

SPORTS FACILITIES

How the law affects the sports facilities industry

and the

LAW

Coronavirus and What Our World Might Look Like In the Near Future

By Gil Fried, Editor in Chief, Sports Facilities and the Law and Chair/ Professor, Sport Management, College of Business, University of New Haven.

This article represents an attempt to address a rapidly changing and dynamic situation. The Coronavirus (COVID-19) impact on our industry is dynamic, drastic, and disheartening. Looking at the past can provide some information, but it makes little sense to dwell on the league, facility, and economic carnage. The question is how will the public assembly facility (PAFs) industry deal with the inevitable future reopenings.

The New Normal

We as an industry are looking into our crystal ball to explore the future. In early April, IAVM hosted several town halls

where industry executives discussed what they will be doing or possibly be doing in the future. There is significant talk about price point concerns and patrons pushing the prices down or staying at home. This will lead to significant strain on our operating budgets. Some of the issues that were discussed in the town hall include:

There are so many “touch” points in an arenas such as escalator rails, hand rails, bag searches, food carts, etc.... that all need to be cleaned. Significant attention and time will be spent making sure everything is clean. I am sure several clean guidelines and certifications will be released and which PAFs will need to follow and communicate to employees and fans to reassure them everything is being done to protect people’s safety.

Many older, disabled, and marginal

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Astros Fan Points (Shattered) Finger at Houston Mascot and Team

By Luke Mashburn, MS & Michael S. Carroll, PhD

A Texas woman has filed suit against the Houston Astros after suffering a severe injury to her finger at a July 8, 2018 Houston Astros game she attended with husband, father, and two sons.

The 35-year-old resident of Montgomery, Texas, Jennifer Harugthy, alleges that she and her family were seated halfway up a lower level section down the third baseline when the incident occurred. In the seventh inning of the contest, the team’s costumed

mascot, Orbit, fired a “bazooka-style” t-shirt cannon into the stands. The shirt struck her left index finger head-on, causing significant pain. As the game continued, Harugthy experienced great pain and went to the emergency room immediately following the conclusion of the game.

There, she was informed that her finger was fractured and that the injury would require surgery, which occurred on July 12, 2018. After the procedure, Harugthy went to physical therapy twice a week but saw little improvement in her pain, swelling,

and lack of motion in the injured finger. In October of that same year, Harugthy underwent a second surgery to remove the two pins placed in her index finger during the July surgery. As of the time of her filing, Harugthy claims that her finger is locked in an extended position which causes little range of motion, discomfort, and permanent impairment.

Harugthy claims that the Astros were negligent in a number of ways, including failing to use reasonable care in firing the

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Dr. Stacey Hall Named New NCS4 Director

The National Center for Spectator Sports Safety and Security (NCS4) has announced that Dr. Stacey Hall will be its new director after the retirement of founder Dr. Lou Marciani.

Dr. Hall played an integral role in the creation of the National Center for Spectator Sports Safety and Security and served as the associate director from 2006-14. She continued to serve the institution through various leadership roles, including Interim Associate Dean of the College of Health, Chair of the Department of Economic Development, Tourism, and Sport Management, and most recently as Executive Associate Dean for the College of Business and Economic Development.

"I'm very excited to be returning to the Center, it's like a homecoming for me," she said. "I'm honored to be chosen as the next

leader of NCS4 and we will work hard to continue to build upon the foundation laid by the vision of Dr. Marciani."

Dr. Hall's expertise is in the area of sport safety and security management. She has published in leading international sport management, homeland security, and emergency management journals and has co-authored two textbooks, "Sport Facility Operations Management" and "Security Management for Sports and Special Events."

Dr. Hall has an extensive history at The University of Southern Mississippi, where she played soccer from 1997-2001 and holds the school record for most goals scored. She also captained the Northern Ireland international soccer team until 2008. Dr. Hall was inducted into the Southern Miss M-Club Sports Hall of Fame in 2013.

"USM and NCS4 offer unique educa-

tional opportunities through our degree and certificate programs, such as the MBA and Masters in Sport Management programs with a concentration in sport security, and a graduate certificate option in sport security management," she said. "Professional development and engagement opportunities are provided through our focused summits geared towards specific sports markets, and the annual conference is an ideal arena for industry stakeholders to network, share best practices and demonstrate technology solutions in the sports security environment."

Dr. Hall teaches undergraduate and graduate sport management courses in economics, finance, and security. She developed a graduate level emphasis area in sport security management for the Master's program at Southern Miss. Dr. Hall has completed

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Magistrate Sides with Government in Drone Flight Plan Case

A magistrate judge from the Northern District of California has denied a drone operator's motion to dismiss a lawsuit brought by the United States of America, alleging two misdemeanor counts of violating national defense airspace by flying a drone over Levi's Stadium and the Oakland-Alameda County Coliseum during National Football League (NFL) games.

Defendant Tracy Mapes argued unsuccessfully that the plaintiff's claim should be dismissed because the information in the claim "(1) fails to provide adequate information about the charges ... , and (2) fails to state an offense even if additional information is added."

On May 14, 2019, the government filed a criminal complaint charging the defendant with violating national defense airspace, in violation of 49 U.S.C. § 46307. The complaint is accompanied by an affidavit from a Special Agent with the United States Department of Transportation Office of Inspector General regarding the legal and factual basis for the government's complaint against the defendant. The affidavit explains that pursuant to 49 U.S.C. § 40103(b)(3), on July 20, 2017, the FAA issued a temporary flight restriction that "prohibits all aircraft—including small unmanned aircraft—from operating within a three nautical mile radius of any stadium with a seating capacity of 30,000 or more people during, among other events, regular or post season NFL ... games" during certain times (stadium TFR). The affidavit in support of the complaint further states that the "pursuant to § 40103(b)(3), the FAA classifies the airspace defined in the stadium TFR as 'National Defense Airspace.'" *Id.*

The government's missive alleges that on or about November 26, 2017, the defendant "while piloting an Unmanned Aircraft System, did knowingly, and without lawful authority, conduct aircraft operations in restricted airspace" above Levi's Stadium and the Oakland-Alameda County Coliseum, which are "stadiums having a seating capacity

of 30,000 or more where a NFL game was occurring, in violation of Title 14, Code of Federal Regulations, Section 99.7, a regulation prescribed under Title 49, United States Code, Section 40103(b)(3)." *Id.*

The defendant's motion to dismiss argues that "the government failed to fairly inform the defendant of the charges against which he must defend and does not enable him to plead an acquittal or conviction in bar of future prosecution. The government's opposition argues that the charging documents are sufficient and that even if they were not, amendment or a bill of particulars, not dismissal, would be the appropriate remedy."

