

99089040168000

Heruntergeladen am 21.06.2025

<https://fimportal.de/xzufi-services/1864/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99089040168000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Winter service; clearing and gritting in snow and icy conditions
Typisierung	4 - Land: Regelung
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	23.01.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	http://bundesrecht.juris.de/fstrg/_3.html http://bundesrecht.juris.de/fstrg/_3.html https://www.gesetze-bayern.de/Content/Document/BayStrWG-9 https://www.gesetze-bayern.de/Content/Document/BayStrWG-9 https://www.gesetze-bayern.de/Content/Document/BayStrWG-51 https://www.gesetze-bayern.de/Content/Document/BayStrWG-51
Teaser	The obligation to clear snow and grit in icy conditions (slippery snow and black ice) is usually summarized under the term "winter service obligation".
Volltext	<p>Winter road maintenance is not part of the road construction obligation. There is no obligation under road law to provide a general winter service on roads or certain classes of road. In individual cases, the duty to ensure road safety, which is rooted in civil law, may result in winter road maintenance obligations for the road construction authority, particularly in local thoroughfares, but these are severely restricted in terms of space or subject matter depending on the local situation. On open stretches of road, the obligation to grit snow and ice only applies to particularly dangerous road sections (carriageway sections). Apart from this, winter road maintenance is a voluntary service provided by the road authorities. Winter road maintenance outside built-up areas</p> <p>Autobahn GmbH has set up a voluntary 24-hour winter service on federal highways in order to ensure continuous passability wherever possible. However, road users have no legal entitlement to this.</p> <p>On other roads under state administration (federal, state and administered district roads), voluntary winter road maintenance is also only carried out outside built-up areas during the day; depending on the</p>

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importance of the road for inter-urban, commuter or regular bus traffic, it is kept passable from 6.00 am to 8.00 pm or 10.00 pm. During the night, (unrestricted) passability is not guaranteed.

In general, snow-covered roads must be accepted at times during heavy, prolonged snowfall. Even on highways, the passability is then only possible to a limited extent. Critical road conditions are also to be expected in the event of heavy snow drifts and freezing rain.

Public winter services and private precautions must therefore complement each other. Private precautions in winter include in particular

- equipping vehicles with winter tires in good time (Section 2 of the Road Traffic Act) and
- driving behavior adapted to the winter road conditions.

Winter road maintenance within the built-up area

According to the Bavarian Road and Highway Act, it is the responsibility of the municipality to clear snow from public roads and to grit all dangerous road surfaces, crosswalks and pavements in icy conditions in order to maintain public safety and order within the built-up area, if this is urgently required and others are not obliged to do so under other legal provisions (in particular the duty to maintain road safety).

Municipalities also have the option of imposing a legal obligation on adjacent or rear residents to clear and grit the footpaths and shared footpaths and cycle paths on the public roads adjacent to their property or providing access to their property or, if there is no footpath or shared footpath and cycle path, to maintain these public roads in a safe condition in the width required for pedestrian traffic.

Erforderliche Unterlagen

Voraussetzungen

Modul	Sachverhalt
Kosten	
Verfahrensablauf	
Bearbeitungsdauer	
Frist	
weiterführende Informationen	http://www.bauen.bayern.de/vum/strasse/betriebsundwinterdienst/index.php http://www.bauen.bayern.de/vum/strasse/betriebsundwinterdienst/index.php
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal