

Increased Efficiency in the Planning Process of Roads and Railroads

- A Study from the Consultants' Perspective Based upon a Law Proposal

Master of Science Thesis in the Master's Programme Geo and Water Engineering

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CHALMERS UNIVERSITY OF TECHNOLOGY
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Cover:

The flow charts show the planning process of today and how it will turn out if the law proposal gains legal force.

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ABSTRACT

This master's thesis considers a law proposal, from the Ministry of Enterprise, Energy and Communications, which aim is to make the planning process for roads and railroads more efficient. The thesis' purpose is to analyze how the alterations suggested in the proposal will affect the industry and, foremost, the consultants.

The proposal aims to shorten the drawn-out planning process, by proposing changes to the laws affecting the transport infrastructure. The proposal contains a number of minor modifications in the laws, mainly to elucidate and simplify today's process. Yet, in the proposal some more significant changes has been suggested, such as:

- The three phases in today's planning process should be merged into one uniform process. With a coherent process the planning could be adapted to each object.
- The interaction between the Government and the Swedish Transport Administration has been enhanced, by making the Government responsible of which projects that should be undergoing consideration of permissibility.
- Simplified procedures should be allowed for projects that fulfill certain requirements.
- The Government should be given increased responsibility, since they, according to the law proposal, shall take action when there are disagreements between the Swedish Transport Administration and a municipality.

To receive an understanding of the consultant's general view of the law proposal, interviews were made with consultants representing COWI, Norconsult, Ramböll, Vectura and WSP. The perception received after these interviews were that the consultants' view on the law proposal in general was positive, even though they had some objections.

Consequently, the proposal will probably entail a more rapid planning process in general, even though it probably not will entail a remarkable change for the consultants. Yet, there is still room for improvements and the time spent between different phases should be investigated further. Moreover, how the Swedish Transport Administration chooses to deal with the new transport infrastructure legislation will be crucial for how the future impact on the industry will turn out.

Key words: Road, railroad, planning process, transport infrastructure, initial study, feasibility study, design plan, Planning and Building Act, consideration of permissibility.

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Preface

This report is the result of our master's thesis, which has been elaborated, on behalf of WSP Sverige AB, during the spring of 2011. The master's thesis has been performed at the division GeoEngineering, Road and Traffic Research Group, at the department of Civil and Environmental Engineering, Chalmers University of Technology. The work has been implemented at WSP Göteborg, at the division Road and Ground Engineering, which have provided us with supervision as well as office supplies.

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Emma Fritzell & Maria Lindelöf

Notations

consideration of permissibility	A trial of certain projects according to Chapter 17 Environmental Code
design plan	Common name for working plan/road plan and railroad plan
EIA	Environmental Impact Assessment
Environmental Code	Legislation including the fundamental environmental rules (1998:808)
the Ministry of Enterprise, Energy and Communications	The ministry that is responsible for matters related to the business sector, IT, energy, forestry, tourism, communications and infrastructure, as well as regional development
Planning and Building Act	A Swedish law that regulates planning of land, water and construction, (2010:900)
Railroad Construction Act	The Swedish law concerning planning of railroads, (1995:1649)
railroad plan	The Swedish design plan, referring to railroads
Road Law	A Swedish law that regulates public road construction, road reserve, security, etc. (1971:948)
road plan	A suggestion to new nomenclature for the Swedish design plan, referring to roads, according to the law proposal
Swedish Transport Administration	An agency that is responsible for all modes of traffic
working plan	The Swedish design plan, referring to roads

Dictionary

action plan	åtgärdsplan
biotope protection area	biotopskyddsområde
building committee	byggnadsnämnd
comprehensive plan	översiktsplan
consideration of permissibility	tillåtlighetsprövning
consideration of permission	tillståndsprövning
constitution	författning
consultation	samråd
consultive bodies	remissinstanser
design plan	samlat namn för arbetsplan/vägplan och järnvägsplan
Environmental Code	miljöbalken (1998:808)
Environmental Impact Assessment, EIA	miljökonsekvensbeskrivning, MKB
the Environmental Protection Agency	Naturvårdsverket
examination	granskning
feasibility study	vägutredning/järnvägsutredning
Four-Stage Principle	fyrstegsprincipen
Government Offices	Regeringskansliet
initial study	förstudie
judicial review	rättsprövning
Land Survey	Lantmäteriet
Law of Responsibility for Certain Public Transport	lagen (1997:734) om ansvar för viss kollektiv persontrafik
local plan	detaljplan
the Ministry of Enterprise, Energy and Communications	Näringsdepartementet
Planning and Building Act	plan- och bygglagen (2010:900)
planning injunction	planföreläggande
prescriptions	föreskrifter
proclamation	kungörelse
Public Transport Act	lagen (2010:1065) om kollektivtrafik
Railroad Construction Act	lagen (1995:1649) om byggande av järnväg (banlagen)
railroad plan	järnvägsplan
region plan bodies	regionplaneorgan

regional public transport authorities	regionala kollektivtrafikmyndigheter
regulatory authority	tillsynsmyndighet
Road Law	väglagen (1971:948)
road plan	vägplan, förslag till nytt namn på arbetsplan
road reserve	vägrätt
rule of law	rättssäkerhet
set-up times	ställtider
site-leasehold right	tomträtt
Supreme Administrative Court	Regeringsrätten
Swedish Traffic Authorities	Trafikverken (Banverket, Sjöfartsverket, Transportstyrelsen och Vägverket)
Swedish Transport Administration	Trafikverket
tender	anbud
trial	prövning
transport construction plan	trafikanläggningsplan
working plan	arbetsplan

1 Introduction

This master's thesis was performed for the company WSP Sverige AB (Williams Sayles Partnership), at the Civils division. WSP is a global engineering and management consultancy company, mainly operating within the civil engineering business, with its headquarters in London, United Kingdom.

WSP is located in 35 different countries, with its main prosecution in United Kingdom and Sweden. WSP has about 9,000 employees around the world, whence approximately 2,400 work in Sweden.

1.1 Background

The transport infrastructure is an important part of the modern society and it should always be maintained and improved, to meet the public's needs and desires. The planning process of roads and railroads represents a crucial part, to make this possible. To maintain a high standard of the transport infrastructure, the planning process needs to be efficient; thus, if unjustified time is spent within the planning, the process needs to be improved. The requirements concerning the transport infrastructure cannot be fulfilled when needed, if the planning process engages too much time.

Today's transport infrastructure planning process is very drawn-out and complex, which has entailed frustration within the business and uncertainties among afflicted single individuals. If a process' progression stagnates, afflicted areas could end up in coma-like situations, where the process neither progresses nor ends, since this could lead to uncertainties for single individuals within the afflicted areas.

The Government has cognized that the planning process within the business is insufficient and has thereby elaborated a directive to improve today's situation. The directive was sent to the Ministry of Enterprise, Energy and Communications, whom formed a parliamentary committee, to meet the parliament's demands. The committee's purpose was to analyze the planning process and to propose alterations in the transport laws, to shorten the infrastructure planning process of today. This committee, called the Transport Infrastructure Committee, was formed solely for investigating and producing the law proposal and was dissolved immediately after fulfilling its mission. The aims of the law proposal were to speed-up and explicate the road and railroad planning process, without jeopardizing the environment or the single individuals' rights. Moreover, the proposal should implicate investigation and suggestions concerning questions regarding EIA, consideration of permissibility as well as a coordination between the transport laws and the Planning and Building Act.

1.2 Purpose

The purpose of this master's thesis is to analyze the law proposal, presented by the Ministry of Enterprise, Energy and Communications, to see what impact it may have on the transport infrastructure industry in general. Yet, the main purpose is to make a profound analysis of how the law proposal will affect the consultants' situation, in terms of the planning of roads and railroads.

To investigate this, these questions should be answered:

- Which are the main obstacles in today's planning process?

- Will the law proposal lead to a more rapid planning process?
- How will the consultants' situation be affected by the law proposal?
- Is the law proposal a sufficient improvement of today's planning process, or is there any room for enhancements?

1.3 Scope

This report will describe the planning process for roads and railroads and investigate how the law suggestions will affect the planning process, in Sweden, for different stakeholders and the industry in general. The main focus will be on the consultants' perspective and how they will be affected of the propound modifications made. However, the law proposal will also affect different authorities as well as the landowners, which will be dealt with cursorily in the report. Nevertheless, there will be a more profound focus on WSP's point of view and how they think that the company would be affected by these changes.

Furthermore, a comparison analysis is to be made between the planning process today and the planning process due to the changes suggested in the law proposal. This is performed to receive an understanding of the advantages as well as the disadvantages that the law proposal would entail.

1.4 Method

This master's thesis will be performed by studying literature, implicate both physical and electronic media. Furthermore, interviews will be performed with relevant people, who have good knowledge and are well versed in the subject in question.

This master's thesis is mainly based upon the law proposal, published by the Ministry of Enterprise, Energy and Communications, *Effektivare planering av vägar och järnvägar, SOU 2010:57*, elaborated by the Transport Infrastructure Committee. In terms of chapter 4 and 5, this report acts as source, if nothing else stated. Moreover, chapter 7.1, 7.2 and 8 is based upon interviews made with different consultants as well as with the Transport Infrastructure Committee. The information in these chapters is based upon these interviews, if nothing else is mentioned. Further, chapter 7.3 is fully based upon the compilation of the answers to the submissions of comments for the report from the Transport Infrastructure Committee.

Furthermore, in order to ensure that the information gathered from interviews gives a good representation of the stakeholders' view of the subject, an attempt to use a representative sample of people, from several different authorities, has been made. Moreover, some of the representatives are given more emphasis; in this case this foremost applies to WSP's points of view. Other interesting stakeholders, whose opinions have been considered in this report, are the Swedish Transport Administration, the Transport Infrastructure Committee and consultants, representing COWI, Norconsult, Ramböll, Vectura and WSP Sverige.

2 The situation today

Transport infrastructure is an essential part in today's modern society and it is expected to be up to date, to fulfill the needs and desires from the public. A drawn-out process will lead to that the maintenance of the transport infrastructure will be lagged and thereby executed long after the need was first detected. Since time is hard currency, a neglected transport infrastructure planning process that entails long-running projects, will be costly for the society. To keep a high standard of the transport infrastructure it is desirable to have a planning process that is as optimized as possible, all the way from idea to establishment. A less time-consuming planning process would lead to that the need of changes in the infrastructure would be fulfilled in a shorter time. Thus, it implies that the society will receive its need when necessary; whilst a drawn-out process will lead to that necessary changes cannot be executed until far after that the need has been acknowledged.

Moreover, a drawn-out process could be costly for both the authorities as well as the public because of several different reasons, partly since the work within the project already executed may remain lying in different instances until the documents are no longer valid. In addition to this, time and resources will then be forced to be spent on work, which only aim is to be acquainted with the project ones again. In the end, this superfluous work leads to that the drawn-out processes contribute to expenditure of the infrastructural finances. Furthermore, the process itself costs money to perform; therefore it is crucial that the planning process is made more efficient.

The planning process today consists of three different stages; the initial study, the feasibility study and the working plan/railroad plan. An estimation of how much time that is spent within the planning process can be seen in Table 1. The total amount of time spent within the planning process, if the different steps are added to each other, would then be 5-10 years. However, the Swedish Transport Administration presupposes a total amount of planning time of approximately 9 years. Moreover, for larger or more complicated projects, the planning time is calculated to be 10-12 years.

Table 1. An estimation of the time spent in the planning process.

Initial study [years]	Feasibility study [years]	Consideration of permissibility [years]	Design plan [years]	Total amount of time [years]
1-2	2-3	1-3	1-2	5-10

2.1 The planning process

The main process used for transport infrastructure projects consists of four different stages; initial study, feasibility study, design plan and building document, see Figure 1. The physical planning process consists of the first three stages, since the building document is just a technical act. Thus, it is these first three stages that will be considered in this report (Swedish Transport Administration, 2010a).

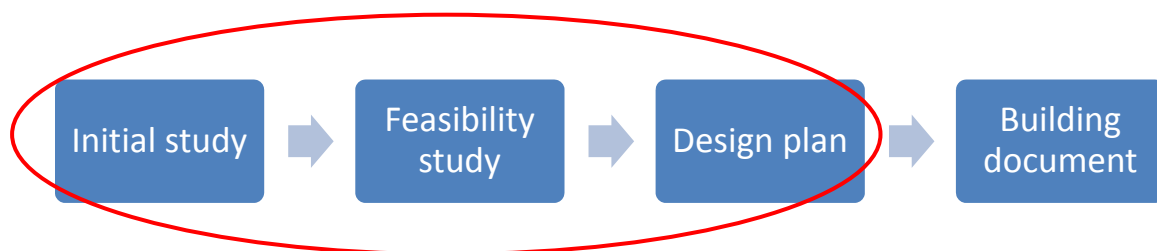


Figure 1. The process used for transport infrastructure planning. The red circle shows the physical planning process for roads and railroads.

The planning process is often preceded by an informal idea phase, where the problem is formulated, see Figure 2. Thereafter the process is gradually getting more detailed as the planning process is proceeding. Thus, the initial study should constitute the platform on which the following work is based upon. Furthermore, the feasibility study's mission is to use the information, established within the initial study, to form the basis for the decision of determining which corridor that should be chosen. Moreover, it should imply which infrastructural transport standard that should be set for the construction. Finally, the design plan (working plan/railroad plan) should illustrate how the road/railroad appearance should be designed in detail. However, when there are no alternative routes, the initial study is followed by the design plan and the feasibility study is not needed (Swedish Transport Administration, 2010a).

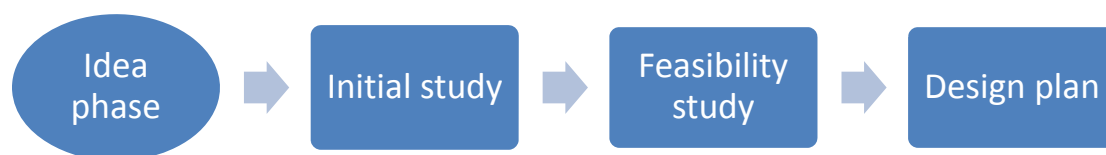


Figure 2. The planning process for roads and railroads, including the informal idea phase.

The planning process is performed to examine the prerequisites for building roads or railroads. The purpose is to examine what the project will implicate to the environment, the society, the traffic safety and, the economic as well as the technical conditions. When a road or a railroad is to be constructed it should be designed with such an execution that the result should be as efficient as possible, in terms of trespassing, environment and cost. Moreover, it is not only technical and physical conditions that are considered, afflicted people, such as property owners, are also considered as the planning process proceeds (Swedish Road Administration, 2010).

2.1.1 Initial study

When a transport infrastructure project is to be initiated, the first step in the planning process is to carry out an initial study. The purpose of this phase is foremost to show whether a project is implementable or not and to show if the process should be proceeded. Moreover, it should give an impartial description of the current conditions and it should provide a good basis for the eventual further work within the planning process. Therefore the emphasis is to collect existing information and to define the problem, from which the project's aim could be determined. However, it is important that the extent of the initial study is relevant in proportion to the size of the project,

since the efforts to create an initial study are different depending on if the project is simple or complex (Swedish Road Administration, 2002a).

There are several reasons for initiating an initial study and the motive for starting an investigation derive from the identification of insufficiencies, problems or desires from the society. When the study is inaugurated, existing information is gathered and analyzed, to enable a problem description as well as expressing the aim that should be acquired for the project. The initial study should be executed with candidness and an unprejudiced approach, where the dialog with concerned stakeholders is an important part. If the outcome of the initial study should show that a road or railroad is not needed, the planning process would come to an end. However, if a road or a railroad is the measure needed, there are two possible scenarios on how the planning process should progress. If alternative corridors exist, a feasibility study has to be established. Otherwise, if there is just one alternative, the feasibility study could be abstained and the working plan or railroad plan could be established (Swedish Road Administration, 2002a).

The initial study is, however, often preceded by the Four-Stage Principle, which is an informal prefatorily step in the planning process. The Four-Stage Principle is used to form a perception of whether it will be suitable to construct a road or a railroad, or whether the measure needed should be of a different type. When the optimal measure is developed an initial study should be introduced so that the planning process could begin (Swedish Road Administration, 2002a). Nevertheless, the boundary between the Four-Stage Principle and the initial study is rather diffuse, since the Four-Stage Principle often is in symbiosis with the initial study (Hallman, 2011).

2.1.2 Feasibility study

After the initial study is established, the feasibility study could begin. The feasibility study is only performed when there are more than one alternative to consider. Otherwise, the feasibility study would be superfluous and the design plan could be elaborated immediately after the initial study has been established. In the feasibility study, alternative solutions are investigated and presented, with the purpose of showing possible consequences that may occur as well as showing the different propositions potential of fulfilling the aim of the project. Furthermore, the result from the feasibility study is supposed to form the basis of which alternative that is considered preferable. An example of how different corridors could be visualized is illustrated in Figure 3 (Swedish Road Administration, 2006).

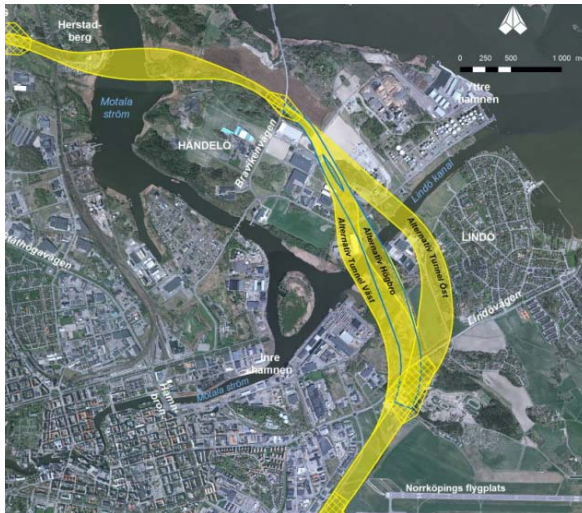


Figure 3. An example of road corridors (WSP, 2010).

When executing a feasibility study it is important to take all specifics, which may have an impact on the choice of road or railroad corridor, into account. Moreover, the study is supposed to consider and provide answers of significant questions that may have an impact on the choice of corridor, since the feasibility study should act as a substratum for the selection of corridor as well as for the choice of traffic technical standard. Furthermore, the feasibility study's function is also to act as a template for the Government, when executing a consideration of permissibility, in those cases it is needed (Swedish Road Administration, 2006).

Before a feasibility study is to be performed, a number of different aspects should be fulfilled:

- The initial study as well as the consultation should be completed
- The project should be considered desirous to be performed
- It should be stated that it is a road and/or a railroad that is needed, possibly in combination with other measures (*according to the Four-Stage Principle*)
- There should be knowledge of which other projects that are concerned by the project
- The County Administrative Board should have made a resolution regarding the substantially environment impact

(Swedish Road Administration, 2006)

If the County Administrative Board has determined that the project may entail significant environmental impact, an EIA has to be executed and presented to the stakeholders as well as to the public. Moreover, the initial study should be accessible, for all parties, at this stage (Swedish Road Administration, 2006).

2.1.3 Design plan

The third and last stage within the transport infrastructure planning process is the design plan. The design plan is divided into two different categories; working plan for road projects and railroad plan for railroad projects. A design plan should be performed when a road or a railroad is to be established, and should then be processed

pursuant to the Road Law or the Railroad Construction Act. Moreover, a plan should be performed if the land use is regulated in a local plan or, during certain circumstances, for operation and maintenance of a road or railroad. Within this phase the implementation of the project should be presented rigorously and the properties of the design of the road or railroad should be defined in detail, as exemplified in Figure 4 (Swedish Road Administration, 2010).



Figure 4. An example of a road designed in detail (Swedish Road Administration, 1994).

The purpose of the working plan and the railroad plan is to show where the road or railroad is to be constructed and to show how much land that needs to be claimed for the road or railroad. The plan should show how the construction may impact the surrounding environment and should, therefore, present consequences that the construction may entail. Moreover, it should result in a permission to construct the road or railroad and to provide land access for the construction (Swedish Road Administration, 2010).

In the design plan the land, which is to be engaged for the project, is defined according to the Road Law, with the assistance of the road reserve and for the Railroad Construction Act, by the use of easement. Additionally, if the project has undergone a consideration of permissibility, all parts of the road or railroad design should be placed within the corridor that has been affirmed by the Government. Moreover, when a working plan or a railroad plan is established it should always contain an EIA (Swedish Road Administration, 2010).

2.2 The Four-Stage Principle

The purpose of the planning process is to solve transport infrastructure problems with satisfactory quality at the lowest possible cost. Therefore, it is important to choose what type of measure or which combination of measures that will result in the altogether best solution. To analyze possible measures for transport infrastructure projects the Four-Stage Principle should be performed (Swedish Road Administration 2002b). The principle's part of the planning process today is mainly a prefatory step; however, its place is not fully established. It is rather ambiguously where in the process the principle belongs, even though it would be preferable if the principle had an explicit preparative roll in the planning process. The Four-Stage Principle takes

place in both the informal idea stage as well as in the initial study and it should be applied to all planning concerning the transport infrastructure sector. Nevertheless, the principle should be considered through the entire planning process (Hallman, 2011).

When investigating reasonable solutions to a transport infrastructure problem, opinions from different stakeholders have to be collected, since all possible measures have to be taken into account and the framings of questions have to be elucidated. The purpose of the analysis, made within the Four-Stage Principle, is to enlighten what type of effects and consequences that can be expected. Moreover, it should show whether the action that should be performed is road or railroad related, or if the measures needed is of another character, such as embrittled ways of communication means. Furthermore, the aim of the Four-Stage Principle is to develop the transport infrastructure system pursuant to the overall picture. Moreover, it should project which measure that would be optimal for solving the problems and/or short-comings within the transport infrastructure system (Swedish Road Administration, 2002a).

The type of measure chosen is based upon four stages, described in *Feasibility studies in Sweden*, 2005, by the Swedish Road Administration, as seen below:

- Stage 1* Measures that affect the demand for transport and selection of means of transport
- Stage 2* Measures that give more efficient utilization of the existing road network
- Stage 3* Measures for road improvements
- Stage 4* New investments and greater reconstruction measures

The different measures, within the Four-Stage Principle, could be applied to several different situations, which are exemplified for each stage below.

- Stage 1* Congestion fees, improvement of public transport
- Stage 2* Speed control, road information, impact and priority for public transport
- Stage 3* Bus lanes, conversion of signals, commuter parking, improved routine maintenance and periodic maintenance on road sections, cable barrier
- Stage 4* New constructions of road sections, expansion to the standard of motorway

(Swedish Road Administration, 2002a)

The studies of measures according to the Four-Stage Principle should be well documented, since the analysis of alternative measures has to be elucidated before a new construction or a reconstruction of a transport infrastructure project is suggested. Further, the documents within the initial study and the feasibility study should include references, which present how the choice of measure has been carried out. Analyses that will be performed according to the Four-Stage Principle do not need to be made once again in the stages that follow within the planning process, if they are still relevant. If new information would appear in the initial study, earlier analyses may have to be reconsidered (Swedish Road Administration 2002a & 2006).

3 Laws affecting the planning process

The outcome generated in the planning process, for roads and railroads, depends on a number of different laws and regulations. The most essential laws in the context are the Road Law and the Railroad Construction Act. However, the Planning and Building Act, and the Environmental Code are other significant laws, which will be described further below.

When a planning process is initiated, its direction should be determined by the use of the Four-Stage Principle. The planning process of roads is controlled by the Road Law in the same way as the planning of railroads is controlled by the Railroad Construction Act. Through these processes the planning of public roads and railroads is connected to the County Administrative Boards' and the municipalities' planning (Swedish Road Administration, 2010).

3.1 Road Law and Railroad Construction Act

The Road Law and the Railroad Construction Act are statutory documents, which are used to attain necessary requirements for the transport infrastructure in Sweden. The Swedish Transport Administration's commission is to be road manager and authority, which implies that they should apply valid laws and constitutions to each project (Swedish Transport Administration, 2010b).

Furthermore, the Road Law regulates how the road process proceeds and assures that all interests are considered, when establishing a road. The Road Law is applied when it is determined that the measure needed is a road and thereby, the road process is initiated. Which measure that is needed, is established within the Four-Stage Principle, as explained in Chapter 2.2. Furthermore, the Railroad Construction Act regulates the railroad process by the same token as the road process is regulated by the Road Law. Thus, the Railroad Construction Act is applied when it is determined that the measure needed is a railroad. These documents consist of a number of different law paragraphs, which explain and regulate how to apply and deal with a variety of problems that may concern a road or railroad process.

The Road Law implicates provisions, which regulates public roads' construction, road reserve, drift, safety, administration and so forth (Swedish Transport Administration, 2010b). Moreover, the Road Law moderates the road reserve, which is a unique measure that gives the Swedish Transport Administration the right to use the ground for the road, without owning it. However, when constructing a railroad, the Railroad Constructing Act regulates the use of ground with easement. Thus, the ground used for the railroad must be redeemed by the Swedish Transport Administration (Månsson, 2004). Further, the Railroad Construction Act regulates the projection of the railroad by directing the process towards an optimal solution, which implies that the process would entail the least possible impact on the environment and the nearby living. Nevertheless, the purpose of the railroad should still be fulfilled and the budget should be legislative (Swedish Transport Administration, 2010c).

3.2 Planning and Building Act

The planning process of roads and railroads is a part of the community planning and is closely connected to the municipalities planning. The municipal planning, which is

based upon the Planning and Building Act, is divided into a comprehensive plan and a local plan. The comprehensive plan aims to consider the overall planning issues and public interests in the municipality, whilst the individual interests are in focus within the local plan (Swedish Road Administration, 2010).

A new Planning and Building Act was elaborated during 2010 and it gained legal force 2nd May 2011. It is the new Planning and Building Act that has been used as foundation, when the Planning and Building Act was considered in the law proposal from the Transport Infrastructure Committee (SOU, 2010).

