

Remember: prudent, reasonable & consistent

BY FLOYD PERRY

More than 25 years ago I was involved in a lawsuit against the professional baseball team I worked for after we held a tryout on a perfectly manicured ballfield. A young player fielding a ground ball had three teeth and his jaw broken after a ball took an irregular hop. We administered immediate first aid and second aid when his injuries required reconstructive surgery, taking care of all his subsequent medical bills.

Even though he regained full health, he still sued, like a car accident victim who sues even after the driver at fault takes care of towing, bodywork, and a new engine to get the car back to a perfect running condition.

This player didn't win the suit. The team had had the **foresight** to take pictures of the field right after the accident, have two eyewitnesses immediately file reports, and therefore was able to claim, "We are not liable. We did everything that was prudent and reasonable." After depositions were taken, the player's attorney said, "They're right, we don't have a leg to stand on." The case never went to court.

I tell that story a lot in my liability workshops because it illustrates well the most important aspect of field maintenance in this litigious society—safety, both yours and the users'. When a bad hop occurs, it's not enough to say "See my lawyer." The field must be properly maintained to protect users from injury and protect you from frivolous lawsuits.

Three key words

The three key words are: Prudent, Reasonable, and Consistent. If you are prudent and reasonable in your field maintenance, even if you don't have the most extensive equipment or supplies and do the best you can with what you have, and do it consistently, you may be free of any liability.

As you know, many field operators run on a Monday-Wednesday-Friday maintenance schedule, meaning Tuesday's games may be played on a field that has ruts or holes. If an accident happens, you haven't been prudent and reasonable.

In such a case, you know what happens; the case is settled out of court. Why? Because the field owners know they are wrong. If an injured player comes back and takes some pictures and there are holes in the field, that's strong evidence of negligence.

Of a field's potentially dangerous areas, the playing surface has come under the most scrutiny from lawyers. There's no such thing as a bad hop anymore, basically; instead there are poor maintenance procedures.

Clay surfaces are almost inherently problematic. In the middle of summer, clay can bake until it's as hard as pavement. A hard grounder, a bad hop and boom! you have a concussion, broken bones, maybe worse, and a liability problem. Clay surfaces also get chewed up in the basepaths and at fielders' positions.

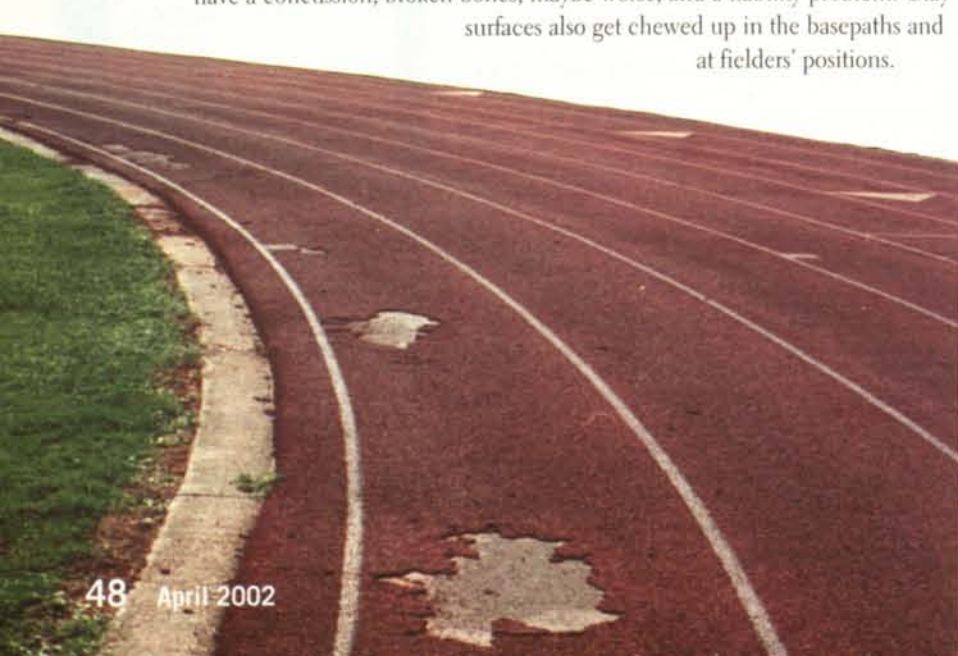


For this reason, skinned-area clay surfaces are now being mixed and maintained to reduce the infield's hardness. Sand infield irrigation outlets and other calcined clay additives are being widely used to help smooth out any hard bumps and prevent spikes from leaving pockmarks or divots.

