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## **ENVIRONMENTAL IMPACT ASSESSMENT FOR FEDERAL ROADS IN AUSTRIA**

Mr. Chairman,  
Ladies and Gentlemen,

I would like to express my gratitude for having been invited to speak in front of this distinguished audience.

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 high level roads in Austria.

The basis for the Environmental Impact Assessment (EIA) in Austria has to be seen in a **context to European Law**. After Austria joined the EEA (European Economic Area) and in 1995 the European Union, Austria had to fulfil the EU Directive 85/337/EEC and did so by the EIA Act of 1993.

At the beginning the attitude of the economy and the authorities regarding this topic were rather sceptical.

In this context I would like to tell a little story:

Once a year a meeting of all Austrian Civil Servants engaged in EIA procedures is conducted. On such a meeting in Tyrol a small booklet was distributed by the local tourist authority. An illustration showed two mountain chalets, on the left one with two young children looking out of a window, on the right one with an old couple doing the same.

One of the colleagues commented “ The left one shows the situation before EIA procedure, the one on the right after the procedure”.

In the meantime all people concerned got used to the idea of EIA for larger projects, the general public and “the Greens” are strongly demanding such a procedure.

Before I start sketching the Austrian model of EIA, I would like to explain, that aspects of safety of the road are considered during the procedure of EIA, but on the legal basis of the Federal Roads Act, which originates from 1921. At the moment my division is in charge of formulating legal obligations concerning safety measures and instruments according to the Directive 2008/96/EC on Road Infrastructure Safety

Management. For the safety in tunnels the Austrian Road Tunnels Safety Act has been set up in 2006.

Let me please return to the EIA:

In Austria the EIA is based mainly on **two ideas**:

- to explain the impact of the project on the environment and
- to let participate the general public in the EIA process and the issuing of the permit.

In order to observe the **impacts on the environment** the present situation and the situation after the realisation of the project round about ten years after completion have to be set into a comparison.

Also the advantages of the project are included in the assessment and alternatives would have to be shown up.

When constructing a road one has to take into consideration such impacts as noise, air and water pollution and the possible negative effects on landscape, plants, animals and habitats, especially by barrier effects.

Monument protection including archaeological sites are also in the focus of the EIA. When touching a conservation area the standards for the permit are more rigid.

The core of the EIA procedure is the **Summary Assessment Expertise**. In this document all impacts of the project are being evaluated on the basis of the Environmental Impact Statement of the applicant.

One of the tools giving a survey of the impacts is an "Evaluation Matrix" where the impacts on the different subjects of protection are indicated by marks between 1 and 5 and colours from white over green, blue and yellow to red, 5 (red) being unbearable.

In order to prevent a project from being unbearable (mark 5) measures are formulated. Those can be traffic guidance systems, noise protection walls, water filter systems, compensation areas, underpasses for amphibians or game – lately even for bats.

These measures are made a compulsory part of the permit.

A permit for construction must not be granted when the health and life of man are endangered or when the soil, the air, water, animal and plant populations would be seriously harmed, and there is no measure to avoid these effects.

Moving to aspects of **public participation** we would have to focus on the legal procedure.

Besides the applicant and the neighbours to the project, the communities, the Ombudsman for the Environment, civil action groups and NGOs may be a party in the procedure.

A civil action group may be founded by signatures to a comment to the project, by at least 200 people living in the effected communities. An NGO may participate in the procedure when it has existed for a minimum of three years, when environment protection is its main aim and the NGO as such is included in a list issued by the Ministry for the Environment.

Procedural instruments to include all these parties are the Public Exhibition of the project, and later on of the expertise, the Public Hearing , the public exhibition of the report and the right to appeal against the decisions of the Ministry of Transport to the High Courts.

**As a conclusion I would like to say that the EIA is a good instrument to carefully deal with our resources , to make possible the construction of roads and to create sustainable decisions also for our future generations.**

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## **Annex “Environmental Impact Assessment Procedure in Austria”**

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

Following EU regulations Austria is obliged to conduct such procedures since we joined the European Economic Area and then 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. Also their property has to be protected, but there are legal procedures for land acquisition. Citizens groups, NGOs involved in environmental protection and the Ombudsman for the environment may demand the observance of the environmental regulations.

This would have to be 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 the human rights.

#### -Expertise, Summary Assessment

On the basis of the Public Inquiry and the Environmental Statement of the applicant a 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 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.