3.2.1 Comprehensive plan

A comprehensive plan is a strategically document, which present the municipalities' perspective of how the land and water area within the district should be utilized over a time period. The plan presents a deliberation between public interest as well as how the built environment should be developed and conserved. Moreover, the plan should provide the municipality's view of how national interests and the environmental quality norms should be accommodated.

The comprehensive plan should be approved by the city council and each municipality has to have a comprehensive plan, according to the Planning and Building Act. However, it is not apprenticed and, therefore, it does not need to be followed.

The comprehensive plan is indicatively in the preparation of the local plan and the building permits. All comprehensive plans are considered to entail substantially environmental impact and should therefore be evaluated according to the Environmental Code. Additionally, social and economic consequences should be presented in the plan (Kungälv Municipality, 2010).

3.2.2 Local plan

A local plan consists of a plan map, a plan description and an implementation description. Occasionally, the plan also contains an EIA (Uddevalla Municipality, 2011). Furthermore, the local plan is performed over a reviewable area within the municipality and in the plan a deliberation is made between the interest of each property owner and the interest of the public. When the plan is affirmed it is a legally binding document, which is used for subsequent decisions (Lund Municipality, 2010). Moreover, the local plan controls how the ground, comprised within the plan, is utilized. A local plan is valid until it is abrogated or if it is superscribed by a new plan (Uddevalla Municipality, 2011).

3.3 Environmental Code

The Environmental Code was introduced 1st January 1999, and is a consolidation between 16 different environmental laws, valid prior the new code inured (Swedish Environmental Protection Agency, 2011). The Environmental Code is a frame law, which means that the law needs to be interpreted and accommodated to each case (Expowera, 2008). Consequently, the purpose with the Environmental Code is to pander a sustainable development (Swedish Environmental Protection Agency, 2011).

3.3.1 Environmental Impact Assessment, EIA

An Environmental Impact Assessment (EIA) is a document that shows the possible environmental impact a project may bring. The purpose of an EIA is to provide material with a congregated evaluation of how the project in question may affect the environment and the human health. The comprehension of an EIA should depend upon the project's magnitude and nature, which is discoursed during the consultation (Kronoberg County Administrative Board, 2010).

3.3.2 Consideration of permissibility

In today's planning process, large and complicated traffic construction projects should undergo a consideration of permissibility, performed by the Government. The activities that could be of interest, in terms of a consideration of permissibility, are transport infrastructure constructions that have a considerable impact on the society and usually have a significant effect on the environment. The consideration of permissibility is restricted by Chapter 17 in the Environmental Code and aims to ensure the state's environment. The consideration of permissibility is foremost based upon the feasibility study as well as on the attached EIA; however, the initial study should also be used as a foundation for the trial (SOU, 2010).

According to the Environmental Code, a consideration of permissibility should be performed if the following bullets are fulfilled:

- New motorways, expressways and other roads with at least four traffic lanes that are not less than ten kilometers in length
- New long-distance railway lines and the construction of at least five kilometers of new tracks for existing long-distance railway lines
- Road constructions, where an existing road is being expanded to motorway or expressway standard, by adding a new line or widening the road
- An existing road constructions that is expanded to a four lane road at a distance of at least 10 kilometers

(SOU, 2010)

However, if certain circumstances prevail, the Government could abstain from a trial, even though it is mentioned in the Environmental Code. Moreover, the Government may reserve the right to perform a consideration of permissibility of roads and railroads that are not included in the Environmental Code, if the situation requires such a measure (SOU, 2010).

Before a project could undergo a consideration of permissibility, the Swedish Transport Administration has to prepare the case. During the preparation of the material, standpoints from all concerned parts should be gathered. Furthermore, when Swedish Transport Administration has finalized their preparative work, the Government could take over the project. When the Government has affirmed a project, which has undergone a consideration of permissibility, the Swedish Transport Administration could continue working with the design plan (SOU, 2010).

Since the Environmental Code came into force 1st January 1999, the Government has made decisions of permissibility in 40 cases, up until 2009. The office turnaround time for these cases varies from a little more than seven months up to a little more

than seven years, as seen in Table 2. The average time for handling of considerations of permissibility is approximately one year and ten months. Moreover, the preparation time for the Swedish Road Administration and/or the Swedish Railroad Administration is not included in the office turnaround time. Thus, the consideration of permissibility is a large part of a project's total planning time. Furthermore, of the 40 cases that have been tried, the Government has decided to waive consideration in 13 cases. This means that the Government waives consideration in every fourth case. The average office turnaround time for these cases varies from 1 to 15 months.

Table 2. Office turnaround time for some of the Government's considerations of permissibility. The shortest and the longest office turnaround times are marked with a green respectively a red circle.

Project	In date	Decision date	Office turnaround time [days]
New road (Marieholm tunnel) below Göta Älv, Göteborg Municipality	2009-04-06	2010-03-25	353
The railroad Norway/Vänern Line, part Hede-Älvängen, Lilla Edet and Ale Municipalities	2006-09-27	2007-05-03	218
Double track Norway/Vänern Line, part Lärje-Olskroken, Göteborg Municipality	2006-01-19	2008-05-22	854
New road (Partihall link) between the roads E20 and 45 and a new link below Göta Älv, Göteborg Municipality	2005-06-21	2007-02-15	604
New railroad, Citybanan in Stockholm, Stockholm and Solna Municipalities	2004-04-16	2005-03-03	321
Road E4 parts Myre-Vindskärsudde and Vindskärsudde-Skönsberg, Sundsvall Municipality	2002-03-19	2009-06-11	2641
Road E6 Uddevalla-Svinesund, part Tanumshede-Vik, Tanum and Strömstad Municipalities	2001-02-26	2005-06-30	1585
The Bothnia Line, part Stora Degersjön-Gålnäs, Örnsköldsvik Municipality	1999-10-21	2001-06-20	608

3.3.3 Natura 2000

Natura 2000 is a network, involving all member states of EU, which purpose is to protect and preserve the nature and biodiversity within the union (European Commission, 2011). With Natura 2000 the two EU directives, the Habitats Directive and the Birds Directive, can be sustained (Swedish Environmental Protection Agency, 2003). With the assistance of these two directives, Special Areas of Conservation, within the EU region, has been designated (European Commission, 2011). These areas should contain a maintenance plan. Areas that are comprised of Natura 2000 are protected by Chapter 7 Environmental Code (SOU, 2010).

4 Suggested modifications in the laws

Most people agree to that the planning process is in a great need of transformation, since it is too drawn-out as it is today. Moreover, it is important that the transport infrastructure is up-to-date, to meet the demands from today's society, where the demands for efficiency is large. Thus, whereas the umbrage has been observed, the Swedish Government presented a directive, in March 2009, with the aim to increase the efficiency in the planning process for roads and railroads. Thereby a parliamentary committee, called the Transport Infrastructure Committee, was founded to develop a proposal that implemented the aims of the directive, see Appendix 1. The committee's proposal should streamline today's planning process but still accommodate the demand of the single individuals' rights and legal security as well as the environmental demands in the society. The proposal elaborated should be based upon the following:

- Shorten the time from that the planning is initiated until final construction
- Improve the collaboration between involved stakeholders
- Improve the coordination between other physical planning
- Explicate the connection to the economic planning of transport infrastructure

The committee's assignment was mainly to suggest alterations within the transport laws, to increase the efficiency for the planning process of transport infrastructure. Moreover, the proposal should comprise suggestions concerning EIA's and consideration of permissibility, according to the Environmental Code. Additionally, analyzes concerning the coordination between the physical planning process and the Planning and Building Act should also be made. Thus, there are a number of different parts in need of improvement, within the planning process, and the main concerns dealt with are:

- Poor interaction between the different laws
- Arcane code complex
- Inexplicable differences between the systems
- Too many opportunities to appeal
- Duplicate trials

The committee has elaborated a number of different suggestions to changes in the planning process. Some of them are rather small modifications in the present laws, such as changing the nomenclature of working plan to road plan, while others imply crucial differences from the current situation. The alterations made are mainly changes in the transport laws, or other laws, adjacent to these, which will have an impact on the transport infrastructure planning process, see Appendices 2-8. However, the planning process' procedure would be up to the Swedish Transport Administration to organize.

In the proposal it is suggested that the planning process should be merged into one coherent planning process, with a prefatory step, as seen in Figure 5. This should entail easements in the planning procedures, which would speed up the process. Moreover, the prefatory step should entail a choice of action, with the Four-Stage Principle, which would enhance the principle's position.

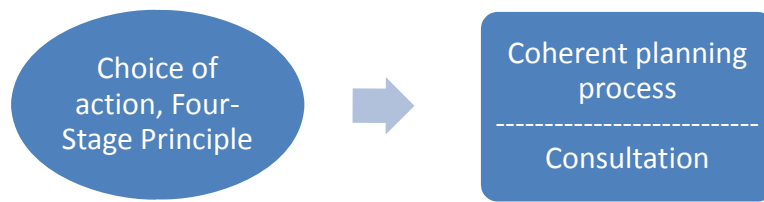


Figure 5. The new planning process according to the law proposal.

The Transport Infrastructure Committee was dispersed immediately after the proposal was delivered to the Ministry of Enterprise, Energy and Communications and is no longer involved in the process. It is the ministry's duty to consider the answers to the submission of comments, which have been received from the different stakeholders. Subsequently, the Government will compile a constitution, when the answers to the submission of comments have been evaluated and the final law proposal could then gain legal force.

4.1 A coherent planning process

A large problem in today's planning process is that those who are working in the process have the tendency to jump the gun, before a preceding stage is finalized. Therefore, the work could be forced to be remade, if alterations are made late in the preceding stage. Moreover, in today's planning process, a lot of duplicate work is made, which leads to an inefficient planning process. Additionally, set-up times are also a large contributor to the drawn-out process. To meet the industry's need of potentiation, the committee has suggested that today's three planning stages should be merged into one coherent process.

The coherent planning process should, in terms of what should be performed in the process from initial work to establishment of a design plan, proceed almost in the same way as today's planning process. However, since the stages are removed it would lead to that a number of obstacles would disappear, such as that only one EIA has to be approved by the County Administrative Board and only one proclamation and examination procedure are going to be required, since the design plan would be the only document that should be established. When the design plan is established it should be affirmed by the Swedish Transport Administration. However, if the Swedish Transport Administration does not agree with the County Administrative Board, the affirmation should be tried by the Government. Furthermore, during the entire planning process, consultations have to be performed. The focus of the consultations should be varied, depending on where in the planning process the consultation should be performed. However, when the entire planning process is performed, localization, design and environmental impact should have been ventilated in different consultations.

The municipal planning, according to the Planning and Building Act, is an important part of the basic material for the preparatory studies that, according to the committee's proposal, should be performed before the physical planning process, by the use of the Four-Stage Principle. The basic data from the municipal planning is also important in the continued planning process of roads and railroads. The suggested coherent planning process is flexible, which makes it possible to increase the interaction

between the Swedish Transport Administration's planning and the municipal planning concerning the comprehensive plan.

4.1.1 Connection between the economic and physical planning

The committee proposes that the physical planning process of roads and railroads should be preceded by a preparatory study, pursuant to the Four-Stage Principle. This study should include impartial analyses of how different needs of transport could be fulfilled. The committee's commission was to increase the efficiency in the physical planning and since the preparatory study should be included in the economic planning, the committee has not formulated how the preparatory work should be performed. However, the committee emphasizes the importance of that the analyses, according to the Four-Stage Principle, should be performed in an efficient way. Furthermore, the preparatory study has to be performed in such a way so that stakeholders could participate during the work.

The Swedish Traffic Authorities has, on the behalf of the Government, investigated the possibility to connect the economic and the physical planning processes to each other. They have elaborated a methodology, which shows how the Four-Stage Principle should be applied. The process for choice of measure should be performed as a dialogue process with concerned stakeholders. According to the proposal, the choice of measure should be required when introducing a measure in the action plan.

4.1.2 Simplifications concerning elementary projects

The planning process for transport infrastructure should be used for measures which imply "construction of road" or "construction of railroad". The definition of what "construction" means is quite ambiguous, since it depends on both what kind and which size of measure it is. The committee has experienced that those who works with the planning process believes that it could be difficult to know if a specific measure is "construction" and, therefore, should be preceded by a formal planning process. To meet the need of elucidation, the committee has elaborated suggestions that state what "construction" is, i.e. which measure that should be preceded by a planning process. According to the proposal, "construction of road/railroad" is stated to be construction of a new road/railroad or rebuild of an existing road/railroad¹. Furthermore, a measure on an existing road/railroad should not be "construction of road/railroad" if all the following are fulfilled:

- Small and uncomplicated measure on an existing road or railroad
- If the measure contributes to a significantly small or none impacts on the surrounding
- If the land needed is already possessed by the state or if the landowner freely conveys its land to the state

¹ 10 § second part and 28 § second part Road Law and Ch. 1 2 § second part Railroad Construction Act

4.1.3 Exception from the requirements of an EIA

In the planning of roads and railroads an EIA always has to be performed. However, according to the law proposal EIA's could be refrained if a road or a railroad project is not is not probable to result in significant environmental impacts². Even though an EIA is not needed, the project should undergo an environmental trial, where information concerning the predictable impact to human health and the environment should form the basis of the analysis.