The court added that such missives "must be a plain, concise, and definite written statement of the essential facts constituting the offense charged." Fed. R. Crim. Proc. 7(c)(1). Further, "the charging document must (1) contain the elements of the offense charged and fairly inform a defendant of the charge against which he must defend, and (2) enable him to plead an acquittal or conviction in bar of future prosecutions for the same offense." *United States v. Resendiz-Ponce*, 549 U.S. 102, 108, 127 S. Ct. 782, 166 L. Ed. 2d 591 (2007). The defendant argued that the plaintiff is deficient in both respects.

On the first point, the court concluded that the complaint contains "sufficient information to fairly inform the defendant of the charges against him, and therefore the defendant's motion to dismiss on that basis is denied."

On the second point, the court wrote that in "considering a hypothetical future second charge against the defendant would not be limited to the contents of the charging documents in this case. 'When determining the preclusive effect of a jury verdict, we must 'examine the record of [the] prior proceeding, taking into account the pleadings, evidence, charge, and other relevant matter, and conclude whether a rational jury could have grounded its verdict upon an issue other than that which the defendant seeks to foreclose from consideration.' See

Sivak v. Hardison, 658 F.3d 898, 918-19 (9th Cir. 2011) (quoting *Ashe v. Swenson*, 397 U.S. 436, 444, 90 S. Ct. 1189, 25 L. Ed. 2d 469 (1970)).

"Accordingly, the court concludes that the defendant is adequately protected against future prosecution for the same offense, and therefore the defendant's motion to dismiss on that basis is denied."

Finally, the court considered the defendant's argument that the government failed to state an offense. The defendant claimed the FAA Modernization and Reform Act of 2012 "codified the FAA's longstanding hands-off approach to the regulation of model aircraft" by "providing that the FAA 'may not promulgate any rule or regulation regarding a model aircraft.'" *Id.* at 3 (quoting *Taylor v. Huerta*, 856 F.3d 1089, 1091, 429 U.S. App. D.C. 87 (D.C. Cir. 2017)). According to the defendant, Congress's subsequent expansion of the FAA's authority, at least as it applied to the promulgation of registration requirements for model aircraft, did not occur until December 17, 2017 (citing *Taylor v. Fed. Aviation Admin.*, 351 F. Supp. 3d 97, 100 (D.D.C. 2018)), which "was after the date of the alleged offenses in this case—November 26, 2017."

The government countered with two arguments.

"First, the government argues that the D.C. Circuit in *Taylor v. Huerta* made clear that its decision did not extend to the FAA's authority to regulate the safety of national airspace, even as applied to model aircraft. Second, the government argues that the defendant's drone does not qualify as a model aircraft and that he was not operating it as a model aircraft. Specifically, the government argues that the defendant's drone does not satisfy the definition of a model aircraft in 14 C.F.R. § 101.1(a)(5) because it was not flown within visual line of sight, and it was not flown for hobby or recreational purposes. In addition, the government argues that the defendant was not operating the drone as a

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California Case Rocks the Baseball Safety World

By Gil Fried

Over the past couple years we have covered the baseball rule several times. Several courts in western states have either failed to adopt the rule when it was a first blush analysis or have weakened the rule's application. However, a recent California decision has the potential to significantly change the rule. The decision is critical because California is often a harbinger for a legal tide that might sweep across the country.

The case is *Summer v. United States Baseball Federation* (20 Cal. Daily Op. Serv 1263, filed Feb. 18, 2020). The appellate court examined the question of whether the provision of adequate protective netting in a perceived zone of danger behind home plate (or for field-level seating along the first- and third-base lines between home plate and the dugouts) increased safety and minimized the risk of injury to spectators without altering the nature of baseball as it is played today in professional and college ballparks. This court concluded it would.

Lee Summersued the City of Long Beach, California State University-Long Beach, and US Baseball (who sponsored the game) for injuries she received when she was hit by a foul ball. The basic claim was negligence and premises liability. Summer claimed that the limited netting at the stadium gave her a false sense of security that watching games beyond the netting was safe. In a second amended complaint the plaintiff claimed the stadium configuration brought spectators in the front row closer to the field of play than the 70 feet recommended for college stadiums by the National Collegiate Athletic Association (NCAA) rules. The defense, relying on the baseball rule, also claimed that the risk is open and obvious. The lower courts held for US Baseball and their demurrer to the complaint.

California's primary assumption of risk doctrine provides that the plaintiff is said to have assumed the particular risks inherent in a sport by choosing to participate and

the defendant generally owes no duty to protect the plaintiff from those risks. "[A] court need not ask what risks a particular plaintiff subjectively knew of and chose to encounter, but instead must evaluate the fundamental nature of the sport and the defendant's role in or relationship to that sport in order to determine whether the defendant owes a duty to protect a plaintiff from the particular risk of harm." The court observed that the California Supreme Court had repeatedly emphasized the question of duty in the recreational context depends not only on the nature of the activity but also on the "role of the defendant whose conduct is at issue in a given case." Those who maintain athletic facilities have a duty not to increase the inherent risk. Thus, a stadium owner may have a duty to take reasonable measures to protect spectators from a carelessly thrown bat as long as they can minimize the risk without altering the nature of the sport.

Citing prior California Supreme Court cases, the court concluded "[w]hile the operator or organizer of a recreational activity has no duty to decrease risks inherent to the sport, it does have a duty to reasonably minimize extrinsic risks so as not to unreasonably expose participants to an increased risk of harm". Another way to summarize the court's position is that inherent risks within a sport are still covered by primary assumption of risk to protect customers from those specific risks. But the primary assumption of risk doctrine does not absolve operators of any obligation to protect the safety of their customers. Thus, if a facility can take measures that increase safety and minimize the risk of injuries, without altering the nature of the activity, the facility operator is required to take those measures.

The court then applied this legal analysis to the facts. The court highlighted how the stadium was modified to increase box seats down the first and third base line that were closer to the field. The court also examined how the stadium created unnecessary dis-

tractions such as large advertisements on the outfield wall and stronger Wi-Fi access to encourage patrons to use their mobile devices during a game. The court also examined past arguments against increasing netting that would impact game play, such as players chasing after balls in foul territory and being impeded by the net. However, citing Major League Baseball's suggestions to expand netting at ballparks, the court concluded that such changes show that netting really does not impact the game of baseball. Thus, the nature of the sport is not impacted by increasing safety netting for fans. Furthermore, a number of experienced baseball players provided analysis that extending the netting would minimize the inherent risk without fundamentally changing the game created, at least for pleading purposes, an enforceable duty. The court concluded that the plaintiff should be permitted to file an amended pleading alleging that US Baseball had a duty to ensure there was adequate protective netting and unreasonably breached that duty by failing to provide netting at least from home plate to the dugouts. The plaintiff would need to support these allegations by evaluating the extent of the existing stadium netting, the proximity of unprotected seats to the playing field, and the history of previous injuries in that specific seating area.

