

Highways Act

(503/2005, amendments up to 1242/2009 included)

Chapter 1 General provisions

The purpose of this Act is to maintain and develop functional and safe highway connections promoting sustainable development as part of the transport system and to safeguard opportunities for participation in planning relating to road decisions by delivering and promoting good governance and judicial relief in matters pertaining to highways.

Section 2 Scope of application

This Act lays down provisions on highways, highway management and the rights and obligations of the party responsible for road management as well as the legal status of real estate owners and other concerned parties.

Section 3 Development and maintenance of the highways network

- (1) In the development and maintenance of the highways network, attention shall be paid to the road transport system as part of the overall transport system promoting the realization of national land use goals and regional development as well as the achievement of goals set on community structure and the environment in land use planning.
- (2) The highways network shall provide access to safe and functional mobility and transport throughout the nation at reasonable cost, taking into account the mobility needs of different population groups and the transport needs of the various sectors of business and industry. Attention shall be paid to the economical use of natural resources and to minimising the adverse impacts on the environment of the highways network and of traffic.

Section 4 Highways and classification thereof

- (1) A highway is defined as a road assigned for general traffic and maintained by the State. Highways are classified as main roads Class I and Class II, regional roads or connecting roads depending on their transportation significance.

- (2) Main roads Class I serve long-haul traffic on the national level and between provinces. Main roads Class II complement the network of main roads Class I and serve traffic in provinces. Regional roads serve transport needs in sub-regions and provide links to main roads Class I and Class II. Other highways are connecting roads.
- (3) The Ministry of Transport and Communications designates main roads Class I and Class II as well as the extent to which they shall be considered trunk roads of national significance. The Finnish Transport Agency designates regional roads and connecting roads. (1242/2009)
- (4) Highways may be motorways or semi-motorways or otherwise intended only for certain types of traffic. More detailed provisions on the technical characteristics of motorways and semimotorways are laid down by Government decree. Highways may also be intended for winter use only (*special winter roads*). The provisions of this Act, where appropriate, apply to special winter roads.

Section 5

Land areas, constructs and equipment belonging to highways and road areas

- (1) The following constitute part of a highway:
 - 1) carriageway inclusive of shoulders and other areas intended for traffic, such as pavement and bicycle path, special transport road, parking space or parking area, area serving public transport and use thereof, or rest, storage or loading area;
 - 2) structures, constructs and equipment permanently required for the maintaining and use of the areas mentioned above in subsection 1 or immediately related thereto;
 - 3) traffic control devices and other structures, constructs and equipment necessary to guide road users; and
 - 4) other structures, constructs and equipment such as noise barriers and animal fencing necessary for road management or traffic or the prevention of traffic hazards.
- (2) An emergency landing place ordered appended to the road and the area required for functions arising from traffic crossing national boundaries shall be considered part of a highway.
- (3) The area referred to above in subsections 1 and 2 shall constitute the road reserve of a highway. Where the boundaries of the road area have not been determined in a cadastral procedure, the road area extends to a distance of two metres from the outer edge of the ditch or, if there is no ditch, from the outer edge of the road slope or road cutting.

Section 6 Highway ferries

- (1) Ferries and ferry routes as well as ferry berths also constitute part of highways. Ferries may be cable ferries steered by cable or other devices approved by the Finnish Transport Safety Agency (*cable ferries*) or freely steerable ferries (*ferry vessels*). (1242/2009)
- (2) Ferries are subject to separate provisions pertaining thereto. Furthermore, the provisions of the Maritime Act (674/1994) and provisions pertaining to merchant vessels laid down under it apply to ferry vessels where applicable. The operator of a cable ferry shall be in adequate health and possess sufficient knowledge and skills in operating the cable ferry and machinery as well as sufficient knowledge of the rules of water traffic. The Finnish Transport Safety Agency issues more detailed regulations on the qualifications of cable ferry operators and the certificate required of them. Regulations on the inspection of cable ferries are issued by the Finnish Transport Safety Agency, and the road management authority gives provisions on the manning of cable ferries. (1242/2009)
- (3) Ferries are primarily operated without schedules. For transportational reasons, the road management authority may decide that a ferry shall be operated to a schedule. Such a decision shall also contain the grounds for ordering a schedule. Before deciding the matter, the road management authority shall provide an opportunity to be heard for those whom the ferry traffic immediately concerns and obtain statements from the relevant municipality as well as other authorities as necessary. The road management authority shall make a public announcement on the matter and the schedule shall be posted in the immediate vicinity of the ferry site.
- (4) More detailed provisions shall be laid down by decree of the Ministry of Transport and Communications on the supervision of ferries, the order of entering the ferry, privileged transport and other road traffic, the operation of cable ferries while not attached to the steering cable, measures arising from the intersection of a ferry route and general shipping lane, the medical certificate required of cable ferry operators and the equipment required at ferry berths.

Section 7 Accessory areas

The accessory areas belonging to highways consist of borrow areas for road construction and maintenance materials outside the road area and technical maintenance areas necessary for road management.

Section 8 Service areas

- (1) Equipment, constructs and buildings for kiosk shops may be placed in the parking areas referred to above under section 5(1). Furthermore, equipment, constructs and buildings serving the purposes of café and restaurant services, fuel distribution, motor vehicle servicing and other services to road users may also be placed in rest areas. The placement of equipment, constructs and buildings is subject to the provisions of the Land Use and Building Act (132/1999) and requires the consent of the road management authority.
- (2) The road management authority shall, when necessary, conclude an agreement on the use of the land and building thereon, the running of a business and compensation payable to the State for the placement of equipment, constructs and buildings in the service area. In order to conclude such agreements, the road management authority shall request tenders from reliable, skilled and financially sound entrepreneurs. The agreement shall be concluded with the entrepreneur who, by the set deadline, submits the most economically advantageous tender, taking into consideration the requirements of traffic and tourism and the level of service required in light of the designated use of the area. An agreement may not be assigned to a third party without the consent of the road management authority.

Section 9 Road management

Road management comprises the planning, construction and maintenance of roads and traffic management. Highway construction refers to the making of new roads and the upgrading of roads.

Section 10 Responsibility for road management and road management costs

- (1) The State is responsible for road management and the costs thereof and exercises the rights obtained for the purpose of road management.
- (2) For particular reasons such as road management to a standard of quality or scope higher than required for general traffic or adapting the road to the environment, a party other than the road management authority may agree to contribute to the costs of road management or assume responsibility for a measure related to road management.

Section 11 (1242/2009)

Road management authority

- (1) The road management authority is the competent Centre for Economic Development, Transport and the Environment. A state authority other than the Centre for Economic Development, Transport and the Environment may be designated road management authority by Government decree if considered appropriate with regard to road management.
- (2) The Finnish Transport Agency is the competent entity referred to in Article 2 of Directive 2008/96/EC of the European Parliament and of the Council on road infrastructure safety management (*road safety directive*) and the administrative authority referred to in Article 4 of Directive 2004/54/EC of the European Parliament and of the Council on minimum safety requirements for tunnels in the Trans-European Road Network.
- (3) The duties and authority of the Finnish Transport Agency as a competent entity and administrative authority referred to in subsection 2 are issued by a decree of the Ministry of Transport and Communications.

Section 12

Ferry charges

Highways may be used free of charge. However, the use of ferry vessels may be made subject to a charge by decree of the Ministry of Transport and Communications. The charge shall be based on expenses arising from the use of the ferry and may be lower than prime cost. Type of vehicle and time of ferry use may be taken into consideration in determining charges.

Section 13

Construction of highways

- (1) Highways are upgraded when necessary for general traffic needs or to eliminate or reduce adverse impacts arising from traffic or when required for land use. New highways shall be made if the existing highways network no longer meets the requirements of general traffic or land use and such requirements cannot be satisfactorily met or the adverse impacts arising from traffic cannot be eliminated or adequately reduced through upgrading or other measures to develop the transport network.
- (2) Highways shall be constructed so that the purpose of the road is achieved as economically as possible and causing no one any more damage or inconvenience than necessary. Issues of road safety, the transportational and technical functioning of the road and environmental aspects shall be taken into particular consideration in construction. Highways may not be constructed contrary to a legally binding plan.

Section 14
**Conversion of private road into highway and highways in areas in which
a local detailed plan is in force**

- (1) Private roads are converted to highways when the conditions for a new highway under section 13(1) so require. Provisions on the types of highways for which traffic areas may be designated in areas in which a local detailed plan is in force are laid down in section 83(4) of the Land Use and Building Act.
- (2) The party responsible for road management gains a right to private road area or street zone as provided in section 57(2) or section 58(3) upon conversion into a highway of a private road or street.

Section 15
Real estates and private roads

- (1) The provisions on real estates laid down in this Act and pursuant to it shall also apply to parcels of land and the common area of real estates.
- (2) In this Act, private road also means a road comparable to a private road or an intersection to which the Act on Private Roads (358/1962) does not apply.

