

CITY OF ŽILINA
Shared Municipal Office in Žilina
Construction and Environment Section
Construction Regulation Department
Námestie obeti komunizmu 1, 011 31 Žilina

No. 7490/2008/MsÚ-OSP/Pá

[Decision entered into force
On 07.01.2009
Žilina 06.05.2009

BRATISLAVA	
- 8 - 12 - 2008	
Ev. číslo: 44896	Č. spisu:
Prílohy/listy: /	Vybavuje:

Žilina: 04.11.2008



LAND USE PLANNING DECISION

Petitioner: **Národná diaľničná spoločnosť, a.s.**

Address: **Mlynské Nivy 45, 821 09 Bratislava**

Submitted a petition on **13.02.2008** a petition to issue a construction project placement decision for:

“D3 Motorway – Žilina Strážov – Žilina Brodno”

In the land registry areas of: **Žilinská Lehota, Strážov, Považský Chlmec and Budatín**

On the land: **Linear structure**

The start of the land use decision process was notified to the public via a public decree pursuant to the provisions of § 36 Par. 4 of Act No. 50/1976, the Construction Act, on 02.05.2008.

The City of Žilina – Shared Municipal Office in Žilina at the Section for Land Use Proceedings and Construction Regulations, as the appropriate Construction Office pursuant to § 119 of the Construction Act, No. 50/76 Coll. in the form of Act No. 103/2003 Coll. and Act No. 416/2001 Coll. on the Transfer of Some Competencies of State Authorities to Municipalities and Regional Governments, evaluated the submitted petition purpose to §§ 32 – 40 of Act No. 50/1976 Coll. as amended on Land Use Planning and Construction Regulations (Construction Act) and §§ 3-4 of Slovak Ministry of the Environment Decree No. 453/2000 Coll., which executes some of the provisions of the Construction Act.

On the basis of this evaluation, pursuant to § 39a, Par. 1 and §39a Par. 2 of the Construction Act as amended the following has been issued:

Construction Project Placement Decision for

“D3 Motorway – Žilina Strážov – Žilina Brodno”

1. This decision places the construction project on the land registry areas of Žilinská Lehota, Strážov, Považský Chlmec and Budatín on the land parcel numbers for the linear structure. Pursuant to the provisions of § 38 of the Construction Act, if the petitioner does not have ownership or other rights to the land parcels, a land use planning decision in relation to construction project placement can only be issued in the event that the lands can be expropriated for the proposed use.
Pursuant to the provisions of § 108 Par. 2 Letter f) of the Construction Act, lands may be expropriated only in the public interest for the construction and administration of motorways, roads and local roads including the establishment of protective zones around such structures pursuant to specific regulations.

2. **Composition of structures:**

011-00 Demolition
023-00 Re-cultivation in Žilina
025-00 Re-cultivation of temporarily collected lands
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

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

POVAŽSKÝ CHLMEC TUNNEL

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
692-11 Transformer station for west portal of Považský Chlmec tunnel
694-11 Transformer station for east portal of Považský Chlmec tunnel
501-00 Rainwater sewers for D3 motorway
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 8.200
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
735-00 Burial of aerial TF lines at D3 km 8.200
736-00 Adjustment of TF cable at D3 km 8.200
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
776-00 DK adjustment at D3 km 8.200 /DKK, DKP, DSKP and TF/
777-00 DOK – VET Trenčín adjustment at D3 km 8.200
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

3. **Detailed description of the route**

The given structure is a linear structure that is led in the urban and rural areas of the villages of Žilinská Lehota, Strážov, Považský Chlmec and Budatín.

At the start of the section the elevated motorway crosses the I/18 road, the Bratislava – Žilina rail line managed by Slovak Railways, a pond, the Hričov reservoir and the II/507 road and crosses into the Považský Chlmec tunnel with the following lengths: Northern Tunnel Tube with length of 2252 m and Southern Tunnel Tube with length of 2189.4 m. From the east portal of the Považský Chlmec tunnel the motorway route is connected to a bridge over the III/50757 road and the Kysuca River to the I/11 road, which has already been constructed in category S 24.5/100.

The total length of the motorway route with the tunnel is 4.250 km.

The motorway is connected to the existing roadway network, specifically the I/18, I/11 and II/507 roads. Motorway connection to the road network is achieved via two fly-over crossroads, specifically Žilina Strážov and Žilina Brodno, which are parts of other D3 motorway construction work. The existing 1st class, 2nd class and local roads as well as field and forest roads that will be affected by the construction of the D3 motorway will be repaired after construction is completed as resolved within the individual construction project sections.

The height and direction of the route will be adapted to limiting factors including the floodplain of the Kysuca River, the modernization of the rail lines, the Važská waterway, the Žilina wastewater collector for the Hričov wastewater treatment plant, Slovak Railway crossings, bodies of water and the Kysuca River, the I/11 road and other specific, field and forest roads, demanding terrain with groups of reliefs and complex geological compositions.

The route of the motorway will require adjustments or reconstruction of existing aboveground and underground utility networks that are induced investments related to the given structure. The routing and the scope of interference into the ground are described in the individual sections of the construction project.

Motorway equipment is composed of telecommunications equipment (emergency call stations, weather measurement equipment, television cameras, portable traffic signs, traffic monitoring, frost indicators and equipment to measure vehicle height), safety and barrier equipment, vertical, road surface and portable traffic signs and markings, crossing sections in the centre divider between the lanes of travel in front of portal sections, motorway distance markers, motorway property line markers, landscaping, rain water sewers and grease separators. Drainage water from the tunnel will be removed in addition to road surface run off. Fencing is included as a motorway component.