These last three points raised by the court will determine how stadiums need to respond to such cases. They also represent how stadiums should examine what areas need to be protected. The law in California has been clarified and stadiums have to take appropriate safety steps beyond the home plate backstop as long as there is no impact on the game. If a facility tries to claim in other cases the netting would impact the game, this decision and the decisions of MLB to advocate for more netting (and MLB teams actually increasing that netting) would be used to attack any such

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California Case Rocks the Baseball Safety World

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defense. Further, the baseball rule requires stadiums to protect the most dangerous parts of the ballpark. This decision will require teams to prove they are protecting the most dangerous parts with their existing netting. How can that be proven? The answer is by showing how much netting is in place, how close the seating area is to the field, and how many people were injured in given areas. This raises some issues for stadiums. One is that MLB field diagrams highlight a requirement of 60 feet between the baseline and home plate to the backstop. However, a number of stadium/teams have obtained exemptions from MLB to move seating closer and in some stadiums the distance is actually closer to 50 feet. Maybe MLB needs to modify what is the required distance and use data to help prove the necessary distance rather than using what some might call an arbitrary number. It could be considered

arbitrary if MLB does not really enforce that distance- which could be examined as a possible suggestion rather than a required distance for safety purposes.

Second, teams have to undertake a better job of recording where foul balls are landing on the first and third base lines. While stadium incident management systems (IMS) might help track injuries entered into the system, there are numerous foul balls that could have created serious injuries but resulted in no injuries because no fans were sitting in that area, luck, or other reasons. Courts will be requesting more detailed information that is easy to collect, and more accurate, to identify the most dangerous areas that would need additional protection.

While this decision is from California, courts throughout the United States will likely apply this well-reasoned and researched ruling. ●

Magistrate Denies Drone Pilot's Plea

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model aircraft because he did not comply with requirements in Section 336 of the FAA Modernization and Reform Act that require model aircraft to be flown strictly for hobby or recreational purposes, operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization, and flown within five miles of an airport only with prior notice.”

The court sided with the government, noting that “the stadium TFR falls within the safety exception to the model aircraft safe harbor in the Modernization Act, the allegations against Defendant are sufficient, regardless of whether Defendant’s drone meets the definition of a ‘model aircraft’ in 14 C.F.R. §101.1(a)(5) or whether he was operating his drone within the safe harbor provided in Section 336(a) of the Modernization Act.” ●

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Court: Plaintiff's ADA Claim Can Continue Against Superdome

A federal judge of the Eastern District of Louisiana has denied the motion for partial summary judgment brought by a quadriplegic, who sued the owners and operators of the Mercedes-Benz Superdome, claiming violations of the alteration requirements of the Americans with Disabilities Act (ADA).

On June 14, 2018, Shelby Bailey filed a complaint, naming SMG, the operator of the Superdome, and Kyle France, in his official capacity as chairman of the Board of Commissioners of the Louisiana Stadium & Exposition District, as defendants.

Bailey, who is seeking declaratory and injunctive relief, relies on an electric wheelchair for mobility. He has been a Saints season ticket holder for over 30 years. Bailey alleged that prior to 2011, his seat was located on a wheelchair accessible raised platform in the 100 Level section of the Superdome. He alleged that in 2011, the defendants began extensive renovations on the Superdome and

reconfigured the accessible seating section for patrons with disabilities. As a result of the renovations, the wheelchair accessible seating at the Superdome was moved to other positions where the views are obstructed by barriers and other patrons or players standing during the game, or the seating is not fully accessible by wheelchair, according to the complaint. Further, Bailey alleged that the defendants have been on notice of ongoing accessibility issues for many years. He also alleged that in 2008 the United States Department of Justice conducted an inspection of the Superdome and issued a report detailing violations of ADA regulations.

On December 13, 2019, the court granted in part and denied in part SMG's motion for judgment on the pleadings. Important to Bailey, it concluded SMG could be held liable as an operator of the Superdome because SMG controls modification of the Superdome and could cause the Superdome to comply with the ADA.

It also found that the plaintiff's claims for injunctive and declaratory relief were timely because the complaint was filed within one year of SMG allegedly denying the plaintiff "the full and equal enjoyment" of a place of public accommodation.

Bailey responded with the instant motion on December 31, 2019, arguing that he is entitled to summary judgment as to the following alleged violations of the alteration requirements of the ADA: (1) sightline obstructions at 100 Level, Row 1; (2) sightline obstructions at 100 Level, Row 36; (3) inadequate amount of accessible seating at the 100 Level; (4) making the Superdome less accessible to individuals with mobility-related disabilities; (5) making the 200 Level less accessible; and (6) failure to provide sufficient accessible seating stadium wide.

The court denied summary judgment on three of the arguments, it decided more evidence was needed on the following two.

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Court: Plaintiff's ADA Claim Can Continue Against Superdome

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Whether Defendants Made the Superdome Less Accessible at Level 100

“The plaintiff argues that the defendants made the Superdome less accessible by removing the ADA Platforms. As to removing the on-field ADA Platforms, SMG asserts that the plaintiff has failed to satisfy his burden to show that the seating was made ‘less’ accessible or that the defendants had anything to do with the decision to move the seats.

“ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) Section 4.1.6(1)(a) provides that ‘[n]o alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.’ The plaintiff asserts that prior to the 2010 Renovations, the plaintiff and others with disabilities had ADA seating at the ADA Platforms with unobstructed views. In Mr. Terry’s expert report, he opines that ‘the 2011 Alterations project relocated wheelchair users to inferior and noncompliant locations in terms of the vertical, and ticket price dispersal, lines of sight over standing spectators.’ In his expert report, Mr. Mazz opines:

“[T]he eye level of a person in a wheelchair [on the prior ADA Platforms] would be about 6 inches lower and about 54 inches closer to the field than a person sitting in a wheelchair in the current front row 100 Level wheelchair spaces. The line of sight over persons standing along the sideline is about the same. With less equipment and less people directly in front of these seats, the view of the field would be somewhat better only between one End Zone and 25-yard line than the current front row 100 Level wheelchair spaces.

“Additionally, during his deposition, the plaintiff testified that when the front of the ADA Platforms would fill with patrons, the remaining persons needing accessible seating would be filled in behind the persons in the

front row, but that ‘second row’ of seating was not raised. Plaintiff also testified that his view was blocked on occasion by kickers practicing during the game. Accordingly, there are genuine issues of material fact in dispute regarding whether the 2010 Renovations decreased or had the effect of decreasing accessibility of the 100 Level.”

