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Roads Act¹

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Amended by the following acts

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18.04.2001	RT I 2001, 43, 241	17.05.2001
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14.11.2001	RT I 2001, 93, 565	01.02.2002
23.04.2002	RT I 2002, 41, 249	27.05.2002
15.05.2002	RT I 2002, 47, 297	01.01.2003
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19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
19.11.2003	RT I 2003, 79, 530	31.03.2004
17.12.2003	RT I 2003, 88, 594	08.01.2004
23.11.2004	RT I 2004, 84, 569	01.01.2005
26.01.2005	RT I 2005, 11, 44	27.02.2005
16.06.2005	RT I 2005, 40, 312	21.07.2005
27.11.2005	RT I 2005, 61, 479	01.01.2006
07.06.2006	RT I 2006, 30, 232	01.01.2007
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24.01.2007	RT I 2007, 15, 76	01.05.2007
14.06.2007	RT I 2007, 45, 319	01.01.2008
15.11.2007	RT I 2007, 63, 398	01.01.2008
22.11.2007	RT I 2007, 66, 408	01.01.2008
10.12.2008	RT I 2008, 56, 314	01.01.2009
20.02.2009	RT I 2009, 15, 93	01.03.2009
07.05.2009	RT I 2009, 25, 150	01.07.2009
20.05.2009	RT I 2009, 28, 170	01.07.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
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22.02.2011	RT I, 17.03.2011, 1	18.03.2011

23.02.2011	RT I, 17.03.2011, 2	27.03.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force changed to 01.07.2014 [RT I, 22.12.2013, 1]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, partially 01.01.2014 and 01.11.2014; date of entry into force partially changed to 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
01.07.2014	RT I, 12.07.2014, 4	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 107 ³ (4) of the Government of the Republic Act.

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of Act

(1) The Roads Act provides the requirements for roads, the rights and obligations of road owners and road users and the liability thereof for violations of traffic safety requirements, and regulates the organisation and financing of road management, road use and road protection and the protection of humans and the environment against hazards arising from traffic.

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.
[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 2. Roads

(1) A road is a highway, street, forest road, footpath, cycle track or other construction which is used for vehicle or pedestrian traffic and which may be in the ownership of the state, a local government or another legal person or natural person.

(2) Roads comprise the following located on road area:
[RT I 2007, 63, 398 - entry into force 01.01.2008]

1) the following constructions used for traffic:

- carriageways, merging and diverging lanes adjacent to carriageways, and pavements;
- car parks and rest areas;
- tunnels, bridges, culverts and viaducts;
- lanes for non-road vehicles;
- areas intended for the inspection of road users or in which road users pay charges;
- areas prescribed for public transport stops and shelters;
- border control and customs control constructions;
- shoulders;

2) other constructions:

- ditches, green areas and central reservations or green strips;
- defence structures for protection against traffic damage and noise barriers and environmental protection constructions located by the side of a road;
- traffic control devices;
- road marking constructions and road lighting installations;
- other road management constructions located by the side of a road.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 3. Road area

A road area is an area which, pursuant to the procedure established by legislation, is designated for the location of constructions within the composition of a road and for the organisation of road management.

§ 4. Public roads

(1) National roads, national winter roads, local roads and local winter roads are public roads. Everyone may use public roads with the restrictions provided for in this Act and other legislation.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(2) The Law of Property Act applies to the use of public roads and access to public roads

(3) The minister responsible for the area designates a private road for public use with the consent and on the conditions of the owner of the road and pursuant to a contract entered into by the Road Administration and the owner of the private road and appoints a person responsible for the organisation of road management, on the basis of national interests. A rural municipality or city government designates a private road for public use with the consent and on the conditions of the owner of the private road and pursuant to a contract entered into by the rural municipality or city council and the owner of the private road and appoints a person responsible for the organisation of road management, on the basis of the interests of the local government. The contract shall prescribe the procedure for use of the private road, marking of the private road, compensation to the owner of the private road and the parties who bear the road management costs.
[RT I 2005, 11, 44 - entry into force 27.02.2005]

Chapter 2

Types of Road

§ 5. Highway

(1) A highway is a road which is located outside a city, town or small town and which is prescribed for vehicle and pedestrian traffic.

(2) A national road which is entered in the list of national roads is:

- 1) a main road which connects the capital with other large cities, large cities with one another, and the capital and large cities with important ports, railway junctions and border checkpoints;
- 2) a basic road which connects cities with one another and cities with main roads;
- 3) a secondary road which connects cities with towns and small towns, towns and small towns with one another or with villages, and cities, towns, small towns and villages with main roads and basic roads;
- 4) a slip road and connecting road constructed in junction areas of roads which are grade separated or at the same grade for the organisation of traffic and the channelling of traffic flows.
- 5) another road entered in the list of public roads on the basis of a decision of the minister responsible for the area.

(3) The minister responsible for the area shall establish the types of national road, decide on entry of roads in the list of national roads and on exclusion of roads from the list.

(4) A local road is a highway which is constructed for the organisation of local traffic.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 5¹. Local roads

A local road is a local highway, street, footpath, cycle track, winter road prescribed for local traffic and a private road designated for public use on the basis of a contract entered into between the rural municipality or city council and the owner of the private road pursuant to the procedure provided for in subsection 4 (3) of this Act. The list of local roads shall be established by a resolution of the rural municipality or city council.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 5². Private roads

A private road is a road situated on an immovable of a legal or natural person. Private roads may be used only with the permission of the owner of the immovable. Private roads may be used without the permission of the owner of the immovable in the cases specified in subsection 33 (8) of this Act.
[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 5³. Forest roads

(1) For the purposes of this Act, a forest road is a road situated on land retained in state ownership and used predominantly for the management of state forests. A forest road may be used by everyone unless the person or state agency who organises the management of the state forest has closed the forest road or a part thereof or restricted traffic on the forest road.