A completed control and management system is proposed for the Považský Chlmec tunnel that will be connected to the entire system from Hričovské Podhradie to Skalite connected to the central management system at SSÚD Oščadnica. The ISD will temporarily be connected to the SSÚD in Považská Bystrica as this section of motorway has already been constructed. In the event that SSÚD capacity will prove insufficient, the portal building at the west portal of the Považský Chlmec tunnel can be expanded (one floor added) to include a temporary dispatch station, including winter maintenance personnel. The motorway in this section does not come into close contact with any cultural or historical heritage items.

4. **Type of road and its function**

This is the construction of a motorway in the D 24.5/80 category in the Žilina (Strážov) – Žilina (Brodno) section. The D3 motorway in this section is a component of the D3 motorway that starts in Hričovské Podhradie and ends at the border with Poland in Skalite. It is a part of Multimodal Corridor VI and the Trans-European Motorways from north to south.

5. **Mineral reserves and mining activities**

There are no registered or indicated reserves of energy-producing raw materials or ores in the affected areas.

6. **Current use of the land**

- Currently in the areas in which the constructed motorway will be placed
- Agricultural lands – fields, meadows and pasture
- Forested areas with specific uses in the name of suburban recreation and forests that are considered to be protected and managed forests
- Strážov pond and the Hričov reservoir with potential water sports use

7. **Protective zone**

With regards to the wider scope of the construction project it is necessary to respect the protective zones around rail lines, 1st and 2nd class roads, 110 kV high voltage lines, other high voltage lines, low voltage lines, high and medium pressure gas mains and signalization lines.

8. **Measures proposed to eliminate negative environmental impacts caused by the construction project**

From the environmental impact assessment, statements from affected authorities organizations and residents a proposal of measures has been generated and incorporated in the land use decision documentation that is to be respected during construction preparation and execution.

The construction of the proposed D3 motorway will have environmental impacts that will be seen in environmental loads caused by traffic emissions and noise, interference into existing growth and drainage systems, increased soil and ground water contamination hazards and the impacts caused by the division of the areas affected by construction work.

In the interest of compensating for such interference and to preserve the ecological balance the following measures have been proposed within the construction project:

- Emissions – pursuant to the updated emissions study it follows that the construction of the D3 motorway will not bring any significant changes to the emissions situation and it will contribute to increasing the flow of traffic thereby decreasing overall emissions for a specific period of time. The elimination of emissions loads will be resolved via landscaping work.
- Noise – pursuant to the conclusions from the Noise Study, specific noise blocking barriers have been proposed in order to eliminate noise so that the area falls within the bounds specified in Slovak Ministry of Health Decree No. 14/1977 Coll. on Health Protection from Noise and Vibration Effects and Slovak Government Regulation No. 40/2002 Coll. on Health Protection from Noise and Vibration.
- Surface and ground water – these will be affected to a minimum degree wherein the most significant effects are anticipated in the area around the tunnel. It is anticipated that the negative effects will be resolved via adjustments to the surface waterways and below surface drainage.
- Soil impacts – are mainly reflected in the permanent and temporary collection of agricultural and forest areas. The temporary collection of such lands for construction purposes will use mainly lower quality lands. Soil contamination during motorway operation will be kept to a minimum with the exception of potential accidental situations. Despite this technical plantings should take place at a spacing of 20 to 50 m along the sides of the motorway.
- Cutting of trees - construction will result in the cutting of trees and shrubs. The overview of cut trees and shrubs within the individual land registry areas and their valuation in terms of civic value is a part of the individual sections of project documentation.

9. **Motorway impacts on flora and fauna will be seen in:**

- A breach in the integrity of forest and slope growth
- Interference into bio-corridors

During the proposal of the motorway route, technical measures to be taken within the construction process were anticipated in order to minimize the breach of ecological balance of the environment as follows:

- The execution of landscaping work along the entire length of the motorway
- Bridges and tunnels are proposed for areas with animal migration routes that along with the appropriate landscaping will allow for the migration of wildlife in standard migration routes. Wildlife contact with vehicles will be minimized with the use of fencing along the motorway. Shrubs will be planted around bridge structures so that wildlife can pass without any problems under the motorway.
- Replacement landscaping will be used to revitalize forest and slope growth that has been breached

10. **Structural demolition requirements**

For the needs of motorway construction it is necessary to complete demolition work in the construction material stores area, the raw material stores and reinforced surface in Považský Chlmec. The current condition of the first of these areas is operation while the second of these areas is abandoned with dilapidated structures.

11. **The following conditions are defined for placement of the construction project and project preparations:**

The location of construction project placement – Annex 1 to the Land Use Decision in a scale of 1:10000 forms an integral part of this decision.

Definition of conditions:

- Detailed geological engineering research must be completed along the entire route for the purpose of determining the geotechnical characteristics of the land and to establish conditions for other measures,
- Research work is to focus specifically on the following:
 - Establishing the contact areas between individual sections with rock bases,
 - Defining the degree and scope of disintegration of the rock bases,
 - Use lab or field testing to determine the physical or chemical characteristics of the soil including the deformation module, flexibility module and soil tensile, compression and shear strength,
 - The cutting and drilling characteristics of the soil,
 - Soil classification in order to propose boring equipment pursuant to classification set in appropriate standards,
 - An evaluation of portal section stability,
 - Completion of detailed analysis of the geological environment around the construction project, surface soil fissure with mapping of lines, layer composition and moisture content, slopes, size and dynamics, slope breaches,
- To complete hydrological research on selected route section in order to define the status and direction of surface water flows in connection with the presence of drinking water as well as qualitative assessment of their current condition,
- Pay increased attention to the collection of soils with an assessment of quality, the use of removed materials and an inventory of biotopes in the directly affected areas,
- Reassess the parameters of proposed bridge structures on the motorway and passages under the motorway in terms of migrating wildlife; if necessary propose appropriate adjustments. Locate the exact migration routes for large animals and amphibians,
- Special attention must be given to establishing the conditions for technical work depending on the status of water bodies
- The effectiveness of noise measures within the proposed technical solution pursuant to Slovak Ministry of Health Decree No. 14/1977 Coll. is to be assessed at critical areas where the motorway passes close to villages,