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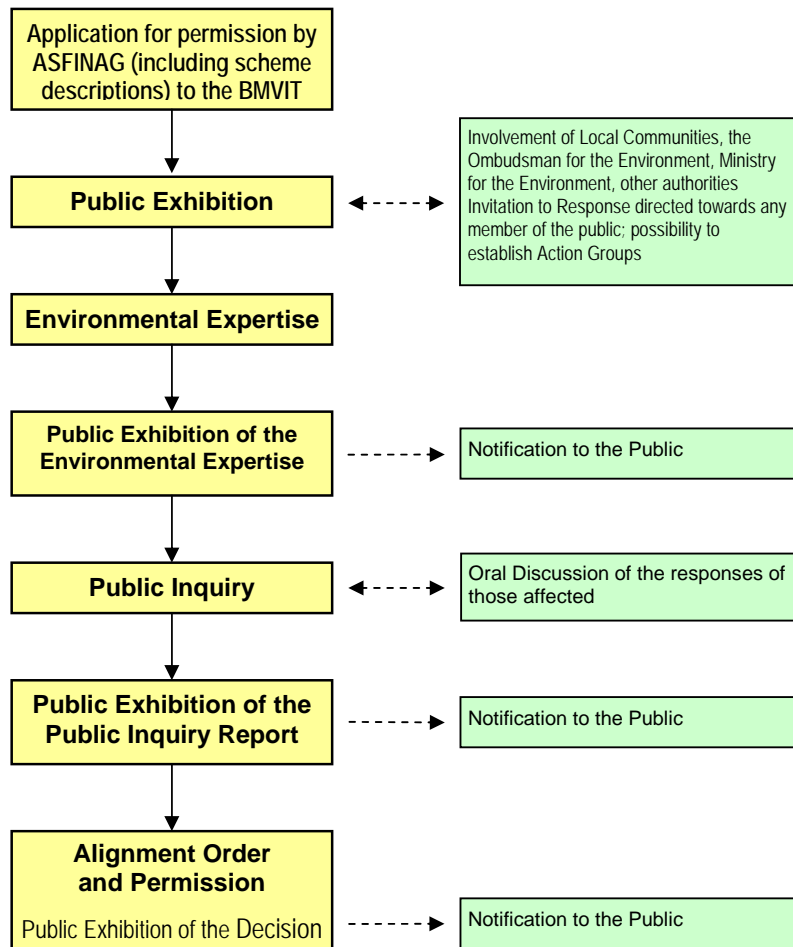
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Bewertungsmatrix		AUSWIRKUNGEN															
SCHUTZGÜTER	THEMEN- BEREICHE	Lärm		Erschütterungen		Luftschadstoffe		Wasserhaushalt Veränderung Qualitativ		Wasserhaushalt Veränderung Quantitativ		Flächen- beanspruchung		Veränderung Funktionszusammen- hänge		Veränderung Erscheinungsbild Landschaft / Ort	
		Bau	Betrieb	Bau	Betrieb	Bau	Betrieb	Bau	Betrieb	Bau	Betrieb	Bau	Betrieb	Bau	Betrieb	Bau	Betrieb
Mensch Lebensräume (inkl. Nutzung)	Siedlungsraum	3	3*	3	2	3	3*	2	2	2	2	3	3	3	3	2	2
	Wirtschaftsraum	2	2*	3	2	2	2*	1	1	1	1	2	2	V	V	1	1
	Landwirtschaft	1	1	1	1	2	2	1	1	1	1	3	3	3	3	1	1
	Forstwirtschaft	1	1	1	1	2	2	2	1	2	2	3	3	3	3	2	1
	Jagd	3	3	1	1	2	2	1	1	1	1	3	3	2	2	1	1
	Fischerei	1	1	1	1	1	1	2	2	2	2	3	3	3	3	1	1
	Freizeit, Erholung	3	3	1	1	2	2	1	1	1	1	3	3	3	3	3	3
Tiere, Pflanzen Lebensräume	Jagdbares Wild	3	2	1	1	2	2	1	1	1	1	3	3	3	3	1	1
	Ökologie	2	2	1	1	2	2	1	1	2	2	3	3	3	3	1	1
	Limnologie	1	1	1	1	1	1	2	2	1	1	3	3	3	3	1	1
Boden	Boden	1	1	1	1	2	2	1	1	1	1	3	3	3	2	1	1
	Altlasten	1	1	1	1	1	1	1	1	2	2	2	2	2	2	1	1
Wasser	Oberflächenwasser	1	1	1	1	1	1	2	2	2	1	2	2	2	2	1	1
	Grundwasser	1	1	1	1	1	1	2	2	3	3	1	1	3	3	1	1
Luft und Klima	Luft	1	1	1	1	3	3*	1	1	1	1	1	1	1	1	1	1
	Klima	1	1	1	1	1	1	1	1	1	1	1	1	2	2	1	1
Landschaftsbild / Ortsbild	Landschaftsbild	1	1	1	1	1	1	1	1	1	1	3	3	3	3	3	3
	Ortsbild	1	1	1	1	1	1	1	1	1	1	3	3	3	3	3	3
Sach- und Kulturgüter	Sachgüter	1	1	2	1	1	1	1	1	1	1	2	2	1	1	1	1
	Kulturgüter	1	1	2	1	1	1	1	1	1	1	2	1	1	1	1	1

\* Anmerkung: Hinsichtlich Lärm und Luftschadstoffe kommt es in der Betriebsphase entlang der entlasteten B317 zu Verbesserungen. Die Bewertungsstufe 3 bei „Siedlungsraum“ bezieht sich daher nur auf jene Wohnanrainer, bei denen Zusatzbelastungen durch das Vorhaben auftreten. Für den Rest des Siedlungsraumes gilt die Bewertungsstufe V.

