

99012033029000

Heruntergeladen am 08.06.2025

<https://fimportal.de/xzufi-services/28550/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99012033029000
Leistungsbezeichnung I	
Leistungsbezeichnung II	Road construction; application for the implementation of a planning approval procedure
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	

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Fachlich freigegeben am	08.08.2024
Fachlich freigegeben durch	Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport)
Handlungsgrundlage	http://bundesrecht.juris.de/fstrg/ http://bundesrecht.juris.de/fstrg/ https://www.gesetze-bayern.de/Content/Document/BayStrWG https://www.gesetze-bayern.de/Content/Document/BayStrWG https://www.gesetze-bayern.de/Content/Document/BayVwVfG https://www.gesetze-bayern.de/Content/Document/BayVwVfG http://bundesrecht.juris.de/uvpg/ http://bundesrecht.juris.de/uvpg/ https://www.gesetze-im-internet.de/umwrg/index.html https://www.gesetze-im-internet.de/umwrg/index.html
Teaser	Road planning approval procedures are special formal approval procedures with public participation for the construction or modification of roads. The governments are responsible for carrying them out.
Volltext	<p>Major road construction projects regularly affect a large number of different interests and require them to be balanced. The construction of new federal trunk roads and state roads as well as certain district, municipal or local roads may therefore generally only begin once a planning approval procedure has been carried out. For independent cycle paths and subordinate district and municipal roads, it is possible to apply for a planning approval procedure. The same applies to legally defined cases of road alterations.</p> <p>The planning approval procedure is the building permit procedure for roads.</p> <p>The governments are responsible for carrying out planning approval procedures under road law. The responsible government (planning approval authority) takes action at the request of a road construction authority (federal highway company, state building</p>

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authority, district or municipality). The road construction authorities prepare the planning documents and inform the public about planned projects at an early stage, e.g. at public meetings.

Erforderliche Unterlagen

Voraussetzungen

Construction or substantial modification of public roads.

Kosten

As a rule, no administrative costs are incurred by objectors. Exceptions are expenses for requested copies, transcripts, etc. The objector's own expenses (e.g. lawyer's fees) are to be borne by the objector.

Verfahrensablauf

Procedure of the planning approval procedure

Once the road construction authority has completed the planning documents, it applies to the planning approval authority, the respective district government, to initiate a formal planning approval procedure.

As the hearing authority, the government obtains the opinions of the specialist authorities and involves the affected municipalities.

The public is involved:

- In the case of federal trunk roads, the plans and documents are regularly published on the website of the planning approval authority after prior announcement. At their request, individual parties may be provided with an easily accessible means of access, such as inspection at the authority under the guidance of knowledgeable authority employees. The announcement is also made in the respective local daily newspapers.

- For state, district and, where applicable, municipal roads, the plans and documents are generally published on the Internet, whereby the planning documents must be made available in the municipalities as an additional source of information. The announcement is made by publication on the Internet, whereby in this case the customary local announcement must also be made in the

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municipalities.

- Objections to the project can be raised up to two weeks, or up to one month in the case of procedures subject to an environmental impact assessment obligation, after the expiry of the one-month display period. Anyone whose interests are affected by the project is entitled to raise objections. The formal requirements described in the respective announcement apply to objections. Admissible forms include Written mail or electronic submissions with a qualified electronic signature to the government.

As a rule, the developer is then heard on the objections. It is given the opportunity to examine the objections and respond to them.

The comments received during the consultation process and the objections submitted in good time can be dealt with in a separate meeting (discussion meeting/individual hearing) with the representatives of the authorities and objectors. A discussion meeting will be announced in good time in accordance with local practice and also published on the Internet. One of the aims of the hearing and the individual hearing is to find solutions to conflicts associated with the project.

Once the hearing procedure has been completed, the planning approval authority issues the planning approval decision or rejects the application.

In the case of federal trunk roads, the planning approval decision is served, displayed and published on the website of the planning approval authority for two weeks, together with information on legal remedies and the adopted plan. In addition, the main content of the decision must be published in daily newspapers.

In the case of other roads, the planning approval decision is served on the applicant and those objectors whose objections have been decided upon. If more

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than 50 notifications are to be made, these notifications can be replaced by public announcements. Furthermore, the established planning documents, including the planning approval decision, are published on the Internet for a period of two weeks, whereby the display in the municipalities must be made as an additional information service.

An action can be brought directly against a planning approval decision. The action must be brought within one month of notification. The requirements can be found in detail in the information on legal remedies in the planning approval decision.

Bearbeitungsdauer
Frist

As a rule, road construction may only begin once an enforceable planning approval decision has been issued. In exceptional cases, work may be started beforehand upon application, particularly for preparatory work. Objections to the project can be submitted to the government in writing or electronically up to two weeks, or one month in the case of projects subject to an EIA, after the expiry of the one-month public display period. Further details are determined by law and the hearing authority. In the case of state, district and, where applicable, municipal roads, objections can be raised in writing and, where applicable, recorded by the municipalities concerned or the government. Details can be found in the announcement. An appeal against a planning approval decision must be lodged within one month of notification.

weiterführende Informationen

https://www.regierung.oberbayern.bayern.de/aufgabenn/37201/59013/leistung/leistung_28550/index.html
https://www.regierung.oberbayern.bayern.de/aufgabenn/37201/59013/leistung/leistung_28550/index.html
https://regierung.niederbayern.bayern.de/aufgaben/37689/37760/leistung/leistung_28550/index.html
https://regierung.niederbayern.bayern.de/aufgaben/37689/37760/leistung/leistung_28550/index.html
<https://www.regierung.oberpfalz.bayern.de/service/plannfeststellung/strassen/index.html>
<https://www.regierung.oberpfalz.bayern.de/service/pla>

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https://www.regierung.oberfranken.bayern.de/service/planfeststellungen/planung_bau/index.html
https://www.regierung.oberfranken.bayern.de/service/planfeststellungen/planung_bau/index.html
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Hinweise

Rechtsbehelf

Kurztext

Ansprechpunkt

Zuständige Stelle

Formulare

Ursprungsportal

BayernPortal, BayernPortal