

Do I Really Need 'Ring Insurance?

Lots of drivers don't bother, but as Jim Cameron warns, any sort of incident on the Nürburgring is likely to cost you dear

Jeremy Clarkson has a lot to answer for. His novice attempts to get a diesel Jaguar around the Nürburgring in less than 10 minutes remains one of *Top Gear's* finest moments. Clarkson had previously completed the three-day BMW intensive driver training course some years beforehand and knew the track well, but as with all of *Top Gear's* best bits, this work of fiction was tightly shot, well edited, funny and involving whilst still being believable. Later that year on the Ford Transit's anniversary, Richard Hammond returned to the 'Ring to document Clarkson's native guide, Sabine Schmidt, following up on her threat to 'do it faster in a van'. Both really served to capture the fear, as well

as the fun and variety of the public sessions, and the notoriety of the Nürburgring now gets underlined, twice a week, repeated on *Dave*.

The greatest track on earth still opens its doors to 'tourist driving' or 'Touristenfahrt' (TF). Deemed too dangerous for F1 since Lauda's accident in 1976, the old circuit was originally built in 1927 to showcase German supremacy in automobile manufacture and competition. Climbing a net 1300ft over the course of a 12.8-mile lap, the Germans deliberately incorporated every combination of camber, compression and radius of curve. Three villages lie

wholly within the circuit, including Nürburg itself with its famous castle, and offer glimpses of the circuit through the trees of the Eifel Mountains. There are two circuits, the Nordschleife (or North Loop) built in 1927, and the modern Grand Prix circuit that was built in the 1980s. The latter is open, wide, with huge gravel traps to collect the boisterous or unwary, but the old circuit, famously dubbed 'The Green Hell' by Jackie Stewart, has only just received Armco all the way along its length. There is no run-off. It is unforgiving, full of blind corners, tightening radii, unhelpful cambers and consists of seemingly randomly relaid surfaces that add to the complexity.

In the wet, it is just lethal. It is still used for racing, the Nürburgring 24-hour race in particular threatening LeMans' pre-eminence as *the* annual endurance racing spectacle, and test mules, prototypes and heavily disguised new models from many manufacturer pound the circuit by day. The Nürburgring has become the industry standard test track, with lap times, meaningless though they may be, being hotly contested. The barriers then open to the public in the evenings and on free weekends, with a single lap costing €23 in 2010.

There's a small group of volunteer marshals who support tourist driving. Exclusively enthusiastic TF participants themselves, often with thousands of laps under their belts, they are contracted by Nürburgring GmbH to perform an important function out on track and comprise mainly Germans, Dutch and a handful of Brits. With no manned marshal positions out on circuit, the roving marshals are the critical link in the event of an incident. They've signed up to a code of conduct, and will often be among the first on the scene of an accident, flagging incidents and directing the initial response. They also monitor the driving standards of those out on track, but a cautious beginner will tend to be given helpful advice back in the car park rather than an immediate ban. It is in this capacity that I've witnessed some significant changes over the last couple of years.

Firstly, the 'Ring's management has changed, and this has revolutionised how it does business, and for the better. Owned by the state, the previous arrangement was governed by a quango that maintained the 'Ring's unique charm through a combination of parochialism and eccentricity. Massive investment over the last three years has led to a transition of authority to a business consortium, opening opportunities for UK trackday and trip operators and bringing business nous to the organisation. Safety has improved, car parking is still a nightmare, but for the visiting Brit the whole place is much more approachable.

Signs are now in a variety of



languages, there are more English speakers and the advent of trackdays in peak season has opened the place up to a wider audience for whom TF is a little too unstructured. There is a massive new development alongside the GP

circuit that houses a museum, shopping, event venue, indoor go-kart track with new restaurants, hotels and a casino. These new attractions broaden the appeal of the 'Ring and make it more family friendly, although the stunning-looking rollercoaster is a bit of a sore point – it comprehensively failed to achieve its safety certification and will never run. The charm and history of Nürburg and Adenau remain, and the Eifel is a stunning region.