Chapter 2
Planning of highways

Section 16
Right to research

- (1) The conducting of research shall be allowed on real estates once the road management authority has decided to initiate the drafting of preliminary or final engineering plans. To this end, a real estate may be surveyed, marked in terrain or mapped, or the soil may be studied or other preliminary measures taken. The rights of another may not be interfered with in research beyond an extent essential to achieving the results of the research and unnecessary disturbance may not be caused to the owner or holder of rights.
- (2) The municipality shall be notified of the drafting of preliminary and final engineering plans and the initiation of related research. Persons mentioned in section 27(1) shall also be notified by public announcement or other means considered suitable and they shall be entitled to be present when research is conducted and to state their opinions in the matter.

Section 17

Road planning and land use planning

- (1) Preliminary and final engineering plans shall be based on legally binding plans as provided in the Land Use and Building Act wherein the location of the highway and its relationship to other land use has been determined. In areas where a legally binding plan is being drafted or amended, measures may be taken to draft preliminary or final engineering plans based on the goals of the legally binding plan.
- (2) National land use objectives as well as regional plans and local master plans shall be taken into account in the manner provided in the Land Use and Building Act. Preliminary engineering plans shall not be adopted contrary to regional plans or legally binding local master plans. Preliminary engineering plans may be adopted contrary to the valid local detailed plan with the support of the municipality. Final engineering plans may not be adopted contrary to a legally binding plan. (1242/2009)
- (3) The provisions of subsection 1 notwithstanding, a highway may be planned if the nature of the highway, with consideration to location and relationship to other land use can be adequately established without a plan in cooperation with the municipality and regional council. (1242/2009)
- (4) The provisions laid down in the Nature Conservation Act and issued pursuant thereto shall be taken into consideration when drafting preliminary and final engineering plans.
- (5) Road planning shall also be based on transport system development planning as necessary.

Section 18

Preliminary engineering plan

A preliminary engineering plan shall be drafted if the impacts of the undertaking are not insignificant or if the location of the highway and its impacts have not been determined to an adequate degree in a local detailed plan or a legally binding local master plan. A preliminary engineering plan shall always be drafted for undertakings to which assessment procedures as provided in chapter 2 of the Act on Environmental Impact Assessment (468/1994) apply.

Section 19

Contents of the preliminary engineering plan

The preliminary engineering plan shall contain a report on the necessity of the highway and alternatives studied, on the transportational and technical fundamental decisions, the approximate location of the road and its estimated

impacts such as impacts on road and transport environment, road safety, land use, real estate structure and the environment as well as the health, living conditions and environment of human beings. The plan shall also present the opportunities for eliminating or reducing adverse impacts and a preliminary budget.

Section 20

Legal consequences of the preliminary engineering plan

- (1) The preliminary engineering plan serves as a guideline in drafting final engineering plans. Once the decision to adopt a preliminary engineering plan has been announced and has gained legal force, the processing of building permit applications shall ensure that the granting of building permits does not impede the execution of the preliminary engineering plan. A building permit shall be granted if the requirements for granting one are otherwise met and denial of the permit would result in substantial inconvenience to the applicant and the party responsible for road management will not expropriate the land or pay compensation for inconvenience (*conditional building restriction*).
- (2) Building restrictions remain in force until the decision to adopt the preliminary engineering plan has become null and void pursuant to section 31(1-2).

Section 21

Final engineering plan

The final engineering plan shall be drafted and adopted prior to highway construction. When the matter involves highway upgrading with minor effects, a final engineering plan need not be drafted if no additional area is requisitioned for the undertaking or if the real estate owner or holder of real estate comparable to owner has granted consent in writing to the requisitioning of additional area.

Section 22

Contents of the final engineering plan

- (1) A final engineering plan concerning the construction of a highway shall indicate the location and elevation of the road as well as a cross section so that the road area can be marked in the terrain. An evaluation of the impacts of the road shall be appended to the plan and the measures necessary to eliminate or reduce the adverse impacts arising from the road shall be presented. Land ownership conditions shall be taken into account in the plan inasmuch as possible. The plan shall indicate the buffer zones and lateral clearance areas of the road and also indicate whether any land shall be reserved for subsequent widening of the road. An estimate of the costs of road construction shall be appended to the plan.

- (2) If the road is re-directed in upgrading and the road in the earlier direction remains a highway or is used for other road purposes, provisions to this effect shall be included in the final engineering plan. If the road is intended as a motorway or semi-motorway or is otherwise designated for specific types of traffic, or if any permanent restrictions apply to traffic, provisions to this effect shall be included in the final engineering plan.

Section 23

Accessory areas and special rights required for roadwork

- (1) Accessory areas and the road connections necessary for the use thereof shall be indicated in the final engineering plan.
- (2) If a right to requisition a restricted amount of road maintenance material, to pile up soil dislodged in the roadwork or to use the area for temporary passage, storage or other similar purpose, or a right to use or establish a private road necessary for road management purposes needs to be established for the duration of highway construction, provisions to that effect may be included in the final engineering plan wherein the appropriate area or road shall be designated.

Section 24

Junctions with private roads, agricultural junctions and drainage ditches in the final engineering plan

- (1) In order to promote road safety on the highway and its throughput, the final engineering plan may contain provisions or prohibitions relating to the connecting of private roads to the highway and the use of highway junctions. The provisions or prohibitions referred to herein may also be given for junctions used solely for purposes of agricultural or forestry transport (*agricultural junctions*).
- (2) Should the final engineering plan contain a prohibition on the use of an existing private road junction or agricultural junction, provisions on arranging a new connection shall be included in the final engineering plan, in which case a private road or private junction may be ordered established as necessary at the expense of the road management authority or a right shall be established to an existing private road or road or section of road that has been discontinued or will be closed as a highway.
- (3) If the right to keep a drainage ditch on the land of another or the right to run drainage water into the ditch or stream of another needs to be established in order to drain the road area or accessory area, provisions to this effect shall be included in the final engineering plan in which the area needed for a drainage ditch shall be indicated. In other respects, the provisions of the Water Act (264/1961) on drainage shall apply to drainage ditches.

Section 25
Final engineering plan in special cases

- (1) A final engineering plan shall be drafted and adopted when a private road or street is converted into a highway or when a highway is discontinued in circumstances other than involving highway construction.
- (2) A final engineering plan may also be drafted and adopted for the sole purpose of determining a road area, establishing an accessory area, concerning private roads and junctions relating to the highway or to permanently restrict traffic.

Section 26
Legal consequences of the final engineering plan

- (1) An adopted final engineering plan entitles to the expropriation of land and rights designated therein.
- (2) Once public notification has been made of the adopted final engineering plan, the provisions of sections 44 and 45 on keeping buildings in the buffer zone and lateral clearance area of the highway shall apply to the construction of buildings outside areas in which a local detailed plan is in force and necessary for road purposes, and in areas mentioned in sections 44 and 45.
- (3) If land has been reserved in the final engineering plan for subsequent widening of the road, the provisions of section 20(1) apply to building on such land. The building restriction on such land expires if preparation of a final engineering plan to widen the road has not been initiated within eight years of the end of the year in which the final engineering plan containing the land reserve was adopted.

Section 27
Interaction

- (1) In the drafting of preliminary and final engineering plans, real estate owners and other parties to the matter as well as those upon whose housing, employment or other conditions the plan may impact shall be afforded an opportunity to participate in the preparation of the plan, to evaluate the impacts of the plan and to comment orally or in writing on the matter.
- (2) Prior to adoption of the plan, the parties mentioned above in subsection 1 shall be reserved an opportunity to lodge their objection to the plan. To this end, the municipality shall keep the preliminary and final engineering plans available for public viewing for a period of thirty days. Objections to the plan shall be submitted to the municipality before the end of the viewing period. The municipality shall forward to the road management authority its comment on the plan available for viewing and on objections thereto, as well as any written objections submitted. The municipality shall make public announcement of the plan being available for viewing and of the manner and time for lodging

objections in the manner in which municipal notifications are made in the relevant municipality. The road management authority shall send a written notification of the plan being made available for viewing to such owners or holders of real estate in the area impacted by the plan that reside in another municipality and that have been mentioned in the documents or otherwise identified.

- (3) Parties lodging an objection who have so requested in writing while also giving their address shall be notified of the comments, inclusive of grounds, of the road management authority to the their objection.
- (4) The road management authority shall request comments on engineering plans from those regional councils and municipalities in whose area the plan is situated or in whose area the impacts of the plan otherwise appear. The road management authority shall request comments from other authorities in deliberating their decision as necessary. If the road management authority is other than the Centre for Economic Development, Transport and the Environment, comments shall also be requested from the centre. (1242/2009)
- (5) If a final engineering plan that has been made available for public viewing needs to be amended and the impacts of such amendment are estimated as minor, a simpler procedure than provided above under subsections 2–4 may be employed.
- (6) More detailed provisions on interactions shall be laid down by Government decree.