4.1.4 Common planning for roads and railroads

When a project of constructing a road contains railroads that need to be moved or rebuilt, and also, the other way around, both a road and a railroad process needs to be performed, according to respective transport law. Thus, two parallel processes will be running simultaneously, which increases the opportunities to appeal. Additionally, the project cannot progress until both plans have been affirmed. This leads to that the process becomes both time-consuming and costly. To increase the efficiency, the committee has suggested that only a road plan should be required, when a road project involves railroads and vice versa³.

In some areas there is a need of both roads and railroads, where none of them is a measure of consequence. In these cases it should be possible to perform a common planning process⁴. However, the Road Law should be applied to roads and the Railroad Construction Act should be applied to railroads. Furthermore, the road plan and the railroad plan should be presented in one common document and should, thereby, be established by one decision.

4.1.5 Elucidation in the usage of the Environmental Code

The process concerning consultation and elaboration of EIA's, in terms of the planning of roads and railroads, was established in connection to the elaboration of the Environmental Code and the processes were adjusted to Chapter 6 within the code.

The connection between the transport laws and Chapter 6 Environmental Code is rather diffuse.

The regulation in the Road Law and the Railroad Construction Act is however indistinct since there are unclear references to Chapter 6 Environmental Code. The laws have been adjusted in such a way that there could be no ambiguities as to what extent the arrangement in Chapter 6 Environmental Code should be used⁵.

4.1.6 Period of validity for design plans

According to today's transport laws, a design plan is valid for five years, as from the end of the year the design plan gained legal force. If the road/railroad route has not

² 16 b § second part Road Law and Ch. 2 10 § second part Railroad Construction Act

³ 20 b § second part Road Law and Ch. 2 21 § second part Railroad Construction Act

⁴ 20 b § first part Road Law and Ch. 2 21 § first part Railroad Construction Act

⁵ 14 b-17 §§ Road Law and Ch. 2 2-12 §§ Railroad Construction Act

been marked and if the work has not been initiated, before the five years have passed, the design plan will lose its validity. However, if there are especial reasons, a working plan's validity could be lengthened with, maximum, three years at a time. Yet, this possibility does not exist for railroad plans.

The current situation entails uncertainties for single individuals, in terms of the period of validity for working plans, and limitations for the ones involved in the planning process, in terms of the period of validity for railroad plans. To improve the situation for both single individuals and for those working within the railroad planning process, the possibility of lengthening the period of validity should be shortened for roads and lengthened for railroads. Moreover, draw-out procedure concerning the lengthening of the period of validity could lead to that the working plan becomes out of date.

According to the committee, there is no reason to differentiate the transport laws, in terms of lengthen the period of validity. To avoid unnecessary uncertainty among individuals and to avoid outdated plans, the committee has suggested that it should be possible to lengthen the period of validity for both road plans and railroad plans with maximum two years⁶. Yet, lengthening of a period of validity should only be allowed in exceptional situations. N.B. Changes within the economic plan, which have led to that a project could not be initiated, is not such a reason.

4.1.7 Modifications in the transport laws

Since the Road Law and the Railroad Construction Act have been established at different times, there are a lot of unjustified differences between the laws.

To reach a more effective planning process, the committee has suggested minor changes in the laws, which aims to eliminate unjustified differences between the transport laws and, therefore, receive a more uniform regulation⁷. Minor modifications have been made in one of the laws in benefit to the other, when possible.

4.2 Simplifications in the procedure concerning the transport laws

For projects that are of minor importance, although they cannot be stated as small and uncomplicated, simplified procedure should be able to be used, according to the law proposal. These simplified procedures should be applied upon

4.2.1 Simplified procedure for changes of design plans

According to the committee, there are unmotivated differences between the transport laws, in terms of the possibility to apply simplified procedures when a design plan is to be changed. Today the owner to a property, which fully or partly is to be engaged, should be given the opportunity to express their opinion, in terms of the Road Law. According to the Railroad Construction Act the same is applied for owners to land or

⁶ 18 b § second part Road Law and Ch. 12 17 § second part Railroad Construction Act

⁷ 3 b second part, 13 third part, 18 third part, 18 c and 18 d §§ Road Law and Ch. 2 20 §, Ch. 3 1, 3 and 3 a §§ Railroad Construction Act

space that **may** be engaged and property owners to water areas that could be affected. Moreover, holders with particular right to such land, space or water area should also be given the right to express their opinion, in terms of the Railroad Construction Act. According to the law proposal, the Railroad Construction Act's milder regulation should be applied to the Road Law⁸. Moreover, proclamation and general examination procedure, in terms of changes in a design plan, should also be altered in such a way that the more generous regulation in the Railroad Construction Act becomes valid for the Road Law as well. This would entail that holders of electric power also should be embraced as entitlement holders within the Road Law⁹.

4.2.2 Simplified procedure for design plans of small importance

The Transport Infrastructure Committee believes that the simplifications of the examination procedure, which is stated in the new Planning and Building Act, also should be applied to design plans within the transport infrastructure planning, that:

- Not are of great importance or have principal importance
- Not are assumed to have a significant environmental impact
- Are of no interest to the public

The simplified procedure of examination implicate that the Swedish Transport Administration should let the County Administrative Board, concerned municipalities and affected single individuals should have the opportunity to accept the suggestion of the design plan or, within two weeks, examine the design plan and present their opinions¹⁰.

4.2.3 Affirmation of road plan

In today's existing Road Law, there are some exceptions from the requirement to affirm a working plan. Since the law proposal permits larger opportunities to deviate from the formal process, there should not be a need for exceptions from affirming a design plan. Thereby, the committee opines, that if the planning of a road or railroad should be performed according to respectively transport law, it should always result in an affirmed design plan.

4.2.4 Coordination between the transport laws and the Planning and Building Act

In the new Planning and Building Act there are regulations concerning simplified procedures, for local plans, which only include measures that has been tried or that is to be tried in a design plan. For these local plans, the EIA established in the design plan could be used. Moreover, it is possible to simplify the consultation, proclamation and examination. Henceforth, the committee opines that the same simplifications should be applicable in reverse order. Thus, a design plan for a road or railroad project, which is assumed to have a significant impact on the environment, should not

⁸ 15 a § Road Law

⁹ 17 a § Road Law

¹⁰ 17 b § Road Law and Ch. 2 14 § Railroad Construction Act

require an EIA, specifically established for the design plan, if the concerned road or railroad has been or is to be tried by a constitution or changing of an existing local plan¹¹. However, the EIA established for the local plan should instead be attached to the design plan, given that the County Administrative Board decides that the EIA is appropriate.

Moreover, the committee opines that the consultation for a design plan should be simplified if the planned measures have been or is to be tried in the local plan¹². Given that the EIA in the local plan is sufficient and appropriate for the design plan and that the consultation in the local plan has been performed with all comprised persons according to the requirement of consultation in the transport laws, the simplified procedures could be performed. Moreover, it should be enough to perform a complementary consultation if a consultation, concerning a design plan, has been performed with a too small group. Furthermore, the promulgation and examination, of a design plan, should be simplified if the concerned road or railroad has been or is to be tried in a local plan¹³. Moreover, the present possibility in the Road Law, to simplify the consultation if the road is located in a local plan or in area regulations, should be abolished.

4.2.5 Exceptions concerning particular tracks

According to today's Railroad Construction Act, industrial railway tracks and harbor tracks, which are to be extended entirely on one's own property or property with site-leasehold right, does not require a railroad plan. This is solely valid if the tracks cannot be considered to have a significant impact on the environment. However, there is an obscurity concerning if an initial study and a feasibility study has to be performed. Nevertheless, as a result of the coherent planning process, according to the law proposal, it will be elucidated that there is no need of physical planning for these kinds of measures.

4.3 Redemption of property

Today, the right to redeem land that, according to an affirmed design plan, should be claimed is differing depending on if it is a road or a railroad that is planned to be constructed. The Transport Infrastructure Committee states that it is not motivated that property owners' rights are worse, if it is a road that should be built contra a railroad. According to the Railroad Construction Act, a property owner could require redemption and, therefore, receive compensation as soon as the railroad plan has gained legal force. However, this is only valid if the railroad is to be used permanently.

For roads there are no corresponding law, since property owners do not have the right to compensation road reserve has been raised. To give all property owners the same rights, the committee has made a law suggestion within the Road Law, which will have the same meaning as the one in the Railroad Construction Act. The law suggestion implies that property owners should have the right to redeem land, if it is

¹¹ 16 b § first part Road Law and Ch. 2 10 § first part Railroad Construction Act

¹² 15 b § Road Law and Ch. 2 6 § Railroad Construction Act

¹³ 17 § second part Road Law and Ch. 2 12 § second part Railroad Construction Act

to be used in a road project, when the road plan has gained legal force¹⁴. As for the Railroad Construction Act, the property owners only have the right to demand redemption if the land would be permanently used for road purposes. Additionally, if particular reasons exist, the committee has suggested that the Swedish Transport Administration should buy a property or a part of a property before a valid design plan exists¹⁵.

4.4 Modifications in the consideration of permissibility

Today, the decision of the consideration of permissibility often is declared late in the planning process, since those working with the process do not wait for the decision before they start working with the design plan. Another problem with the consideration of permissibility is the limitations of which projects that should be tried, since the projects are not of such a standard that they will be considered. Yet, they still could contribute with an environmental impact at the same level as a project that is to be considered. Therefore, the standard should not determine whether a consideration of permissibility should be performed or not. Furthermore, the current regulation of consideration of permissibility is the same for reconstruction of existing roads/railroads as it is for construction of new roads/railroads. Yet, reconstruction of roads/railroads is most often a simpler action than establishing new constructions. Thus, it should be considered in the laws. Moreover, another problem with the consideration of permissibility is the decisions to waive trials. Even if the turnaround time is shorter for an application for waiver than for an application of permissibility, the time used simply contributes to the drawn-out planning process.

4.4.1 Governmental responsibility concerning consideration of permissibility

Since the consideration of permissibility is time-consuming and requires resources, a trial should only be performed when it is justified. Therefore, the committee has suggested that the Government should determine which projects that should undergo a consideration of permissibility, according to Chapter 17 3§ Environmental Code. According to the law proposal, projects should undergo a consideration of permissibility if it fulfils any of the following¹⁶:

- Alternative routes
- Several strong and conflicting interests
- Many conflicting standpoints of the choice of route
- Large and technically complex with significant risks

Moreover, the Swedish Transport Administration should be able to request a project to be considered of permissibility, although the Government has not required a trial. However, the Government has the ability to decide not to perform a trial of the project.

¹⁴ 55 a § Road Law

¹⁵ 55 b § Road Law and Ch. 4 2 § Railroad Construction Act

¹⁶ Ch. 17 1 and 5 §§ Environmental Code

4.4.2 The consideration of permissibility in the new planning process

Since the three stages in today's planning process would be merged into one coherent planning process, according to the law proposal, the consideration of permissibility could not be based upon a feasibility study and the included EIA in the future. Instead, it should be based upon the material needed for the consideration of permissibility, including the EIA. As it is today, the feasibility study should be exhibited when it is finished. Thereafter, the Swedish Transport Administration chooses the alternatives that are relevant and then the projects will be sent out for submission of comments, before it is handed over to the Government. Henceforth, the Swedish Transport Administration should rank the alternatives before the project it is sent out to exhibition. Stakeholders could then receive the opportunity to comment on the ranking of the alternatives.

Moreover, the committee sees a problem with today's two separate operations, which they believe is too time-consuming and, also, unnecessary. Therefore, they have suggested a new procedure, suggesting that these two operations are made simultaneously. Thus, while the examination is performed, the Swedish Transport Administration should send out the project for submission of comments. Furthermore, when the examination and the compilation of the submissions of comments are finished, the Swedish Transport Administration should, as today, send the case to the Government, including their own opinion.

4.4.3 Simplification in the handling of cases of permissibility

To simplify the practical management, the committee opines that the Government Offices and the Swedish Transport Administration should revise the routines concerning cases of consideration of permissibility. As it is today, authorities and organizations have to answer a submission of comments within two months and thereafter they have no possibility to influence the project. Yet, the County Administrative Board, municipalities and the county council or regional self-governing agencies receive the other consultive bodies' opinions before they have to state their own opinion. Therefore, the time for answering the submission of comments is three months for these instances. However, since several of the consultive bodies already have been involved in the planning process, when they receive the submission of comments, the committee opines that the time for answering the submission of comments should be the same for all consultive bodies. Moreover, the time for answering a submission of comments has to be adapted to each case, since comprehensive and complex project requires longer time for submission of comments, than a smaller and simpler project. Furthermore, the time for answering a submission of comments should be the same as the one for the examination.

In terms of cases of permissibility, there is a large amount of consultive bodies, which the committee believe could be reduced. Therefore, the committee suggests that only concerned authorities and organizations, which can contribute to the case, should receive a submission of comments. Thus, the Government Offices and the Swedish Transport Administration should together decide which the consultive bodies should be.

