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SCHOOL STADIUM LIGHT POLE CRASHES ARE UNDER INVESTIGATION



School stadium light poles are crashing all over Texas and in some other states as well with such frequency that the U.S. Consumer Product Safety Commission has announced that it will launch an investigation to determine the cause. While no one has been injured so far, school officials where the incidents have occurred say they have just been lucky. The potential for loss of life and limb is great.

Financial losses thus far have been high for many public school districts. In several cases the poles have fallen onto other buildings, bleachers and gymnasiums causing several hundred thousand dollars in damages. Texas public school districts have had the most incidents, but other public schools and universities in Kentucky, Mississippi, South Dakota and Massachusetts have been affected as well. Since 2007, eight light poles sold by Whitco Co. have fallen and 36 other poles were removed due to signs of structural failure. Many other Texas school districts have removed poles after inspection to avoid a crash.

All of the fallen poles are linked to a Fort Worth broker, Whitco Co. LLP. Whitco purchased the galvanized tubes from a Mexican company, *Grupo Polesa*. Makers Co. Inc. then fitted the steel tubes into light poles under Whitco's structural and electrical specifications. Due to Whitco's bankruptcy in 2006 school districts will be unlikely to pursue liability claims. The current Whitco is operating under the Whitco name only and is otherwise not associated with the former Whitco business.

Typical galvanized steel light poles should last 25 to 40 years and are rated to withstand winds up to 90 mph. Many of the fallen poles were only installed several years ago and did not fail during high velocity windstorms. To date, there is no single answer as to why the poles have failed. However, structural engineers that have examined the failed poles have determined numerous contributing factors, including poor steel quality, poor welds, too many lights and inclement weather.

Another common factor cited in several cases has been poor design. The poles were too narrow for the height and the

weight of the lights, and the thickness of the metal was much less than the minimum thickness now recommended and used by other manufacturers. The taller the pole the thicker the pole walls should be and the more substantial the base plates should be.

The manufacture, installation and inspection of the poles are not regulated and, therefore, the method and frequency of pole inspections by school districts and public entities has varied. In fact, many school districts admit that their light poles have never been formally or informally inspected. Willis Pooling Practice recommends that, at a minimum, all school districts:

- Have a professional structural engineering company inspect and certify all light poles and stadium poles on an annual basis
- Perform visual inspections by competent personnel to examine the base of the poles, bolts and welds for cracks and stress fractures on a routine basis
- Maintain proper records of all inspections
- Follow the manufacturer's recommendations and guidelines if provided

If nothing else, the Commission's investigation should foster heightened awareness and a proactive response from all school districts. Proper inspections to determine the age and safety of stadium light poles should result in fewer light pole crashes.

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The observations, comments and suggestions we have made in this report are advisory and are not intended nor should they be taken as legal advice. Please contact your own legal adviser for an analysis of your specific facts and circumstances.