Section 28 Procedure in minor road undertakings

Should a final engineering plan concern a minor highway upgrade that does not to any significant extent alter local traffic conditions and which in other respects also has minor impacts, a more simple procedure than that provided in section 27 may be employed. If the final engineering plan is not made available for public viewing, owners or holders of real estate shall nonetheless otherwise be afforded an opportunity to lodge their objections and the municipality shall be requested to comment on the matter.

Section 29 Environmental impact assessment procedure

- (1) An assessment report as provided in the Environmental Impact Assessment Act shall be appended to any preliminary engineering plan involving a road undertaking as referred to in that Act. Inasmuch as the assessment report contains the information on environmental impacts required for the application of the provisions of this Act, the same report shall not be required again.

- (2) The preliminary and final engineering plan shall indicate how the assessment referred to above under subsection 1 has been taken into account in the plan.
- (3) When assessment procedure under the Environmental Impact Assessment Act has been applied to the preliminary engineering plan, it shall no longer be applied to the drafting of a final engineering plan in accordance with the preliminary engineering plan.

Section 30 Amending plans

If an adopted preliminary or final engineering plan needs to be amended, the provisions of this Act on new preliminary and final engineering plans shall apply where appropriate. However, amendments of minor impact considered necessary and appropriate by the road management authority in connection with execution of the plan may be made to an adopted final engineering plan.

Section 31 Period of validity of plans

- (1) The drafting of a final engineering plan shall begin within eight years of the end of the year in which the preliminary engineering plan on the undertaking gained legal force. Otherwise, the decision to adopt the preliminary engineering plan shall become null and void. The drafting of a final engineering plan is considered to have begun once notification thereon has been made in the manner provided in section 16(2). (1242/2009)
- (2) The decision to adopt a preliminary engineering plan also becomes null and void to the extent that a final engineering plan drafted on the basis thereon has been adopted and the decision to adopt has gained legal force.
- (3) A decision to adopt a final engineering plan becomes null and void if roadwork has not been initiated before four years have passed since the end of the year in which the final engineering plan gained legal force. The Finnish Transport Agency may extend the deadline by no more than four years and, for particular reasons, the Ministry of Transport and Communications may extend it for an additional period of no more than four years. Roadwork is considered to have been initiated once the party responsible for road management has acquired the land needed for road purposes as provided under section 56. (1242/2009)

Section 32 Monitoring

The road management authority shall systematically monitor the realisation of the assessed and other impacts of the road undertaking and utilise the results of monitoring in assessing the impacts of undertakings and choosing planning decisions.

Chapter 3 Highway maintenance, temporary traffic arrangements and junctions as well as other measures on highways

Section 33 Maintenance

- (1) Highways shall be kept in a condition satisfactory for general traffic. The quality and quantity of traffic, the transportational significance of the road, weather and foreseeable changes therein, hour of day and other circumstances shall be taken into account when determining level of maintenance.
- (2) Environmental aspects shall be taken into consideration in maintenance alongside aspects dealing with the functioning of traffic and road safety.

Section 34 Restricted maintenance

- (1) For particular reasons, the road management authority may decide that a highway or a part thereof shall not be kept in the condition referred to in section 33. Such a road or section of road shall be closed to traffic, which closure shall be indicated with a traffic sign.
- (2) The road management authority may decide that part of a certain pavement or bicycle path belonging to a highway or a combined or parallel bicycle path and pavement shall be maintained without anti-skid treatment.

Section 35 Temporary traffic restrictions or traffic bans

If vehicular traffic might cause damage to a highway that has suffered structural deterioration due to the melting of frost, rain or other similar reason, the road management authority may impose a traffic ban on the highway or part thereof for a fixed period or until further notice, or restrict traffic on the highway.

Section 36 Temporary passage

If road traffic is prevented due to highway cave-in or other unforeseeable reason or due to exceptional natural circumstances, the road management authority is entitled to arrange temporary passage on the land of another for the duration of removal of the obstacle. Prior to passage being arranged, the owner or holder of the relevant real estate shall, whenever possible, be afforded an opportunity to be heard.

Section 37 Connecting to a highway

- (1) Notwithstanding the prohibition or provision mentioned above in section 24(1), the road management authority may grant permission to connect a private road to a highway to which the prohibition applies or to use a prohibited junction or amend the designated use of junction if required for the appropriate use of real estate and the junction or use thereof do not constitute a hazard to road safety. Should a real estate require an agricultural junction, permission to make one with a road mentioned herein shall be granted if the junction and the location thereof are such as to not jeopardise road safety. Necessary conditions may be attached to the permission.
- (2) Permission to connect a private road to a highway other than that mentioned above in subsection 1 shall be granted if the junction is necessary for the use of the real estate and the junction and the location thereof are such that the junction and use thereof do not jeopardise road safety. Necessary conditions may be attached to the permission. An agricultural junction may be made on a road mentioned in this subsection according to the instructions of the road management authority unless it jeopardises road safety. The road management authority shall be notified of the making of such agricultural junctions in good time before action is taken.
- (3) If a highway crossing shall be arranged in the road area for the establishment of a snowmobile route as referred to in the Cross-Country Traffic Act (1710/1995) or other comparable passage, the road management authority may grant permission for such action if the crossing does not constitute a hazard to road safety or an impediment to road management. Necessary conditions may be attached to the permission.
- (4) The provisions laid down in subsections 1–3 do not apply to motorways or semi-motorways or to nationally significant trunk roads designated pursuant to section 4(3). Access to these may only be regulated in the final engineering plan.

Section 38

The making, maintenance and altering of junctions and crossing sites

- (1) The parties responsible for the management of private roads and agricultural junctions are obliged to make their junction and maintain it according to the instructions of the road management authority in such a manner as to not constitute a hazard to road safety or an impediment to highway maintenance.
- (2) If the altered use of an existing private road junction or agricultural junction constitutes a hazard to road safety or an impediment to highway maintenance, the party responsible for the management of the private road or holder of the agricultural junction is obliged to alter the junction according to the instructions of the road management authority so that the hazard or impediment is eliminated or reduced, and to apply for a new junction permit if necessary. Should the party responsible for the management of a private road or holder of agricultural junction neglect this obligation, the road management work mentioned at the expense of the party obliged thereto.
- (3) The provisions laid down in subsections 1 and 2 also apply to the party responsible for the management of a snowmobile route or other similar passage with regard to the highway crossing site.

Section 39

Cutting off private roads, streets and snowmobile routes

- (1) Should a highway be constructed so that it cuts off an existing private road or so as to significantly impede access to the highway from an existing private road or agricultural junction, the road management authority shall at its own expense carry out the work inclusive of necessary equipment required to lead the private road across the highway or to connect the private road or agricultural junction to the highway.
- (2) The provisions on private roads laid down in subsection 1 also apply to streets and snowmobile routes.

Section 40

Removal of junction

- (1) In connection with highway construction, the road management authority at its own expense removes junctions prohibited in the final engineering plan or prevents use thereof once acceptable substitutive passage has been arranged.
- (2) The road management authority may decide, at its own expense, to remove a junction that is in violation of a local detailed plan or to prevent its use if acceptable substitutive passage has been arranged. Before such a decision is taken, the owner or holder of the relevant real estate shall be afforded an

opportunity to be heard, and if the junction is used by general traffic, public announcement of the matter shall be made.

Section 41 (1242/2009) **Closing a highway with a barrier**

No other barriers except those necessary for road safety or road management or for customs or border control may be placed on highways. Barriers shall meet the requirements of road management and road safety and the keeper of the barrier shall maintain the barrier at its own expense.

Section 42 **Work on road area and placement of constructs and equipment in road area**

- (1) The permission of the road management authority is required for work on the road area as well as placement of structures, wiring, pipes and other equipment in the road area. Such permission may be granted if the measure does not constitute a hazard to road safety or an impediment to road management. The recipient of such permission is obliged to make the construct or equipment and maintain it according to the instructions of the road management authority. If use of a construct or equipment causes a traffic hazard or impedes road management, the recipient of permission is obliged at its own expense to carry out the changes required by the road management authority or to move or remove the construct or equipment.
- (2) If no permission is necessary due to provisions in other statutes, the road management authority shall be notified in good time before any action is taken.

Section 43 **Intersection of special winter road and shipping lane**

- (1) If a special winter road crossing a shipping lane is cut off due to ice-breaking for ship traffic in winter, the road management authority shall, whenever possible, place on the site a bridge or ferry or otherwise attend to the measures necessary to safeguard traffic and direct it across the lane.
- (2) A private shipping lane may not be opened in such a manner that it cuts off a special winter road without the consent of the road management authority. The party opening the lane or using it is responsible for setting up and maintaining the necessary crossing device.