Whether Defendants Made the Superdome Less Accessible at Level 200

“Fifth, the plaintiff argues that Defendants made the Superdome less accessible by removing wheelchair accessible seats at the 200 Level. Plaintiff asserts that 139 ADA seats should be provided on the 200 Level under the ADAAG. Regarding the alleged removal of wheelchair accessible seats at the 200 Level, SMG asserts that this is not an alteration because the 200 Level never had wheelchair accessible seats.

During his deposition, Alan Freeman, the general manager of the Superdome, detailed ‘the substantial renovation work [that] took place in 2009 and 2010.’ Mr. Freeman also testified that following Hurricane Katrina 9,540 seats were removed from the 200 Level and replaced with 8,919 seats. The plaintiff

contends that ADA compliant seats were also removed from the 200 Level. According to the plaintiff, ‘[b]y removing the accessibility seating at the 200 Level, the defendants made the facility less accessible and violated the alteration requirement of the ADA.’ In support, the plaintiff cites a 2007 letter prepared by Larry Roedel, former counsel for the Board, which states that there were ADA compliant seats at the 200 Level. In opposition, SMG presents a declaration of Mark Arata, an employee of SMG who has worked in the box office of the Superdome since 2001. Mr. Arata states that ‘from 2001 to the present, there has never been any wheelchair seating in the 200 Level Loge seating area.’

“ADAAG Section 4.1.6(1)(a) provides that ‘[n]o alteration shall be undertaken which decreases or has the effect of decreasing accessibility or usability of a building or facility below the requirements for new construction at the time of alteration.’ There is a disputed issue of material fact as to whether wheelchair accessible seating was ever available on the 200 Level. Accordingly, there are genuine issues of material fact in dispute regarding whether the 2010 Renovations decreased or had the effect of decreasing accessibility of the 200 Level.” ●

Dr. Stacey Hall Named New NCS4 Director

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threat/risk assessment training through the National Emergency Response and Rescue Training Center; terrorist bombing training through New Mexico Tech Energetic Materials and Testing Center; and special events contingency planning for public safety agencies training through the FEMA Emergency Management Institute.

NCS4’s training arm and national events have been pillars of the center since its inception, but Dr. Hall is now hoping to bolster NCS4’s foundation to include a strong research and academic presence in the safety and security sector.

“I hope to create a strong connection between industry and academia as we work to elevate our research and academic profile,” Dr. Hall said. “This work will be guided by scholars and practitioners and will include the valuable input of an established national advisory board and specialized advisory committees comprised of senior-level security managers and thought-leaders across the sports industry. The creation and dissemination of new knowledge in this industry will help all of us make sports a safer and more secure place for participants, spectators, staff, and community partners.” ●

Mitigating COVID-19 Risk In Sports Facilities Is Top of Mind for One Consulting Firm

By Mark Henricks

With events from the Final Four to Wimbledon canceled or postponed by COVID-19, owners and managers of sports facilities are wondering when and how things will return to normal. While there is as yet no answer on timing, safety experts already see indications of how post-pandemic facility safety and liability management might look.

Mitigating COVID-19 risk in sports facilities will involve a multi-faceted and multi-layered effort in which tracking and implementation will play central roles, says Chris Miranda, president of MAC Safety, a Pittsburgh-area consulting firm. Facilities will have to be able to know – and show – that they are safe, Miranda says.

“To understand that, we are going to have to compile data, document what we are doing and show the number of patrons who have come into the stadium and not been sick,” Miranda says. The overriding factor to be demonstrated is the cleanliness of the facility, as well as the activities that led to the level of cleanliness.

MAC Safety uses an artificial intelligence-powered tool for auditing, tracking, and training safety procedures. The risk assessment software, NIXN, allows facility managers and safety professionals to develop, implement and assess COVID-19 mitigation policies following Center for Disease Control (CDC) posted guidelines and OSHA industry standards.

Thiel College in Greenville, Pennsylvania, is using NIXN to help students in its Environmental Safety Management program. They use the cloud-based app to quantify risk in real-time. Using laptops, tablets and phones, users input actions taken to mitigate hazards. NIXN generates a score reflecting the activity’s overall risk. The risk score can help evaluate risk before events and create reports and facilitate investigations afterward.

Recording mitigation activities is critical, says Kevin Miranda, chief of operations for MAC Safety. It’s not enough to have policies and procedures to mitigate COVID risk. “You have to track the implementation,” he says. “That’s where the tool comes in.”

COVID-19 Risk Factors

Major factors in risk assessment post-COVID-19 include how well, how often and how recently a facility was cleaned. In addition to food and drink areas, seating areas will have to be cleaned extensively.

Fans will also need ways to keep themselves free of contamination. That could mean hand sanitizer at each seat and basins for hand-washing regularly spaced throughout the facility.

How tickets will be sold, especially how many will be sold, will also play a role. If fans are seated a minimum of six feet apart per social distancing practices, that will obviously have a huge effect on the number of guests that can attend an event.

Sensors may be installed to measure body temperatures of fans on arrival. Those with elevated temperatures may be barred. Whether fans will be required to wear masks could come up. How well and how often an indoor facility’s air is filtered will likely also be an issue.

Like so much about COVID-19, the relative impact of all these on safety is unknown now, notes Kevin Miranda. “There’s a lot of data that still needs to be gathered,” he says. “Scientists need to understand what the risk really looks like from a root cause standpoint. As those things become known, a lot of policies will be put in place.”

Varying Factors by Facility

Different types of facilities will present different risks. Covered stadiums are likely to need different procedures than open-air stadiums. Time between uses will affect how well a facility can be cleaned. Football, which fills a facility once a week,

will be different from basketball and hockey, which may use facilities daily or even multiple times a day.

Cost is also sure to come up, adds Chris Miranda. “There are going to be layers,” he says. “Professional sports may have an A level of cleaning crew because they can afford it.” Other events, however, may have difficulty justifying the expense of that kind of cleaning.

Another question will be to what extent facility owners can rely on organizers of individual events to follow best practices. “I think the government will put some sort of policies in place that sports facilities have to abide by,” Kevin Miranda says. “Will that be enough? No. That will be the baseline not the top tier. When you move beyond that it will be up to private industry.”

The Future of COVID-19 Mitigation

As facilities re-open over the next year or so, the process will likely occur in stages. First, staff, then athletes then, finally, guests will be allowed in while safety experts evaluate what happens. “Then we’ll have a clump of data that makes sense,” Kevin Miranda says.