- Areas for depositing soils along with a specification of such soils must be determined in cooperation with the consenting authority,
- Within additional project levels it is necessary to propose adequate corrective measures (drainage, retaining walls, anchoring, pre-stressing of slope bases, an exchange of low bearing bases) with emphasis on the areas around cuts, bridge pillars, elevated motorway sections and the tunnel,
- Within additional levels of project preparation it is necessary to respect the current railway equipment as well as the development aims that are included in the "Bratislava – Žilina – Kosice and Žilina – Čadca Track Modernisation Program and Conformance with Reconstruction of These Tracks" modernization study that was completed by SUDOP TRADE KOSICE.
- Within the project documentation it is necessary to complete detailed plans for managing individual types of waste (specification of the manner for disposing of individual types of waste that are generated during construction work and specification of the manner of managing generated wastes)

12. **The following conditions are defined for placing the construction project and the elaboration of additional levels of documentation for the construction project:**

The conditions and statements from the following affected authorities and organizations are to be followed:

- Žilina Regional Government, Regional Development Section dated 14.09.2007, no. 5195/2007/ORR-002,
- Žilina Regional Government, Road Transport and Roadway Section dated 17.08.2007, no. 216/2007/ODK-038,
- District Environmental Office, Natural Protection Section Žilina dated 01.02.2007, no. A/2007/00462/ObU-ZP/V/Bre,
- District Environmental Office, Air Protection Section Žilina dated 08.01.2007, no. ZP-A/2007/00463-2/CA13/PAP/01,
- District Environmental Office, State Waterway Administration Žilina dated 04.01.2007, no. A/2007/00461-2/ObUZP/Jan
- District Environmental Office, Environmental Protection Section Žilina dated 22.01.2007, no. A/2007/00462/ObU-ZP/Bre
- District Environmental Office, Waste Section Žilina dated 09.01.2007, no. ZP/A/2007/00464-BEN,
- District Road Transport and Roadway Office in Žilina dated 16.01.2007, no. 06/01913-003/AND,
- Regional Office for Roads and Roadways in Žilina dated 29.12.2006, no. 2006/02172-02,
- District Police Forces Directorate in Žilina dated 27.12.2006, no. ORP-46-295/ODI-2006,
- Regional Police Forces Directorate, Regional Traffic Inspectorate in Žilina dated 08.01.2007, no. KRP-38-104/KDI-2006,
- District Fire and Rescue Services Directorate in Žilina dated 18.01.2007, no. ORHZ-2214/OPP-2007,
- District Office, Crisis Management Section, Žilina dated 31.01.2007, no. 2007/04048-002,
- District Land Office in Žilina dated 19.03.2007, no ObPU-2007/00678-Sa,
- Slovak Land Fund Office Bratislava dated 15.06.2007, no. 1525/07/R-9,
- Regional Public Health Office in Žilina dated 23.03.2007, no. A/2007/00759-HZP,
- District Mining Office in Prievidza dated 08.06.2007, no. 444-1400/B/Pv/2007,
- District Forestry Office in Žilina dated 08.06.2007, no. 200/00242,
- City Office in Žilina, Office of the Head Architect dated 27.04.2007, no. 27824/151/06/Kj,
- Slovak Heritage Office in Bratislava dated 10.04.2007, no. PU-07/499-5/2722/Han,
- Regional Heritage Office in Žilina dated 07.06.2007, no. ZA-07/399-04/FUR,
- Slovak Aviation Office Bratislava dated 12.07.2007, no. 5004/309-1701-P/2007
- Slovak Roadway Administration, Bratislava/Žilina dated 12.07.2007, no. 594/3110/07,
- Orange Slovensko, a.s. dated 06.08.2007, no. BB 0766/2007,
- T-Mobile Bratislava, dated 19.07.2007, no. T/2007-4881,
- Slovak Telekom, a.s. Bratislava dated 21.03.2007, no. ZA-TSI 3 3/2007,
- SEVAK, a.s. Žilina dated 22.03.2007, no. 1959/07/Ing.St,