Chapter 4
Land use restrictions pertaining to areas outside the highway area

Section 44
Buffer zone

- (1) The buffer zone extends to a distance of twenty metres from the highway's carriageway or, if there are several carriageways, from the centre line of the most proximate carriageway. For particular reasons, the final engineering plan may indicate for a given road or section of road that the distance shall be shorter than twenty metres or extend the distance to no more than fifty metres, and no more than 300 metres at the site of an emergency landing place and on an extension extending to a distance of 750 metres lengthwise from both ends of the emergency landing place.
- (2) There may be no buildings in the buffer zone. Should road safety and, in the case of emergency landing places, aviation safety so require, the road management authority shall be entitled to remove vegetation from the buffer zone.

Section 45
Lateral clearance area

- (1) In bends on the highway or where another highway or significant private road connects to the highway or a railway crosses the highway, buildings are prohibited also outside the buffer zone in areas where road safety requires visual clearance be kept free of any impediments (*lateral clearance area*)
- (2) The road management authority is entitled to remove any vegetation or natural barriers in the lateral clearance area that pose a hazard to road safety by restricting visual clearance.

Section 46
Constructs and equipment outside the road area

No storage facility, fence or other construct or equipment that in itself or the use of which constitutes a hazard to road safety or an impediment to road management may be kept in the buffer zone or lateral clearance area of a highway.

Section 47
Power of derogation

For particular reasons, the road management authority may grant derogations from the prohibitions referred to in sections 44–46 if in its consideration road

safety is not jeopardised and no more than minor inconvenience would be caused to road management. Necessary conditions may be attached to the decision to derogate.

Section 48 **Exceptions from restrictions**

- (1) The provisions contained in sections 44–47 above do not apply if the vegetation has been planted or taken under special care or if the building, storage facility, fence or other construct or equipment had been made before the designated use of the area became subject to the restrictions laid down in the provisions of the said sections or to comparable restrictions referred to in earlier Acts.
- (2) Should the vegetation or building, construct or equipment mentioned in subsection 1 cause a hazard to road safety or impede road management, the road management authority may by its decision order it removed or moved or order necessary changes made thereto. If the owner does not carry out the measure within the reasonable time allotted thereto, the road management authority is entitled to do so at its own expense.
- (3) The provisions of sections 44–47 and of subsections 1 and 2 of this section do not apply to buildings in areas in which a local detailed plan is in force, or to the removal of vegetation that is of particular significance to the environment.

Section 49 **Procedure for removing vegetation and natural barriers**

Before the road management authority takes action to remove vegetation as referred to in section 44(2) and section 45(2) and natural barriers referred to in the latter section, the owner or holder of the relevant real estate shall be notified thereof or a public announcement shall be made on the matter in good time before any action is taken. The owner of the real estate may attend to the measures as instructed by the road management authority if he so desires.

Section 50 **Placement of minor devices and structures**

- (1) The owner or holder of the real estate or land shall allow traffic signs and other traffic control devices as well as minor elements of highway structure to be placed on the real estate or land. The provisions of section 163 of the Land Use and Building Act shall apply to the placement of devices and structures.
- (2) If no agreement is made on compensation for placement, such matters shall be dealt with and resolved in the road survey.

Section 51

Snow fence and placement of snow

- (1) The road management authority is entitled to erect temporary or permanent snow fences outside the road area if necessary to prevent the accumulation of snow on the road. However, snow fences in populated areas may only be erected with the consent of the owner or holder of the real estate or in other cases, with the permission of the municipal building supervision authority. Permission may be granted if the snow fence is necessary to keep the highway in a condition satisfactory for general traffic and the fence or the keeping thereof does not cause significant inconvenience to the real estate.
- (2) The road management authority is entitled to place snow from the highway area also outside the road area in connection with highway maintenance.

Section 52

Roadside advertisements and notices

- (1) The erection of outdoor advertisements targeting highway users is prohibited outside areas in which a local detailed plan is in force and in traffic areas in areas in which a local detailed plan is in force under section 83(4) of the Land Use and Building Act. The road management authority may grant derogation from this prohibition if it is considered necessary for purposes of traffic guidance, tourism or other similar reason.
- (2) The prohibition referred to above in subsection 1 does not apply to notices of meetings, briefings, entertainment or similar events or to advertising concerning elections or referendums, or to notices on buildings and in the vicinity thereof concerning activities carried out on the site and of products sold there. Notices on and advertisements for such events may be put up no earlier than one month prior to the relevant event and they shall be removed within one week of the event.
- (3) Advertisements and notices shall be drafted and placed in such a manner that they adapt to the environment as well as possible. Before deciding on a matter involving the placement of an advertisement, the road management authority shall request comments from the municipality, unless requesting comments is apparently unnecessary. If the road management authority is other than the Centre for Economic Development, Transport and the Environment, comments shall also be requested from the centre. (1242/2009)

Chapter 5

Acquisitions of land and compensations

Section 53

Road survey carried out by the National Land Survey of Finland

- (1) The expropriation of land and rights needed for a road takes place in a road survey carried out by the National Land Survey of Finland and the provisions of the Act on the Redemption of Immoveable Property and Special Rights (603/1977), hereinafter the *Redemption Act*, shall apply to expropriation, subject to the provisions of this Act. The provisions of the Real Estate Formation Act (554/1995) on cadastral procedures shall apply, where appropriate, to the correction of an error detected in a road survey, to the rectification of an error and to a proposal concerning the cancellation of a road survey or decision. (1242/2009)
- (2) If trustees are not demanded by any parties to the matter and the survey does not involve compensation, the road survey engineer may conduct the road survey without trustees.

Section 54

Instigation of road survey

Under section 26(1), the road management authority is entitled to apply for a road survey when an adopted final engineering plan has gained legal force or is enforceable despite appeal, or on the basis of written consent as referred to in section 21.

Section 55

Parties to the road survey and compensation of environmental damage

- (1) The party applying for the survey and other persons whose rights or benefits the survey concerns are parties to the road survey. Compensation for road construction or impediment or damage arising from road use may be ordered upon demand notwithstanding the provisions of section 38 of the Redemption Act.
- (2) The provisions of section 12 of the Act on Compensation for Environmental Damage (737/1994) apply to compensating for environmental damage in road surveys as referred to in that Act.

Section 56

Taking into possession

- (1) The party responsible for road management takes possession of the road areas indicated in the final engineering plan and of other areas indicated for its use, as well as of the rights to be established for it, at the time determined in a taking into possession inspection carried out in the road survey. The party responsible for road management takes possession of the land required for a private road or junction indicated in the final engineering plan until the road or junction has been made. Upon taking possession, it gains right to use the lands and rights for the purposes indicated in the final engineering plan regardless of other rights to the real estate.
- (2) Should taking into possession give rise to a consequence as referred to in section 57(2) of the Redemption Act, the expropriation committee may at the request of the party to the matter order that possession in that respect may be taken no earlier than after a period of time determined by the committee, not to exceed three months, since the advance compensation or the compensation ordered in the first survey referred to in section 62(2) has been paid.
- (3) In road upgrading with minor impacts as referred to above in section 21, possession may be taken on the basis of agreement. Subsequent to taking possession, however, the road management authority shall immediately apply for a road survey.
- (4) Should agreement not be reached on the moving or removal of property on the land taken into possession, the road management authority shall set for the owner or holder of such property a deadline by which it shall remove such property. The deadline shall be reasonable with regard to the owner or holder of property and suitable with respect to roadwork. In such a case, the road management authority shall, whenever possible, notify the owner or holder of property to be removed thereof prior to removing such property.
- (5) Should it be necessary to move or remove buildings, storage facilities or devices or trees, growing crops or other vegetation from land assigned or to be assigned for road purposes, the relevant party shall be compensated for costs of moving or removal arising therefrom as well as for damage or inconvenience.

Section 57

Confirmation of object of expropriation and gaining title to road area

- (1) The object of expropriation is confirmed in the decision on expropriation on the basis of the final engineering plan or the written consent referred to in section 21, by indication of the road management authority if necessary. Minor deviations from the final engineering plan may be made for particular reasons. In road surveys referred to in section 75(2) hereunder, the object of

expropriation is confirmed as referred to in section 5(3), by indication of the road management authority if necessary.

- (2) Once the decision on expropriation gains legal force, the party responsible for road management gains title to the land to be confirmed as road area if it does not already own the land.

Section 58 Establishment of right of way

- (1) When a highway is placed in a tunnel, on a bridge, dam or deck or below a deck or the area above or below the road has been allocated to construction in a legally binding plan, the party responsible for road management shall gain right of way to the road area instead of title as referred to in section 57(2), as designated in the final engineering plan. When the highway is situated on the area of a redemption unit belonging to a party other than that responsible for road management, a right of way to the road area shall be established for the party responsible for road management.
- (2) Once the decision on expropriation gains legal force, the party responsible for road management gains right of way to accessory areas as referred to in section 7 corresponding to their designated use.
- (3) Right of way is a permanent right concerning the real estate that is unrestricted with regard to use of the road area or accessory area. More detailed provisions on the scope and content of right of way may be given in the final engineering plan.