Some of this is not entirely new. Hospitals have long been faced with controlling dangerous pathogens in high-traffic environments. But it’s new to sports facilities, and the variety of types of facilities adds complexity and adds importance to the need to measure and monitor implementation, Chris Miranda notes.

“Where is that comfort level? And how are you going to get people back?” he asks. “If we’re going to let people come back, do you have to have the ability to make sure what you’re providing is a safe environment?” ●

SFL Partners with Distributor to Deliver kn95 Masks at \$2 Each

In the course of preparing this special issue on the Coronavirus Pandemic, the *Sports Facilities and the Law* editorial team has come upon a reseller of kn95 masks, which has agreed to make the masks available at less than \$2 per unit. Minimum orders of 10,000 are required and delivery is complimentary.

These masks have been selling on the black market this spring at close to \$6 a mask. Another important factor is delivery is typically not included.

The kn95s are very similar to the N95s. Here is a useful explainer: <https://smartairfilters.com/en/blog/whats-the-difference-between-n95-and-kn95-masks/>

The ability to buy masks at an affordable price is an important issue as states and foreign countries have been locked in bidding wars to purchase the PPE equipment they need. While government agencies and hospitals are sometimes able to buy in bulk, it is assumed that sport facilities will have to fend for themselves. Masks and other PPE will become critical for two main popula-

tions: first, employees who will need to be super vigilant and appear concerned and cautious so patrons can be reassured of safety protocols. The second population will be fans. Masks might be required in tailgating section and the seating bowl. Just imagine a football stadium with 80,000 fans and close to 1,000 employees. If everyone will be allowed to attend the only way to navigate around social distancing will be requiring masks (it will be a second issue how people will be allowed to eat when they need to remove their masks).

The reseller is currently involved with several state procurement offices, but has offered to provide masks to our readers and colleagues, with a minimum order of 100,000 units.

The jury is still out on whether fans may be required to wear masks at a sporting event, or have the option to wear one. One likely certainty is that those fans that are most vulnerable to the Coronavirus should be given opportunity to wear a mask and

arena/stadium stores might need to start stocking masks in case people need a new mask or enter the facility without a mask.

“With everything that the CDC has said about COVID-19 returning with a vengeance this fall, it is possible that the leagues or various states could require facilities to provide every patron with a mask,” said Gil Fried, the Editor in Chief of SFL. “Even if it is not required, it may be prudent risk management to make masks available to fans, especially to those who are especially vulnerable to COVID-19. Prof. Fried referenced a recent announcement by Jet Blue that all fliers now need to wear masks.” Prof. Fried continued, “we are looking for other critical supplies and suppliers and if people know of any sources please let us know as we will forward all opportunities to our readers during these trying times.”

If interested in exploring the acquisition of such masks, please contact SFL Editor Holt Hackney at hhackney@hackneypublications.com or call 512-632-0854. ●

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Our Readers Reflect on the Pandemic and Its Impact

We recently conducted a reader survey on the impact of the Pandemic. While we did not get as many responses as we would have liked, we did receive responses from 15 industry professionals.

Here are the summarized results.

Five of the 15 facilities were approached to serve as facilities for treating individuals or other purposes (such as staging, parking, food distribution). That represented 33% of the facilities but were also the largest facilities who responded (whether arenas, stadiums, or multi-use facilities).

When asked if respondents had pandemic response as part of their emergency action plan, only one facility had included pandemics in their plans. This was not surprising. The extent of a country-wide pandemic would have been hard to fathom several months ago. It would be anticipated now that EAPs will start covering broader concerns such as pandemics.

While only one facility had a plan to address a large pandemic, two of the respondents had undertaken tabletop or other pandemic related exercises. The two who responded had undertaken exercises to address a hypothetical flu pandemic and the other exercise focused on an airborne food related virus. These represent some interesting options to explore in facility preparedness but would not have addressed a facility closing down completely for an extended period of time. This might mean that exercises in the future will need to be more encompassing to include a larger and more sustained closure. Documenting everything going on right now with every facility and identifying issues such as stakeholders, insurance, and other issues now will help to strengthen future emergency plans and exercises.

Three of the responding facilities (20%) anticipated closing their facilities when the virus started. The worst expectations respondents expected included:

- Decreased revenue
- An increased awareness on

cleaning/sanitation

- A few fans asking to be relocated if someone sitting next to them was coughing
- Assumed closure for two weeks
- Short breaks and working from home
- Either play with no fans or have a short 2 to 3-week break
- Possible increased expenses as a facility started using dedicated hand surface cleaning teams that did nothing else but sanitize hand surfaces.

At the onset of the virus, and before the shut-down, some facilities started undertaking some advertising campaigns for existing business and new business offerings, such as Beer, Baseball and Blues. One arena increased the amount of hand sanitizer stations, provided additional tables for guests to use hand wipes/sanitizers, prepared a plan for possible fan relocations, and issues related to guests coughing or feeling uncomfortable. The most common response was setting-up employees to work remotely. This response was followed by several facilities explaining that they were focusing on better communication with all relevant stakeholders. One issue that was being communicated from the very beginning was any refund or credits being asked for by customers. The survey did not ask whether facilities were in fact offering refunds, and if so, who would be responsible for administering and paying any such refunds.

One facility responded that as events began to cancel, they attempted to alternate shifts of full-time staff to reduce their total hours worked and minimizing contact between employees, but not reducing the weekly pay. As time passed the facility furloughed a majority of their staff and the few remaining on payroll were scheduled to take a pay reduction.

A majority of facilities were still paying some employees. Only one had stopped

paying employees and one smaller facility had indicated that if they could not get a loan, they would have to stop paying employees. Larger facilities have been furloughing workers and several facilities indicated they were rotating staff members to cover some functions.

The most commonly paid employees were front office employees (73%), followed by security (40%), parking (20%), and then concessions, custodial, and facility engineers (each at 13.3%). The parking response might seem strange at first, but if a facility is open for food pick-up or staging then parking personnel makes sense.

The following list highlights the types of employees who are still working at facilities while they are shut down:

- Building Management (including HVAC technicians)
- Finance (processing accounts payable and receivable)
- Operations
- Public Safety/Director of Security/Security Guards
- External construction employees for major renovations
- Facility Operations Director
- Field Maintenance
- Stadium Maintenance
- Custodial- working on project and preventive maintenance, includes outsourced custodial providers.
- Front desk or Facility Resources, receiving mail and deliveries, answering phone calls, etc...
- Construction Manager
- Golf Course Staff
- Food service employees. At two facilities food service providers have been preparing meals for schools, food banks, and others who need food.
- Instructors
- Broadcast/Technical Workers-

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Our Readers Reflect on the Pandemic and Its Impact

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small projects

- Facility Engineers

One of the facilities being used as a staging area had the following personnel still working at the facility:

One employee working with the FEMA trailer activation in our parking lot

Two working with meal distribution

This diverse range of employees reflects on the diverse range of facilities who responded to the survey and the fact that some facilities were still be used for staging or food preparation. Even those facilities that were shut down still have issues that need to be addressed from regular maintenance, security, and receiving/paying bills.