- Slovenské elektrárne, a.s. Trenčín dated 12.04.2007, no. SE/2007/054204,
- SE, a.s. Žilina dated 14.05.2007, no. P73012007050180,
- SVP, s.p. Piešťany dated 21.02.2007, no. 564/210/2007,
- SVS, s.p. Piešťany dated 15.01.2007, no. 286/210/2007,
- State Waterway Administration Bratislava dated 19.07.2007, no. 3023-3.302/2007,
- Slovak Railways, General Directorate, Development Department, Bratislava dated 15.08.2007, no. 3858/40/601/2007/0220
- Slovak Railways, District Office Trnava dated 02.08.2007, no. 4641/2007/389902/SZTS/F1.05
- Slovak Railways, District Office Trnava, Žilina Worksite dated 18.06.2007, no. 1091/2007/38630/AOZA/F1.05
- Slovak Railways, District Office Trnava, OZT Section, Žilina dated 04.06.2007, no. 173/OZT/2007,
- Slovak Railways, District Office Trnava, Žilina Worksite dated 05.06.2007, no. 721-EE/2007
- Slovak Railways, District Office Trnava, EE Section, Bratislava vychod dated 20.07.2007, no. 1650/2007/389902/SEE-A3.02/L058-Vr,
- Slovak Railways, District Office Trnava, EE Section, Bratislava vychod dated 20.07.2007, no. 1650/2007/389902/SEE-A3.02/L051-Vr
- Slovak Railways, District Office Trnava, Žilina Worksite dated 20.04.2007, no. 721-EE/2007,
- Slovak Railways, District Office Trnava, Žilina Worksite dated 13.12.2006, no. 3231/2006,
- Slovak Railways, District Office Trnava, OZT Leopoldov Section dated 27.07.2007, no. 1079/2007/389902/SOZT-Pi/F1-05,
- Slovak Railways, Railway Property Management Office Žilina dated 06.08.2007, no. 0750/F1.05/4276/2007/RP Za,
- NDS, a.s., Bratislava dated 08.11.2007, no. 4120/41741/2007,
- Slovak Ministry of Defence dated 19.12.2007, no. SEOPMZ-65-464/2007-OdPOI,
- Slovak Forests, s.p., Žilina Office dated 13.12.2007, no. Z-1082/230/2007,
- Slovak Fishing Union, Žilina Office dated 12.09.2006, no. 156/06,
- Slovak Roadway Administration Bratislava, Žilina dated 03.09.2008, no. 34184/3110/2008 and discussion record dated 16.07.2008.

13. **Reservation of more detailed supporting materials and project documentation**

- Pursuant to § 58 Par. 1 of the Construction Act as amended, the application for a construction permit along with the documentation section and the described project documentation will be provided by the constructor to the Construction Office

Additional levels of project documentation are to be submitted for evaluation by the affected state administration and organizational authorities with regards to their statements to the given construction project.

14. **Objections submitted by participants in the proceeding:**

The “Future of Považský Chlmec” civic association at Študenská 4/20, 010 03 Žilina, Považský Chlmec submitted comments and objections on **02.06.2008** with regards to the petition to issue a land use decision for the **D3 Žilina Strážov – Žilina Brodno Motorway section** in the following form:

1. Complete an expert opinion on the environmental impact of all prepared and completed construction work in the areas of Zábreh, Kopánka and Šedovce in the land registry area of Považský Chlmec (in terms of synergetic effects) of particulates, noise, ultrasound, vibration and impacts on surface and ground water:
 - a) Cogeneration plant: power plant with 20 generators, gas main, electricity and thermal supply lines
 - b) Existing waste storage facility and its planned expansion, storage site and compactor for construction waste
 - c) II/507 road

- d) Industrial firms that process gravel, aggregates, metals and wood, service cars, construction equipment and other activities
 - e) The impact of the Bratislava – Žilina D1 motorway and the proposed D3 motorway on living conditions
2. The construction project is not in the valid land use plan.
Secure the extension of the II/507 road away from the developed areas on the land registry area of Považský Chlmec during the updated of the land use plan.
 3. Before the construction of the D3 Žilina Strážov – Žilina Brodno Motorway move the II/507 road away from the developed areas on the land registry area of Považský Chlmec
 4. During the construction of the D3 motorway secure the construction of a pavement for pedestrians, repair and reinforce the roads through Považský Chlmec
 5. Secure drainage (construction of a sewer system) for Považský Chlmec in connection with the drainage system for the motorway and the tunnel

The comments and objections shown in Points 1 to 5

Are rejected

The **“Future of Považský Chlmec” civic association at Študenská 4/20, 010 03 Žilina, Považský Chlmec** supplemented its objections with an oral request:

To exclude the transportation of materials on Pod Skalkou Street and to execute the transportation of these materials along the original route in both directions using Závodská Street.

This is accepted.

Anton Jambor, date of birth 18.02.1959, residing at Borová 33, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina submitted the following written objections on **02.06.2008**:

1. I do not agree with the fact that I was notified about the construction project via a public decree.
2. I am a party to the proceedings pursuant to § 34 Par. 2 of the Construction Act, No. 50/76 Coll. as amended.
3. I request the completion of an expert opinion on the environmental impact of all prepared and completed construction work in the areas of Zábreh, Kopánka and Šedovce in the land registry area of Považský Chlmec (in terms of synergetic effects) of particulates, noise, ultrasound, vibration and impacts on forest production:
 - Cogeneration plant: power plant with 20 generators, gas main, electricity and thermal supply lines
 - Waste storage facility, planned waste storage facility for the construction waste compactor
 - II/507 road
 - Industrial companies, aggregate and metal processing,
 - Impact of the existing D1 motorway and the prepared D3 motorway
4. The route of the D3 tunnel is close to the centre of town (2.3 km from the City Hall for the regional capital of Žilina). I propose moving the route northward (exit from Rochovica),
5. Limitation to forestry production in the Závoza area: increased costs for access via to the city managed forest (Vrchhora),
6. Limited forest production on site at Šedovce pri Kysuci.
7. Collection of land in connection with tunnel entrances and exits and other operating equipment
8. Resolution of access road on lands above Vranska cesta so that proper forest use is secured

9. During construction repair and reinforcement of the roads through Považský Chlmec.
10. Secure a shift in the II/507 road away from the developed areas on the land registry area of Považský Chlmec before construction of the D3 motorway.
11. Solve the issue of sewer drains for Považský Chlmec in connection with drainage for the D3 motorway

