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SNOW PARKS AND SAFETY RULES

Nowadays the snowboard activity has become a reality of the skiing world to all effects. Having been developed overseas, this discipline had an exponential growth over the number of persons practicing it in Europe since the beginning of the nineties and at present the snowboarders constitute a remarkable percentage of the clientele that attends mountain tourist stations.

Within a skiing area, it is now common to find an area dedicated to the practice of the so-called acrobatic evolutions of this discipline. Italian law No. 363/2003 itself contains a detailed definition of Snow Park, defining in art. 2, that “within the equipped skiing areas having more than twenty slopes served by at least ten ascending ski lift plants, the concerned Municipalities identify the areas to be reserved for the practice of acrobatic evolutions with skis and with the snowboard. These areas must be separated from other ski slopes with appropriate protections, they must be equipped with structures for practicing acrobatic evolutions, maintenance must be regularly carried out and all those who attend them must wear a homologated protective helmet”.

From the same definition of Snow Park given by the national regulations, a series of particularly important considerations can be drawn concerning the safety of whoever accesses such a structure. The use of the snow park is allowed both to traditional skiers and to snowboarders. All these must compulsorily wear a homologated protective helmet, independently from the personal age. May we remind, in fact, that in order to practice Alpine disciplines within equipped skiing areas, the national law prescribes the obligation to wear the helmet only for persons under the age of fourteen?

In addition to these behavioural prescriptions, the regulations in force do not add specifically anything else with reference, on one hand, to the behaviour that must be observed by whoever accesses snow parks, and on the other hand, to the duties of diligent preparation and maintenance of the area, which are incumbent upon the managing companies.

In order to better explain the safety concept within snow parks, reference must be made to the so-called precautionary rules which are obtained "from more judgements repeated in different periods on the dangerousness of determined behaviours and on the most suitable measures in order to avoid the consequences". As diligence rules are described, they represent the "crystallisation" of the ability to foresee and to avoid judgements repeated in time, that consequently become the identification criteria of the precautionary measures to be adopted in the specific situation.

Precautionary rules can be distinguished in two groups, depending on whether the source is juridical or social. Within the activity performed inside snow parks, in the absence of specific regulations, reference must be made to the precautionary rules that are obtained from experience, in this way obtaining diligence, prudence, and expertise rules suitable to pursue from time to time the precautionary objective.

In the duty to diligence, an obligation of prior information on the activity to be performed must also be included. In some cases of the duty to diligence it may even be imposed to the subject from abstaining from performing a determined activity if this may involve a far too high accident risk. Therefore, a close correlation exists between the content and the methods of judging the ability to foresee, necessary to reconstruct the rules of diligence and the preventive scopes that they pursue.

Therefore, the hypothesis must be distinguished where the subjects or persons participating to the dangerous activity are exposed to seriousness of risk, or persons who are not involved, or, even more, the community. In the last two hypotheses the requirement for preventive protection of safety in general and more specifically of public safety is absolutely prevailing over the social interest of the work to be performed. Completely different is the hypothesis where the subjects themselves accept the innate risks in practicing that specific activity or which from that activity they are a peculiar feature.

It is also important to "update" this knowledge continuously, on the basis of the modern world evolution that today is more than ever going through a period of change due to the rapid progress of science and technology. The accomplishment of hazard situations implies the awareness of avoiding damage to the subject that could have avoided it, by using the necessary diligence, that is to say by holding a conduct (or abstaining from this conduct) suggested by an actual or potential representation of the fact, but to which the subject had in any case the duty to attain.

In an environment as that of snow parks, knowledge of the structure's organisation and its snow-meteorological conditions is of fundamental importance for safety and the concepts of the ability to foresee and of diligence assume an even greater meaning. On the basis of this knowledge, there is the possibility of adopting "the appropriate cautionary measures" in order to avoid the occurrence of damaging events by taking into consideration that optimizing safety involves equally an inevitable residual risk.

The risk that remains even after taking all precautionary measures is called residual risk. It is certainly reduced by better knowledge and greater experience, but it will never be eliminated completely. Consequently, when the term “safe” is used, it may only describe a situation that hides within it a negligible risk, but moreover present since it cannot be eliminated. A safety measure must therefore be established, namely of residual risk for which it is agreed to be accepted. The residual risk that cannot be eliminated is strictly correlated also to the physical and technical skills of the subject that activates that specific activity.

On the basis of these preliminary statements of general character, let us examine closely this position of the snow park’s manager on one hand, and that of the user of the structure on the other hand, identifying certain rules of common experience that may be assumed as being those of precautionary rules.

Regarding the structure’s manager, the latter, in his capacity of the person in charge for the safety of the area, shall mark the limits of the area by separating it from the rest of the equipped skiing area with appropriate protections, as also prescribed by the Italian national law.

The manager must also look after the preparation of the structures at the beginning of the season, namely look after the extraordinary maintenance of the park and, in the skiing season, during the opening of the facility, he must look after the ordinary maintenance of the structures, of the entrances and of the landing areas. It must be reminded that the structures of the snow park are safe only if their initial characteristics are kept throughout the day. Depending on the attendance and on the change of snow-meteorological conditions, more maintenance interventions may be necessary throughout the day.

We also draw attention to the importance of complying with the information duty towards users by placing an appropriate signalling system. The manager must look after the daily control of the accessibility into the snow park and shall have the obligation to close the single structure or even the entire area in case that the safety conditions become lacking.

The managing company delegates the organisation and opening of the snow park to specific subjects. Among these, we remind the park's manager who must be constantly available and must be in charge of the maintenance and control of the practicability of the single structures, and the "shaper", a person having technical competence and whose task is to "realize" the park's structures under the indications of the park's designer and manager.

On the other hand, also the snow park's attendees have specific behavioural obligations that can all be traced back to meeting the concept of "self-responsibility".

The Italian national regulations impose the obligation to use a homologated helmet for all those who access the snow park and meeting precise rules of behaviour, insomuch as they are applicable within the snow parks. There is also the duty of reading carefully the rules on how to use the structure, which are usually affixed at the entrance of the park. Before facing any jump or any artificial element, such as for example the so-called "rails" or "pipes", it is a rule of common prudence and diligence to inspect the structures, verify beforehand the degree of difficulty and to evaluate the risk linked to the use of the structure on the basis of the personal technical skills

The snow park's attendees must always use the structures one at a time and never if it is doubtful whether these are otherwise busy. They must not behave so as to jeopardize themselves or others and, in case of accident, they must assist and identify the subjects involved. It is also forbidden to pause on jumps and in the landing area and in case of a fall, the area must be cleared as soon as possible.

The rules of common experience acquired on the basis of technical knowledge and practice today are the reference parameters for every judgment of responsibility. If tomorrow's trend will be that of codifying the precautionary rules, a prudent assimilation of the effective safety requirements is desirable in order to attain – if strictly necessary – a clear and simple regulation that is applicable concretely.

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