

ENVIRONMENTAL IMPACT ASSESSMENT FOR FEDERAL ROADS IN AUSTRIA **a Summery**

Mr. Chairman,
Ladies and Gentlemen,

Since about 15 years ago the environmental issue has become extremely crucial in planning and construction of infrastructure due to a greater awareness of the General Public.

The Department for Legislation of Federal Roads within the Austrian Road Directorate is responsible - amongst other things - for issuing alignment decisions and conducting Environmental Impact Assessments for High Level Road Construction.

With your kind permission, Mr. Chairman, I would like to give just a brief summary of the Environmental Impact Assessment (EIA) and the according procedure having to be undertaken preceding the construction of a road.

Following EU regulations Austria is obliged to conduct such procedures since we joined the European Union in 1995.

Alignment Decision:

The Austrian Federal Roads Act rules that the routing of a road has to be defined by a decision on the road-axis. This decision by the Minister for Transport, Innovation and Technology, is essential before constructing a new Federal Road (i.e. a motorway or an express road) or subsections of such a road or when adding a second carriageway over a continuous length of 10km or more.

When taking the decision on the routing of a road, the Minister - by law - has to observe the following criteria:

- principles of construction and maintenance
- protection of neighbours
- economic efficiency
- environmental impact
- requirement of traffic
- the results of a public inspection (that means the project has to be made available for public inspection for 6 weeks, anybody is entitled to submit written comments within this period)

Environmental Impact Assessment (EIA):

For specific projects listed in the Environmental Impact Assessment Act, an EIA has to be performed prior to the alignment decision.

These are:

- a) the construction of new federal roads (i.e. motorways and express roads) or their subsections,
- b) extension of an existing federal road from two lanes to four or more lanes over a continuous length of 10 km or more.
- c) construction of a second carriageway over a continuous length of 10km or more

When interchanges of an average daily volume of more than 8000 vehicles are concerned and in cases where road projects touch conservation areas and considerable negative effects on the environment have to be expected, an EIA in a simplified version has to be carried out.

With projects where an EIA has to be performed, the project applicant, that is now the ASFINAG, the Austrian Motorways and Express Roads Financing Company, has to submit to the authority an application and the so called Environmental Impact Statement. Consequently the Minister for Transport has to conduct the EIA in his function as an authority.

The Environmental Statement contains different reports, concerning examinations on the status quo and the expected effects on different goods in the public interest, those are life and health of man including strain by noise vibration or air pollution, water and soil quality, animals, plants and habitats, landscape and cultural heritage.

- Public Inquiry

The project documents are then submitted to all the other authorities, specified by law, for their comments. Those are for instance the local community, the authorities treating protection of nature or the protection of water, the Ombudsman for the Environment and the Ministry for the Environment.

The application, the Environmental Impact Statement and all the other project documents will then be available for Public Inspection for at least 6 weeks. Within this period anybody may submit written comments.

It is very important to go into all those statements and objections, because various groups of citizens have got different rights. So the immediate neighbours, that means all persons who could be affected, have the right of protection of their lives and health. Citizens groups, NGOs involved in environmental protection and the Ombudsman for the environment may demand the observance of the environmental regulations. Furthermore land ownership is protected by complex land acquisition procedures.

All this must be observed secured by the authority. Otherwise the decision could be waved by the Administrative High Court or by the Constitutional High Court in case of violation of constitutional rights, especially of human rights.

-Expertise, Summary Assessment

As a result of the Public Inquiry the team of experts works out an Environmental Impact Expertise and a summary assessment of the environmental impact - taking into consideration the submitted written comments and the legal consent criteria.

Should it be necessary, additional measures would be made obligatory to the project applicant.

The environmental expertise would then be exposed to public exhibition for four weeks.

-Hearing

After that a hearing has to be performed to give the possibility to specify the statements and to ask questions to the experts. The so called cooperating authorities (for example the water authority or the nature protection authority) and the other parties in the procedure (neighbours, the Ombudsman for the Environment, citizens` groups - in so far as they have given a comment in the Public Inquiry) and other official bodies who are legally entitled to participate may make their remarks. Also in this forum the project applicant may submit applications to modify or to drop the provided measures.

- Results of the assessment

A decision must not be issued by the Minister if the overall assessment shows that, when considering public interests serious environmental pressures are to be expected due to the project and its impact.

When all the requirements in accordance with the Environmental Impact Assessment Act are met, a decision routing the road may be issued.

Appeals to the Supreme Courts:

Against decisions of the Minister for Transport routing the road appeals can be brought forward to the Administrative Court and in some specific cases to the Constitutional Court.

Realization of the project:

When all the necessary decisions by the Minister and the cooperating authorities are legally binding the project can finally be put into realization, the construction of the road may begin.

Post- Project Analysis:

Three years at the earliest and five years at the latest after the opening to traffic, the Minister is obliged to inspect the project together with the cooperating authorities in

order to verify whether the requirements stipulated upon the issuing of the routing decision have been met and whether the assumptions and forecasts of the environmental impact assessment correspond to the actual effects of the project on the environment.

Mr. Chairman, Ladies and Gentlemen I hope that this very brief summary of the legal requirements necessary in preparation of the construction of a motorway or express road was of interest to you and I thank you very much for your attention.