Objections shown in Points 1, 3, 4, 5, 6, 8, 10 and 11

Are rejected

Objections shown in Points 2, 7 and 9

Are accepted

Urbársky spolok, land company Považský Chlmec submitted the following written objections on **02.06.2008**:

1. I do not agree with the fact that I was notified about the construction project via a public decree.
2. I am a party to the proceedings pursuant to § 34 Par. 2 of the Construction Act, No. 50/197 Coll. as amended.
3. Due to the large concentration of construction work that impacts the environment for the considered location for the construction work I request the completion of an expert opinion on the environmental impact of all prepared and completed construction work in the areas of Medzi cestami, Zábreh, Kopánka, Brezie, Plešie, Skalky, Kopánky, Medzi potokmi, Hájisko, Lazy, Doliny and Šedovce including particulates, noise, ultrasound, vibration and impacts on agricultural production and future construction work. This concerns the current structures and planned structures in the affected area including for example:
 - Cogeneration plant: power plant with 2 x 10 generators, a gas inlet, electricity and thermal supply lines
 - Existing waste storage facility, planned waste storage facility for the construction waste compactor
 - Existing overloaded II/507 road and considered Považský Chlmec bypass,
 - Industrial firms that process gravel, aggregates, metals and wood, service cars, construction equipment and other activities,
 - Fire school area,
 - Residential area,
 - Impact of the existing D1 Žilina - Bratislava motorway and the prepared D3 motorway
 - Before the D3 motorway is constructed, a shift in the II/507 road away from the developed areas of Považský Chlmec should be secured so as to ease the concentration of environmental loads.
4. Resolve the access road to the forested areas divided by the access to the D3 tunnel at Brezie with a crossing over the valley to Pleši and Kopánky with an exit above the road to Vranie so as to secure proper use of the forested areas.
5. I do not agree with any eventual increased costs for accessing the forested areas of Vrchhora forest, Chrenčiny, Šedovce and the Doliny forest in the areas of Brezie, Plešie, Skalky, Kopánky, Medzi potokmi, Hájiska, Lazy and Doliny.
6. During the proposed construction work, repair and reinforcement to the roads through Považský Chlmec must be secure so as to not limit the management and protection of Urbársky spolok
7. We request that an expert statement be completed for the environmental impact of the proposed construction work on natural water sources, ground water and the maintenance of current favourable conditions regarding soil management or the use of land on the construction site
8. In connection with drainage for the proposed construction site and its future operation, I do not agree with the release of water and the use of forested areas for operational purposes.
9. Utility networks must not be placed on forested areas.
10. I request a solution for the issue of sewers in Považský Chlmec.
11. The proposed route of the section of the D3 motorway is inappropriately close to the residential area of Považský Chlmec /2.3 km from the centre of Žilina/, which will have the consequence of concentrating industry and an increase in traffic in a small place with poor air dissipation conditions.

Objections shown in Points 1, 3, 5, 7, 9, 10 and 11

Are rejected

Objections shown in Points 2, 4, 6 and 8

Are accepted

The **Slovak Fishing Union – Žilina City Organisation** submitted the following oral objections at the discussion.

We request the submission of project documentation for the evaluation of our prior comments that have not been fulfilled up to the current time – these have not been recorded in spite of the written statements and notices provided, in particular in relation to the Strážov pond, the Brodno pond and sections of the Kysuca River waterway.

Is accepted

The investor is obliged to accept in full the objections and comments accepted by the Construction Office.

This decision is valid pursuant to § 40 Par. 1 of the Construction Act as amended for a period of **3 years** from the date on which it enters into force. It does not lose validity if within this period an application for a construction permit is submitted with regards to the construction project place via this decision. The validity of a land use planning decision can be extended before this term expires.

Justification

The petitioner: **Národná diaľničná spoločnosť, a.s. Mlynské Nivy 45, 821 09 Bratislava**, submitted a petition on **13.02.2008** a petition to issue a construction project placement for the following construction project:

“D3 Motorway – Žilina Strážov – Žilina Brodno”

On land parcel numbers: **Linear structure,**

On the land registry areas of **Žilinská Lehota, Strážov, Považský Chlmec and Budatín.**

Project documentation with statements from interested authorities and organisations were submitted along with the petition.

The City of Žilina – Shared Municipal Office in Žilina, Construction and Environment Section, Construction Regulation Department provided notice on **02.05.2008** pursuant to § 36 Par. 4 of the Construction Act as to the commencement of construction project placement proceedings via a public announcement and ordered an oral discussion that was held on **02.06.2008**. In the construction project placement preceding it was determined that the petition to issue a construction project placement decision was in conformance with the law as accompanied with project documentation.

A component of the documentation included statements from affected state administration and regional authorities and organisations. Their statements and objections were assessed, coordinated and included into the comments for this decision. Statements were issued by the following organisations and authorities: **Žilina Regional Government, Regional Development Section; Žilina Regional Government, District Road Transport and Roadway Section; District Environmental Office, Natural Protection Section Žilina; District Environmental Office, Air Protection Section Žilina; District Environmental Office, State Waterway Administration Žilina; District Environmental Office, Natural Protection Section Žilina; District Environmental Office, Waste Section Žilina; District Road Transport and Roadway Office in Žilina; Regional Office for Roads and Roadways in Žilina; Regional**