(2) A person or state agency who organises the management of a state forest has, if necessary, the right to enter into agreements with rural municipality or city governments and legal and natural persons for the use of forest roads and organisation of road management.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 6. Street

A street is a road located in a city, town or small town which is constructed or adapted for vehicle or pedestrian traffic.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 7. Footpath and cycle track

Footpaths and cycle tracks are roads which are constructed or adapted for pedestrian traffic exclusively, pedestrian and cycle traffic, or cycle traffic exclusively.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 8. Winter road

(1) A winter road is a road which is constructed over frozen land or a frozen body of water and which is prescribed for traffic between the mainland and islands or between different locations on the mainland. The period of use of a winter road is restricted.

(2) The owner of land or a body of water which is necessary for the construction of a winter road has the right to demand payment of a fee from the constructor of the road for use of the land or the body of water.

(3) The location of a winter road, the term for and conditions of use of the road and the size of the fee charged for use of the land or body of water necessary for construction of the road are prescribed by a contract entered into by the owner of the land or body of water and the person interested in construction of the winter road.

§ 9. [Repealed - RT I 2007, 63, 398 - entry into force 01.01.2008]

Chapter 3 Requirements for Roads

§ 10. State of roads

(1) A road shall enable safe traffic and shall conform to the requirements concerning the state of roads.

(2) The requirements for road safety constructions, traffic signs, traffic lights, barriers, roadside marking posts and road markings, and other requirements concerning the state of national roads, local roads and winter roads shall be established by the minister responsible for the area.

(3) The requirements concerning the state of forest roads shall be established by the minister responsible for the area.

(4) The owner of a public road or a person appointed as the person responsible for the organisation of road management is required to maintain the road in a state which conforms to the requirements provided for in this Act and legislation established on the basis thereof.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 11. Registration of roads

(1) The following are registered in the national register of roads:

- 1) [repealed - RT I 2007, 63, 398 - entry into force 01.01.2008]
- 2) roads in the list of national roads specified in subsection 5 (3) of this Act;
- 3) local roads specified in § 5¹ of this Act;
- 4) forest roads specified in subsection 5³(1) of this Act.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(2) On the proposal of a local government, private roads designated for public use may be registered in the national register of roads.

[RT I 2007, 12, 66 - entry into force 01.01.2008]

(3) The national register of roads shall be established and the statutes for the maintenance of the register shall be established by the Government of the Republic.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

(4) The chief processor of the national register of roads is the Road Administration.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 12. Designation of roads

(1) Roads included in the European road network register and the National register of roads shall be designated with the letter E, national roads shall be designated with the corresponding designation of national roads, and

local roads and forest roads shall be designated with the name or designation. Streets and private roads shall be designated with a name.

[RT I 2005, 11, 44 - entry into force 27.02.2005]

(2) The owner of a road leading to or from a settlement unit shall mark the road with signposts.

(3) The road designation system and the procedure for the implementation thereof shall be established by the minister responsible for the area.

§ 13. Road protection zone

(1) A protection zone shall be constructed alongside a road in order to protect the road, organise road management, ensure traffic safety and reduce any harmful effects to the environment or humans.

(2) The width of the protection zone of a national road shall be fifty metres on each side of the axis of a lane or, if the road has several lanes, 50 metres on each side of the outermost lanes.

(3) The width of the protection zone of a local road shall be twenty to fifty metres on each side of the axis of a lane or, if the road has several lanes, 20 to 50 metres on each side of the outermost lane.

(4) [Repealed - RT I 2005, 11, 44 - entry into force 27.02.2005]

(5) The width of the protection zone of a street shall be up to 10 metres from the edge of the road area. The protection zone may be widened up to 50 metres if so prescribed by a plan prepared in compliance with the Planning Act.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

Chapter 4 ROAD MANAGEMENT

§ 14. Definition of road management

(1) Road management is the carrying out, planning of road works, organisation of road use, maintenance of road protection zones, road design and other activities related to the administration of roads.

(2) Road works are the construction, repairs and maintenance of roads provided for in § 17 of this Act. The classification and the technical specification of construction and repair works shall be provided for in the rules of road design specified in subsection 19 (2) of this Act.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 15. Planning of road management

(1) The requirements of traffic safety, environmental protection and the state of the road, regional and, state development plans, the estimated traffic volume and other relevant circumstances shall be observed upon planning of road management. Tunnel maintenance works shall be based on the requirements provided for in Directive 2004/54/EC of the European Parliament and of the Council on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.04.2004, pp. 39–91).

(2) The minister responsible for the area may establish a procedure to ensure compliance with the requirements of the Directive specified in subsection (1) of this section.

(3) The management plan of national roads shall include a list of construction sites and road works, a calculation of the financing of road management separately by each source of financing and each year and other activities related to road management. In addition to the activities related to road management, the management plan of national roads may include also other measures of road management of public roads if it is necessary due to the road management technology or in order to ensure the integrity of the road network in the public interest.

(4) The management plan of national roads shall be prepared by the Ministry of Economic Affairs and Communications for four years and it shall be updated every year, if necessary. The management plan of national roads shall be approved by the Government of the Republic.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 16. Financing of road management

(1) The management of national roads shall be financed on the basis of the road management plan approved by the Government of the Republic.

(2) The volume of financing of management of national roads and the volume of support to management of local roads by year shall be prescribed in the state budget strategy.
[RT I, 12.07.2014, 4 - entry into force 01.01.2015]

(3) The funds for road management shall be specified in the state budget for each budgetary year.
[RT I, 12.07.2014, 4 - entry into force 01.01.2015]

(4) The division of funds between the expenditures necessary for management of roads, including for support of management of local roads by local governments or the roads thereof, shall be approved by the Government of the Republic.
[RT I, 12.07.2014, 4 - entry into force 01.01.2015]

§ 17. Road planning, construction, repairs and maintenance

[RT I 2007, 63, 398 - entry into force 01.01.2008]

(1) Plans of areas prescribed for the construction of roads shall be prepared pursuant to the Planning Act.

(2) The objective of road construction is to increase the safety of traffic, increase the capacity of roads and thereby to promote transit traffic, improve the state of the environment and promote regional development. The result of road construction is a new road, a change to the class of a road, a new junction or an auxiliary lane.