4.4.4 Minor deviations from the decision of permissibility

Since a decision concerning permissibility is binding for the Swedish Transport Administration's continued planning, a design plan is not allowed to comprise a route of a road or railroad outside the area that the decision concerns. In certain cases the corridor, which is determined in the decision of permissibility, has to be adjusted further on in the planning process. However, the existing law does not include any specific regulation concerning how the need to deviate from the decision of permissibility should be handled. According to the committee, it is not reasonable that a new decision of permissibility is needed when a corridor has to be adjusted. Instead, the County Administrative Board should be able to allow minor deviations from the decision of permissibility¹⁷. Still, the deviation must not involve any significant impact to the environment. Moreover, a possibility to appeal the county administrative board's decision should not exist; even though, a decision to affirm a design plan could be appealed in terms of questions that involve the deviations from the plan that has undergone a consideration of permissibility.

4.5 Increased coordination and collaboration

Since there are several points in common between the physical planning of roads and railroads and the municipal physical planning, according to the Planning and Building Act, the cooperation between municipalities and transport infrastructural planners is very important. To increase the efficiency in the planning of roads and railroads, the committee opines that it should be stated in the transport laws that the Swedish Transport Administration should strive for coordination of trials, which is to be performed according to other laws. With a developed collaboration, similar stages, such as consultation, establishment of EIA's and examination, could be coordinated. Moreover, all possibilities to coordination have to be utilized, if duplicate work should be avoided avoid duplicate work and makes the decision processes more efficient.

The committee emphasizes that the Swedish Transport Administration has the main responsibility to utilize the possibilities of coordination and to achieve a good cooperation with the parties concerned. To make this possible, the cooperation has to be initiated in an early stage and proceed continuously throughout the entire planning process.

4.5.1 The interaction between the State and municipalities

Disagreements between the Swedish Transport Administration and a municipality occasionally arise as a result of completely different opinions concerning where a route of a road or railroad should be situated. This results in a stagnation of the planning process, which leads to increased costs for the project in question. The committee reckon that it is not acceptable that important infrastructure projects cannot be implemented, due to that the Swedish Transport Administration and the concerned municipalities do not agree with each other. The committee opines that an increased clarity from the State and an increased collaboration between the municipalities and

¹⁷ Ch. 17 8 § Environmental Code

the Swedish Transport Administration would prevent conflicts between the state and the municipalities. Moreover, it should be elucidated who is responsible for what in the planning process. Furthermore, the Swedish Transport Administration and the County Administrative Boards should have a dialogue, to inform each other about current projects, since the County Administrative Board is the authority that is responsible for that public interests are considered.

To facilitate the planning for upcoming road and railroad projects, the municipality should include upcoming areas for roads and railroads in the comprehensive plan. Thus, the Swedish Transport Administration should early notify the municipality on which areas that are of national interest for roads and railroads.

However, if conflicts should arise, they primarily should be handled by negotiations between the Swedish Transport Administration and the concerned municipality. If the conflict could not be solved anyway, the Government today has the possibility to solve the problem with disagreement. However, the committee proposes that if there is disagreements between the Swedish Transport Administration and the municipality, when a design plan of national interest is finalized, the Government **shall** make the decision, whether the plan should be affirmed or not¹⁸. The decision from the Government implies that the municipality has the role to adapt their local plans or area regulations. Moreover, the suggestion from the committee does not imply any additional warranties than what today exists with the possibility of planning injunction.

4.5.2 Planning and Building Act sufficient for tramway and subway

Today, the Railroad Construction Act is applied on construction of tramways and subways. However, tramway and subway constructions are integrated in the urban environment in a way that railroad is not. Moreover, tramways and subways are usually built in conurbations, where the regulation of the land use and houses is performed by local plans, according to the Planning and Building Act. The difference between railroad and tramway/subway is that:

- Tramway and subway are intended only for transport of passengers
- Tramway and subway has mainly local character
- Tramway and subway are low-speed transport forms, whilst railroad is high-speed

The committee states that tramway and subway projects almost exclusively deal with questions, which are handled within the municipal planning, where the special competence from the Swedish Transport Administration normally is not required. Therefore, the committee opines that the trial of planning of tramway and subway should be able to establish with the local plan, according to the Planning and Building Act¹⁹. Thus, the existing duplicate trial should be removed. However, the possibility to abstain planning according to the Railroad Construction Act is only valid for tramways and subways that would be built in accordance to the local plan. Moreover,

¹⁸ 18 § second part Road Law and Ch. 2 15 § second part Railroad Construction Act

¹⁹ Ch. 1 1 § second part Railroad Construction Act and Ch. 4 34 § second part new Planning and Building Act

if a tramway or subway should be located in an area where no local plan exists and there is no reason to establish one, a railroad plan should be established instead.

Nevertheless, when the possibility of land needs to be secured, there is a need to apply the Railroad Construction Act for planning of tramways or subways. Therefore, it should be possible, but not mandatory, to apply the planning according to the Railroad Construction Act, for the entire route or in parts of the track project, although the planning could be performed due to the local plan. Those planning the project should decide if the Railroad Construction Act or the local plan should be used.

4.5.3 Regulation in design plan should replace the subsequent decisions and notifications

In today's planning process, affirmed design plans according to the transport laws is not sufficient, since a number of subsequent decisions generally are required, in terms of the Environmental Code and the Planning and Building Act. The large amount of subsequent decisions and certain consultation requirements is a large contributor to total amount of time used in the planning process, from decision to a complete construction.

Decreased demand of building permits

According to the Planning and Building Act, building permits are required for some measures, which are generally tried in subsequent decisions in connection with realization of the design plans, according to the transport laws. Building permits are today required for construction and essential changes of several different establishments and buildings.

When local plans are established, exceptions in terms of building permits could be applied, in certain cases. The committee opines that a corresponding possibility should be current for design plans. Thus, the suggestion is that the duty of building permit should be able to be removed or reduced, by regulations in an affirmed design plan²⁰. The Swedish Transport Administration should in the preparations and the initial consultations describe their view of the extent of the duty of building permit.

Furthermore, if a design plan, with regulations concerning duty of building permits, should be able to be affirmed, the municipality always has to agree to that the issue should be determined by the current plan. However, if the municipality does not agree, the issues concerning duty of building permits should be tried by the municipality, in a certain procedure in a normal way. Accordingly, the suggestion implies that the extent of the duty of building permits could be handled either by the transport laws or by the Planning and Building Act.

Building permits concerning tunnels

As it is today, construction of a road or railroad tunnel requires building permit, whilst construction of tunnels, in terms of subway or mining, does not have the same requirement. The trial of tunnels deals with ground water situation and the risk for settlements of buildings and establishments above the tunnel. Thus, the exemption of building permit for subway tunnels was motivated by that the trials require specialist knowledge, which the building committees lacks. Furthermore, there is no reason to

²⁰ Ch. 9 15 a § new Planning and Building Act

believe that the subway would be constructed in a technical deficient way, even though the project is not tried by the building committee.

The Committee reckon that the main argument for exception of building permits for subway tunnels, concerning that the trial would require specialist skills, also is valid for road and railroad tunnels. Moreover, the municipalities have a good general view and they have the possibility to affect the localization and the design of road and railroad tunnels, by the municipal planning and the planning according to the transport laws. According to the committee, a formal duty of building permit, therefore, would not bring anything to the process. Thus, road and railroad tunnel constructions should not be included among the establishments that require duty of building permit in the new Planning and Building Act.

Decreased demand concerning dispensation

If a project may affect a biotope protection area, this should be investigated early in the planning process. Moreover, if it would be affected, an investigation concerning whether a dispensation could be made from the regulation in the Environmental Code, should be made. The trial of dispensation concerning the general biotope protection is often performed late in the planning process for roads and railroads and, therefore, the trial is liable to be a mere formality. The committee opines that a separate decision, of exemption, from the general biotope protection for roads and railroads in line with the affirmed design plan, should not be necessary. Instead, the issue concerning the biotope protection may be handled in the consultation²¹. Moreover, if the County Administrative Board decides to affirm the design plan, despite the general biotope protection, the project could be realized without any subsequent trial.

Consultation according to Chapter 12 6 § Environmental Code

According to Chapter 12 6 § Environmental Code, notifications for consultations have to be made if an activity, which is not comprised by duty of permission or duty of notification according to other regulations in the Environmental Code, is supposed to have a significant environmental impact.

The committee reckon that the duty of notification for consultation is fulfilled if the regulatory authority is notified of the planned measure, in connection with the handling of a case according to the laws. Thereby, the committee suggests that issues, that according to Chapter 12 6 § Environmental Code should be discussed in a consultation, should not be handled in connection with the consultation concerning a design plan²². The design plan should show measures, for which separate consultation is not required. The County Administrative Board should formally decide whether a separated consultation is needed, during the decision-making on whether a design plan is to be affirmed. However, in practice the Swedish Transport Administration and the County Administrative Board will discuss these issues earlier in the planning process.

²¹ Ch. 7 11 a § Environmental Code

²² Ch. 12 6 a § Environmental Code

4.6 Appeals concerning design plans

In a democratic society it is important that everyone has the right to express their opinions. Therefore, it is crucial that the transport infrastructure planning process consists of appropriate rules concerning appeals. In today's planning process there are several stakeholders and they all have the right to appeal a design plan. However, their rights, concerning if and when they can appeal a plan, differs.

Moreover, the office turnaround times for appealed design plans are a large contributor to today's draw-out planning process. The average office turnaround time for an appeal of a working plan was, during the period 2007-2009, around 8 months. If no account is taken to the withdrawn appeals, the average turnaround time would have been 9 months. During 6 months, 55 % of the appeals were determined. If no account is taken to withdrawn appeals, the part would be 47 % instead. However, the office turnaround times concerning appealed railroad plans are in average 13 months and only 17 % of the appealed cases were decided within six months.

The committee believes that the office turnaround times for appealed plans are too long. Therefore, they want to emphasize that it is important that the Government gives priority to retried design plans. Thus, office turnaround time for appealed design plans could be shortened.

4.6.1 Limitations in terms of who should have the right to appeal

During a planning process, consultations should be performed and the plan proposal should be announced and examined. During the consultation and examination, the single individuals receive a possibility to insight and influence on the planning process. In today's planning process, opinions concerning the projects are often brought up late. If the information leads to alterations in the planning, it could lead to delays and increased costs for the project. Thus, the earlier in the process a view is presented; the larger are the possibilities to consider the view. Moreover, it would enhance the possibility to avoid delays and increased costs.

Since the design plan is established at the end of the physical planning process, those affected by the plan have had the possibility to present their opinions during the running consultation and examination. Thereby, the committee opines that it would be reasonable to require that those who want to appeal a decision of an affirmed design plan should have presented their standpoints earlier in the process.

According to the new Planning and Building Act, only persons that in writing, before the end of an examination period, have presented opinions that has not been met, have the ability to appeal a decision to affirm, change or abrogate a local plan or area regulations. The committee opines that the same regulation should be applied to the transport laws²³. Furthermore, if there should be a shift of ownership during a planning process, the new property owner should take over the previous owner's position in terms of the right to make complaints.

²³ 75 b § Road Law and Ch. 5 1 b § Railroad Construction Act

4.6.2 No retrials concerning decisions of permissibility

The committee proposes that the Swedish Transport Administration's decision to affirm a design plan should not be allowed to be appealed in those parts, which already have been determined by a consideration of permissibility²⁴. A corresponding limitation, concerning the right to appeal parts of a decision that is confirmed within a local plan, area regulation or advance notification, already exist in the municipal planning.

However, a road or railroad that is expected to have a significant impact on the environment is comprised by the Aarhus Convention and the EIA directive. It entails that accessibility to legal review have to exist. The Aarhus convention is the United Nation's convention concerning access to information, the publics' participation in decision processes and access to legal review in environmental issues, whilst the EIA directive considers the judgment of environmental impact of certain public and private projects.

The result of the committee's proposal implies that a legal review of the Government's decision concerning the design plan would not comprise questions that have been confirmed by the decision of permissibility. Those affected by the decision; therefore, have to receive the right to judicial review, according to the Aarhus Convention and the EIA directive, satisfied by a legal review of the decision of permissibility.

4.6.3 The right to appeal for different authorities

According to the committee, there are some unmotivated differences between the transport laws, in terms of who have the right to appeal. Thus, the Environmental Protection Agency, regional public transport authorities and region plan bodies should have the same rights to perform an appeal in both laws.

Today, the Environmental Protection Agency has the right to appeal, according to the Road Law but not in the Railroad Construction Act. According to the committee the agency should have the same right to appeal in both laws. In the Environmental Code it is stated that the Environmental Protection Agency has the right to plead a cause in cases according to the code. The regulations in the Environmental Code are used in the trial according to the transport laws and, therefore, it is motivated that the Environmental Protection Agency has the right to appeal in both the laws.