Section 59 Lapsing of rights

- (1) Mortgages and other special rights to road area lapse once the party responsible for road management gains title to the road area. (1242/2009)
- (2) However, the retention of a special right may be decided in the road survey provided that the right and exercise thereof does not constitute a hazard to road safety or an impediment to road management and the retention of the right does not jeopardise the clarity of the real estate system.

Section 60 Drainage ditches

- (1) An easement on drainage ditch areas indicated in the final engineering plan shall be established for the party responsible for road management.
- (2) Matters pertaining to drainage may be assigned for resolution in drainage proceedings as referred to in the Water Act if shared drainage is not agreed

upon in the road survey or if there are other particular reasons thereto. Minor deviations from the location of the drainage ditch indicated in the final engineering plan may be made in these proceedings.

- (3) Should a drainage ditch cause damage or inconvenience after it has been built and compensation is not agreed upon, the matter shall be dealt with in accordance with the provisions of the Water Act.

Section 61

Marking of buffer zones and lateral clearance areas

Should any restrictions on use external to the road area apply to the real estate under sections 44 and 45, such restrictions shall be marked on the survey map and in terrain as necessary. Restrictions shall be entered in the real estate register.

Section 62

Processing of expropriation in two proceedings

- (1) In addition to the provisions of section 20 of the Redemption Act, the engineer conducting the survey may, at the proposal of the road management authority, divide matters concerning the expropriation referred to in the order to conduct proceedings for processing in two separate road surveys if deemed appropriate due to the quantity or quality of the matters to be resolved or for other reasons.
- (2) If the expropriation is processed in two separate proceedings in accordance with subsection 1, the engineer conducting the proceedings shall, after the conclusion of the first proceeding, without separate application continue the expropriation in a new proceeding when necessary to process the matter. In addition to unresolved expropriation matters, this proceeding shall also address and resolve matters pertaining to changes in the object of expropriation to be made after the conclusion of the previous proceeding.

Section 63

Land consolidation

- (1) The necessity of land consolidation shall be determined in the road survey. However, the necessity of land consolidation shall be determined in a cadastral procedure as referred to in section 68(2) of the Real Estate Formation Act (554/1995) instead of the road survey if one is pending at the time of the road survey. The provisions of sections 64–67 of this Act in addition to the provisions of the Real Estate Formation Act and section 82 of the Redemption Act shall apply where appropriate to such cadastral procedure.
- (2) Land consolidation may consist of an exchange of land between real estates or, if such exchange cannot conveniently be executed, the transfer of an area from one real estate to another against full compensation payable in cash. The

provisions contained herein on real estates also apply to a road or section of road discontinued or closing as a highway.

- (3) The provisions of sections 59, 65 and 66 of the Real Estate Formation Act shall apply where appropriate to exchange of land and transfer of land in the road survey subject to the provisions of sections 64–66 of this Act.

Section 64 **Preconditions for land consolidation**

- (1) Land consolidation may be carried out if:
 - 1) it is necessary to rectify the harmful fragmenting of land caused by the highway;
 - 2) it can eliminate or markedly reduce the costs or compensation otherwise arising from arranging new passage to replace the passage cut off by the highway;
 - 3) the exchange or transfer of land to give additional land to a real estate adjoining the highway or located in the buffer zone or lateral clearance area, due to road construction or prohibition under section 44 or 45, is particularly important to increase the usability of the real estate; or
 - 4) it is necessary for the transfer to another real estate of an area of minor value that will remain separate because of the highway and which the owner of the real estate cannot appropriately make use of but which may be used in connection with another real estate.
- (2) Land consolidation furthermore requires that:
 - 1) it results in a substantial improvement to property division in cases mentioned above in subsection 1(1);
 - 2) it causes no one significant inconvenience; and
 - 3) it does not hinder the implementation of the local detailed plan.
- (3) Land consolidation does not require the consent of the owner of the real estate or the holder of a right of lien or special right thereon.

Section 65 **Land consolidation agreements**

If the owners of the relevant real estates so agree, other necessary land consolidation measures improving property division may be made in the road survey due to highway construction also in cases other than those mentioned

above in section 64(1), in compliance with the provisions of section 64(2)(2) and section 64(2)(3).

Section 66

Compensation for land consolidation

The land transferred from one real estate to another shall be assessed separately from the viewpoint of the assigning and receiving property. Should these values differ, the party responsible for road management shall be ordered to compensate the difference.

Section 67

Expansion of expropriation

- (1) Should the fragmentation of land, reduction of land area or a prohibition according to sections 44 and 45, or another similar reason, give rise to substantial inconvenience in using the real estate or part thereof and such inconvenience cannot be eliminated or materially reduced through land consolidation, the owner of the real estate, should he or she not wish to be compensated for the inconvenience, is entitled to request that the party responsible for road management expropriate the real estate or part thereof.
- (2) The party responsible for road management is entitled to expropriate a real estate or part thereof if compensation for inconvenience referred to in subsection 1 or the costs of arranging new passage instead of passage cut off by the highway would rise significantly high relative to the value of the real estate or part thereof.
- (3) Real estates and parts thereof expropriated pursuant to subsections 1 and 2 shall be formed into one or more redemption units separate from the road area in compliance with the provisions of section 49a(1) of the Redemption Act, where applicable.

Section 68

Expansion of expropriation in areas where a local detailed plan is in force

- (1) When a highway is constructed on an area designated as a highway traffic area under section 83(4) of the Land Use and Building Act, the party responsible for road management is obliged to expropriate the real estate or part thereof to the boundary of the said area at the request of the owner of the real estate made in the road survey. The party responsible for road management is also entitled to expropriate a real estate as mentioned or part thereof to the boundary of the area. The provisions of section 67(3) apply to the formation of the redemption unit.

- (2) If a change to the local detailed plan that may impact on the right or obligation of expropriation under subsection 1 has been approved or expropriation of the area is pending pursuant to the Land Use and Building Act, no decision on expropriation may be taken in the road survey before the change to the local detailed plan has been resolved with legal force or the matter of expropriation of the area has ceased to be pending pursuant to the Land Use and Building Act. If necessary, the matter may be separated for processing in a separate proceeding.

Section 69 **Private road arrangements**

- (1) Arrangements concerning private roads and rights of way that are necessary due to highway construction or the provisions and prohibitions referred to in section 24(1) and 24(2) shall be made in the road survey. Other matters to be dealt with by a road survey according to the Act on Private Roads shall also be dealt with and resolved in these proceedings.
- (2) Private road connections and rights of way may be organised in a regional road survey referred to in section 38c of the Act on Private Roads, which may be conducted at the request of the road management authority without separate application. In such a case, matters of compensation as referred to in section 72 shall also be resolved in these proceedings to which the provisions of section 82 of the Redemption Act shall furthermore apply.

Section 70 **Compensation agreements**

- (1) If the parties to the matter have agreed on compensation, the agreement shall not be subject to confirmation by the redemption committee in the manner referred to in section 40(2) of the Redemption Act. What has been agreed on compensation also applies towards a party to which the party's right to the real estate has been transferred.
- (2) A road area that has come into the ownership of the party responsible for road management through assignment shall be formed into a redemption unit or it may be annexed to a redemption unit held by that party or to be formed for that party. The provisions of section 59 apply to the lapsing of mortgages and other special rights on the area.
- (3) The party responsible for road management shall compensate any damage incurred by the holder of the right due to the lapsing of the rights referred to in subsection 2. If no compensation has been agreed upon, it shall be ordered in the road survey.

Section 71
Compensation for buffer zones and lateral clearance areas

- (1) Should use of the real estate be caused damage or significant inconvenience due to the rights of the owner being restricted in the manner referred to in sections 44–46 in an area the use of which has earlier not been subject to similar restriction, the party responsible for road management is obliged to compensate for the damage or inconvenience.
- (2) Should the owner of the real estate incur damage due to property being removed from a buffer zone or lateral clearance area pursuant to section 44 or 45, the owner of the real estate is entitled to be compensated for that damage by the party responsible for road management. The owner of the property is entitled to be compensated by the party for expenses arising from the removal or moving of or changes to the property in accordance with section 48(2) above.

Section 72
Compensation for prohibition on junctions

Should a prohibition as mentioned in section 24(1) cause significant inconvenience to the use of a real estate that formerly had a junction with the highway, the owner of the real estate is entitled to receive compensation thereon from the party responsible for road management.