(3) The objective of road repairs is to eliminate the effects of the wear and tear of road elements and the effects of damage. The result of road repairs is the original technical state of road elements. Road repairs do not result in a change to the class of the road.

(3¹) The objective of road management is to ensure the compliance of the state of roads with the requirements specified in subsection 10 (2) of this Act.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(4) [Repealed - RT I 2007, 63, 398 - entry into force 01.01.2008]

(5) The procedure for attestation of the conformity of road construction materials and products and the conformity assessment procedures required for the attestation of conformity shall be established pursuant to the procedure provided for in the Building Act.
[RT I 2003, 88, 594 - entry into force 08.01.2004]

§ 18. Expropriation of immovable

(1) In the event of construction of a public road, the Immovables Expropriation Act applies with regard to any prescribed expropriation.

(2) [Repealed - RT I 2005, 40, 312 - entry into force 21.07.2005]

§ 19. Road construction design documentation

(1) Construction and repairs of public roads shall be based on road construction design documentation (hereinafter *design documentation*) or a specification of road works.

(2) The requirements for design documentation, preliminary design documentation or specification of road works, the types and list of road works to be carried out in accordance with the design documentation or specification of road works, the rules for road design and the procedure for the expert assessment of design documentation shall be established by the minister responsible for the area.

(3) Upon construction of a new road, preliminary road design documentation which determines the location of the road shall be prepared as the first stage of the design documentation. In the course of preparation of preliminary road design documentation, the owner of the road shall ask the opinions of persons concerned within the meaning of the Planning Act, which will be taken into account upon preparation of the preliminary road design documentation, if possible.
[RT I 2009, 28, 170 - entry into force 01.07.2009]

(4) The need for design documentation or specification of road works for the construction or repairs of a private road or a forest road shall be determined by the owner of the road. Design criteria shall be issued by the owner of the road.

(5) Design criteria for national roads shall be issued by the Road Administration. Design criteria for local roads shall be issued by the rural municipality or city government.
[RT I, 17.03.2011, 1 - entry into force 18.03.2011]

(6) Design documentation shall be prepared on the basis of an adopted comprehensive plan or an adopted county plan.
[RT I 2009, 28, 170 - entry into force 01.07.2009]

(7) In the course of designing of a road, an environmental impact assessment shall be organised if so prescribed by the Environmental Impact Assessment and Environmental Management System Act. The issuer of a road construction licence shall decide the initiation of an environmental impact assessment in the course of designing of the road.

(8) The need for the expert assessment of design documentation or a part thereof shall be determined by the person who orders the design documentation or by the owner of the road. Specification of road works shall not undergo expert assessment.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 19¹. Owner supervision over road construction and repair works

(1) Owner supervision is an activity for ensuring the requisite quality of construction and repair works complying with the specification of road works, as well as for ensuring and verification of formulation of technical documentation.

(2) Owner supervision over the construction and repair works of a public road shall be organised by the owner of the road.

(3) Owner supervision over a private road designated for public use shall be organised by the person who orders the construction or repair works.

(4) The need for the organisation of owner supervision over the construction and repair works of a private road not designated for public use and a forest road and the manner for the exercise thereof shall be determined by the owner of the private road or the person or state agency who organises the management of the state forest.

(5) Owner supervision may be exercised by a person who holds an activity licence for owner supervision over road construction and repair works.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force changed to - RT I, 22.12.2013, 1)]

(6) The function of a person exercising owner supervision is to:

- 1) verify the conformity of construction and repair works to the design documentation or the specification of road works;
- 2) accept works related to structures or parts of constructions which will be covered with another part of structure or material in the following stages of construction or repairs and in connection with which there will be no later possibility for direct supervision over the structures or constructions, e.g. lower layers of embankment, geotextiles and geogrids, pavement layers, waterproofing, connections and joints between prefabricated elements, reinforcement, etc. (hereinafter *covered works*);
- 3) verify the safety of the construction and repair works to the environment and to humans;
- 4) verify the compliance of the construction and repair works with the quality requirements.

(7) A person exercising supervision has the right to demand:

- 1) the existence of the declarations of conformity of the used road construction materials and products and the installed equipment and the compliance of the information in the declarations of conformity with the certificates of conformity issued by assessment bodies, as well as the submission of maintenance or user manuals and other necessary documents;
- 2) redoing of construction or repair works which do not conform to the requirements;
- 3) suspension of construction or repair works for the elimination of deficiencies if continuation of the works may become dangerous to the environment and to humans;
- 4) proper documentation of construction and repair works.

(8) The procedure for exercising owner supervision shall be established by the minister responsible for the area.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 20. State construction supervision

(1) State construction supervision (hereinafter *construction supervision*) is supervision activities of a competent agency for the verification of the conformity of road construction and repair works with the requirements of this Act. Construction supervision on public roads shall be organised by the Road Administration.

[RT I, 17.03.2011, 1 - entry into force 18.03.2011]

(2) Construction supervision is not exercised upon construction and repair works of private roads and forest roads.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

(3) – (8) [Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 21. Road construction permit

(1) A road construction permit is required for the construction or repairs of a public road or a single structure in the composition of a public road if design documentation shall be prepared for these works pursuant to the requirements provided for in § 19 of this Act.

(2) Road constructions permits for national roads shall be issued by the Road Administration by notifying the local government of the issue of the construction permit. Road construction permits for local roads shall be issued by the relevant rural municipality or city government.

[RT I, 17.03.2011, 1 - entry into force 18.03.2011]

(3) A road construction permit shall be issued for road construction or repairs if the design documentation conforms to the rules for road design specified in subsection 19 (2) of this Act and other standards and legislation established for road works.

(4) A road construction permit shall specify the term of road construction or repair works, the duty to give notification of the commencement of work, the person exercising owner supervision and the obligations thereof.

(5) The grant or refusal to grant a road construction permit shall be decided upon within 30 days as of receipt of an application submitted according to the requirements.

