

[Decision entered into force on:
26.8.2009
Bratislava, 25.9.2009]

Slovak Ministry of Transport, Post and Telecommunications
Námestie slobody 6, 810 05 Bratislava 15
Road Transport and Roadways Section

No. 10226/2009-2332/z.27654

Bratislava 30.07.2009

PUBLIC DECREE

DECISION

The Slovak Ministry of Transport, Post and Telecommunications (hereinafter only Ministry) as the Special Construction Office for the Construction of Motorways and Speedways pursuant to § 3a Par. 1 of Act No. 135/1961 Coll. on Roadways (Road Act) as amended and § 120 of Act no. 50/1967 Coll. on Land Use Planning and Construction Regulations (Construction Act) as amended (hereinafter only "Act No. 50/1976 Coll."), pursuant to § 3 of Act No. 669/2007 Coll. on One-off Measures During the Preparation of Some Motorway and Speedway Construction Projects and amendment of Slovak National Council Act No. 162/1995 Coll. on Real Estate Registries (Land Registry Act) as amended (hereinafter only "Act No. 669/2007 Coll.") and pursuant to § 46 of Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Regulations) as amended (hereinafter only "Act No. 71/1967 Coll.") hereby issues the following decision that

Allows

Pursuant to § 66 of Act No. 50/1976 Coll.

The Construction Project: **D3 Žilina, Strážov – Žilina, Brodno Motorway**

Composed of the following structures:

- 032-00 Landscaping work on D3 motorway
- 032-01 Landscaping work on west portal of Považský Chlmec tunnel
- 032-02 Landscaping work on east portal of Považský Chlmec tunnel
- 103-00 D3 motorway km 6.8 – 11.1
- 134-00 Repair of forest road at km 9.500
- 151-00 Detour for I/18 road
- 152-00 Detour for I/11 road
- 155-00 Detour for forest road at km 9.500
- 160-00 Repair of existing 1st class roads
- 161-00 Repair of existing 2nd and 3rd class roads
- 162-00 Repair of existing local roads
- 223-00 Elevated section of D3 at km 7.500 over I/18 road, rail lines and Hričov reservoir
- 224-00 Bridge on D3 at km 10.800 over extension of I/11 road and Kysuca River
- 263-00 Retaining wall on D3 at km 8.265 – 8.300 right
- 278-00 Noise barrier on D3 at km 6.900 – 7.550 left
- 280-00 Noise barrier on D3 at km 7.100 – 7.550 right
- 335-00 Motorway fencing
- 336-00 Extension of existing fencing
- 360-00 Adjustment of unnamed stream at D3 km 9.500

- 501-00 D3 motorway rainwater sewers
- 536-00 Adjustment of DN 150 water main at D3 km 7.100
- 538-00 Adjustment of DN 800 water main collector at D3 km 9.463
- 539-00 Adjustment of water piping at D3 km 9.475
- 540-00 Adjustment of DN 800 water main collector at D3 km 11.100
- 547-00 Water main connection for tunnel fire water
- 629-00 Low voltage connection for ISD
- 638-00 Removal of low voltage wiring at km 7.950 – 8.200
- 647-00 Extension of low and high voltage lines at km 8.300
- 667-00 Extension of 22 kV high voltage line at D3 km 8.266
- 668-00 Extension of 22 kV high voltage line at D3 km 8.415
- 687-00 High voltage connection to transformer station at D3 km 8.260
- 692-00 High voltage connection to west portal of Považský Chlmec tunnel
- 694-00 High voltage connection to east portal of Považský Chlmec tunnel
- 716-01 Temporary shift in TV cables at rail km 198.508
- 716-02 Final shift in TV cables at rail km 198.508
- 772-00 Adjustment of signal cables at rail km 196.560 - 198.800 and D3 km 6.8 – 7.3
- 775-00 TZZ adjustment at rail km 198.508
- 792-00 Motorway information system – construction section
- 792-11 Motorway information system – technical section
- 817-00 Access road to bridge structure 223-00 at km 7.500
- 818-00 Access road to bridge structure 223-00 at km 8.200
- 819-00 Access road to west portal of Považský Chlmec tunnel
- 820-00 Access road to excavated section of Považský Chlmec tunnel
- 821-00 Access road to east portal of Považský Chlmec tunnel
- 822-00 Access road to bridge structure 224-00 at D3 km 10.700
- 831-00 Temporary bridge over the Hričov reservoir

