

# 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 sailed from \$750 two years ago to \$14,000 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 an eye when hit by an errant golf ball.

The person 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 take nothing for granted — even the idea that people should act with common sense — although common sense is also a best defense in court, Hurdzan said.

In the past, contributory negligence — that is, a person contributed to his own injury — was a defense. Now, Hurdzan said, juries decide cases on the basis of comparative negligence. If a course is 10 percent to blame, it is penalized accordingly.



*'Every designer and every person who decides where something is going had better be prepared to answer why they put it there.'*

— Dr. Michael Hurdzan

Hurdzan said superintendents 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 wing 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. "Responsibility falls on the superintendent. Are you trained to work on trees? Get someone who is to do it. But you can't ignore it."
- Print warnings on the scorecard regarding fairways that are side-by-side or

other such things for which to watch.

- Signs. Signs. Signs. "Signs work, and some day you may have to convince a reasonable 10 people on a jury that you've been prudent, or that a prudent person would pay attention to signs."

- If you have a fence around the property to keep trespassers out, "you have an obligation to maintain it."

- Groove or acetate a golf path so that it is not slick.

- Install a handrail on stairways of three or more steps.

- Landscape to force people away from potentially dangerous areas.

- Do not make steps from railroad ties because they are uneven and wear unevenly.

- Put padding on tee markers, handrails, signs and posts so that errant golf balls don't fly off them and strike people.

- Fix sink holes.

- Ensure that rain shelters are equipped with lightning rods.

- Buy a storm-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 pump house.

- 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

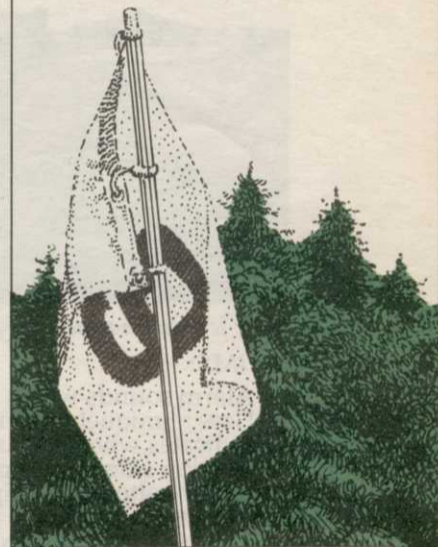


and write an employee handbook; try to get the major hazards out of their lives; and "don't assume liability you can't support."

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."

## DAVEY KEEPS THE GIANTS OF GOLF STANDING TALL.



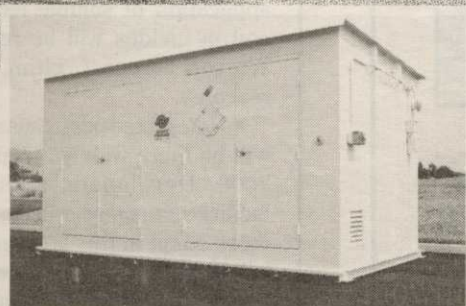
You know how difficult and costly mature trees are to replace—and that a single bolt of lightning can destroy them. Davey knows how to protect these valuable assets from lightning, storm damage, insects and disease.

Davey professionals will inventory your trees, evaluate the condition of each one, and give you a report prioritizing treatments. Over time, expert care from Davey can actually reduce your tree maintenance costs.

Keep your most valuable assets standing tall with the leader in tree care since 1880. Call Davey today at 1-800-445-TREE.



## Keep your golf course chemical liability to a minimum...



Safety Storage, Inc. prefabricated, relocatable buildings provide a low-cost solution to safe storage, containment, mixing, and dispensing of golf course chemicals and hazardous materials.

Safeguard personnel, avoid the liability arising from soil and groundwater contamination, meet fire safety needs, and achieve full compliance with federal, state, and local regulations.

Building sizes range from 5' to 32' in length with capacities up to 320 sq. ft. Standard features include continuously-welded, heavy-gauge steel construction, secondary containment sump, removeable fiberglass floor grating, and chemical resistant coating inside and out. Select from a full range of options

For complete details, call us toll free at: **1-800-344-6539**

...professional hazardous materials storage solutions



**SAFETY STORAGE™**

SAFETY STORAGE, INC.  
2301 Bert Drive  
Hollister, CA 95023  
1-800-344-6539  
Phone: 408-637-5955  
Fax: 408-637-7405