(6) A road construction permit shall not be granted if:

- 1) the design documentation does not conform to the established requirements;
- 2) the design documentation was prepared or expert assessment was performed by a person who does not hold an appropriate activity licence, or
- 3) the designed road damages the neighbourhood rights provided for in §§ 143-151 of the Law of Property Act and no agreement is reached with the neighbour.

(7) Upon the issue of a road construction permit for a toll road, the fact that a road user must be able to reach the required destination by a non-toll road, except when crossing a bridge or passing through a tunnel which connects the mainland with an island, shall be taken into consideration. The use of a non-toll road shall not cause a road user excessive costs or take an excessive amount of time.

(8) The issuer of a road construction permit has the right to revoke the permit if:

- 1) work does not commence within one year after issue of the road construction permit;
- 2) continuation of work may become dangerous to the environment or to humans;
- 3) legislation regulating road works is violated;
- 4) the design documentation is not adhered to; or
- 5) other requirements prescribed by the road construction permit are violated.

(9) The procedure for the issue and the formats of road construction permits and permits for the use of a road and the requirements and procedure for documentation of construction and repair works shall be established by the minister responsible for the area.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 22. Permit for use of road

(1) A permit for the use of a road shall be issued by the issuer of the road construction permit.

(2) A permit for the use of a road may be issued after construction of the road is completed in conformity with the road design documentation and after construction supervision precepts are complied with.

(3) A road shall be entered in a register of roads after a permit is obtained for the use of the road.

(4) Completed parts of a road under construction or repair may be used on the basis of a permit for the use of a road if traffic safety is ensured.

§ 23. Liquidation of road

(1) A public road may be liquidated if the road is not used after the construction of a new road or for any other reason. A written consent of the relevant rural municipality or city government is required for the liquidation of a road.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

(2) A rural municipality or city government may permit the liquidation of a road without an appropriate plan.

(3) A private road may be liquidated by the owner of the private road by notifying the local government thereof in advance in writing.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 24. Maintenance of road documents

The owner of a road shall maintain the road design documentation and other essential documents. The documents shall be transferred to an archives ten years after a permit is obtained for the use of the road and the documents shall be maintained in the archives pursuant to the procedure provided for in the Archives Act.

§ 25. Organisers of road management

(1) Road management shall be organised by the owner of the road pursuant to the European Agreement, the Public Procurement Act, this Act and legislation issued on the basis thereof.
[RT I 2007, 15, 76 - entry into force 01.05.2007]

(2) The Road Administration shall organise the management of national roads and is required to create the conditions for safe traffic on such roads.
[RT I, 17.03.2011, 1 - entry into force 18.03.2011]

(2¹) Director General of the Road Administration represents the Republic of Estonia with the right to delegate authority upon conducting negotiations with landowners and concluding the transactions required for the acquisition of plots of land necessary for the management of national roads and by exercising all the rights and performing all the obligations arising from law. The plots of land acquired by the state for the management of national roads are administered by the Ministry of Economic Affairs and Communications.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(2²) The Road Administration shall perform on national roads and local governments on local roads the functions of the competent authority specified in Directive 2008/96/EC of the European Parliament and of the Council on road infrastructure safety management (OJ L 319, 29.11.2008, pp. 59-67) and arrange road safety impact assessments, traffic safety audits, traffic safety and safety inspections on the roads of the trans-European road network in Estonia in compliance with the requirements provided for in the directive. The competent authority may also apply the requirements of the directive on these publicly used roads not included in the trans-European road network.
[RT I, 17.03.2011, 2 - entry into force 27.03.2011]

(2³) The minister responsible for the area may establish by a regulation:
1) terms and conditions of traffic safety impact assessment and requirements for impact assessment;
2) terms and conditions of traffic safety audits and requirements for audits;
3) terms and conditions of safety ranking of roads and requirements for safety ranking of roads;
4) terms and conditions of safety inspections of roads and requirements for safety inspections of roads;
[RT I, 17.03.2011, 2 - entry into force 27.03.2011]

(3) Rural municipality and city governments shall organise the management of local roads and are required to create the conditions for safe traffic on such roads. In densely populated local governments with more than 40,000 residents, the undertaking performing the road management of local roads shall be the provider of the vital services specified in clause 34 (9) 2) of the Emergency Act.
[RT I 2009, 39, 262 - entry into force 24.07.2009]

(3¹) A person or a state agency who organises the management of a state forest shall organise the management of forest roads.

(4) Owners of private roads shall organise the management of roads in the ownership thereof and are required to create the conditions for safe traffic on such roads.

(5) Constructors of winter roads shall organise the management of winter roads and are required to create the conditions for safe traffic on roads constructed thereby.

(6) Proper installation of traffic control devices and traffic safety during road works shall be ensured by the performer of the road works.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(7) In a city, town or small town, the user of a territory adjacent to a road is required to maintain the pavement between the carriageway and the corresponding territory.

§ 25¹. Authorisation obligation

(1) In order to perform road management of public roads, an undertaking shall have an activity licence for operation in the following areas of activity:

1) construction, repairs and management of roads, except for construction and repairs (hereinafter *road construction*) of bridges and viaducts (hereinafter *bridges*);

- 2) construction and repairs of bridges (hereinafter *construction of bridges*);
- 3) design of roads, preparation of specifications of road works and expert assessment of road design documentation, except the design of bridges, preparation of specifications of road works for repair of bridges and expert assessment of bridge designs (hereinafter *road design*);
- 4) design of bridges, preparation of specifications of road works for repair of bridges and expert assessment of bridge designs (hereinafter *design of bridges*);
- 5) preparation of traffic arrangement plans and assessment of such plans (hereinafter *preparation of traffic arrangement plans*);
- 6) installation of traffic control devices;
- 7) owner supervision over road construction and repair works.

(2) An activity licence is not required for the following road works ordered by the owner of the road:

- 1) snow control operations and snow clearing operations;
- 2) de-icing on pavements and cycle tracks;
- 3) maintenance of the road area and road ditches;
- 4) maintenance of the passenger shelters and road service facilities;
- 5) road clearing and maintenance work;
- 6) installation and maintenance of traffic signs.