But beware: the greatest issue for Brits who wish to take part in TF is insurance. Many people still choose to rely on a variation of the US military's 'don't ask, don't tell' approach to the extent of their insurance cover on the Nordschleife. If you aren't aware of an exclusion in your policy, then there can't be an issue, can there? Unfortunately, this is often not the case. For some time, several UK insurers sought to exclude cover by small print references to 'derestricted toll roads', 'one-way derestricted roads' and 'prepared courses', along with the usual 'race, rally or time trial' exclusions. You'd have to be patient and go looking for these references, and often they aren't disclosed until the policy has been

Taken from 'Nürburgring Insurance' – www.leeds-solicitors.com

In August 2010 the Financial Ombudsman Service made a final decision regarding a case concerning the Nurburgring Nordschleife. The Ombudsman ruled that the Nordschleife is a one way toll circuit with all the characteristics of a 'prepared course'. The insured's policy excluded use on a 'prepared course'. This sort of exclusion was held to be neither unfair or unreasonable given the increased risks associated with driving in such places. The existence of road traffic laws and speed limits was said to be irrelevant as it is still a 'prepared course'. The insurer agreed to meet any third party liabilities but this did not mean that the driver was driving within the terms and conditions of his policy. The ombudsman said that UK and European law requires insurers to provide a minimum of 3rd party only cover even if their policyholders are using the insured vehicle in a manner which invalidates their own-damage cover.

There is no restriction on the right to exclude certain matters affecting the policyholder's own property and person. Such matters are governed by the contract of insurance entered into by both parties. Hence, the insurer can indemnify the third party (to comply with the law) without having to indemnify the driver for his own losses if they arise from an excluded event or situation.

Your insurance policy will probably contain a clause to the effect that if the insurer is obligated to meet a claim it otherwise would not pay then the insurer is entitled to reclaim the settlement from the policyholder. In May 2010 the insurer's right to recovery was considered by the Court of Appeal. The case has been referred to the European Court of justice.

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their costs from the insured party against the wording of the exclusions in the insurance contract.

So what is the liability? It is very different to driving on a track in the UK. Indeed, on a trackday in the UK you sign a disclaimer to signify that you understand the risks, and that you are accountable for your own conduct within parameters laid out for you in a compulsory briefing. Paying to drive at a circuit normally includes the circuit's liability for damage, so if you move the tyres at Quarry, or fall off at any of the 'Druids' in the UK, you will still have the damage to your car to pay for, but the Armco or the tyres that you've shifted won't be your problem. Mess up at Hatzenbach on the Nordschleife though, and you'll be buying the Armco you've hit. And no, you don't even get to take it home with you.

This seems harsh, but road laws apply in the same way a local council in the UK will pursue you for third-party damages if your over-exuberance on the road turns one of their lampposts into an Anglepoise. More accurately, they'll pursue your insurers. Damage to the track has to be quickly repaired to allow racing, and also because industry and others will have paid a fortune for use of the circuit and won't take kindly to road works restricting use. Consequently any bill from the Nürburgring will include marshal time (not the volunteers, I should stress), cleanup costs, Armco – priced in three-metre sections – and, if you've caused one, the unfortunate can be billed for closure time while the incident was dealt with. This makes for big bills; but these pale into insignificance alongside the other third-party costs that potentially can arise from a major accident.

If you have a coming together with someone else then the police, as on the public road, will attend. They are very used to dealing with incidents and blame will often be determined at the scene. The 'track' is treated as a two-lane road which takes no account of a racing line, and means that, like on the autobahn, the car on the right cannot pull across in front of an overtaking car – in effect changing lanes – without indication and allowing the right amount of space. This catches people out: unused to the circuit they fail to appreciate the massive closing speeds of things coming up behind, and wander out in front of a hard-charging German GT3. Signage at the car park in English has improved, and there is even a safety video playing on a loop by the ticket office at the TF entrance, but there's no

Taken from Ben Lovejoy's Nürburgring Nordschleife site – www.nurburgring.org.uk

- Base fee for attendance of Armco truck: €150
- Removing damaged Armco: €10/metre (x2 or x3 or x4 for multiple-height sections)
- Replacement Armco: €31/metre (x2 or x3 for double/triple height)
- Removing damaged Armco posts: €5.10 each
- Replacing Armco post: €39 each
- Safety car attendance: €82 per 30 mins (car + 2 people)
- Circuit closure: €1,350 per hour
- Recovery truck: €190 (inc VAT)
- Hospital stay & air ambulance: Let's just say, do NOT go there without travel insurance! (Though a European Health Card – which replaced the E111 – may cover the hospital bit.)

Everything except the recovery truck is then subject to 19% VAT.