Police Forces Directorate, Regional Traffic Inspectorate in Žilina; District Police Forces Directorate in Žilina; District Fire and Rescue Services Directorate in Žilina; District Office, Crisis Management Section, Žilina; District Land Office in Žilina; Slovak Land Fund Office Bratislava; Regional Public Health Office in Žilina; District Mining Office in Prievidza; District Forestry Office in Žilina; City Office in Žilina, Office of the Head Architect; Slovak Heritage Office in Bratislava; Regional Heritage Office in Žilina; Slovak Aviation Office Bratislava; Slovak Roadway Administration, Bratislava/Žilina; Orange Slovensko, a.s.; T-Mobile Bratislava; Slovak Telekom, a.s.; SEVAK, a.s. Žilina; Slovenske elektrárne, a.s.; SE, a.s. Žilina; SVP, s.p. Piešťany; SVS, s.p. Piešťany; State Waterway Administration Bratislava; Slovak Railways, General Directorate, Development Department, Bratislava; Slovak Railways, District Office Trnava; Slovak Railways, District Office Trnava, Žilina; Slovak Railways, District Office Trnava, OZT Section, Žilina; Slovak Railways, District Office Trnava, Žilina; Worksite Slovak Railways, District Office Trnava, EE Section, Bratislava vychod; Slovak Railways, District Office Trnava, EE Section, Bratislava vychod; Slovak Railways, District Office Trnava, Žilina Worksite; Slovak Railways, District Office Trnava, Žilina Worksite; Slovak Railways, District Office Trnava, OZT Leopoldov Section; Slovak Railways, Railway Property Management Office Žilina; NDS, a.s., Bratislava; Slovak Ministry of Defence; Slovak Forests, s.p., Žilina Office; Slovak Fishing Union, Žilina Office; Slovak Roadway Administration Bratislava, Žilina.

This Construction Office evaluated the placement of the construction project pursuant to § 37 of the Construction Act and determined that its placement complies with environmental care, or that its placement does not degrade the environment and does not threaten the environment.

Decisions as to objections raised by participants to the proceeding:

The “Future of Považský Chlmec” civic association at Študenská 4/20, 010 03 Žilina, Považský Chlmec submitted comments and objections on **02.06.2008** with regards to the petition to issue a land use decision for the **D3 Žilina Strážov – Žilina Brodno Motorway section**.

The Construction Office rejected the comments and objections shown in Point 1 to 5 as follows:

1a) to i) – these do not related to the proposed structure

1j) – The land use planning decision documentation includes the following research for construction activities: traffic engineering, geological engineering, pedestrian engineering, dendrological research, a proposal for the monitoring network for corrective measure, architectural research, archaeological, anti-corrosion and research of the effects of stray currents, environmental component monitoring – emissions, noise, vibrations, surface water, landslides, exhaust and dispersion studies for tunnel ventilation, noise studies, noise studies, the tunnel fire protection project and fire water source verification for the Považský Chlmec tunnel. The individual sections of the District Environmental Office in Žilina made statements to the construction project in which they agreed under the condition that the conditions shown in their statements be followed.

2. The construction project is in the land use plan for the Žilina Region and the land use plan for the affected municipalities.

3. The II/507 road is administered by the land use plan for the Žilina Region; the route of the D3 motorway is above this road towards the tunnel and it is not necessary to move this section during construction. After construction is complete a commission inspection of all existing roads will take place that will determine what roads will be repaired and to what extent they require construction.

4. The request shown does not relate to the given construction project.

5. There is no reason to construct sewers for the village of Považský Chlmec within the motorway project as this is not an induced investment.

The Construction Office agreed with the objections raised at the oral discussion to “exclude the transportation of materials from Pod Skalkou Street and to complete such transportation in both directions along Závodská Street directly” as long as only Závodská Street is repaired after the construction work.

Anton Jambor, date of birth 18.02.1959, residing at Borová 23, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina submitted the following written objections on **02.06.2008**.

The Construction Office rejected the objections raised in Points 1, 3, 4, 5, 6, 8, 10 and 11 as:

1. Pursuant to § 36 Par. 4 of Act No. 50/1976 Coll. (Construction Act) the start of the land use planning proceeding for the placement of the linear structure with a large number of proceeding participants was notified via a public declaration.
3. The same as for point 1j) in the decision on the objections and comments from the "Future of Považský Chlmec" civic association
4. The route of the tunnel and the D3 motorway is in compliance with the Slovak Motorway Network Development Program, the Final Statement from the Slovak Ministry of the Environment, the land use plan of the Žilina Region and the land use plans for the affected municipalities. The placement of the tunnel is the result of the routing of the motorway with regards to its connection to the previous and next motorway sections and with regards to the limitations of the area in which the motorway passes. The motorway route also considers the existing roadway network with the I/18, I/11 and II/507 roads. Existing 1st, 2nd and 3rd class roads, local roads, field and forest roads that will be affected by the construction are to be repaired after construction is completed.
5. In this phase of resolving the motorway solution in terms of the decision on the placement of the construction project it is not possible to comply with this statement.
6. The same as for Point 5.
8. Only those roads, field and forest roads that are directly affected by the construction of the D3 motorway will be repaired after construction work.
10. The same as for point 3 in the decision on the objections and comments from the "Future of Považský Chlmec" civic association
11. The same as for point 5 in the decision on the objections and comments from the "Future of Považský Chlmec" civic association

The Construction Office agreed with the comments and objections shown in Points 2, 7 and 9 as follows:

2. Anton Jambor, date of birth 18.02.1959, residing at Borová 23, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina are participants in the proceeding.
7. The lands collected in the construction of the motorway and other induced investments will be settled with regards to ownership pursuant to valid legislation before construction commences.
9. Existing 2nd, 3rd, local and forest roads affected by the construction project will be repaired as applies for the planned access roads to structures that are not afforded access from existing roads.

Urbársky spolok, land company Považský Chlmec submitted written objections on **02.06.2008**.