The survey asked whether facilities had attempted to negotiate reduced payment with unions or third-party service providers. Four facilities (26.6%) were able to renegotiate the contractual terms or delay payments under a contract. While several

indicated they had not made any changes, one was in negotiation. It would appear that as the shut down continues, more facilities will be forced to renegotiate with various vendors and unions to reduce expenses. It would also be anticipated that other expenses will have to be examined such as insurance, utilities, and similar expenses that are based on usage will need to be evaluated. This is similar to how many automobile insurance providers are giving customers refunds because drivers are not driving as much.

In terms of whether insurance covered the closures and lost revenue, only one facility was covered. One indicated possible limited coverage. While many sport organizations throughout the world were caught without appropriate insurance coverage, the All-England Lawn Tennis Club had purchased a comprehensive insurance policy for the past 17 years. The policy

covered, among other matters, losses if Wimbledon should have to be canceled in the event of a worldwide pandemic. The resulting claim amounted to around \$141 million. Many entities all over the world did not anticipate a virus shutting down business and, in the future, this might be a more commonly purchased policy provision for sport facilities.

When asked what specific steps would be taken once facilities were able to open again, the most common answer was undertaking a deep cleaning of the building answered by nine respondents (60%). That response was followed by more frequent in-event cleaning and limited schedules (eight respondents- 53.3%), soft reopening (six respondents- 40%), and five respondents each for limiting contact with patrons (such as with bag searches) and having personal protective equipment (PPE) for

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Our Readers Reflect on the Pandemic and Its Impact

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all employees. Only one facility indicated it would be taking employee temperature before allowing them to work.

When explaining their approach to reopening several strategies suggested by facilities include:

- Holding additional seating as relocations,
- Working on a plan with paramedics to handle guests who may be sick or showing symptoms,
- Examining food and beverage options (going cashless, how to clean kiosks and condiment stations, removing condiment stations and going to packets that guests can request, mobile ordering, etc.),
- Evaluating queue lines in an age of social distancing
- Adding plexiglass or other barriers to help limit contact between customers and cashiers
- New employee screening protocols

to hold them at a much higher level (such as taking their temperature before every shift)

- Develop collaboration with other facilities to deal with future issues (marshalling resources)
- Work with local venues to implement a unified system to better everyone's protocols and to help everyone work in unison
- Work with cleaning company to come up with new SOP for facility
- Work with all staffing entities to ensure their SOP's provide for patron feeling comfortable in the facility
- Provide as safe a F&B experience as possible
- Examine renovations such as replacing handrails with copper or brass that helps kill viruses on contact
- Develop exciting marketing cam-

paigns that will bring back fans.

In terms of the respondents' demographic, 11 (73.3%) were facility managers and the rest were others who worked in various facility capacities. Four respondents worked with college facilities (including stadiums and arenas), four worked with arenas, three worked with stadiums, and three worked with other facility types. The facility sizes ranged from smaller facilities to multi-facility complexes, so it is hard to designate a specific size. In terms of fixed bowl seating facilities, the range was from 1,000 seat facilities to four stadiums between 65,000-89,000 seating capacity.

While this represents a small snapshot of the facility management space, it provides some interesting analysis. Every facility is trying to determine how to respond to the terrible virus. There is no new norm. Very difficult times lie ahead of us. But as an industry we are talking and sharing ideas. We will find solutions. ●

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Astros Fan Points (Shattered) Finger at Houston Mascot and Team

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t-shirt cannon, failing to provide warnings to invitees of the unreasonable risk of harm associated with t-shirt cannons, and failing to properly train and supervise staff and employees on the safe use of t-shirt cannons. She also claims that the team failed to ensure a safe premise for invitees by failing to have adequate policies and procedures in place to ensure safety, failed to minimize hazards associated with firing t-shirt cannons, and failed to follow t-shirt cannon safe use practices. Harugthy claims damages in the form of physical pain and suffering, permanent impairment and its consequences, and mental anguish.

The case will likely hinge on two primary factors: the so-called “baseball rule,” Houston’s most obvious defense, and whether t-shirts are inherently dangerous as the plaintiff alleges. The baseball rule has been invoked almost every time a team has been sued by a fan injured by a ball that enter the stands. Courts often hold that fans cannot sue teams over balls and bats that enter the stands because it is an unavoidable risk of attending a game. Right or wrong, the reasonable standard in many states is that a fan assumes a reasonable amount of risk because objects leaving the field of play is an inherent part of the sport. A recent case, however, has set a precedent that an object thrown or launched into the stands, and not a part of the game itself, is not an assumed risk for fans.

In the most similar lawsuit to this case, *Coomer vs. Kansas City Royals Baseball Corporation* (2014), the Supreme Court of Missouri ruled that a Royals fan injured by a hotdog tossed by the team’s mascot was within his rights to sue the club. That court ruled that the case should be remanded to the lower court where a jury would have to decide if the mascot indeed injured Coomer and whether the mascot was negligent in doing so. In 2015, a jury decided that the Royals and its employee were not liable for the injuries that occurred at the game. The

jury ruled that neither party was at fault for the injury. While Coomer was not watching the mascot during the promotion, the team’s employee did not throw the hotdogs in a way that was unreasonable or caused a greater risk of injury to fans. Despite the verdict, the Missouri case would likely set enough of a precedent to allow Harugthy’s case to at least go to trial despite the baseball rule.

However, the jury’s ruling in Coomer’s case might not bode well for Harugthy’s chances of prevailing over the Astros as it found that the team was not negligent in its mascot’s execution of the hotdog toss. Then again, Harugthy’s lawyers will likely key on the use of an air-powered gun to fire a shirt into the stands, the major difference between Harugthy’s and Coomer’s cases. Their initial filing claims that the team failed to use reason when using a t-shirt gun, failed to provide fans with a warning to the risks of the t-shirt gun, and failed to minimize or eliminate risks of using a t-shirt gun. The plaintiff’s counsel must prove that a team using a t-shirt gun to increase fan interaction is introducing unnecessary risk to those that attend games.