Public transport authorities have, in contrast to the Environmental Protection Agency, the right to appeal decisions according to the Railroad Construction Act but not according to the Road Law. However, 1st January 2012 the law, Law of Responsibility for Certain Public Transport (1997:734), should stop being valid, which will lead to that the public transport authorities' right to appeal will instead be valid for regional public transport authorities, according to the Public Transport Act (2010:1065). The new regional public transport authorities will be affected by both the planning for roads and railroads. Thus, the authority's right to appeal should be

²⁴ 75 § second part Road Law and Ch. 5 1 § second part Railroad Construction Act

instated in the Road Law as well. Moreover, the committee opines that also regional plan bodies should have the right to appeal according to both laws²⁵.

According to the Railroad Construction Act, municipalities explicitly have the right to appeal the Swedish Transport Administration's decisions. This regulation does not exist in the Road Law. However, practically the municipalities also have the right to appeal decisions according to the Road Law. Therefore, the committee opines that the municipality's right to appeal should be current, in terms of the Road Law, as well.

4.6.4 Execution possibilities concerning appealed plans

If the Swedish Transport Administration's decision to affirm a design plan is appealed, the time until the road or railroad is completed will be longer. Thus, regulations should exist so that appeals do not delay projects more than necessary. Thereby, it should be possible to realize parts of a plan despite that an appeal has been made.

According to the existing rules, a decision to affirm a design plan is not valid until the decision has gained legal force. The committee states that this should be current henceforth as well. If an appeal concerns a defined issue, which will not affect the plan in general, it is inefficient if parts of the plan that is not affected by the appeal should not be able to realize. Thus, the committee states that it should be possible to realize parts of a plan, before it has gained legal force, despite that an appeal has been made.

According to the Planning and Building Act, exceptions could be made, in terms of realization of a local plan, which has not gained legal force. The committee opines that corresponding possibilities, for design plans, should be applied to the transport laws. Thus, if the Swedish Transport Administration requires that a design plan should be realized, the Government may decide that parts of the plan could be so. However, this is only valid for those parts of the plan that, without any doubts, will not be affected by the appeal²⁶.

²⁵ 76 § third part Road Law and Ch. 5 3 § second part Railroad Construction Act

²⁶ 78 § Road Law and Ch. 5 5 § Railroad Construction Act

5 Consequences due to the law proposal

There are several different stakeholders within a planning process and they would all be affected by the suggestions stated within the law proposal. According to the Transport Infrastructure Committee the proposal should entail a more adjustable planning process, which easier could be adapted to each case and, thereby, make the planning procedure for roads and railroads faster. Moreover, the law proposal would result in a planning system where human resources could be more efficiently used, which would lead to a faster planning process as well as lower costs for the society.

5.1 A coherent planning process

A coherent planning process would entail a more rapid planning process, since the amount of phases would decrease, which would lead to that the set-up times would be reduced. Moreover, a speed up process would be beneficial from the society's point of view, since the transport infrastructure could be finalized in an earlier stage than today. Further, a shorter planning process would entail a lower planning cost and decrease the time that single individuals spend in an uncertain situation.

The enhanced Four-Stage Principle would make the projects more defined and, therefore, the planning could start earlier than today. Moreover, a coherent planning process entails improved possibilities to adjust the process to each case. Thus, small and simple projects would not be handled in the same way as large and complicated projects, since smaller projects could deviate from the formal planning process. According to the committee, parts of the work that is performed in an initial study today would probably not be necessary in a coherent planning process. However, what is established in a feasibility study and in a design plan today must still be performed in a coherent process. Considering that an initial study takes 1-2 years to establish and that the altogether set-up times are estimated to be 6-12 months, the committee estimates that the reduced amount of time needed for an entire planning process would be at least one year.

A coherent planning process would increase the requirements put upon the Swedish Transport Administration, since the amount of consultations would increase and they would, thereby, continuously have to update single individuals of the current status. Thus, it would hopefully ease the single individuals' understanding of the planning process and the general interest to participate in the physical planning could then increase. Moreover, a shortened planning process and, also, a change concerning the commissions would result in lower revenues for the consultants that are to execute the physical planning. However, the committee believes that the total amount of commissions will not be that affected by the proposal.

5.2 Reduced requirements concerning design plans

Measures on an existing road or railroad, which only have marginal impact on the surrounding environment, should henceforth be able to be performed without the preceding planning according to the regulations in the transport laws. However, certain studies, such as functional studies and consultations, have to be performed prior to that the construction can start.

Moreover, the amount of time used for the planning of projects, which only have an impact on the surrounding environment is today 2-3 years for each project. If the planning is not performed according to the transport laws, the time needed for the planning should be reduced with at least 50 %. Moreover, the committee believes that the costs will be reduced with 25-50 %, which would lead to a reduction in costs with 0.5-1 million Swedish crowns for each project. There are approximately 35-50 projects that are initiated each year, which would entail a total reduction in costs of about 15-50 million Swedish crowns for the state each year.

5.3 Simplified procedures

The possibility of applying simplified procedures, to certain transport infrastructure projects, would reduce the time needed for the planning. Moreover, simplified procedures would ease the coordination between the transport laws and the Planning and Building Act. Thus, when investigation material could be reused, both the costs and the time spent on processing would be reduced.

Moreover, simplified procedures, in terms of EIA's, would lead to that one third of all design plans could deviate from the original EIA and, therefore, the planning time would be reduced. Moreover, the committee believes that the exception from an EIA would not entail any further risks for the environment.

Furthermore, the committee suggests that there, in contrast to today, should be a requirement to affirm all road plans, which would entail that the Swedish Transport Administration would be forced to consider additionally 40-50 cases each year. Yet, the committee believes that the coherent planning process together with the simplified procedures will reduce the effort used for the consideration, which would entail that the manpower and, thereby, the costs would be unaltered from today.

5.4 Alterations in the regulations concerning appeals

According to the law proposal, the requirements on single individuals would increase, since they should have been active all through the process, to receive the possibility to appeal the decision of affirming a design plan. The committee believes that the suggestion would imply that opinions of a design plan are presented in time and, thereby, the opinions could hopefully be met, which on its part would lead to that single individuals leave less appeals. Moreover, the committee believes that the suggestion would entail that the cost consuming retakes of the process would be reduced. Yet, the committee believes that the total number of cases, which is to be retried, would only be marginal affected.

The increased possibility, for single individuals, to receive a judicial review of a consideration of permissibility, would not have significant consequences for the Supreme Administrative Court. However, the number of appeals could increase; yet, the number of decisions that should be judicial reviewed would not increase significantly.

Moreover, the committee opines that the Government's trial of an appealed plan should presuppose what the appeal is based upon. Thus, appealed design plans should

be able to be realized in parts of the plan that are not affected by the appeal. Thus, the construction phase could then start earlier compared to today.

5.5 Increased similarity between the transport laws

When the laws are made more similar the regulations would be more explicit and, thereby, easier to apply for all involved stakeholders. The committee believes that this would contribute to a more efficient and less cost consuming process. Moreover, the possibility to establish a coordinated plan, for projects that involves both roads and railroads, would reduce the number of duplicating trials within the planning process. Furthermore, one common process would require less time and money than two separate procedures. Additionally, a common planning makes it easier for single individuals, since they do not have to participate in two processes, at once.

If the Swedish Transport Administration would be obligated to redeem land, which according to a road plan should be used for a certain road purpose, the committee believes that the authority would no longer produce road plans that do not have an obvious interest. Moreover, to redeem a property, before a valid design plan exists, would increase the efficiency in the planning process; since less energy is needed to handle conflicts of redemptions. Further, the law suggestion implies that single individuals would have the same rights independent of if it is a road or a railroad project. Yet, the possibilities to execute an early redemption would probably not be used that often. Consequently, the committee opines that the additional cost for the Swedish Transport Administration would be somewhat negligible.

The committee believes that the possibility of lengthening the period of validity, for design plans, would lead to that single individuals' rights would be enhanced, in terms of road plans, since it would lead to an increased restriction. However, the possibility of lengthening railroad plans would be somewhat limiting for single individuals, since it could lead to a somewhat more drawn-out procedure than today.

5.6 Consideration of permissibility

The committee believes that the suggestion concerning the Government's increased responsibility, in terms of the consideration of permissibility, would not require increased administration, since the Government should receive enough information in the dialogue with the Swedish Transport Administration. Moreover, the committee believes that the amount of projects that undergoes trial would decrease with 25 %, since that is the number of projects that today are abstained. Furthermore, the committee believes that the stakeholders' costs related to processing and handling the submissions of comments, would disappear.

Moreover, reduced costs are a result of the suggestion that the County Administrative Boards may allow minor deviations from a decision of permissibility, instead of that the Government should handle cases about changes of former decisions. Since the County Administrative Board is a regulatory authority, they are already familiar with the case and could therefore handle the case more rapidly and with less human resources, than what is possible for the Government. Furthermore, since the County Administrative Boards already are involved in the cases, the committee believes that there will not be significant additional costs for the County Administrative Boards.

Consequently, the Transport Infrastructure Committee estimates that the suggestions of changes of the consideration of permissibility should result in an easier consideration of permissibility and that less human resources would be required, since the resources could be used where needed.

5.7 Coordination and collaboration

An increased coordination between the planning according to the transport laws and the municipal physical planning according to the Planning and Building Act, should facilitate the single individuals' understanding of when they could have an impact on the processes and the decisions. Thereby, the committee believes that the single individuals' interest to participate in the planning process would increase. Moreover, the committee suggests that the requirement of building permits for road and railroad tunnels should be abolished. The abolition of building permits leads to that the Swedish Transport Administration no longer have to produce documents and make request for building permits. Consequently, the Swedish Transport Administration's costs would be reduced.

Further, one suggestion from the committee is that an affirmed design plan should substitute separate decisions of building permit as well as exemption and announcement of consultation according to the Environmental Code. The suggestion implies that the number of duplicate trials should be reduced and, thereby, the planning process should be more efficient. Further, the suggestion implies that single individuals would have fewer decisions to consider.

The committee believes that the environment would not be affected by the suggestion that design plans should substitute exemption from general legal habitat protection and announcement of consultation, according to the Environmental Code. The issues would be dealt with earlier than today and would therefore not be formalities, which would be executed when the planning is finished.

5.8 Socio-economic effects

A shorter planning process would entail that the transport construction would be finalized in an earlier stage and, thereby, the benefits of the investment would be available earlier. Moreover, transport infrastructure investments entail system effects, which imply that alterations made in a certain area could affect the conditions for a larger area, in a bigger context. Thus, an earlier start of a construction would lead to an earlier use of a road/railroad. This would entail reduced costs for the measurements and increase the capacity on the areas, where the pressure is relieved. Moreover, a more effective and shorter planning process would decrease the uncertainty concerning whether a planned measure would be realized or not.

The direct effects, of the law proposal from the Transport Infrastructure Committee, would be:

- Benefits for travellers and goods customers (improved travel opportunities and transport opportunities, time winnings etc.)
- Effects for carriers (incomes and costs)
- Budget effects (taxes and charges)

- External effects (accidents, wear of the infrastructure, air pollution and carbon dioxide)

5.9 Economic consequences

The committee believes that the proposal would contribute to a shortening of the planning process with one to two years. Yet, the reduction of time would be more essential in terms of small and medium-sized projects in contrast to larger projects. This since a time-winning would be larger for small and medium-sized projects if compared to the total amount of time spent on the planning. Moreover, the reduction of time is mostly a result of simplifications of the laws and rescindments of multiple trials and set-up times in the process. However, the committee opines that the quality in the planning process work will remain, although the planning time would be shortened.

The economic consequences that the committee has been able to quantify are shown in Table 3. As seen in the table, the time reduction of the planning process, according the committee's proposal, will reduce the state's direct costs for the planning of roads and railroads, with almost 200 million Swedish crowns each year.

Table 3. Summary of quantifiable economic consequences.

Suggestion	Reduced direct costs
A coherent planning process	95-140 million Swedish crowns per year
Reduced requirements concerning design plans	15-50 million Swedish crowns per year
Sum	110-190 million Swedish crowns per year

Moreover, several of the consequences, due to the law proposal, could not be quantified. However, the Transport Infrastructure Committee has presented if those would have a smaller or larger effect of the reduction of costs, seen in Table 4.

Table 4. Unquantifiable consequences' effect of the reduction of costs.

Suggestion	Effect on the reduction of costs
Simplified procedures	Small
Alterations in the regulations concerning appeals	Large
Increased similarity between the transport laws	Small
Consideration of permissibility	Large
Coordination and collaboration	Large

6 Sustainable development

The environment is a subject of interest in today's society and how it should be dealt with is debated all over the world. The apprehension is increasing and the rank and file agrees with that it is an issue that needs to be considered and dealt with. Almost all activities have an impact on the environment, in one way or another, and there are several issues that should be processed.

Infrastructure most definitely has an impact on the environment and these concerns should be dealt with in a planning process. Thus, the planning process, for both roads and railroads, are regulated by the Environmental Code, by considering all possible situations that may occur during the process. However, since all situations are more or less unique, the Environmental Code consists of injunctions, which need to be interpreted and applied individually to each case.