Auswirkungen des Vorhabens		
<b>Grün</b>	V	Positive Auswirkungen (Verbesserung)
<b>Weiß</b>	1	Nicht relevante Auswirkungen
<b>Blau</b>	2	Geringfügige Auswirkungen
<b>Gelb</b>	3	Vertretbare Auswirkungen
<b>Orange</b>	4	Wesentliche Auswirkungen
<b>Rot</b>	5	Untragbare Auswirkungen

## Procedure of Environmental Impact Assessment and Permission concerning the construction of Federal Roads in Austria



Before construction other orders of Provincial Authorities have to be obtained.

### Legal grounds

- Environmental Impact Assessment Act, BGBl. Nr. 697/1993 in the version BGBl. I Nr. 87/2009
  - Federal Roads Act, BGBl. Nr. 286/1971 in the version BGBl. I Nr. 24/2010
  - Road Tunnel Safety Act, BGBl. I Nr. 54/2006
- <http://ris.bka.gv.at>



Environmental Impact Assessment for Federal Roads  
a Summary

The 18<sup>th</sup> Meeting of the OSCE Economic and Environmental Forum  
Part 2 / Prague, 24 – 26 May 2010

*Dynamik mit Verantwortung*



„Green Bridge“ over the A 14 in Germany

*Dynamik mit Verantwortung*

A horizontal banner with a green and yellow abstract pattern of lines and shapes, possibly representing a globe or a network.

## The basis of the Environmental Impact Assessment for Federal Roads

- Austria had to fulfil the EU Regulation 85/337/EEC and did so by the Environmental Impact Assessment (EIA) Act of 1993
- The EIA in Austria is based on two ideas
  - to explain the impact of the project on the environment and
  - to let participate the general public in the EIA process and the issuing of the permit

*Dynamik mit Verantwortung*

A horizontal banner with a green and yellow abstract pattern of lines and shapes, possibly representing a globe or a network.

## The Environmental Impact Assessment procedure

- Comparison of the present situation and the situation after the realisation of the project
- Presentation of the advantages of the project and of alternatives
- Consideration of the impacts of noise, air and water pollution, the possible negative effects on landscape, plants, animals, habitats and historical monuments
- A permit must not be granted when the health and life of man are endangered or when the soil, the air, water, animal and plant populations would be seriously harmed

*Dynamik mit Verantwortung*

### The core of the Environmental Impact Assessment procedure

- In the Summary Assessment Expertise all impacts of the project are being evaluated on the basis of the Environmental Impact Statement of the applicant
- In this expertise measures are formulated necessary to make the project environmentally agreeable
- These measures are made a compulsory part of the permission

*Dynamik mit Verantwortung*

Bewertungsmaßstab		AUSWIRKUNGEN																							
SCHUTZGÜTER	THEMENBEREICHE	Luft				Erdfelder				Landschaft				Verkehrsmittel				Verkehrsmittel				Verkehrsmittel			
		Luft	Luft	Luft	Luft	Erdfelder	Erdfelder	Erdfelder	Erdfelder	Landschaft	Landschaft	Landschaft	Landschaft	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel	Verkehrsmittel
Natur- und Landschaft (inkl. Nutzung)	Siedlungsraum	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	Wald	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	Landwirtschaft	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Fauna	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Jagd	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Tiere, Pflanzen, Lebensformen	Fauna	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Fauna, Erholung	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	Jagd	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	Ökologie	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
Boden	Landwirtschaft	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Wasser	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Luft und Klima	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Landschaftsbild / Ortsbild	Klima	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Ortsbild	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Nach- und Kulturlandschaft	Ökologie	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Kulturlandschaft	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

\* Anmerkung: Hinsichtlich Lärm und Luftschadstoffe kommt es in der Betriebsphase entlang der ortsfesten B312 zu Verschlechterungen. Die Bewertungskategorie 3 bei „Landschaftsbild“ bezieht sich dabei nur auf jene Vorhaben, bei denen Zusatzbelastungen durch das Vortreiben auftreten. Für den Rest des Siedlungsraumes gilt die Bewertungskategorie V.

Auswirkungen der Vorhaben	
Grün	V
Blau	V
Blau	1
Blau	2
Blau	3
Blau	4
Blau	5

*Dynamik mit Verantwortung*

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*Burhinus oediacnemus indicus*

*Dynamik mit Verantwortung*