(3) An undertaking who holds an activity licence for road design is not required to have an activity licence for operating in the area of activity of traffic arrangement planning.

(4) An undertaking who holds an activity licence for road construction is not required to have an activity licence for operating in the area of activity of installation of traffic control devices.

(5) An undertaking who holds an activity licence for owner supervision over road construction and repair works is not required to hold an activity licence for the preparation of specifications of road works.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 25². Application for activity licence

An application for an activity licence is adjudicated by the Road Administration.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force changed to - RT I, 22.12.2013, 1)]

§ 25³. Object of inspection of activity licence

(1) An undertaking who applies for an activity licence for design of roads, design of bridges, traffic arrangement planning, installation of traffic control devices and owner supervision over road construction and repair work shall have at least one employee responsible for the quality of road management work (hereinafter *responsible employee*) who hold a respective certificate of competence.

(2) An undertaking who applies for an activity licence for construction of roads and construction of bridges shall have at least one employee responsible for the quality of road management work who complies to the requirements provided for in subsections 25⁴(3) and (4) of this Act.

(3) A person may be a responsible employee only at one undertaking and only for one road maintenance work specified in subsection 25¹(1) and requiring an activity licence, taking into consideration the following exceptions:

- 1) an employee responsible for the area of activity of road design may also act at the same undertaking as an employee responsible for the area of activity of preparation of traffic arrangement plans;
- 2) an employee responsible for the area of activity of road construction may also act at the same undertaking as an employee responsible for the area of activity of installation of traffic control devices;
- 3) an responsible employee for tee owner supervision of road construction and repair works may act at the same undertaking as an employee responsible for preparation of specifications of road works.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 25⁴. Certificate of competency

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

(1) In order to perform road management work of public roads, a natural person shall have a certificate of competence for operation in the area of activity of design of roads, design of bridges, traffic arrangement planning, installation of traffic control devices, owner supervision over road construction and repair work and traffic safety audits.

(2) Certificates of competence are issued by the Road Administration for the term of three years.

(3) A person who applies for a certificate of competence shall have:

- 1) relevant professional experience;
- 2) relevant professional academic or applied higher education or, as an exception, vocational secondary education in road construction, if previous professional activities, in-service training and recommendations

of employers and occupational and professional associations prove his or her competence to operate in the corresponding area of activity.

(4) Employment after acquisition of the education provided for in clause (3) 2) of this section is deemed to be professional experience as follows:

- 1) at least three years of employment in the area of activity provided for in clauses 25¹(1) 1), 2) and 6) of this Act as a manager of respectively road construction, bridge construction or installation of traffic control devices;
- 2) at least three years of employment in the area of activity provided for in clauses 25¹(1) 3) to 5) of this Act as a designer of respectively roads, bridges or traffic arrangement plans;
- 3) at least three years of employment in the area of activity provided for in clause 25¹(1) 7) of this Act as a designer of roads or bridges, engineer of road construction and road construction and repair works or manager of road management works, except as a person responsible for expert assessment work relating to road, bridge design documentation or traffic arrangement plan and a manager for design work relating to traffic control devices and installation work relating to traffic control devices.

(5) In order to obtain a certificate of competence of a traffic safety auditor, a person shall have Master's level degree in his or her area of specialisation or professional qualification equivalent thereto, at least five years' work experience as a designer of roads and he or she shall have undergone a training course in technical traffic safety measures and analysis of accidents in an agency recognised by the minister responsible for the area. A traffic safety auditor shall undergo a training course once every five years.

(6) A person holding a certificate of competence for traffic safety auditing is not required to hold a certificate of competence for road design.

(7) A traffic safety auditor shall not participate during audits in the elaboration of the principles of the audited infrastructure design documentation or the implementation of the design documentation.

(8) A natural person who applies for a certificate of competence for owner supervision over road construction and repair works shall have undergone a training course for construction supervision over road management work in an agency recognised by the minister responsible for the area and have passed the written final exam of the course. A holder of a certificate of competence shall undergo a training course once every three years.

(9) The curriculum of the training course specified in subsections (5) and (8) of this section shall be established by a regulation of the minister responsible for the area.
[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 25⁵. Suspension and revocation of activity licence

[Repealed - RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 25⁶. Resolution of disputes

[Repealed - RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 26. Toll road

(1) No fee is charged for the use of a national road.

(2) If an owner of a road not specified in subsection (1) of this section wishes to apply an electronic road toll system pursuant to the Directive 2004/52/EC of the European Parliament and of the Council on the interoperability of electronic road toll systems in the Community (OJ L 166, 30.04.2004, pp. 124–143), the owner of the road shall notify the minister responsible for the area thereof who shall, during a reasonable period of time, establish by a regulation a procedure which ensures compliance with the requirements of the Directive.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 27. Non-road construction located on road

(1) The management of a soil amelioration construction, hydrotechnical construction or other construction shall be organised by the owner of the construction with the consent of the owner of the road.

(2) A viaduct passing over a road shall be maintained by the owner of the viaduct.

§ 28. Level crossing

(1) A level crossing is an area where a road and a railway cross at grade.

(2) Owners of roads, railway infrastructure managers and other owners or possessors of the railway shall perform maintenance work on level crossings and are required to create the conditions for safe traffic within the limits of the immovables in their possession, except for winter maintenance work on the entire area of the level crossings which shall be performed by the owners of the roads. The person performing winter maintenance work on a road shall enter into a contract with the railway infrastructure manager or another owner or possessor of the railway which sets out the technical details of winter maintenance work.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(3) Road management work in overlapping protection zones of a road and a railway shall be performed by the owner of the road and the owner of the railway on the basis of mutual agreement.
[RT I 2003, 79, 530 - entry into force 31.03.2004]

§ 29. Land use of public road

(1) The intended land use of public roads is land designated for transport.