The main tool used to fulfill the environmental requirements within the transport infrastructure's planning process is the EIA, which is a document that takes all necessary facts in consideration. By introducing an EIA in the process, concerns that affect the environment could be dealt with and proposals of how they should be handled should be stated. In the law proposal, for the increased efficiency of the planning process of roads and railroads, several modifications have been made in the Environmental Code, to facilitate and thereby improve the execution of the EIA in the process.

7 The law proposal's impact on the civil engineering industry

There are a number of different stakeholders that would be affected if the law proposal, performed by the Transport Infrastructure Committee, would be affirmed. Thus, the proposal has been sent out for submission of comments to concerned parts and the main view of the suggestion will be presented in this chapter. However, the consultants have not been consulted in the matter and have thereby only disclosed their views if chosen, by their own initiative. Nevertheless, to create a good insight into the consultants' perspective, depth interviews have been performed with representatives from COWI, Norconsult, Ramböll, Vectura and WSP.

7.1 WSP's standpoint

WSP Sverige AB was the only consultancy firm whom decided to response to the law proposal, executed by the Transport Infrastructure Committee. Nevertheless, WSP thought it was deplorable that the proposal was not referred to the consultants or to one of the consultants' interest organizations. However, WSP is mainly positive to the law proposal and they do believe that it would lead to a more efficient planning process. Nevertheless, WSP believes that there still is room for improvements and that the proposal needs to be reviewed and elaborated further.

Furthermore, to ensure that WSP Sverige AB's true opinion comes across, this chapter is based upon WSP's statement, concerning the law proposal. Moreover, interviews were made with representatives from the company, to receive a deeper knowledge concerning their opinions. These representatives were: Bengt Andersson, Bengt Eriksson, Charlotta Faith-Ell and Anna Modin.

7.1.1 General point of view

According to the law proposal, the amendments should be inured 1st January 2012. However, WSP believes that an all too hasted process, of bringing the law proposal into legal force, could lead to that the planning time for desirously infrastructure projects would be lengthen. Thus, well performed educational work will be necessary to receive a good egression. WSP particularly wants to underline the importance that enough time is given for education of the industry as well as for the Swedish Transport Administration, for reconceptualization of handbooks and templates etc.

WSP aligns with the committee that a further development of the economic planning process is desirable and it would contribute to that the Four-Stage Principle could be applied more efficiently. The Four-Stage Principle today is lacking a clear connection to the economic planning and the connection to the physical planning process is irrational. WSP's experience is that the application of the Four-Stage Principle is working poorly today, both considering the economical and the physical planning process. The Four-Stage Principle is often performed as a forced tool, within the planning process, that does not contribute to the project's progression, which entails frustration among those who are working with the principle.

Despite that a large part of the drawn-out process derives from that projects remain lying in different instances, due to lack of resources and drawn-out trials, the

committee does not treat this part in the report. WSP believes that the drawn-out planning process could be reduced if authorities would be prescribed with some sort of time limit regarding the handling of matters. Further, the process would be elucidated and more perspicuous if causeless differences in the regulations were adjusted. Moreover, projects often undergo trials both in terms of the transport laws as well as the Planning and Building Act, which could obstruct for the single individuals to understand when they should participate in a consultation. However, it also provides the single citizen with more opportunities to toss once opinion.

7.1.2 The compounding of the planning process

According to the law proposal, the planning process should be merged into one coherent process, with the Four-Stage Principle as a prefatory stage, to increase the efficiency in the process and to decrease the set-up time between the different stages. WSP, however, does not support this suggestion since they believe it would lead to that the planning process becomes more obscure, especially for the public, whom are not versed in the topic. Moreover, WSP states that an overly coherent planning process could lead to problems with lack of competence during crucial phases. When competences are tied up in large projects, problems with lack of resources may arise, if too many projects end up in the same phase at the same time. Additionally, a coherent planning process may lead to difficulties with the purchasing of projects. For instance, the prospect of develop a proper tender is reduced, since it will be harder to evaluate the process from start to finish, without any background information, from previous steps, to rely on. Moreover, an explicit division of stages within the planning process entail a more efficient purchasing of consultants, since it facilitates the Swedish Transport Administration's opportunity to purchase and maintain the planning for several different projects simultaneously.

Furthermore, a coherent planning process could entail problems for smaller companies to be competitive within the business. A large company, as WSP, could provide competences across the board and would most likely benefit on a merged process, while smaller companies would not be able to deal with all parts within a planning process and would thereby receive problems to compete. Thus, the procurements proclaimed by the Swedish Transport Administration could face a situation where the competitions between different consultancy firms are reduced.

Consequently, WSP believes that the planning process even henceforth should be divided into stages. A compartmentalization elucidates when different interests should be brought up, which could be a bit obscure with a coherent process. A large amount of the problems with office turnaround times, at the authorities, between the stages will remain regardless to if the planning process will be more coherent and a merge is thereby not a solution to the problem.

7.1.3 Integration of Road Law and Railroad Construction Act

WSP are positive to working towards a merge of the Road Law and the Railroad Construction Act, since they believe it would entail that unnecessary duplication of work could be avoided. Moreover, it would be beneficial for the public if the amount of constitutions would be reduced and it would enable the number of resolutions to be reduced.

Additionally, WSP endorses the committee's suggestion that the proceeding used when dealing with smaller projects, without immediate interest to the public, should be eased by simplifying the process regulation. Likewise should an EIA not be necessary for projects where the impact on the environment is insignificant. However, the environmental questions should always be considered in each project and the environmental protection must be maintained. Thus, knowledge concerning the environment should be represented within the project group.

Furthermore, WSP reckon that a change from today's expression "working plan" to "road plan" is an unnecessary change. It would be better to complete the coordination between the Road Law and the Railroad Construction Act by not distinguish the two, but rather giving their design plans a common name, tentatively Transport Construction Plan. Moreover, the committee propound that some explications should be made, concerning the content within the Road Law and the Railroad Construction Act, which WSP appropates. However, WSP believes that some further amendments are necessary.

Environmental Code

WSP's opinion regarding the committee's suggestions of how the Road Law and the Railroad Construction Act could interact better with the Environmental Code is diverged. WSP is positive to the suggestion that the consultation, according to the Environmental Code, could be disregarded for measures which are specified within an affirmed design plan. However, WSP points that the need of consultations and conclusive guidelines for implementations of measures should remain. Thus, these needs need to be accommodated by the Swedish Transport Administration by developing its plans and determination decisions.

Moreover, WSP states that the issues concerning the coordination of transport infrastructure planning and consideration of permission of water operations remains. Thus, a trial of affirmation for a design plan is performed before a trial according to Chapter 11 Environmental Code. Thereby, the aggregated timescale for the appeals could be substantial. Additionally, the trial processes used to execute EIA's and questions concerning the EIA's context and range should be investigated as well.

Furthermore, WSP are positive to the committee's suggestion that alterations are made within the transport laws, to elucidate the adaption of Chapter 6 in the Environmental Code. Moreover, WSP wants to clarify that it is important that the planning process is not made to strict. The laws should rather enable interpretations, adaptable to the situation, in the environmental judging process. Nevertheless, WSP believes that the committee's suggestion, that the Swedish Transport Administration's prescriptions regarding e.g. EIA's should be removed, probably would not further approve a more efficient planning process and the environmental adaption would be obstructed.

Planning and Building Act

The committee has elaborated suggestions which purpose is to facilitate the interaction between the Road Law and the Railroad Construction Act with the Planning and Building Act. The committee suggests that it should be possible to facilitate the procedure used when executing a design plan, which only concerns a road or a railroad that has or is to be put up to trial within a local plan.

According to the new Planning and Building Act the management of consultation, EIA etc. for a local plan only could be simplified in that case that it only regulates

things that have been affirmed within the design plan. Such a simplification is practical; however, the reverse situation is not appropriate. Moreover, according to WSP, it is rather unusual that a local plan is affirmed before a design plan is established.

Trial of certain tracks according to the Planning and Building Act

WSP disapproves with the committee's suggestion that the planning of tram tracks and subway tracks should be enabled to be performed only according to the municipality's local plan. Moreover, it would be against the committee's own suggestion, that the building permit obligation should be removed for road and railroad tunnels, when a municipal board should try a subway extension. This since the committee already states that this sort of trial needs special knowledge, which the building committee lacks.

7.1.4 Consideration of permissibility

WSP aligns with the committee's proposal that consideration of permissibility henceforth should be executed in those cases where the Government actively chooses to perform one. Thus, the requirement of having a compulsory consideration of permissibility, according to Chapter 17 Environmental Code, should then be removed. Moreover, WSP believes that it is a good suggestion to elucidate the procedure, within the Road Law and Railroad Construction Act, concerning the consideration of permissibility, and thereby set the standard to that more than one alternative should be presented.

7.2 The consultants' general view

To receive an understanding of the consultants' general view of the law proposal, interviews were made with consultants, representing four different companies. The interviews, which were made with Christer Niland, COWI; Kurt Lundberg, Norconsult; Bo Asplind, Ramböll and Camilla Dahlström, Vectura, form the basis of the consultants' general point of view. The perception, received by these interviews, was that the consultants' view on the planning process, on the whole, is quite unanimous.

The consultants opine that today's planning process is too slow today. However, they are used to its structure and they do know how to handle projects as well as purchases in the current planning process. Still, there are parts within the planning process which are in need of improvements and several of these are considered in the proposal. Moreover, the consultants are positive to the proposal in general and they do believe that it will contribute to a more speed-up process; yet, there were some parts they did not align with.

The view on how the proposal will impact the consultants, within the transport infrastructure industry, differs between the companies' representatives. While some of them do not believe that the change will be significantly big, others believe that the proposal will lead to major changes in the consultants' work. However, they all agree to that the outcome will be dependent on how the Swedish Transport Administration chooses to act in the matter.

7.2.1 A coherent planning process

The committee's suggestion, to merge the different phases within the planning process, became subject for a number of different opinions from the consultants. They do express that a coherent process may lead to problems, if the market heads towards a process where projects are purchased in one single unit; yet, it would probably be easier to adapt on smaller projects. Larger projects, which contain the entire process, from initial study to design plan, could lead to that the companies receive problems with locked-up resources. Thus, this could entail problems with reconstructing competences into other projects. Since the organizations' form is not static, several start-ups could be required for newcomers, regarding projects that run over a long period of time. Moreover, a large project that stagnates would lead to that an entire organization would need to be engaged in new projects. Additionally, the entire organization may not be available when the project brisk again. Moreover, smaller companies will have trouble competing and the business will go towards an oligopolistic market, where the large companies' position is strengthened even more. Yet, smaller companies could be used as sub-consultants.

Furthermore, the consultants are of the opinion that it is crucial that the new process entails explicit points of decision. In the law proposal there are fewer compulsory decision points, in comparison to today's process, which entail explicit reconciliations during the project. The lack of explicit stops in the process would be a risk, since mistakes could be found late in the process. That could entail problems, which put the project back to a much earlier stage in the project. Moreover, a coherent process could lead to that those involved in the process become tempted to be all too detailed all too soon.

The consultants state that the outcome of merging the planning process will depend on how the Swedish Transport Administration chooses to launch the proposal. The common thought seems to be, at least initially, that the different phases in the planning process will remain as informal steps. Yet, the different phases will probably disappear gradually, especially in terms of smaller projects, since a more coherent process would entail opportunities to skitter within the process. Withal, a coherent process would enable the planning to be more object-oriented. It would be beneficial if the process became less controlled, since the projects could be drifted in different stages simultaneously. It would then be easier to adapt the process to each project, when the phase division is not statutory. Yet, large projects will even henceforth require different phases, since the projects will need to be checked continuously. Thus, a coherent process would increase the demands on the once responsible at both the Swedish Transport Administration and the consultancy firms, since they have to be able to plan and forecast a much more coherent process.

Consequently, the consultants believe that the Swedish Transport Administration's ways of interpreting the proposal will determine how the process will work in practice, since they are the ones that will elaborate the prescriptions. If today's different phases will remain in their constitution, the change will not be very revolutionary. A continuous process, without any interruptions, is good; however, it is not certain that it will function in reality. The projects' progression will still be dependent on whether they remain lying in different instances or not. Further, the projects' possibility of obtain funding all through the project, without interruptions, would still be crucial.

7.2.2 Four-Stage Principle and economy within the planning process

As the Four-Stage Principle is functioning today, the consultants are of the opinion that the principle is insufficient and contribute to frustration among the staffs. The way things are working today, there are no opportunities of performing stage 1 or stage 2 measures, since the projects are already defined when the principle is to be introduced. Stage 1 and stage 2 measures should be combined with stage 3 and stage 4 measures, to receive the optimal solution. Thus, the consultants are positive to the committee's proposal, that the Four-Stage Principle's role is enhanced, due to the separation from the original planning process. Additionally, the consultants opine that it at least should be known if the measure that is to be performed should be a stage 1 or 2 measure or if it rather should be a stage 3 or 4 measure, before the project is to be initiated.