Section 73
Compensation for research and certain other measures

Should a real estate incur damage or inconvenience due to a measure taken pursuant to section 16(1); arrangement or use of temporary passage according to section 36; the placement of minor devices or structures according to section 50; or the keeping of a snow fence; or placement of snow as referred to in section 51, the owner of the real estate shall be entitled to receive compensation thereon from the party responsible for road management.

Section 74
Other compensation and road survey concerning compensation

- (1) Should a real estate incur damage or inconvenience other than that referred to in this chapter from the construction or use of a highway, the owner of the real estate shall be entitled to receive compensation for such damage or inconvenience from the party responsible for road management. Unless compensation is agreed upon, the matter of compensation shall be resolved in the road survey.

- (2) Should a matter of compensation or expropriation ensuing from this Act arise otherwise than in connection with a road survey or if compensation can be ordered only after the conclusion of the road survey and no compensation has been agreed upon, the matter of compensation shall be resolved in a road survey to be carried out at the application of the road management authority or the party requesting compensation.

Section 75 **Road survey in special cases**

- (1) The road management authority shall immediately apply for a road survey to be conducted when a private road or street has been converted to a highway or when a highway or accessory area has been discontinued.
- (2) A road survey may be conducted on the application of the road management authority or the owner of real estate to determine the boundary of the road area, accessory area, buffer zone or lateral clearance area of an existing highway. In these proceedings, compensation for losses arising from the widening of road or accessory area may be ordered and matters of compensation as referred to in section 71(2) may be resolved.
- (3) If an existing road comprises a real estate or part thereof owned by the party responsible for road management, such an area may be transferred in the road survey to the highway being the redemption unit. The provisions of the Real Estate Formation Act on subdivision shall apply to the transfer where appropriate.

Section 76 **Date of valuation and taking changes in general price level into account**

- (1) Compensation for property to be expropriated shall be determined on the basis of value at the time the property is taken into possession (*date of valuation*).
- (2) If the general price level has increased subsequent to the date of valuation, the final compensation or, if advance compensation has been ordered, the difference between final compensation for expropriation and the advance compensation ordered in the proceedings shall be adjusted to correspond to the higher price level.

Section 77 **Date of valuation in special cases**

The property, inconvenience or damage to be compensated in road surveys under sections 74 and 75 above shall be evaluated and compensation shall be ordered according to the time of conclusion of the proceedings.

Section 78
Determination of recipient of compensation

Compensation for expropriation shall be ordered payable in the road survey to the party to whom the property to be expropriated or the object of compensation belongs at the time of ordering, subject to the report submitted in the proceedings.

Section 79
Payment of compensation and interest

- (1) Advance and final compensation ordered payable by the road management authority, inclusive of six percent annual interest payable thereon, shall be paid within three months of their being ordered. Should payment of compensation be delayed, annual penalty interest shall be payable thereon according to the interest rate referred to in section 4(1) of the Interest Act (633/1982).
- (2) Land consolidation compensation ordered payable in the road survey shall be paid by the road management authority. In land consolidation, the recipient of land is obliged to pay compensation to the road management authority for land received inasmuch as compensation cannot be deducted from payments ordered payable by the road management authority, and the assignor of the land shall receive compensation from the road management authority for land assigned. The provisions of subsection 1 on calculation of interest and payment of compensation shall apply to compensations referred to in this subsection.
- (3) The annual interest of six percent as referred to above in subsection 1 shall be calculated as from the taking of possession referred to in section 56 unless otherwise agreed with regard to taking of possession under section 56(3), and in cases mentioned in sections 74 and 75, as from the date of the final meeting of the road survey in question. Interest on compensation ordered due to land consolidation shall be calculated as from the time of taking of possession of land ordered in the proceedings.

Section 80
Payment of disputed compensation

Should the road management authority appeal compensation ordered in a road survey, the disputed share of compensation need not be deposited. However, the recipient of compensation is entitled to receive the disputed share of compensation against a surety approved by the road management authority for repayment of the share of the compensation exceeding the compensation with legal force and the six percent interest payable thereon to be calculated from the date of withdrawal of the funds.

Section 81

Execution in special cases

The provisions of section 288 of the Real Estate Formation Act shall apply to compensation ordered in a road survey payable to the road management authority by a party to the matter and to property whose ownership has changed due to land consolidation.

Section 82

Right to compensation of holder of right of lien

- (1) If the holder of a right of lien has forfeited his claim in full or in part due to compensation not being deposited or the party entitled to compensation waiving compensation or compensation being agreed as apparently too low, such holder shall be entitled to be compensated by the party responsible for road management for damage incurred.
- (2) When a real estate to which a right of lien applies is expropriated in full, deposit of the compensation payable due to expropriation of real estate shall be ordered. Otherwise, the provisions of section 49(2–4) of the Redemption Act shall apply to deposit.

Section 83

Minor compensation

Should the sum total the redemption committee orders the road management authority to pay to one party not exceed ten euro, the sum need not be paid or deposited.

Section 84

Gratuitous assignment

- (1) The State is not entitled to compensation referred to in this Act. However, enterprises under the State Enterprises Act (1185/2002) are entitled to compensation. The Government may for particular reasons also decide otherwise on the right of the State to compensation.
- (2) Upon conversion of a private road or street to highway, the road area and street zone of a road maintenance association or members thereof is transferred gratuitously to the party responsible for road management.

Section 85

Expenses of road survey

The road management authority shall be liable for the expenses of conducting a road survey. The expenses of a road survey under section 74 above shall be

ordered payable in part or in full by the party making the claim, if the claim is apparently unfounded.

Section 86

Registration of road survey

- (1) A road survey may be registered regardless of payment of compensation once it has gained legal force, and the land survey office need not be notified of payment of compensation.
- (2) Entries on road surveys may be made in the real estate register regardless of appeals with regard to those real estates to which the appeal does not apply. Entries on road surveys may also be made in the real estate register with regard to real estates that are the object of appeal if the appeal does not impact on confirmation of the object of expropriation or the entries to be made. In these cases, the keeper of the real estate register shall request the permission of the Land Court for registration. The decision shall be taken by the Chairman of the Land Court.

Section 87

Appeal of decisions taken in road survey

Decisions made by the road survey engineer pursuant to section 62(1) may not be appealed. In other respects, the provisions of sections 89–93 of the Redemption Act apply to the appeal of decisions taken in road surveys.

Chapter 6

Closing and discontinuation of highway and discontinuation of accessory area

Section 88

Closing of highway

- (1) If the road has been relocated in connection with upgrading and the final engineering plan contains no provision as to the road in its former location remaining a highway, it ceases to be a highway in this respect. The foregoing notwithstanding, the road management authority may use a former road area for other road purposes according to the provisions made thereon in the final engineering plan. In this case, it shall be ordered in the road survey that the road area remains the property of the party responsible for road management or that right of way thereto is retained. Unless the final engineering plan contains such a provision, the use of the area for highway purposes and the right to it shall cease when the upgraded highway has been assigned for general traffic.

- (2) When the road area of a closed highway is no longer needed for the other purposes referred to in subsection 1, the road management authority shall discontinue use of the area and the right of the party responsible for road management to it. The provisions of this chapter on former road area shall apply to such areas.

Section 89 Discontinuation of highway

A highway may be discontinued if it is no longer used for general traffic. Final engineering plans concerning discontinuation shall determine the point at which the road to be discontinued ceases to be a highway. When a road ceases to be a highway, the right of the party responsible for road management to it also expires.

Section 90 Structures and devices on former road areas

- (1) Any items built or placed on a former road area shall transfer to the owner of the area unless the road management authority removes such items within one year of the closing of the road. Final engineering plans shall indicate whether the area is needed as a private road or street and whether the area includes any structures or devices requiring special care. The area shall be kept in such a condition as to not hinder its use for the said purpose. Responsibility for the said structures and devices is transferred to the party responsible for the management of the private road or street upon closing of the highway.
- (2) If a closing highway or highway to be discontinued is not needed for the purpose mentioned in subsection 1, the final engineering plan shall indicate the measures necessary to restore the former road area to its earlier condition. The road management authority shall attend to such measures at its own expense within one year of the closing of the road.

Section 91 Transfer of former road areas

- (1) Subject to the provisions of section 88(1), the road area of a closed highway owned by the party responsible for road management transfers gratuitously from the party to the adjacent real estate upon closing of the highway, and in areas in which local detailed plans are in force or for which the municipality has decided to prepare a local detailed plan, to the ownership of the municipality.
- (2) The provisions of subsection 1 also apply to former road areas used for other road purposes as referred to in section 112(6) upon the road management

authority having discontinued use of the area in the manner referred to in section 88(2).