Surprisingly enough, this may not be an impossible task. While t-shirt cannons have become commonplace at many US sporting events, they have been proven dangerous in the past. A study by the United States Military Academy at West Point found that folded t-shirts shot from an air-power cannon achieved kinetic energies 15 times larger than that of a paintball gun, nine times larger than that of a pellet gun, and nearly half that of a 9mm handgun. According to that study, such energy can result in force strong enough to fracture multiple bones in an average human face when fired a mere 38 inches from the target. One would expect Harugthy’s lawyers to call a number of expert witnesses on projectiles in the case.

Harugthy has yet to speak out on how exactly the shirt hit her finger. It is currently unknown if she attempted to catch

the shirt, if her hand was up to defend her face from impact, or if the shirt simply found its way to her finger through no action of Harugthy’s. The case could take an interesting turn if Haugthy attempted to catch the shirt. The Astros’ legal team would most surely attempt to establish that she assumed a certain amount of risk by trying to catch a shirt. Based on the results of the West Point study, if she was in fact shielding her face, then Haugthy may have the upper hand in the case based on the location of hers at the time of impact.

If a second state rules that t-shirt tosses and other promotions are not inherent to the game, then it must be asked if teams are willing to assume the risk of holding such promotions, knowing they can be sued for them. While this will not likely impact professional teams, minor league teams in all sports and college athletics departments must consider this risk. These smaller teams and state institutions with lower budgets cannot face large lawsuits from injured fans. If teams do realize this risk, game production may be significantly impacted.

Game production includes all on-field and in-stadium activities that are not actually related to the game itself. Classic examples of this include the dizzy bat race, kiss cam, and, of course, the t-shirt cannon. Generally, on-field activities that require fan participation, including races and other physical endeavors, require a waiver. Staples such as the kiss cam, t-shirt tosses, and interaction with the mascot require no such waiver. If a second state rules that these activities are not inherent to the fan experience and an assumed risk, we may see the end of these in American sports. ●

Luke Mashburn is a Sport Management PhD student at Troy University.

Michael S. Carroll is an Associate Professor of Sport Management at Troy University.

Coronavirus and What Our World Might Look Like In the Near Future

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(economically) employees might not want to work, will resign, and/or reduce the days/events they want to work. Recruiting future employees will also probably be a major concern. Where will our future staff members come from and how can we make sure they are trained and feeling comfortable will be major issues. This might also significantly impact how and what services are outsourced and what will be the future demands on such partnerships.

The cost to reopen facilities will be significant. A large PAF could be a million square feet and with the demand for deep cleaning before openings- the cost for hiring a company could be \$1 per square foot so the final cost might be close to \$1 million. Who will bear this cost? What will happen if after a facility is cleaned then some sick individuals attend an event (both knowing they are sick or unwittingly) and the facility needs to clean the facility again to reassure patrons?

The public will demand more proactive cleaners/janitors who are going beyond just passive response. They are going to want to see active people constantly cleaning. They are going to want to see anti-bacterial stations both outside and inside the venue. They are going to want to know what cleaners are being used and how often. They will want green solutions, but also effective solutions. They will want to know what training people have. People will want there to be specific policies as it relates to food operations. For example, it is assumed that concession operators will possibly cancel their buffets. Will patrons demand that all food items be sealed so they are not touched by any person? Will patrons feel comfortable with blowing hand dryers or will they demand paper towels? These are the types of questions facilities will need to ask. Patron input is essential as well as for learning best practices from the cleaning industry.

Facilities are going to have to decide

what are one-time responses compared with which things will become part of our DNA. Some things might be initial efforts such as separating people and killing seats. Will the government require guidelines separating people? Airlines and sport/entertainment facilities have both tried to leverage revenue by putting seats as close together as possible. When we come back will we need one empty seat, two empty seats, or even three empty seats between fans? Will we be able to only populate every other row?

How will we educate and assist fans? Everything from handling tickets, to bag searches, condiment dispensers, intoxicated fans and bodily fluid issues, the list can be dynamic and each area needs to be addressed. For example, what will people think when they see/hear people coughing and what should security do? Yes, there is technology to scan peoples' temperature, but will we have people go through screening, then have their temperature taken, then be allowed to scan their ticket?

Patrons might want to bring in their own portable UV lights to sanitize their seats or other areas. Will they be allowed in as they can possibly blind people when misused or be used as a weapon?

Can a facility be held liable if an infected person can trace their illness to a facility? The answer would normally be no, but if the facility knew they had an issue or reasonably should have known and did not act, they could be held liable. An example is how some facilities have faced liability for MRSA/Staph infections for failing to properly clean.

Besides all the questions and issues raised above, there are some basic steps that should be taken regardless of the virus.

Solutions

The simple solution is proper cleaning and monitoring. All PAFS need to clean

and disinfect frequently touched surfaces on a daily basis. This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks. For PAFS this will also include all concession stands, condiment carts, bathrooms, seats, suites, loges, etc...

Cleaning crews should follow manufacturer's instructions for application and proper ventilation. Management should check to ensure the product being used is not past its expiration date. Employees need to be reminded that they should never mix household bleach with ammonia or any other cleanser.

Cleaning staff should wear disposable gloves and gowns for all tasks in the cleaning process, including handling trash. The gloves and gowns should be compatible with the disinfectant products being used. Some cleaners require specialized personal protective equipment (PPE) and that needs to be identified from the very beginning of the cleaning process. Gloves and gowns should be carefully removed to avoid contamination of the wearer and the surrounding area. Be sure to clean hands after removing gloves. Cleaning staff should immediately report breaches in PPE (e.g., tear in gloves) or any potential exposures to their supervisor.

All employees, not just the cleaning staff, should clean hands often (by washing hands with soap and water for 20 seconds and if soap and water are not available, an alcohol-based hand sanitizer that contains 60%-95% alcohol may be used). This is especially critical when employees are constantly dealing with people, handling money/change, inspecting bags, etc...

All employees also need to practice good hygiene. That ranges from making sure they have freshly laundered clothes, not displaying any signs of illness, not getting too close to patrons, not using a handkerchief, and similar clean/healthy

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strategies.

These are all basic cleaning/disinfecting strategies, but it goes beyond that in terms of planning for each event and planning for the future.

Planning

Unfortunately, many of us plan at the last minute to address issues. It would have been great to develop a contingency plan years ago, but every event is different and even the best developed plans would not have appreciated the scope and depth of the current virus outbreak/response. While every potential disaster is different, there are common strategies that can be deployed to minimize the potential impact of any given potential disaster.