The Construction Office has rejected the comments and objections shown in Points 1, 3, 5, 7, 9, 10 and 11 as follows:

1. The same as for Point 1 in the decision on the comments and objections raised by Anton Jambor, date of birth 18.02.1959, residing at Borová 23, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina.
3. The same as for Point 3 and 10 in the decision on the comments and objections raised by Anton Jambor, date of birth 18.02.1959, residing at Borová 23, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina
5. In this phase of resolving the motorway solution in terms of the decision on the placement of the construction project it is not possible to comply with this statement
7. The same as for point 1j) in the decision on the objections and comments from the "Future of Považský Chlmec" civic association
9. The routing of utility networks is proposed to be limited as much as possible while retaining full functionality in order to not interfere with other networks; lands collected with the construction of the motorway and other induced investments will be settled in terms of ownership before construction commences pursuant to valid legislation.
10. The same as for Point 5 in the decision on the objections and comments from the "Future of Považský Chlmec" civic association

11. The same as for Point 4 in the decision on the comments and objections raised by Anton Jambor, date of birth 18.02.1959, residing at Borová 23, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina

The Construction Office agreed with the comments and objections shown in Points 2, 4, 6 and 8 as follows:

2. Urbársky spolok, land company Považský Chlmec is a participant in the proceedings.

4. Forest road repairs and a forest road crossing at km 9.5 are planned within the construction activities.

6. The same as for Point 9 in the decision on the comments and objections raised by Anton Jambor, date of birth 18.02.1959, residing at Borová 23, Žilina and Anton Jambor, date of birth 08.12.1981, residing at Borová 3179/23 Žilina

8. The drainage of rainwater from the surface of the motorway will be secured along the entire length of the motorway with a rainwater sewer piping system that will remove this water after it is cleaned and passed through grease traps. Cleaned rainwater will be taken to the recipient waterways, which are the local unnamed stream and the Hričov reservoir. Outlets from the sewer system into these waterways will be through outlet structures.

The **Slovak Fishing Union – Žilina City Organisation** submitted the an oral comment at the discussion, which the Construction Office agreed with pursuant to the statement dated 12.09.2006 under file number 156/06 and places the duty on NDS, a.s. Bratislava to provide the project documentation for construction permitting with a concrete solution for the requirements of the Slovak Fishing Union - Žilina City Organisation.

On the basis of these facts the Construction Office has decided as shown in the executive section of this decision.

Instruction

An appeal can be made against this decision pursuant to § 54 of Act No. 71/1976 Coll. on Administrative Procedures within a period of **15 days** from the date of its receipt to the City of Žilina – Shared Municipal Office in Žilina, Construction and Environment Section, Construction Regulation Department. The Regional Construction Court in Žilina will decide on such an appeal. The decision can be investigated in front of a court pursuant to the appropriate provisions of the Civil Court Regulations.



Ivan Harman
City of Žilina

This decision has the nature of a public decree pursuant to § 36 Par. 4 of Act No. 50/76 Coll., the Construction Act, and must be posted within a period of 15 days on the official board of the City of Žilina; the last day of this term is the date of delivery.

Posted on:

Taken down on:

Deliver to:

1. **Národná diaľničná spoločnosť, a.s., Mlynské Nivy 45, 821 09 Bratislava**
2. City of Žilina, Mayor
3. "Future of Považský Chlmec" civic association, Študenská 4/20, 010 03 Žilina Považský Chlmec
4. Anton Jambor, date of birth 18.02.1959, Borová 33, Žilina
5. Anton Jambor, date of birth 08.12.1981, Borová 3179/23 Žilina
6. Urbársky spolok, land company Považský Chlmec
7. Slovak Fishing Union, J. Závodského 9, 010 04 Žilina
8. Project designer – GC GEOCONSULT, spol. s.r.o.,
Miletičova 21, P.O. Box 34, 820 05 Bratislava

Notified:

9. Regional Office, Road Transport and Roadway Administration, A. Kmeťa 4, 010 01 Žilina
10. Regional Fire and Rescue Services Directorate, Námestie požiarnikov 1, 010 01 Žilina
11. Regional Police Forces Directorate, Kuzmányho 26, 010 75 Žilina
12. District Police Forces Directorate, District Traffic Inspectorate, Kuzmányho 26, 010 75 Žilina
13. District Office – Crisis Management and Civil Protection Section, J. Kraľa 4, 010 01 Žilina
14. District Office – Transportation Section, A. Kmeťa 4, 010 01 Žilina
15. District Environmental Office, Moyzesova 54, 010 01 Žilina
 - State waterway administration,
 - Waste management
 - Environmental protection
 - Air protection
16. District Land Office in Žilina, A. Kmeťa 17, 010 01 Žilina
17. District Forestry Office in Žilina, A. Kmeťa 17, 010 01 Žilina
18. District Mining Office, Matice slovenskej 10, 971 22 Prievidza
19. Regional Public Health Office in Žilina, V. Spanyola 27, 011 71 Žilina
20. Žilina Region, Komenského 48, 011 09 Žilina
21. State waterway administration, Prístavná 10, 821 09 Bratislava
22. Slovak Roadway Administration, Miletičova 19, 826 19 Bratislava
23. Slovak Heritage Office, Cesta na Červený most 6, 814 06 Bratislava
24. Žilina Regional Heritage Office, Mariánske námestie 19, 010 01 Žilina
25. Slovak Land Fund, Búdkova 36, 811 03 Bratislava
26. Slovak Ministry of Defence, Kutuzovova 8, 832 05 Bratislava
27. SVP, state-owned company, Váh River Waterway Section, Nábrežie I. Krasku 843/3, 921 80 Piešťany
28. Slovak Aviation Office, Letisko M. R. Štefánika, 823 05 Bratislava
29. Slovenské elektrárne, a.s., Trenčín Dam Works, Soblahovská 2, 011 69 Trenčín
30. SPP, a.s., Závodská cesta 26/2949, 010 22 Žilina
31. SSE, a.s., Ul. Republiky 5, 010 47 Žilina
32. Slovak Telecom, a.s., RT SS Section, Žilina Area, Poštová 1, 010 08 Žilina
33. Orange Slovensko, a.s., Prievozská 6/A, 821 09 Bratislava
34. T-Mobile, a.s., Vajnorská 100/A, 831 03 Bratislava
35. SEVAK, a.s., Bôrická cesta 1960, 010 57 Žilina
36. SSC IVSC, M. Rázusa 104, 010 01 Žilina
37. Slovak Railways, General Directorate, Development Section, Klemensova 8, 813 61 Bratislava
38. Slovak Railways, General Directorate, Technical and Ecology Section, Klemensova 8, 813 61 Bratislava
39. Slovak Railways, Trnava Regional Directorate, Žilina District, OZT Section, ul. 1. Maja 34, 010 01 Žilina
40. Slovak Railways, Trnava Regional Directorate, Žilina District, EaE Section, ul. Čsl. Brigády 46, 038 61 Vrútky
41. Slovak Railways, Regional Directorate, Rail Line and Construction Section, ul. 1. Maja 34, 010 01 Žilina
42. Slovak Railways, Regional Directorate, Transport Management Section, ul. 1. Maja 34, 010 01 Žilina
43. Slovak Railways, Property Management Centre, ul. 1. Maja 34, 010 01 Žilina

44. Railway Regulation Office, Special Construction Office Section, Miletičova 19, 820 05 Bratislava
45. Record

CITY OF ŽILINA
Shared Municipal Office in Žilina
Construction and Environment Section
Construction Regulation Department
Námestie obeti komunizmu 1, 011 31 Žilina

národná diaľničná spoločnosť, a.s. Bratislava	
06-02-2009	
4413	Č. spisu
Vybavené:	
Žilina: 26.01.2009	

No. **7490/2008/MsÚ-OSP/Pá**

Subject: **Inaccuracy in the written form of a decision – CORRECTION**

This Construction Office issued a decision as to the placement of the “D3 Motorway – Žilina Strážov – Žilina Brodno” construction project in the land registry area of Žilinská Lehota, Strážov, Považský Chlmec and Budatín for the petitioner: **Národná diaľničná spoločnosť, a.s., Mlynské Nivy 45, 821 09 Bratislava** on **04.11.2008** under file number **7490/2008/MsÚ-OSP/Pá**.

Pursuant to the provisions of § 47 Par. 6 of Act No. 71/1967 Coll. on Administrative Proceedings (administrative regulations), errors in the writing, numbers and other obvious inaccuracies within the written form of a decision issued by an administrative authority can be corrected at any time without a proposed correction as long as the participants in the proceeding are notified.

The City of Žilina – Shared Municipal Office in Žilina, Construction and Environment Section, Construction Regulation Department as the appropriate Construction Office pursuant to the provisions of § 117 of Act No. 50/1976 Coll. on Land Use Planning and Construction Regulations as amended hereby:

CORRECTS

Pursuant to the provisions of § 47 Par. 6 of the cited act the construction project placement decision under no. **7490/2008/MsÚ-OSP/Pá** dated **04.11.2008** with regards to the inaccurate name of the local street shown in the cited decision as “Závodská Street” to:

“Závozska Street”.

The other conditions in the cited construction project placement decision remain valid.

Spoločný obecný úrad
so sídlom
Mestský úrad Žilina
odbor stavebný a životného prostredia
1

Ing. František Klůžma
vedúci odboru
(Section Head)

Deliver to:

- 1. Národná diaľničná spoločnosť, a.s., Mlynské Nivy 45, 821 09 Bratislava**
- 2. City of Žilina, Mayor**
- 3. “Future of Považský Chlmec” civic association, Študentská 4/20, 010 03 Žilina Považský Chlmec**
- 4. Anton Jambor, date of birth 18.02.1959, Borová 33, Žilina**
- 5. Anton Jambor, date of birth 08.12.1981, Borová 3179/23 Žilina**
- 6. Urbársky spolok, land company Považský Chlmec**
- 7. Slovak Fishing Union, J. Závodského 9, 010 04 Žilina**
- 8. Project designer – GC GEOCONSULT, spol. s r.o., Miletičova 21, P.O. Box 34, 820 05 Bratislava**

Notified:

9. Regional Office, Road Transport and Roadway Administration, A. Kmeťa 4, 010 01 Žilina
10. Regional Fire and Rescue Services Directorate, Námestie požiarnikov 1, 010 01 Žilina
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29. Slovenské elektrárne, a.s., Trenčín Dam Worksite, Soblahovská 2, 011 69 Trenčín
30. SPP, a.s., Závodská cesta 26/2949, 010 22 Žilina
31. SSE, a.s., Ul. Republiky 5, 010 47 Žilina
32. Slovak Telecom, a.s., RT SS Section, Žilina Area, Poštová 1, 010 08 Žilina
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34. T-Mobile, a.s., Vajnorská 100/A, 831 03 Bratislava
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43. Slovak Railways, Property Management Centre, ul. 1. Maja 34, 010 01 Žilina
44. Railway Regulation Office, Special Construction Office Section, Miletičova 19, 820 05 Bratislava
45. File