunkers. Consider eliminating steep slopes entering busy areas such as tees and greens. You might need to conform to Americans with Disabilities Act requirements anyway.

The industry might never provide a risk-free golf course, but design is part of reducing that risk. Many people feel golf courses should provide free sunscreen, stretching areas and painkillers. Can sports psychologists and gambling advisors to protect golfers from bad thoughts and bets be far behind? **GCI**