Developing a detailed checklist can be beneficial. The IAVM developed such a checklist. Here is the link: [https://www.iavm.org/sites/default/files/documents/](https://www.iavm.org/sites/default/files/documents/operationalreviewworksheet.pdf)

[operationalreviewworksheet.pdf](https://www.iavm.org/sites/default/files/documents/operationalreviewworksheet.pdf). Some key take aways from that detailed six-page checklist include:

- Create a crisis team that can develop and be responsible for implementing the response plan
- Bring all relevant stakeholders to the table (employees, unions, government officials, tenants, etc...)
- Establish relationships with local hospitals and health officials
- Develop appropriate communication plans
- Make sure all equipment is properly serviced so at least that one concern is mitigated
- Analyze all contracts and insurance policies regarding terms associated with event cancellation
- Document any specific expenses as they might be reimbursable or covered by the government/tax

rebates.

- Practice the plan on a regular basis
- Identify which functions or areas can be closed/modified to allow more effective operation during an issue
- Post appropriate signage for employees and patrons highlighting safe strategies to pursue to protect themselves and others.
- Provide detailed information on health related issues over the loudspeakers and scoreboards

Besides frequent cleaning of bathrooms, all cooking utensils and equipment need to be regularly cleaned.

Identify strategies for reopening and what strategies to pursue once the issue has passed as patrons/employees might be scared to return to the facility.

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Additional Key Strategies

Some additional approaches facilities can take to help prepare for the future include:

Cross train employees in multiple areas in case some employees are not able to work.

Identify all key suppliers and make sure there is a strong relationship where they can provide materials in an emergency.

While storage space in any facility is critical, it is important to have some extra stock just in case.

Develop relationships with other venues to share resources, information, and possibly be good neighbors.

Possibly purchase instant temperature takers and have them available if government allows events and requires temperatures to be taken before allowing people in.

Explore what should be the charge for a tenant/renter if they still want to use the facility, but will not have any crowds

as the revenue/expense structure for the event will change.

Special attention will need to be paid to the locker/dressing rooms as teams/entertainers will be super vigilant and demand that the area be completely disinfected.

Conclusion

The Coronavirus is a serious threat. We have not faced anything similar to this since 9/11. We need to be prepared and many facilities are now realizing that they had great plans, but this event was not what they were expecting. We always need to expect the unexpected. We need to plan, purchase necessary supplies/equipment, train employees, and communicate effectively with all stakeholders for the unknown.

May we all stay safe and get through these trying times in the best way possible with a forward outlook to better days. ●



KN95 protective masks are available at less than \$2/unit through a special arrangement between *Sports Facilities and the Law* and the distributor. See story on page 8 for details.

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Nearly Three of Four Americans Say They Will Not Attend Games Without Coronavirus Vaccine Developed

While sports commissioners, governments and medical experts debate when to reopen sports leagues, a majority of Americans, including a substantial majority of sports fans, are prepared to stay home until the development of a vaccine for Coronavirus.

Asked what they would do if the leagues resumed play before the development of a vaccine, 72 percent of Americans said they would not attend games. With sports fans the number drops to 61 percent.

If the Policy of Social Distancing Continues into the Fall, Should NFL Start Up?

And if social distancing continues into the fall, 70 percent think the NFL should not start up to insure the players safety, with 20 percent saying the league should resume, but allow the players to choose not to play, and only six percent saying the league should start up as planned.

These were the results of a Seton Hall Sports Poll conducted this week among 762 Americans across the country on both landlines and cellphones. The Poll has a margin of error of +/- 3.6 percent.

“This virus has the attention and respect of the nation,” noted Rick Gentile, director of the Seton Hall Sports Poll, which is sponsored by the Sharkey Institute within the Stillman School of Business. “Those who identify as sports fans, at all levels of interest, line up closely with the general population in regard to their own safety and that of the players.”

Play Games without Fans Present?

As for the possibility of playing games with no fans present, a similar number – 76 percent – said they would watch broadcasts of the games with the same interest as before, with only 16 percent saying they would be less interested and 7 percent saying they would be more interested.

Did Leagues Shut Down at the Right Time?

Seventy-six percent said sports shut down at the right time, with 16 percent saying not quickly enough and six percent saying too quickly.

Preventing Pandemics – the Future

We invited comment recently from industry observers about the impact of the Coronavirus.

Josh McHugh, CEO of Attention Span Media, a future-focused strategy consultancy – “Pathogen transfer in stadiums is inevitable—70,000 people cheering, eating and drinking in close proximity is a playbook for catching the fall flu. Consider

virus-hunting nanobots, applied via an inert spray at the entry and exit gates, would return fans home with fewer germs than when they arrived.

“In 2009 during/after H1N1, the FAA performed research using mists of Hydrogen Peroxide and Triethylene Glycol to effectively kill 99 percent of viruses on surfaces. Stadiums could roll this out today — just add a walk-through Triethylene Glycol mist dispenser before the walk-through metal detector. (Hydrogen Peroxide mist a little rougher on the lungs so better to use that to decontaminate areas between events).”

AtmosAir Solutions, CEO Steve Levine or Vice President and Chief Technical Officer Tony Abate – “We specialize in bipolar ionization indoor air quality (IAQ) devices, which are installed in stadium and arena HVAC systems. The devices neutralize coronavirus (and other viruses, germs, bacteria and contaminants) in the air and on surfaces.

“The San Francisco 49ers, Minnesota Vikings, Chicago Cubs, New England Patriots, Pittsburgh Pirates, Dallas Cowboys, and Atlanta Braves are just a few of the professional sports team that have invested in Bipolar IAQ technology in stadiums, locker rooms and training facilities to keep their athletes healthy and on the playing field.

“While how it works is highly complex, in layman’s terms, bipolar ionization devices perform like the old Pac-Man game: Ions (nature’s disinfectants) are emitted into the air and neutralize coronavirus (other viruses, germs, bacteria, etc.) and replace it with clean, pristine, fresh air. The ions break down the protein surface of the virus so that it is unable to infect individuals even if ingested. Bipolar devices also provide an added continual protection on surfaces as compared to over-the-counter wipes and commercial cleansers that lose effectiveness over time.”

Director of Athletic Facilities and Event Management Named at University of Nebraska-Kearney

University of Nebraska-Kearney Athletic Director Marc Bauer has announced that Jake Greco is the new Director of Athletic Facilities and Event Management. Greco replaces Mannie Reinsch who left UNK in February for a position at Colorado State University-Pueblo. Greco previously was the department’s Director of Ticket Operations. Greco joined UNK in the summer of 2018 and, besides his Ticket Operations duties, assisted Reinsch and Natalie Hagan (Manager of Marketing & Promotions) and helped coordinate the Athletic Department Intern staff. In his role as Director of Ticket Operations, Greco worked with UNK’s on-line ticketing partner, University Tickets, to handle all game day and season ticket options.