(2) If a public road has become unusable as a result of an accident or natural disaster or if it is not possible to construct or repair a road structure without building a temporary detour, the owner of an immovable is required to tolerate that the private road or land belonging thereto which can be used as a temporary road is used for a temporary detour.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(3) The owner of a public road has the right to allow other persons to use the road area pursuant to legislation regulating land use and without constituting a right of superficies on the condition that such use does not interfere with road management or worsen traffic conditions. Utility networks and utility works may be installed on road area or, as an exception, also into embankment in compliance with the rules for road design specified in subsection 19 (2) of this Act.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(4) The Earth's Crust Act shall not be implemented with regard to extraction work in the earth's crust under roads, except with regard to the construction of underground structures.

§ 30. Quality requirements

(1) The technology and quality of road works shall comply with the requirements established for traffic safety, environmental protection and the state of the road.

(2) The quality requirements for roads and road works shall be established by the minister responsible for the area.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

§ 31. Information on state of road and organisation of use

(1) Information on the state of national roads and general requirements for the use and protection thereof shall be provided by the Road Administration. Immediate information concerning traffic conditions on national roads shall be provided by the Road Administration on national radio.

(2) The Road Administration shall give notification of any significant changes in traffic control on a national road and of the period during which such change is in force on national radio at least 24 hours in advance. The owner of a public road shall give notification of any changes in traffic control in such a manner that the information reaches the road users whom it may concern.

(3) In the event of a heavy snowstorm or black ice and in other cases which significantly affect traffic control or traffic safety, the Road Administration is required to give immediate notification on national radio of the state of national roads and to provide immediate information on any changes in traffic control caused by natural disasters or traffic accidents.

(4) The owner of a road shall provide information on the state of the road and on the organisation of use thereof if a corresponding inquiry is made.

Chapter 5 Road Use and Protection

§ 32. Requirements for road users

(1) It is prohibited to damage and pollute roads or road protection zones. The owner of a road and the owner of a protection zone may demand compensation to cover road management costs from persons who damage or pollute the road or the road protection zone.

(2) An undertaking engaged in the carriage of cargo or passengers shall provide the owner of a road, if the owner so requires, with information on vehicles using the road, the volume of transport operations, routes used and the frequency of journeys.

(3) The requirements for the use and protection of roads and road protection zones shall be established by the minister responsible for the area.

[RT I 2003, 88, 594 - entry into force 08.01.2004]

§ 33. Carriage of cargo and passengers

(1) Traffic shall be organised pursuant to the Traffic Act and legislation issued on the basis thereof.

(2) A road may be used for non-traffic purposes only with the written permission of the owner and under the conditions established by the owner.

(3) If a public road is closed for the organisation of a non-traffic event, the person who was granted appropriate permission is required to compensate the owner of the road for costs related to the re-arrangement of traffic.

(4) The maximum permissible measurements, weight and axle load of laden and unladen vehicles shall be established by the minister responsible for the area.

(5) In order to ensure the safety of passengers, the owner of a road shall ensure the safety of the road and of the locations designated for the taking up and setting down of passengers.

(6) Written permission from the owner of a road is necessary to open a route for the carriage of children or another public transport route.

(7) In order to ensure the safety of children and other passengers, the owner of a road may establish temporary or permanent restrictions on other vehicle traffic on a public transport route.

(8) The owner of a private road, a private road encumbered with real servitude or a toll road shall permit emergency vehicles and, during a state of emergency or a state of war, vehicles of the Defence Forces to use the road without charge. The owner of a road is required to permit other vehicles to use the road without charge only if a public road is closed for the elimination of the effects of an accident or natural disaster.

[RT I 2003, 88, 594 - entry into force 08.01.2004]

§ 34. Non-traffic means of information

(1) A non-traffic means of information is an announcement, notice or sign which is installed on a carrier permanently attached to the ground or a movable supporting structure, vehicle or other display of means of information and which is not prescribed for the organisation of traffic or which does not conform to the requirements established concerning traffic control devices.

(2) Permission for the installation of a non-traffic means of information on the road area of national roads shall be granted by the Road Administration, on the road area of local roads by the rural municipality or city government. Permission for the installation of a non-traffic means of information in a road protection zone shall be granted by the aforementioned agency with the written permission of the owner of the land in the road protection zone and under the conditions established by the owner of the land in the road protection zone. In order to be granted permission the applicant shall submit a drawing and a layout of the means of information. Non-traffic means of information may be installed on a road and in a road protection zone if such means of information:

[RT I, 17.03.2011, 1 - entry into force 18.03.2011]

- 1) do not mislead road users or obstruct their view of traffic control devices;
- 2) do not make it difficult to distinguish a traffic control device;
- 3) do not pose a traffic hazard by dazzling road users or distracting their attention;
- 4) do not restrict visibility at junctions.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

(3) Permission of the owner of a road or the owner of land in a road protection zone is not required for the installation of a non-traffic means of information on a vehicle participating in traffic pursuant to the Traffic Act.

(4) A non-traffic means of information which, due to its shape, colour or design, could be mistaken for a traffic control device shall not be installed on a road or in a road protection zone.

(5) Damage caused by disregard of the requirements for the installation of non-traffic means of information shall be compensated to road users by the person who owns the means of information.

(6) Non-traffic means of information may be installed on roads of the European road network and in protection zones of such roads only if the means of information are parallel to the centre line of the road.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(7) Non-traffic means of information may be installed on roads and in road protection zones under the conditions provided for in subsection (2) of this section if the distance between the edge of the means of information closest to the carriageway and the edge of the carriageway is at least 12 metres. The means of information marking the location of utility networks and constructions in a road area or road protection zone shall be installed by agreement of the owners of the utility networks and constructions and the owner of the land.
[RT I 2007, 63, 398 - entry into force 01.01.2008]

(8) The owner of a non-traffic means of information shall bear all expenses relating to the installation, maintenance and removal of the means of information.