POVAŽSKÝ CHLMEC TUNNEL

Construction section

- 401-00 West portal
- 402-00 East portal
- 403-00 Centre section (portals for boring work, construction pit)
- 404-00 West portal building
- 405-00 East portal building
- 407-00 Tunnel constructed in open construction pit at the west portal
- 408-00 Tunnel constructed in open construction pit at the east portal
- 409-00 Tunnel constructed in open construction pit – centre section
- 410-00 NRTM tunnel cutting and primary supports (both tunnel tubes and PCH)
- 411-00 Secondary tunnel reinforcement (both tunnel tubes and PCH)
- 412-00 Drainage – ground water
- 413-00 Drainage – road surface water
- 414-00 Fire water main
- 415-00 Structural repairs
- 416-00 Fire water well and pump station

Technical section

- 420-01 Tunnel lighting including portal sections
- 420-02 HVAC equipment
- 420-03 Measurement of physical characteristics
- 420-04 Traffic control system
- 420-05 Technical control system including electrical signal system
- 420-06 Electrical fire signalization system
- 420-07 Emergency call system – SOS

- 420-08 CCTV circuits including video detection
- 420-09 Radio network
- 420-10 Evacuation radio system
- 420-11 Dispatch telephone
- 420-12 High voltage distribution lines
- 420-13 Tunnel grounding system
- 420-14 Permanent and temporary traffic signs
- 420-15 Tunnel ventilation for passages

And pursuant to § 90 Act No. 50/1976 Coll. allows the following construction work to be removed

011-00 Demolition Work

The construction work will be completed on lands in the land registry areas of Budatín, Strážov and Považský Chlmec as follows:

Budatín:

KNE: 459

KNC: 605/3, 605/6, 606/1

PKN: 460, 794, 803

Strážov:

KNE: 747, 780, 789, 982, 790/2, 791/2, 792/2, 793/2, 794/4, 795/2, 796/2, 797/2

KNC: 928/1, 989/1, 986/1

Považský Chlmec:

KNE: 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1380, 1382, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1726, 1727, 1728, 1730, 1731, 1732, 1970, 1971, 1973, 2131, 2132, 2385, 2412, 2413, 2417, 2435, 2436, 1724/1, 1724/2, 1725/1, 1725/2, 1729/1, 2130/2, 2130/3, 2388/1, 2429/2, 2429/3, 2430/2
 KNC: 1345/1, 1356/5, 1356/54, 1853/16, 2129/1, 2130/3, 2131/2, 1693/15, 1693/16, 1853/17, 1970/1, 1970/7, 1970/8, 1970/10, 1970/12, 1973/3, 2385/1, 2385/2, 2385/4, 2385/8, 2385/9, 2388/1, 2388/273, 2417/3, 2417/5, 1356/51, 1356/52, 1356/55, 1693/17, 1711/2, 1971/3, 2388/2, 2388/13, 2388/270

The removal of the construction work 011-00 Demolition Work will be completed in the land registry area of Považský Chlmec on the lands with the following parcel numbers:

Parcel no. C-1356/5, 1356/54, 1345/1

Parcel no. E-1396, 1395, 1394, 1393

The Ministry after evaluating the submitted application and project documentation and after considering the necessary facts has defined the construction project for execution under the following binding conditions:

I. The Constructor is obliged during the completion of the construction project to follow the conditions shown in the following statements from the affected authorities and organizations:

1. City of Žilina no. 7490/2008/MsÚ-OSP/Pá dated 04.11.2008, no. 6294/2009/MsÚ-OSP/Pá dated 04.06.2009, no. 2009 C-5135 Ha, dated 25.5.2009, no. C-5108/2009 dated 5.5.2009, OSaZP/C-1823-2/2008 dated 09.02.2009, ODaZP/284/2006 dated 04.12.2006
2. Žilina Region no. 1395/2009/ORR-002 dated 07.01.2009, no. 1402/2009/OD-001 dated 08.01.2009
3. Žilina Region Roadway Administration no. 87/2009/SC ZSK-001 dated 13.03.2009
4. District Land Office in Žilina no. ObPU-2009/00499-Sa dated 22.05.2009
5. District Forest Office in Žilina, no. 2009/00200/OLU/Va dated 08.06.2009
6. Slovak Heritage Office, no. PU-07/499-5/2722/Han dated 10.04.2007
7. Regional Transportation and Roadway Office in Žilina, no. 2008/01870-02 dated 07.10.2008
8. District Transportation and Roadway Office in Žilina, no. 09/00566-003/AND dated 10.03.2009

9. District Environmental Office in Žilina, no. A/2009/01067=2/Ros dated 14.04.2009, no. A/2009/01169-003/ObU-ZP/Bre dated 17.04.2009, no. A/2008/02908-2-Ros dated 3.11.2008, no. A/2008/02907-003/ObU-ZP/V/Puc dated 20.10.2008, no. ZP-A/2008/02905-2/PAP/ZS1 dated 20.10.2008, no. ZP A/2008/02906-002/SIE dated 07.10.2008
10. Regional Environmental Office in Žilina, no. 2009/00212/Nac dated 06.02.2009, no. 2009/00212/Mac dated 23.2.2009
11. Slovak Aviation Office, no. 648/313-220/2009 dated 29.01.2009
12. Slovak Ministry of Defence, no SEMal-73-22/2009 dated 05.02.2008
13. Regional Public Health Office in Žilina, no. A/2009/00716-HZPZ dated 06.04.2009
14. Technical Inspection, Banská Bystrica, no. 0944/2/2008 dated 5.3.2008, no. 0124/2/2007 dated 16.1.2007, no. 0124/2/2007-EZ dated 16.01.2007
15. SSE – Distribucia, a.s. Žilina, no. P73012007050180 dated 14.05.2007
16. SE-VE Trenčín, no. SE/2007/054204 dated 12.4.2007, no. SE/2006/131086 dated 03.08.2006
17. SVP, s.p. Piešťany, no. CZ3063/2009/210 dated 30.01.2009
18. SPP – Distribucia, a.s., Bratislava, no. Ki/27/2009 dated 5.2.2009
19. Slovak Roadway Administration, Bratislava, no. 11375/3110/2009 dated 1.4.2009
20. SPS Bratislava, no. 3032-3.302/2007 dated 19.07.2007
21. Slovak Forests Žilina, no. Z-94/151/2009 dated 30.01.2009
22. SEVAK Žilina no. 10981/2007/12/Sa dated 16.11.2007, no. 9439/07/Ing.St dated 14.8.2007, no 8313/07/Ing.St dated 14.8.2007
23. T-COM, no. ZA-TSI 3 3/2007 dated 21.5.2007
24. Orange Slovensko, no. BB-0199/2009 dated 28.1.2009
25. T-Mobile, no. T/2009-394 dated 12.2.2009
26. Slovak Railways, General Directorate Bratislava, no. 1580/40/601/2009/O420 dated 15.4.2009
27. Railway Regulation Office, no. 1971/09-S4-S/Ta dated 29.4.2009, no. 1972/09-S4-S/Ta dated 29.4.2009
28. Slovak Ministry of Transport, Post and Telecommunications, no. 108076/2008-2331/z17775 dated 15.07.2008
29. Slovak Gardening Union Strážov, no. 15/2009 dated 2.4.2009
30. Ministry of the Interior, Police, Fire and Rescue Services, PHZ-751/2009 dated 7.7.2009, no. PHZ-751/2009 dated 27.7.2008
31. Urbarský spolok – PS Považský Chlmec, dated 13.7.2009 and 29.7.2009