- (3) When a closed road area of a highway as referred to in sections 58(1) and 112(4-5), possessed by right of way, has been designated in a local detailed plan as a common area as referred to in section 83(1) of the Land Use and Building Act, the right of way encumbering the right of owner or holder shall be taken into account when determining compensation for such an area in executing local detailed plans.
- (4) The road area is transferred to the adjoining real estates along the centre line of the area formed by the carriageway or carriageways of the road. The boundary between adjacent real estates continues in the road area from its boundary along a line perpendicular to the said centre line. The foregoing notwithstanding, the boundary may be straightened when executing demarcation on a former road area and other appropriate boundary adjustments may be carried out so that areas of insignificant surface area and value are exchanged between real estates or transferred from one real estate to another, if a suitable corresponding area is not found.

Section 92

Procedures concerning former road areas

- (1) Road areas that have transferred to the adjacent real estate or to municipal ownership are recognised in road surveys and marked on a map and in terrain if necessary. Land areas that have been transferred into municipal ownership shall be formed into one or more real estates as appropriate or annexed to a real estate formerly owned by the municipality in compliance with section 41 of the Real Estate Formation Act where applicable.
- (2) A former public road area outside an area in which a local detailed plan is in force and transferred into municipal ownership before 1 January 1991, which is not already a part of a real estate, shall be formed into a separate area or annexed to a real estate in a proceeding as referred to in section 41 of the Real Estate Formation Act. The order to conduct such a proceeding shall be issued without application by a land survey office after hearing the municipality. The costs of the proceeding shall be paid by the municipality.
- (3) If demarcation of the boundary of a former public road that has transferred to an adjacent real estate prior to 1 January 1991 has not been executed, the area that has transferred to the real estate may be recognised without demarcation in connection with a cadastral procedure concerning the area, unless there is ambiguity as to the location of the boundary. A cadastral procedure shall be executed at the application of the owner of the real estate to determine the location of the boundary.

Section 93
Former road areas as private roads

- (1) Even if the road area of a former highway has transferred into the ownership of the adjacent real estate or the municipality, parties needing the area as a private road may use it as such for the time being without compensation until matters pertaining to right of way have been resolved in the order provided in section 69 or in a road survey as provided in section 75(1).
- (2) Matters pertaining to the use of areas referred to in section 92(2-3) above shall be dealt with and resolved according to the Act on Private Roads.
- (3) The road management authority is responsible for the maintenance of former highways as referred to above in subsection 1 until such time as provided in greater detail by Government decree.
- (4) Prior to the discontinuation of the maintenance obligation of the road management authority, the members of the road maintenance association shall decide in a road survey on the maintenance of a former highway. A provision of this type expires once the road survey has gained legal force unless otherwise ordered on its validity upon deciding on maintenance.

Section 94
Former road areas according to earlier provisions

- (1) If a public road has been discontinued or the use of land as road area has ceased due to other reasons prior to 1 January 1985 and the road area has not been designated for other road purposes, the provisions of this Act shall apply to the road area.
- (2) If the owner of the adjoining area has been and remains in permanent sole possession of more road area than may, under section 91(4), belong to the said area, the land in his possession in this manner may upon request be annexed to this area.

Section 95
Discontinuation of accessory areas

- (1) The road management authority shall discontinue accessory areas when they are no longer needed for the purpose for which they were established. The provisions concerning final engineering plans apply where appropriate to procedures for discontinuation of accessory areas. The right of way on an accessory area ceases at the time of its discontinuation.
- (2) Discontinued accessory areas entered in the real estate register as other register units in accordance with section 2(2) of the Real Estate Register Act shall in a road survey be ordered to belong to that real estate from which they

were claimed for road purposes or, if that real estate no longer exists, to that real estate or those real estates to which they are best suited in terms of territory.

- (3) Should any party gain benefit that is not be considered insignificant from the discontinuation of an accessory area, the beneficiary shall be obliged to compensate the road management authority for benefit obtained. If no compensation is agreed upon, the matter shall be resolved in a road survey.

Section 96 **Lapsing of right of lien and special rights**

If an area belonging to a real estate has been transferred to another real estate pursuant to this chapter and a right of lien or special right applied to that real estate, the said right shall lapse with regard to the transferred area. Should the holder of the right incur damage as a result of the right lapsing, the holder of the right shall be entitled to compensation from the road management authority, in which case the provisions of chapter 5 shall apply where appropriate.

Section 97 **Removal of buffer zone and lateral clearance area markings**

Markings of real estate under section 61 shall be removed from the land register once a highway has been closed.

Section 98 **Areas outside the road area**

The provisions of this chapter do not apply to areas other than road area expropriated for road management purposes or coming to the party responsible for road management through assignment.

Chapter 7 **Miscellaneous provisions**

Section 99 (1242/2009) **Decision-making**

The Ministry of Transport and Communications adopts final engineering plans concerning the discontinuation of a highway, except in connection with the construction of a highway. Other final engineering plans and preliminary engineering plans are adopted by the Finnish Transport Agency. Should the municipality, regional council or the Centre for Economic Development, Transport and the Environment disagree with the Finnish Transport Agency on

essential elements of the plan, the matter shall be assigned to the Ministry of Transport and Communications for resolution. For particular reasons, the Finnish Transport Agency may also otherwise transfer plans to the Ministry of Transport and Communications for adoption.

Section 100 Sanctions

Should anyone

1) violate a provision or prohibition on the making or use of a junction issued pursuant to section 24(1) or a provision or prohibition contained in sections 35, 37 or 42 or issued pursuant thereto or act contrary to a permit issued pursuant thereto and the conditions contained therein, or

2) deliberately or with gross negligence act in violation of a prohibition contained in section 26(2) or sections 44–46 or issued pursuant thereto,

he shall be sentenced to a fine *for violation of the provisions of the Highways Act*, unless more severe punishment is provided for in other statutes.

Section 101 Administrative enforcement response (1242/2009)

- (1) The Regional State Administrative Agency may enjoin a person violating this Act or provisions issued pursuant thereto from continuing or repeating actions contrary to the law. The Regional State Administrative Agency may also order the person violating this Act or provisions issued pursuant thereto to meet his obligations. The Regional State Administrative Agency may make its decision more effective through imposition of a penalty payment or notice of the neglected measure being commissioned at the expense of the neglecting party, or notice of suspension of activities. The provisions of the Penalty Payment Act (1113/1990) shall apply to penalty payment, notice of action and notice of suspension. (1242/2009)
- (2) Should urgent measures be necessary to remove an immediate hazard to traffic or, if the matter involves rectifying an unauthorised action concerning the road area, the road management authority is entitled to take the measure or rectify the unauthorised action at the expense of the party liable thereto.
- (3) Should the road management authority be prevented from carrying out an official duty as referred to in subsection 2 or prevented from carrying out research as referred to in section 16(1), the police shall grant executive assistance at the request of the road management authority.

Section 102

Collection of expenses

If the road management authority is entitled to carry out a measure referred to in this Act at the expense of another, such expenses may be collected in the manner provided in the Act on Collection of Taxes and Fees Through Execution (367/1961).

Section 103

Announcement and service of decisions

- (1) Decisions on the adoption of preliminary and final engineering plans and the extension of the period of validity of final engineering plans shall be publicly announced. To that end, the road management authority shall forward the decision and the underlying documents to the relevant municipality, which shall notify of their being available for public viewing as provided in section 64 of the Local Government Act (365/1995). The decision and the documents shall be made available for public viewing in the municipality for a period of thirty days. Service is considered to have taken place when the decision has been made available for public viewing.
- (2) A decision to adopt a final engineering plan that is of minor significance may be served in a verifiable manner as provided in the Administrative Procedure Act (434/2003). Provisions on the electronic service of decisions are laid down in the Act on Electronic Services and Communication in the Public Sector (13/2003).
- (3) The road management authority shall serve the municipality and the party submitting the initiative or, if the initiative has been signed by two or more parties, the contact person notified in the joint document, with decisions to adopt final engineering plans concerning the conversion of a private road into a highway. The contact person shall notify other signatories of such service.

Section 104

Notification of a decision to parties lodging objections and to the authorities (1242/2009)

- (1) The road management authority shall notify parties lodging objections to preliminary and final engineering plans of the decision to adopt such plans at the same time as the decision is announced as provided under section 103, if the address for such parties is known.
- (2) The Finnish Transport Agency shall send notification of the decision to adopt preliminary and final engineering plans to municipalities, Centres for Economic Development, Transport and the Environment and regional councils and to other authorities as necessary. If necessary, a copy of the plan shall be appended to such notification. (1242/2009)

Section 105 Appeal

- (1) Decisions made pursuant to this Act are appealed in the manner provided in the Administrative Judicial Procedure Act (586/1996) subject to the provisions of section 87. Decisions taken by the road management authority in matters referred to in sections 37, 38(2), 40(2), 47, 48(2) and 52 shall be appealed to that administrative court in whose jurisdiction the junction, crossing site, real estate or advertisement or notice referred to in the decision is located.
- (2) Municipalities, Centres for Economic Development, Transport and the Environment and regional councils are entitled to appeal decisions to adopt preliminary and final engineering plans whose impacts extend into the municipality or the sphere of operation of the authority. (1242/2009)
- (3) In matters coming under their purview, registered local or regional corporations or foundations are entitled to appeal decisions to adopt preliminary or final engineering plans whose impacts extend into the sphere of operations of the corporation or foundation.
- (4) Appeals concerning decisions to adopt preliminary and final engineering plans that shall be considered socially significant shall be dealt with as urgent.