(9) Non-traffic means of information which are installed on roads or in road protection zones without the consent of the owner of the road or the owner of the land in the road protection zone shall be immediately removed by the person who owns the means of information if the owner of the road or the owner of the land in the road protection zone so demands. If this requirement is not met, the owner of the road or the owner of the land in the road protection zone has the right to remove the means of information. The costs of removing the means of information shall be borne by the person who installed such means of information.

(10) A non-traffic means of information which is in conflict with the requirements provided for in this Act and has been installed with the permission of the owner of the road shall be re-located by the owner of the means of information if the owner of the road so demands. The costs of re-location shall be divided between the owner of the means of information and the owner of the road.
[RT I 2005, 11, 44 - entry into force 27.02.2005]

§ 35. Extraordinary carriage and journey

(1) Carriage or a journey is extraordinary if one of the maximum measurements or the maximum weight or axle load of a vehicle laden with a large or heavy load or of an unladen vehicle exceeds the figures established on the basis of subsection 33 (4) of this Act.

(2) Extraordinary carriage or an extraordinary journey is permitted on public roads by a special permit and for an additional fee and only according to the itinerary and under the conditions specified in the permit. The rates of compensation for costs incurred by owners of roads for extraordinary carriage or extraordinary journeys, the size of the additional fees and the procedure for the issue of special permits shall be established by the minister responsible for the area.
[RT I 2003, 88, 594 - entry into force 08.01.2004]

§ 36. Activities on roads and in road protection zones

(1) The following are prohibited on roads and in road protection zones without the consent of the owner of the road:

- 1) construction of buildings or constructions, or establishment of plantations. In areas where preparation of a detailed plan is mandatory, buildings may be constructed in road protection zones if this is permitted by the detailed plan established by the local government;
- 2) construction of acceleration lanes, deceleration lanes, entry slip roads, exit slip roads, permanent or temporary sales facilities and other service facilities;
- 3) obstruction of pedestrian traffic by activities which disturb pedestrians;
- 4) installation of lighting installations, means of information and means of advertising;
- 5) organisation of sports events and other public events;
- 6) extraction of earth deposits or earth substances;
- 7) performance of clear cutting for reforestation purposes;
- 8) performance of land improvement operations or other work not connected with road management which alters the water regime.

(2) The owner of the land in a road protection zone is required to maintain the area of the protection zone adjacent to the road area and structures located therein and to remove or permit removal of plantations, trees and bushes which restrict visibility and other constructions which pose a traffic hazard. The owner of the land shall allow installation of temporary snow fences for winter maintenance and construction of snow-walls and ditches to combat blowing snow on the registered immovable in the protection zone adjacent to the road area, and allow snow to be removed to outside the road area if such activity does not obstruct access to the residence or property of the owner.

(3) At junctions of roads in the ownership of several owners, each owner is responsible for maintaining the road in the necessary state for safe traffic within the scope of the immovable belonging to the owner.

(4) Costs incurred from the construction of a new junction with a road shall be borne by the owner who demands that the roads be joined. Costs may be divided by agreement of the owners of the roads.
[RT I 2005, 40, 312 - entry into force 21.07.2005]

Chapter 6 OBLIGATIONS

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 37. Rights and obligations of owner of road

(1) The owner of a public road is required to:

- 1) organise the use and protection of the road;
- 2) monitor the road and maintain the road in a state which conforms to the established requirements;
- 3) remove plantations, trees and bushes which restrict visibility and other constructions, rubbish, dead animals and birds which pose a traffic hazard from the road;
- 4) install traffic control devices which warn road users or divert traffic in the case of an accident and in a situation endangering other road users;
- 5) provide information on closure of the road and changes in the organisation of use of the road in the manner provided for in subsection 31 (2) of this Act.

(2) The owner of a road may close the road or a part thereof for a certain period of time or restrict traffic on the road if the load-bearing part of the road has deteriorated due to soil thawing, rain or other factors significantly affecting traffic and if traffic may damage the road, or if traffic on the road is dangerous. Notification shall be given of closure of the road or traffic restrictions on the road pursuant to the procedure provided for in subsection 31 (2) of this Act.

(2¹) A person or a state agency who organises the management of a state forest may close a forest road or a part thereof for a certain period of time or restrict traffic on the road in addition to the cases set out in subsection (2) of this section also for the purpose of fire protection, protection of the ecosystem of the forest or prevention of an offence, ensuring of safety during forestry work or if the road is not needed for the management of the state forest or local traffic. In order to close the forest road or restrict traffic, the required traffic control devices shall be installed.

(3) The owner of a private road has the right to demand compensation from users of the private road to cover costs related to the use of the road.

(4) [Repealed - RT I 2008, 56, 314 - entry into force 01.01.2009]

(5) [Repealed - RT I 2008, 56, 314 - entry into force 01.01.2009]

(6) The owner of a road is required to compensate road users for damage caused due to the road being unusable or due to the violation of this Act or legislation issued on the basis thereof, except in the cases specified in subsection (2) of this section.

[RT I 2006, 30, 232 - entry into force 01.01.2007]

§ 38. Rights and obligations of owner of land in road protection zone

(1) The owner of the land in a road protection zone, as well as the owner of the land in an area of restrictions related to plans has the right to receive compensation from the owner of the road for damage incurred due to restrictions.

(2) A landowner has the right to receive fair and immediate compensation from the owner of the road for temporary use of land required for building of detours and the performance of other road works.

(3) Detours may be built and an immovable of another may be used for other reasons only on contractual basis. A contract need not be entered into in the event of an accident or natural disaster.

(4) If it is not possible or not practical to demolish a building or other structure located in a road protection zone in order to improve visibility at a road junction, a traffic control device shall be installed in the interests of traffic safety.

[RT I 2007, 63, 398 - entry into force 01.01.2008]

Chapter 6¹ STATE SUPERVISION

§ 39. State supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) Supervision over compliance with the requirements established on the basis of this Act and legislation established on the bases thereof upon the use and protection of public roads:

- 1) the Director General of the Road Administration or an official of the Road Administration authorised thereby on national roads;
- 2) an authorised official of a local government council on local roads;
- 3) a police officer on roads specified in clauses 1) and 2) of this section.