Fencing, both on the perimeter of your complex and at the field boundaries, also is a concern. First, it is possible to install fencing incorrectly, with the poles on the inside and the barbs on top. Also, the soil along the fence may become washed out, or players swinging bats or hitting balls into the fence may cause it to bulge and open up at the bottom.

In any of these circumstances, thrown or hit baseballs or softballs may get through the fence, endangering players or fans. Signs should be in clear view that state this danger and forbid using the fence as a batting cage. Damaged fences, including torn screens overhead that keep foul balls from spectator areas, should be repaired immediately.

It's worth the money to buy plastic sleeves to put on your fence tops and bottoms to prevent players being cut or entangled. They can serve as visual aids to umpires as well in making home runs easier to call.



Preseason safety checklist

- Playing field turf areas. Evaluate your wear areas and calculate the best means of repair: sod, sprig, and seed.
- Does your preseason schedule allow for aeration and topdressing, and are the equipment and materials readily available?
- Schedule your yearly soil test so a properly calculated fertilizing plan can be set.
- Schedule pre-mowing maintenance on all equipment and prepare a quality parts inventory for backup equipment.
- Inventory hand tools for effectiveness and safety.
- Check irrigation pump, clock, and individual stations. Double-check inventory to minimize downtime.
- Playing field skin or clay areas. Evaluate all low areas and washed-out sections of the playing surface. Order and properly store repair products to avoid waste and compaction. Tarp products if possible.
- Hydro-wash or power broom all grass edges that may have accumulated a buildup of solid material because of winter wind erosion. A complete analysis is important, since "lip" buildup is an extreme liability problem.
- Double-check all base anchors, pitching rubbers and home plates for repair or replacement.
- Check high stress areas on baseball pitching mounds, bullpens, and batter's boxes. Calculate sufficient amount of packing clay needed, since these are high maintenance/high liability areas and the proper materials are necessary.
- Fences. Check fences to see if they are tied together sufficiently for strength and support.
- Have you identified holes, openings, and washed-out areas and scheduled the necessary repairs?
- Have the backstops been checked for possible openings that could permit passed balls as well as dangerous foul balls to sneak through?
- Have the perimeter gates, hinges, and locks been sprayed for easy access and availability?
- Are all dugouts and spectator areas protected from bats, balls, and other objects that may leave the playing field?
- Field illumination. Test all field lighting not only for bulb replacement, but also for industry standard candlepower and direction alignment.
- Survey all light poles, wiring, junction boxes, and transformers. Make sure all power boxes are locked and secured and an 8-ft high, barbed, locked security fence protects the power junction.
- Restrooms, bleachers, pressboxes, and trash receptacles. Double-check all pipes, sink turn nozzles, urinals, and commodes after winter shutdown.
- Check all internal and external lights and switch panels.
- Are additional waste receptacles needed and will recycling stations work?
- Double-check signage to see if it is in the proper location for spectators and players.
- Parking lots and adjacent areas. Double-check all handicapped parking, fire lanes, and emergency areas for clear identification and clarity of signage.
- Replace or remove any obstacles that may interfere with traffic flow.
- Check all line markings for needed paint.
- Review all playground areas for safety, security, and comfort. Schedule all repairs in sufficient time before play begins or close the areas to traffic to avoid liability problems.
- Evaluate and repair walking trails, sandboxes, and picnic pavilions before spring access is granted to visitors.

All obstructions must be non-hazardous in terms of their location and manufacture. Foul markers should be at least 10 ft. tall so no one can fall on them; light poles and other obstructions in or near the field of play should be padded to at least 10 ft. high or surrounded by flexible fencing.

This is the time of year when you get your baseball and softball diamonds ready for the heavy play of summer. In northern areas, the previous 4 months or so of inactivity may have exposed your facility to climactic changes, each of which must be identified and repaired before play can begin.

You should consider having a camera available so evidence can be gathered on the spot if an accident occurs. If the pictures show a properly maintained field, you can rely on other evidence—a bad slide, an overweight player—to bolster your assertion that in no way was the accident the fault of your field maintenance.

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