



Falling on the private road: if open to public transit, responsibility is commonplace.

For the Supreme Court, the administration is also responsible for the maintenance of street parts belonging to the private but leading to the main street.

AVV. Francesco Pandolfi - The Court of Cassation (Order No 3216/2017, annexed), in connection with road accidents involving injuries linked to poor road maintenance and, in particular, areas facing the road, has developed this interesting And useful principle of law.

Private road but adjacent to the public road, the municipality answers.

"It is the fault of the PA which provides for the maintenance or safety of the areas, even of private property, passing through the public roads, when they can cause danger for road users, Generalized use.

It follows that, in the case of damage caused by defective maintenance of a road, the private nature of this is in itself insufficient to exclude the responsibility of the municipal administration, whether for the purpose of the area or for its objective conditions, The administration was obliged to maintain it. "

The principle of the Supreme Court in practice.

The translation of the law principle of the Supreme Court is as follows:

- 1) the Public Administration (in this case a municipality) must provide for the maintenance of the public road or its safe installation,
- 2) this maintenance obligation extends to the parties that are located along the public road,
- 3) It does not matter that the street side areas are private, if they are still public use,
- 4) the administration is obliged to abide by the principle of the leader neminem (do not offend anyone),
- 5) the administration is obliged to ensure the safety of the movement of vehicles and pedestrians,
- 6) The guilt of the administration is also when it does not prevent the use of the thing if it is dangerous.

What to do in these situations.

One must keep in mind the fundamental rule that overseeing the public areas described is a primary obligation of the Administration.

Being in a circumstance similar to that taken as a result of the pronouncement of the Supreme Court of Cassation no. 3216 of 7 February 2017, it is good to know that failure to comply with the obligation in question raises the guilt of the administration and, therefore, its responsibility.

Hence the right of anyone who remains harmed to claim compensation.

GECOSEI of Giuseppina Napolitano

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