II. The Special Construction Office has defined the following binding conditions for the completion of the construction project:

1. The construction project will be completed pursuant to the construction project documentation completed by Geoconsult, s.r.o., Miletičova 21, 820 05 Bratislava as verified by the Special Construction Office for Motorway and Speedway Construction within the construction permitting process. In the event of changes that occur during construction in comparison with the project documentation verified in the construction proceeding, the constructor is obliged to timely discuss these changes and request the Special Construction Office provide a permit to allow changes before completion pursuant to § 68 of Act No. 50/1976 Coll.
2. During the completion of the construction project it is necessary to following:
 - valid technical standards and technical regulations
 - valid regulations related to the protection of public interests and the environment
 - valid regulations related to occupational health and safety
3. The executor will be selected on the basis of a public tender. The constructor will notify the Construction Office of the executor of the construction project within 15 days from the end of the public tender process.
4. During the execution of the construction project all general technical requirements applicable for construction work will be followed pursuant to the second section, part 3 of Act No. 50/1976 Coll., pursuant to Slovak Ministry of the Environment No. 532/2002 Coll., which stipulates the details as to general technical requirements on construction work and the general technical requirements for structures used by handicapped people. During the completion of the construction work only construction materials and products will be used that comply with Act No. 90/1998 Coll. on Construction Products as amended. Records as to the verification of the stipulated

characteristics of the construction materials or products will be submitted by the constructor during the occupancy permit proceedings.

5. Before starting construction work the constructor will secure a demarcation of the construction site via an individual or legal entity that is authorised to complete such work.

6. The constructor is obliged before starting work to request that the owners of utility networks provide an exact demarcation of their location; the constructor is also obliged to respect the protective zones around these networks following appropriate standards and regulations. Excavation work in protective zones around underground telecommunications wiring and equipment as well as traction and sewage networks must be completed by the constructor using manual labour with absolutely no mechanical equipment.

7. The constructor is obliged to secure safe access and passage to all real estate properties that will be affected by the construction work and to prevent damage to third party property and equipment during construction work. In the event that such damage occurs, the constructor is obliged to pay for such damage in full or to return the damaged structure to its original condition.

8. During work on the construction project the constructor will secure the regular cleaning of the roadways used for construction site transportation purposes so that abnormal levels of dust are not generated and the full and safe operation of these roadways is secure.

9. The constructor before commencing the construction work will secure a commission evaluation of the existing roads and local roads that will be used during the construction work. The commission evaluation will be completed with the participation of the constructor, the owner (administrator) of the road, the executor and the project designer. After the completion of the D3 Žilina Strážov – Žilina Brodno Motorway, used roadways will be renewed by the constructor at constructor expense in the scope determined by the repeated commission evaluation.

10. The constructor will secure the placement of traffic signs dependant on the definition of the traffic markings as requested by the Ministry with a sufficient lead time.

11. The constructor is obliged pursuant to § 66 Par. 2 Letter h) of Act No. 50/1976 Coll. to notify the Special Construction Office once construction work is commenced.

12. The construction work will be completed by 11/2013. In the event that the constructor is not able to complete the construction work within this term, it must apply to the Special Construction Office within an appropriate amount of time before the expiry of this term with a special application that provides the reasons for changes to the construction project before completion reflected in changes in the deadline for completing the construction work.

13. The constructor will secure professional technical supervision during all completed construction work on the construction project and authorial supervision during selected activities.

14. After the completion of construction work the constructor will apply in writing to the Special Construction Office to commence the occupancy permit process pursuant to § 79 of Act No. 50/1976 Coll. and § 17 and § 18 of Slovak Ministry of the Environment Decree No. 453/2000 on Various Provisions of the Construction at as amended.

15. Annexes to the application to commence an occupancy permit process in addition to the details contained in Point 14 will include the following:

a) Records proving ownership or other rights to the lands that were not fully proven during the construction permitting process,

b) Information about changes to technical regulations and technical standards that occurred from the date on which the construction permit entered into effect,

c) A structural evaluation of the completed structures in terms of mechanical strength and the stability of the load bearing structure and safety during use.