The record Armco bill I'm aware of is €15,000. That was a car that managed to flatten a very impressive length of Armco between the Quiddlebacher Hohe bridge and the crest on the approach to Flugplatz. But even a minor bump can turn into a surprisingly expensive day out.

bought and paid for and the full conditions received. There have been more than a couple of big claims that resulted in arguments both in and out of court about the nature of tourist driving, but interestingly, German and other European insurers have no issue with *Touristenfahrt*, content with the classification of the Nordschleife at these times as a public road.

Indeed the Nordschleife is still used as the fastest way down to the supermarket in Adenau by some Nürburg residents, and parallels have been drawn with the Isle of Man, the public roads that close for Le Mans, and various Alpine passes and hillclimb courses. Often the insurers backed down, but this changed as the number of cases increased. The number of Brits making the five-hour drive from the ferry has multiplied dramatically since the 1990s, and while the UK's insurance ombudsman has ruled that exclusion for first-party cover is possible, third-party costs for driving in Europe – including on *that* piece of road – would have to be met by the insurer. This year however, some insurers who have been forced to pay third-party claims have taken their own clients to court seeking to recover

compulsory briefing or contract of understanding before participating. Many are still happy to just pay their money and take their chances without really understanding how the place works. The real nightmare scenario for drivers is the fluid spill, and the catastrophe that can follow as cars and motorbikes arrive at near race speeds. I've attended some big accidents and it is my worst nightmare of TF. The importance of a well-maintained car is critical and any leak, no matter how small, must be attended to before the car is subjected to a thrashing on the toughest track on earth.

The best advice is to check with your broker. Cover is available, but the better the relationship with the insurance providers the more likely they will be able to accommodate your needs. For those not wanting to risk their pride and joy, there are now companies offering rentals of modern, well-prepared cars ranging from Suzuki Swifts to road-registered race cars. Track insurance is supplied, and you can pay more up front to reduce the excess. RSR Nürburg is



one of the Ring's longest established rental and instruction companies: having started out some years ago with transaxle Alfa 75s, they now have a fleet that includes Renaultsport Clios, Mégane R26Rs and Lotus Exiges in both left- and right-hand drive, as well as Porsches for established customers. I'm always impressed with the abilities of the R26R, never more so than on the 'Ring where its prodigious grip, willing engine and sheer breadth of capability makes it so easy to go quickly in. What's more, each of these riotous Renaults has a cage, Kevlar race seats and proper harnesses, and as they are immaculately maintained and housed only 300m from the entrance, the risk of mechanical failure is minimised.

Out at the Nürburgring on *TrackDriver's* behalf with a car on test, I meet Tania Mann, on her first visit to the 'Ring. She's recently decided to take up trackdays – this being only her fourth – and she's wide-eyed with excitement at the sheer scale and theatre of the track. In at the deep end, quite sensibly she didn't want to risk her 997 Turbo, and so she's rented an RSR Clio.

There's simply no point taking anything faster on a first visit – the Clios are plenty fast enough, are 5-star NCAP rated and very forgiving to drive. She doesn't hang about either, getting six

laps in by lunchtime on a busy Sunday.

"Enjoy it?" "Oh god, yes!" she enthuses "Still have no idea where the track goes... and the speed that some other cars are going is amazing." Nevertheless Tania has managed to overtake a thing or two herself, and is still grinning several days later. Another addict is born...

These days, there is another way to experience the Nordschleife. The appeal of trackdays at the 'Ring is clear, particularly if the organiser is an ATDO member and therefore trackday insurance can be arranged. In previous years, the only dates available were either very early or very late season, drastically reducing the chances of a dry track. The track is marshalled at a trackday as it would be for racing, allowing participants to drive with more confidence knowing that you'll be warned of trouble ahead.

Driving standards tend to be much higher than during *Touristenfahrt* sessions, and the opportunity to complete full flying laps or combined grand prix and Nordschleife laps is fantastic. There'll be no bikes or tourist coaches on track and the track density is often very low compared with a busy TF weekend. Instruction is also permitted, as is filming, two unusual exclusions that the 'Ring enforces ■

Don't take the risk!

UK trackday organisers:

BookaTrack.com
www.bookatrack.com

EasyTrack
www.easytrack.co.uk

GoldTrack
www.goldtrack.co.uk

Lotus On Track
www.lotus-on-track.com

RMA
www.rmatrackdays.com

European trackday organisers and car hire:

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