(2) State supervision over compliance with the requirements established for the state of roads shall be exercised by:

- 1) the Director General of the Road Administration or an official of the Road Administration authorised thereby on local roads;
- 2) a police officer on national roads and local roads if violation of the requirements has been established in the course of police activities.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 39¹. Specific state supervision measures

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the specific state supervision measures provided for in §§ 30, 31, 32, 49 and 50 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 39². Specifications concerning state supervision

The following shall be verified in the course of state supervision over compliance of the road construction and repair works with the requirements established on the basis of this Act and legislation established on the basis thereof:

- 1) the compliance of construction and repair works with Acts, the design documentation and the standards established for road works;
- 2) the compliance with the requirements established by the road construction permit;
- 3) the activity of owner supervision;
- 4) correctness of the information in the national register of roads.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 39³. Penalty payment rates

Upon failure to comply with a precept, the maximum rate of penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 2000 euros for the first occasion and in total 6400 euros to enforce the performance of the same obligation.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

Chapter 6² LIABILITY

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 40. Violation of requirements for use of roads

(1) Use of a road for a sports event or other public event or for other non-traffic assemblies without the permission of the owner of the road is punishable by a fine of 100 fine units.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person, is punishable by a fine of 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40¹. Use of vehicle which endangers stability of road structure for traffic on road

(1) Use of a vehicle the measurements, mass or axle load of which do not conform to the rules or use of a vehicle which damages the stability of the road structure in any other manner for traffic on a road, or use of a vehicle on a closed road or a road structure which is not prescribed for traffic, is punishable by a fine of 200 fine units.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person, is punishable by a fine of 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40². Grant of permission for traffic on road which endangers stability of road structure

(1) Grant of permission for traffic on a road by the owner or possessor of a motor vehicle or by an official responsible for the operation of a motor vehicle the measurements, mass or axle load of which do not conform to the rules, or grant of permission for traffic on a closed road or a road structure which is not prescribed for traffic is punishable by a fine of 300 fine units.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person, is punishable by a fine of 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40³. Performance of road management work and work not connected with road management without permission

(1) Performance of road management work or work not connected with road management on the road and in road protection zones, placing work equipment, building material or timber on the road and in road protection zones, construction of a building or construction or establishment of a plantation, extraction of mineral resources, clear cutting of forest or performance of any other work transforming the environment on the road and in road protection zones

is punishable by a fine of 200 fine units.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person, is punishable by a fine of 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40⁴. Violation of maintenance requirements of road protection zone

(1) Failure, by the owner or possessor of land, to comply with the maintenance requirements of a road protection zone or a construction located therein, or damage or pollution of a road protection zone is punishable by a fine of 100 fine units.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person, is punishable by a fine of 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40⁵. Violation of status requirements of road structures and level crossings

(1) Failure to comply with the requirements established for the state of a road structure or level crossing, or failure to implement measures prescribed for prohibition or restriction of traffic, or failure to maintain a location which is dangerous to traffic

is punishable by a fine of 200 fine units.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person, is punishable by a fine of 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40⁶. Damage or pollution of road structures, level crossings and road protection zones

(1) Damage or pollution of road structures or level crossings, or failure to remove an impediment, tree, bush or plantation which poses a traffic hazard or restricts visibility

is punishable by a fine of 200 fine units.
[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person,
is punishable by a fine of 1300 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40⁷. Unsatisfactory of installation of traffic control devices

(1) Failure to install a traffic control device, unsatisfactory installation of a traffic control device or failure to remove a traffic control device by the prescribed time
is punishable by a fine of 100 fine units.
[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person,
is punishable by a fine of 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40⁸. Unauthorised installation of non-traffic means of information

(1) Installation of a non-traffic means of information on the road or in a road protection zone without the permission of the owner of the road
is punishable by a fine of 50 fine units.
[RT I 2002, 63, 387 - entry into force 01.09.2002]

(2) The same act, if committed by a legal person,
is punishable by a fine of 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 40⁹. Procedure

(1) [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided for in §§ 40 to 40⁸ of this Act:

- 1) the Road Administration upon commission of a misdemeanour on a national road;
[RT I, 17.03.2011, 1 - entry into force 18.03.2011]
- 2) a rural municipality or city government upon commission of a misdemeanour on a local road;
- 3) a police authority.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3) In addition to the ones specified in subsection (2) of this section, the Technical Surveillance Authority conducts extra-judicial proceedings in the matters of the misdemeanours provided for in §§ 40⁵ and 40⁶ of this Act.
[RT I 2007, 66, 408 - entry into force 01.01.2008]

§ 41. [Repealed - RT I 2002, 63, 387 - entry into force 01.09.2002]

Chapter 7 Implementation of Act

§ 42.–§ 44.[Omitted from this text.]

§ 45. Implementation of Act

(1) [Repealed - RT I 2004, 84, 569 - entry into force 01.01.2005]

(2) The requirement provided for in subsection 17 (4) of this Act concerning attestation of the conformity of road building materials and products applies as of 1 July 2001.

(3) Activity licences for road management work specified in § 25¹ of this Act are required as of 1 July 2001.

(4) An activity licence for road management works specified in clauses 25¹(2) 5) and 6) of this Act is required as of 1 April 2005.
[RT I 2005, 11, 44 - entry into force 27.02.2005]

(5) An activity licence issued to a natural person for road management work on the basis of this Act is equivalent to a certificate of competence and is valid until expiry of the date indicate in the activity license.

[RT I, 29.06.2014, 1 - entry into force 01.07.2014]

¹Directive 2004/52/EC of the European Parliament and of the Council on the interoperability of electronic road toll systems in the Community (OJ L 166, 30.04.2004, pp. 124-143), Directive 2004/54/EC of the European Parliament and of the Council on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.04.2004, pp. 39-91); Directive 2008/96/EC implementing of the European Parliament and of the Council on road infrastructure safety management (OJ L 319, 29.11.2008, pp. 59-67). [RT I, 17.03.2011, 2 - entry into force 27.03.2011]