This decision does not replace any decision, statement, opinion or other measure from any affected state administration or regional government authority required pursuant to specific regulations.

This decision is binding for all legal successors in such proceedings pursuant to § 70 of Act No. 50/1976.

The provision of a construction permit is paid pursuant to Act No. 145/1995 Coll. on Administrative Fees as amended. Pursuant to line 60 of the rate list for administrative fees the constructor paid an administrative fee of € 199.

Justification

The constructor, Národná diaľničná spoločnosť, a.s., Mlynské Nivy 45, 821 09 Bratislava (hereinafter only the "applicant") submitted letter no. 3120/21757/2009 dated 18.06.2009 as an application to issue a construction permit for the given construction project.

The Ministry as the Special Construction Office for Speedway and Motorway Construction notified the start of the construction permitting process via letter no. 10226/2009-2332/z.25665 dated 23.06.2009 to all known affected authorities and organisations. At the same time it announced the start of the construction permitting process via a public decree in the affected villages and on the Ministry web page.

In addition the Special Construction Office is well aware of the known construction characteristics of the construction site and the application was provided with sufficient supporting materials for evaluating the proposed construction project; as a result the Special Construction Office removed the duty pursuant to § 61 Par. 2 of Act No. 50/1976 to hold an oral discussion and local discovery. The announcement regarding the start of the construction permitting process defined the term in which participants in the process, affected authorities and organisations could respond to the proposed construction project.

The following affected authorities and organisations applied comments and objections within the construction permitting process in the established term:

1. The Slovak Ministry of the Interior, Fire and Rescue Service Presidium, Drienova 22, 826 86 Bratislava in its statement presented comments to the submitted project documentation and after their fulfilment and incorporation into the project, it agrees with the provision of a construction permit.

The Special Construction Office agreed with the comments in Section I. Point 30 of the binding conditions for the completion of the construction project.

2. Urbarský spolok – land company Považský Chlmec 010 03 Žilina – Považský Chlmec in its statement stated that "from the proceeding the Urbarský spolok was either intentionally or accidentally excluded from this process, which impacts the areas in Považský Chlmec it administers and on which it conducts business activities."

The Special Construction Office agrees and includes the Urbarský spolok as a participant in the process.

Within the construction permitting process the Ministry investigated the submitted application to provide a construction permit in terms of § 62 of Act No. 50/1976 Coll. and determined that the execution of the construction project will not threaten public interests, most importantly in terms of environmental threats, health and life protection and does not inadequately limit or threaten the rights or authorised interests of the participants in the proceeding. The constructor has proven its right to the lands with purchase contracts and other rights to land with contracts to conclude future contracts pursuant to § 2 of Act No. 669/2007 Coll. The project documentation meets the general technical requirements for construction purposes. During the construction permitting process the Special Construction Office did not discover any reasons that would prevent the provision of a construction permit for the construction of the given construction project and for this reason it has decided as shown in the executive section of this decision.

Instruction

An appeal can be filed against this decision by the parties to the proceeding pursuant to § 8 Par. 2 of Act No. 669/2007 Coll. to the Ministry of Transport, Post and Telecommunications, Námetie slobody 6, 810 05 Bratislava within a term of 7 days from its announcement. After all regular corrective measures have been exhausted this decision can be investigated by an appropriate court.



Ing. Ivan Kudela
Section General Director

The Slovak Ministry of Transport, Post and Telecommunications requests that the affected villages display this public decree on their official boards for a period of **7 working days pursuant to § 4 Par. 2 of Act No. 669/2007 Coll.** After the completion of this display term we request that this decree be returned back to the Ministry with a marking of the dates of its posting and removal.