Section 106 Restrictions on appeal

- (1) A decision to adopt preliminary engineering plans may not be appealed inasmuch as the location of the highway and technical solutions have already been approved with legal force in a legally binding plan.
- (2) The provisions of subsection 1 also apply to decisions on adopting final engineering plans. Such decisions may also not be appealed inasmuch as the location of the highway and technical solutions have already been approved in a preliminary engineering plan with legal force.

Section 107 Immediate enforcement of decisions

- (1) Decisions concerning the adoption of preliminary or final engineering plans or the extension of the period of validity of final engineering plans may be enforced despite appeal unless otherwise ordered by an appellate court. (1242/2009)
- (2) Decisions issued by the road management authority pursuant to section 48(2) may include provisions as to their enforceability despite appeal.

Section 108

Public announcement

Should an announcement, order, prohibition or other matter be made public knowledge under this Act or pursuant thereto and no provisions have been issued on the manner of notification, the road management authority shall notify of the matter by announcing it for a period of thirty days at the least by notification on the bulletin board of the relevant municipality as provided in the Act on Public Announcements (34/1925). Publication of the announcement shall be announced in at least one newspaper generally distributed in the area on which the activities impact unless the matter is of minor significance or notification is otherwise deemed perceptibly unnecessary.

Section 109

More detailed provisions and regulations

- (1) More detailed provisions on the registration of highways, the keeping of planning documents, subsequent care obligations, assignment for traffic, highway dimensions, distance of buildings and the shared arrangements of highway and railway shall be issued by Government decree.
- (2) Provisions on the designation of lateral clearance areas of highways are issued by a decree of the Ministry of Transport and Communications. (1242/2009)
- (3) The Finnish Transport Agency shall issue technical regulations on highway management as well technical regulations concerning the enforcement and application of Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network. The central administration of the National Land Survey of Finland shall issue the templates for documents necessary to guide road surveys, regulations on boundary marks and other marks in terrain and the precision of surveys carried out in road surveys. (1242/2009)

Chapter 8

Transitional provisions and entry into force

Section 110

Entry into force

- (1) This Act enters into force on 1 January 2006.
- (2) Measures necessary for the implementation of this Act may be undertaken before the entry into force of the Act.

Section 111

Acts repealed

- (1) This Act repeals the following Acts as amended:
 - 1) Act of 21 May 1954 on Public Roads (243/1954);
 - 2) Act of 21 May 1954 of the Enforcement of the Act on Public Roads (244/1954); and
 - 3) Act of 21 May 1954 on the Right to Former Road Area (245/1954).
- (2) Any reference contained in other Acts or decrees to provisions repealed by this Act shall mean a reference to this Act subsequent to its entry into force. Any reference to public roads in other acts or decrees shall mean a reference to highways subsequent to the entry into force of this Act.

Section 112

Transitional provisions on the arising of rights and entries in the real estate register

- (1) The road area of an existing public road to which the party responsible for road management has right of way shall transfer into the ownership of that party upon entry into force of this Act.
- (2) The provisions of subsection 1 also apply to accessory areas immediately adjacent to the road area and remaining necessary for the highway.
- (3) The keeper of the real estate register shall convert the register units of public roads according to subsection 1 and of accessory areas according to subsection 2 entered in the real estate register into redemption units. This measure shall be taken without separate proceeding or decision.
- (4) The party responsible for road management shall have right of way to the road area of a public road that is owned by the municipality at the time of entry into force of this Act. An entry to this effect shall be made in the real estate register without separate proceeding or decision.
- (5) Should a public road at the time of entry into force of this Act be located in a tunnel, on a bridge, dam or deck or below a deck, or should the area above or below the road have been allocated to construction in a legally binding plan or should a public road be situated on the land of a redemption unit belonging to a party another than the road management authority, the keeper of the real estate register shall enter a right of way to the road area for the party responsible for road management after hearing the road management authority. This entry shall be made without separate proceeding or decision.
- (6) The provisions of subsection 5 also apply to former road areas the party responsible for road management is entitled to use for other road purposes

pursuant to section 33(2) of the Act on Public Roads or statutes in force at an earlier time.

- (7) Should the keeper of the real estate register consider a matter concerning right of way in accordance with subsections 4–6 to be unclear, it shall hear the owner or holder of the relevant real estate before making an entry in the real estate register.
- (8) Should the owner or holder of real estate lodge an objection in connection with being heard under subsection 7, or should the dimensions of a register unit or right of way be unclear in matters other than those under section 113, or for other particular reasons, the matter shall be addressed in a road survey initiated by the keeper of the real estate register.

Section 113

Entry in the real estate register of a road area transferred into municipal ownership

- (1) A public road area located in an area in which a local detailed plan is in force that has transferred into municipal ownership prior to the entry into force of this Act shall be entered in the real estate register by virtue of a decision taken by the keeper of the register as a public area if the area has been designated in full as a public area in accordance with section 2(4) of the Real Estate Formation Act. Should the dimensions of an area transferred into municipal ownership be unclear, the matter shall be resolved in a property definition as referred to in the Real Estate Formation Act prior to the decision referred to above being taken. The order to execute the proceeding is given by the keeper of the real estate register without application and the costs thereof shall be paid by the municipality.
- (2) Should the area transferred into municipal ownership as referred to above in subsection 1 include areas designated for different use, a subdivision shall be executed for the purpose of formation into a real estate of the area in which the areas designated for different use shall be formed into real estates according to the local detailed plan.
- (3) A highway road area transferred into municipal ownership pursuant to section 93 of the Land Use and Building Act subsequent to the entry into force of this Act shall be separated into real estates through subdivision in accordance with the local detailed plan.

Section 114

Transitional provisions on road surveys

- (1) This Act shall also apply to issues to be resolved in road surveys initiated prior to its entry into force that are taken under consideration for resolution subsequent to its entry into force.

- (2) If in a road survey initiated prior to the entry into force of this Act, the road is located in a tunnel or on a bridge, dam or deck, or below a deck, or if the area above or below the road has been allocated to construction in a legally binding plan, the establishment of right of way shall be resolved in a road survey.

Section 115

Other transitional provisions

- (1) Variance matters pending before regional environmental centres at the time this Act enters into force and concerning roadside advertising and the keeping of buildings in roadside areas, buffer zones and lateral clearance areas as well as matters concerning the confirmation of the end point of a public road in accordance with section 63 of the decree on public roads (482/1957) shall be dealt with and resolved according to the provisions that were in force at the time this Act enters into force.
- (2) Traffic signs and other traffic control devices located in roadside areas at the time this Act enters into force may remain in place.
- (3) If a municipality has been designated responsible for road management pursuant to section 20(1) of the Act on Public Roads, it shall be responsible for road management once this Act enters into force, in accordance with the road management provision and as provided on road management in this Act and pursuant thereto. The Ministry of Transport and Communications may for particular reasons relieve a municipality of its road management obligation. An obligation on a party other than that responsible for road management to attend to a duty related to road management arising pursuant to section 20(2) of the Act on Public Roads remains in effect as such upon this Act entering into force. The road management authority may for particular reasons relieve such liable party of its road management obligation.
- (4) Preliminary and final engineering plans on which drafting was initiated prior to the entry into force of this Act shall be dealt with and adopted according to provisions that were in force at the time this Act enters into force.
- (5) Matters concerning the conversion of private roads into public roads pending at the time this Act enters into force and for which an inspection as provided in section 38(3) of the decree on public roads has been conducted before the entry into force of this Act shall be dealt with and resolved according to provisions that were in force at the time this Act enters into force. Matters concerning the discontinuation of a public road that were pending at the time this Act enters into force, for which a discontinuation proposal has been submitted to the central administration of the Finnish Road Administration prior to the entry into force of this Act, shall be dealt with and resolved according to provisions that were in force at the time this Act enters into force.
- (6) The provisions of Section 105(3) and 105(4) shall apply to decisions on adopting preliminary and final engineering plans taken once this Act has entered into force.

Application and entry into force of amendment provisions

22.12.2009/1242:

- (1) This Act enters into force on 1 January 2010.
- (2) At the entry into force of this Act, applications for derogation from the roadside advertising prohibition which are pending in the Finnish Road Administration shall be processed and resolved according to the provisions in force upon the entry into force of this Act.
- (3) At the entry into force of this Act, final engineering plans concerning the conversion of a private road or street into a highway which are pending in the Ministry of Transport and Communications shall be processed and resolved according to the provisions in force upon the entry into force of this Act.