Confirmation of date posted and the posting of the public decree:

Date posted:

Date taken down:

Stamp mark, signature:

Stamp mark, signature:

Delivered to**Parties to the proceeding:**

1. Národná diaľničná spoločnosť, a.s, Mlynské Nivy 45, 821 09 Bratislava 2
2. City of Žilina, Mayor, Radničná 1, 010 01 Žilina
3. Urbarský spolok – PS, Jozef Hošták, 010 03 Žilina – Považský Chlmec
4. Geoconsult, s.r.o., Miletičova 21, 820 05 Bratislava 25
5. Other parties to the proceeding via public decree

Affected authorities:

1. Slovak Ministry of Defence, Infrastructure and Property Section, Kutuzovova 8, 832 47 Bratislava
2. Regulated Utility Network Office, P.O. Box 12, Bajkalská 27, 820 07 Bratislava 27
3. Slovak Heritage Office, Cesta na Červený most 6, 814 06 Bratislava I
4. Regional Police Directorate, Regional Traffic Inspectorate, Kuzmanyho 26, 010 75 Žilina
5. Regional Fire and Rescue Service Directorate in Žilina, Námestie požiarnikov, 010 01 Žilina
6. Regional Transportation and Roadway Office in Žilina, Predmestská 1613, 011 95 Žilina
7. Regional Environmental Office, Nám. L. Štúra 3, 010 01 Žilina
8. Žilina Regional Government, Ul. Komenského 48, 011 09 Žilina
9. Žilina Regional Roadway Administration, M. Rázusa 104, 010 01 Žilina
10. District Environmental Office in Žilina, Moyzesova 54, 010 01 Žilina
11. District Office in Žilina, Crisis Management Section, Predmestská 1613, 010 04 Žilina
12. District Land Office in Žilina, A. Kmeťa 17, 011 39 Žilina
13. District Forest Office, A. Kmeťa 17, 011 39 Žilina
14. District Transportation and Roadway Office, A. Kmeťa 17, 011 39 Žilina
15. Technical Inspection, Partizánska cesta 71, 974 00 Banská Bystrica
16. District Police Directorate, District Traffic Inspectorate, Kuzmanyho 26, 010 75 Žilina
17. Railway Regulation Office, Miletičova 19, 820 05 Bratislava
18. Slovak Roadway Administration, Miletičova 19, 820 05 Bratislava
19. Severoslovenske V a K, a.s., Bôrická cesta 1960, 010 57 Žilina
20. Slovak Railways, General Directorate, Klemensova 8, 813 61 Bratislava
21. Slovak Telekom, a.s., Karadžičova 10, 825 13 Bratislava
22. Stredoslovenska energetika, a.s., Ul. Republiky 5, 010 47 Žilina
23. SVP, s.p., Nábřežie I., Krasku 3/843, 921 80 Piešťany
24. Slovak Aviation Office, Letisko M. R. Štefanika, 823 05 Bratislava 2
25. SPP – Distribúcia, a.s., Mlynské Nivy 44/b, 825 11 Bratislava
26. Orange Slovensko, a.s., UC-2, Zvolenská cesta 21, 974 05 Banská Bystrica
27. Slovak Forests, s.p., OZ, Nám. M. R. Štefanika 1, 011 45 Žilina
28. T-Mobile, a.s., Vajnorská 100/A, 831 03 Bratislava
29. ŠPS, Prístavná 10, 821 09 Bratislava 2
30. Regional Public Health Office, V. Spanyola 27, 011 71 Žilina
31. SE, VE, Soblahovská 2, 911 69 Trenčín
32. Slovak Fishing Union, J. Závodského 9, 010 04 Žilina
33. Slovak State Environmental Protection, Mala Fatra National Park Administration, Hrnčiarska 197, 013 03 Varin
34. Slovak Ministry of the Interior, Fire and Rescue Services, Drieňova 22, 826 86 Bratislava 29
35. City of Žilina, Shared Municipal Office, Nám. Obeti komunizmu 1, 011 31 Žilina
36. Slovak Land Fund, Búdková cesta 36, 811 04 Bratislava
37. Slovak Ministry of Transport, Post and Telecommunications, Project Management Section, here