Today, the consultants lack a clear connection between the economic planning and the physical planning and they do not believe that this has been considered in the law proposal either. The economy is a large contributor to the drawn-out process and even if the projects are financed when they are initiated, financial means may not exist when the next phase is to start. Projects remain lying until they once again are launched and, by then, the projects have become obsolete and the work has to be remade. Yet, the Four-Stage Principle would facilitate a consolidation between the physical and the economic planning and, hopefully, a more coherent process would lead to that the entire project could be financed from the start.

The most superfluous amount of time is used between the process' different phases. In addition to the stagnations caused by the lack of funding these delays could arise due to the lack of human resources at different authorities. One obstacle, in terms of stagnation due to lack of resources, is the consideration of permissibility, which has to be made more efficient. If a project should undergo a consideration of permissibility you never know how long time it will take. As it is today, complex questions take unreasonable amount of time to deal with. Yet, projects need to mature; thus, it does not have to be a disadvantage that the projects take time. The consultants believe that the committee's suggestion, to put more responsibility on the Government, would be a good way of dealing with the problem. It would probably decrease the amount of projects that end up on the Government's table, since projects that the Government chooses to abstain today no longer would need to undergo a consideration of permissibility. Moreover, when the process is put to a halt at the Swedish Transport Administration it could, as for the consideration of permissibility, sometimes be explained by the lack of resources; however, the stagnation that occurs here is often a result of the lack of funding. Nevertheless, if a project possess funding all through the process, the project most often proceeds quite effective.

7.2.3 Connection between the laws

In the proposal the transport laws has been made more homogenous, to simplify the procedure for projects that will contain both roads and railroad tracks. The consultants have not reflected on the fact that the difference in the transport laws would entail any significant problems. According to the consultants, the main differences today are how the redemption of land is handled, in regard to the road reserve contra redemption of land. Moreover, the main believe is that it would not affect that many projects. However, they are positive to the fact that projects could be performed in

one single plan. Further, if the Road Law and the Railroad Construction Act were to be merged, this could howbeit be made in connection with the law proposal. Yet, there is an uncertainty of whether a merge is feasible or not, especially if land is to be engaged in different ways.

Moreover, the consultants mention that the link between the transport laws and the Planning and Building Act probably is a bigger issue than the connection between the transport laws. The coordination between different laws is on the whole quite complicated and it can be hard to plan projects jointly. Nevertheless, in the proposal the connection between the laws has been improved.

7.2.4 The single individuals' rights

As it is today, the possibilities to appeal are a big contributor to the stagnation within the projects and it is not reasonable that single individuals can put entire projects to a halt. Many of the appeals only contribute to a drawn-out process and do not affect the final result. The consultants opine that it is unnecessary that appeals could be made in so many different stages, since the longer the process has come; the less is the chance that the public's opinion could lead to any differences. Nevertheless, the consultants believe that the single individuals' rights are important and have to be considered henceforth as well. Moreover, the consultants are positive to that the public is introduced earlier in the process, since it enables a situation where the public's opinion easier could be considered. They believe that the proposal's way of dealing with the problem is good and will lead to a better process, both for the business and for single individuals. It is positive that single individuals no longer would be caught in the middle, when the planning process' progression is slow.

7.3 Opinions from other concerned parts

When the Transport Infrastructure Committee delivered the law proposal to the Ministry of Enterprise, Energy and Communications, 2nd September 2010, it was sent out to just over 160 authorities for submission of comments. Nearly all of the consulted authorities chose to answer. Moreover, a few additional instances chose to express their opinion, on their own initiative. The period of answering to the submission of comments lasted until 10th December 2010. Subsequently, the submissions of comments were compiled by the Ministry of Enterprise, Energy and Communications and this compilation will form the basis of this chapter (Ministry of Enterprise, Energy and Communications 2011a & b).

The majority of the instances that have given their opinions are in general positive to the proposal from the Transport Infrastructure Committee. However, there are some instances that have some objections to the proposal. Several instances have mentioned that some definitions have to be elucidated.

7.3.1 Increased opportunities for redemption of property

The instances have a positive view of the increased possibilities to get a property redeemed. They mention that it is unmotivated to handle redemption of property in different ways regardless of if it is a road or railroad project. Moreover, the instances opine that the suggestion is positive, since the single individuals' situation is

improved. However, according to the Swedish Transport Administration, financial resources are required. Moreover, the Land Survey believes that the possibility to redeem land, for road purposes, would be good according to the rule of law. However, they believe that the suggestion, regarding property regulation, contains some limitations that would be hard to apply in practice.

7.3.2 Connection between the economic and physical planning

The majority of the instances align with the Transport Infrastructure Committee's suggestion, that there is a need of a preparatory study, comprising the Four-Stage Principle, in the economic planning process. However, several instances opine that an elucidation, of how preparatory study should be used in practice, need to be made. Moreover, a couple of instances believe that it would have been desirable if the handling of the economic and physical planning had been dealt with in the same report. The Swedish Transport Administration finds the suggestion concerning the Four-Stage Principle necessary, since the physical and economic planning process, for measures in the transport system, needs to be improved. Moreover, they emphasize that an efficient physical planning process requires a secured financing.

7.3.3 A coherent planning process

The majority of the instances, who have chosen to answer to the submission of comment, are positive to a coherent planning process. The general opinion is that the process would be less unwieldy, more efficient and less costly. Moreover, the amount of time needed for the entire process would be shortened and the process would be easier to adapt to each case. However, a great number of instances, including the Swedish Transport Administration, opine that the process should still be divided in some sort of stages, including explicit points of decisions. Additionally, several instances state that the Swedish Transport Administration should be responsible to establish such a process.

Several instances brought up that a coherent planning process may entail risks, such as that the main part of the consultations could be performed too early in the process, before sufficient amount of information has been gathered. Another risk is that single individuals could lose interest of participating in consultations, if they are running all through a long planning process. Moreover, several instances state that it is of great importance that the consultations' purpose and juncture are explicit for all involved parties.

The Swedish Transport Administration sees many positive effects with a coherent planning process. In addition to the increased flexibility, the rule of law for single individuals will increase. Furthermore, the Transport Infrastructure Committee's investigations indicate that a coherent planning process would reduce the cost for the state with approximately 95-140 million Swedish crowns each year. However, the Swedish Transport Administration does not believe that the economic reduction will be as high as the Transport Infrastructure Committee states, since a lot of the investigation work made in the early stages has to be performed also in the future. Yet, the proposal would lead to cost savings, since the number of consultant contracts would be reduced and fewer stages would reduce the number of occasions where set-up times could appear.

7.3.4 Exception from the requirements concerning EIA

The majority of the instances align with the committee's suggestion that exception from the requirement of establishing an EIA should be possible, since the human resources then could be used where they are needed. However, some instances are critical to the proposal and think that an EIA always should be established, since it is difficult to estimate the environmental impact in an early stage. Moreover, the Swedish Transport Administration believes that the regulation, concerning what a significant impact on the environment will be, should be elucidated, since the County Administrative Boards should judge projects in the same way.

7.3.5 Simplified procedures

The majority of the instances are positive to the possibility of performing simplified procedures and that the Road Law and Railroad Construction Act are more harmonized. However, a handful instances are critical to the simplified procedure in terms of certain road plans and railroad plans with minor importance. The basis to their opinion is that even small measures could have a severe effect on single individuals. Therefore, the instances think that it would be hesitantly that the projects do not need to be announced and that exhibition would be the only way for some stakeholders to be heard. Moreover, some instances believe that two weeks for examination of plans of minor importance is too short and they suggest that the time for examination should be at least three or four weeks.

7.3.6 Lengthening of the validity period for design plans

The majority of the instances are positive to that the validity of design plans could be lengthened with two years. However, some instances mention that the limitation to five plus two years is rather short, since the rule of law, for single individuals, would increase. Moreover, if there is no possibility of lengthening the validity of the design plans, it would entail high costs for the society. The Swedish Transport Administration states that it should be possible to lengthen the validity of design plans, since re-prioritizing of financial means has led to that projects have been delayed. If there are no possibilities of lengthening the validity of an affirmed design plan, it could lead to duplicate work within the planning process, which would be expenditure with the taxpayers' money.

7.3.7 Consideration of permissibility

Several instances are positive to that the mandatory consideration of permissibility should be abolished and that the Government should decide which projects that should be tried. It would make the process more flexible, since only projects of interest would be tried. Thus, fewer projects would be tried and valuable time could be saved. However, the Swedish Transport Administration emphasizes that it should be known in an early stage whether a project should undergo a consideration of permissibility, so it could be considered during the elaboration of the project.

Furthermore, some instances opine that it would not be possible to keep the current level of detail of the basic data for the trial, since the consideration of permissibility would be performed earlier than today. However, the Swedish Transport

Administration does not think that the quality of the consideration of permissibility would be reduced.

7.3.8 Increased responsibility for the Government

The suggestion that the Government should decide if a design plan should be affirmed, if disagreements arise between the Swedish Transport Administration and a municipality, has caused disunity between the stakeholders. The municipalities are the instances that have the most objections, since they believe that it would entail an unacceptable shift of power from the municipalities' self-determination. However, several instances state that this possibility already exists, since the Government, according to the Planning and Building Act, can give planning injunction to the municipality, and that it should be enough. Yet, several instances reckon that the law only should be applied during certain circumstances.

7.3.9 Appeals concerning design plans

A majority of the instances are positive to that single individuals solely could appeal a decision to affirm a design plan, if their opinions have been made in written before the end of the time for examination. However, several instances state that it is important that the individuals, within an afflicted area, would receive information in an early stage. Yet, some instances are not of the same opinion; since they are critical to that new property owners do not have the possibility to appeal, if the former owner has not been active in the planning process.

Furthermore, most of the instances are positive to that the Swedish Transport Administration could request that the Government approve an appealed design plan, even though it is not yet affirmed, for parts that are not affected by the appeal. However, one instance states that this part of the design plan has to fulfill its function alone, if this should be applied. Hence, it is not appropriate to realize a part of a plan that is dependent on another part, which is considered within the appeal.

The instances align with the committee's suggestion that the office turnaround times, for appealed design plans, should be shortened. Several instances state that the Government Offices should be given enough human resources to be able to shorten the office turnaround times. Moreover, a lot of the instances think that a maximum office turnaround time, for appealed projects, should be stated in the law.

8 The Transport Infrastructure Committee's standpoint

The Transport Infrastructure Committee consisted of one representative from each party in the Swedish parliament, pertaining the election period 2006-2010, which were current during the elaboration of the law proposal. The committee has strived for establishing a unified report and the proposal, thereby, is deeply established within the parliament. Thus, the prospect of it to gain legal force is high.

To elicit the Transport Infrastructure Committee's thoughts and believes, concerning the proposal, an interview was made with two representatives from the committee; Mikael Gustafsson, Left Party and Lars Tysklind, Liberal Party.

According to the members of the committee, the working climate has been good and, despite political differences, all parts believe that infrastructure is an important matter. Moreover, the members of the committee were of different backgrounds, yet, they all have an affiliation to the subject. The members' different standpoints led to that the committee had to approach the problem in many different ways. Thus, the proposal was rigorously unraveled and elaborated, even before it was sent out for submission of comments. Thereby, the explanatory part has been made very thoroughly, to assure all parts that their cognition came across. However, the Transport Infrastructure Committee has discovered that there are some misconceptions among the stakeholders, which have chosen to answer the submission of comments.

In the proposal the Transport Infrastructure Committee states that the new laws should come into force 12th January 2012. Considering the time it has taken to process the proposal and since it is still under process, the committee no longer believes that this date is realistic. They, obviously, opine that enough time should be given for education and for modifications in prescriptions and constitutions, before a transaction is made. At the moment there is no knowledge of when or in what form the proposal will come into force. It is the Ministry Enterprise, Energy and Communications that processes the proposal and who should consider the answers to the submission of comments from different interest groups. However, one of the reasons to that the process has come into a halt is that one is now trying to synchronize the physical planning process with the economic planning process. The committee aligns with this work, since they believe that a junction between these two processes is very important and would empower the planning process.

Furthermore, the proposal has been based upon the directive from the Government and it aims to change the laws, to improve the efficiency for the planning process. Thus, the committee has mainly looked upon how changes in the laws could be manufactured to improve the efficiency rather than looking in ways to improve the execution itself.

8.1 The Four-Stage Principle's enhanced role

In the law proposal the Four-Stage Principle has been clearly distinguished, by separating it from the main planning process. The committee believes that such a change would both elucidate and simplify the use of the principle. It would enhance the principle's concept, which purpose today may seem rather diffuse and, in some cases, even unnecessary. Moreover, it would contribute to benefits concerning the

national economics in the country, since it will always be better to execute projects to a lower cost, if the end result would be the same anyway.

8.2 A coherent planning process

Several stakeholders have expressed their concerns regarding the merge of the planning process, which implies that the different phases within the process would be removed. However, the committee does not believe that these stages will disappear entirely. The idea is to remove the requirement of a clear distinction between the different stages. Thus, the different phases will still be there when projects are purchased and they will still appear as guidelines when processing the projects. However, for smaller projects, the opportunity to renounce certain parts within today's strict process would lead to a rationalization of the work.

Furthermore, the laws do not entail how the process should proceed in practice; it merely indicates what would be required. Thus, this would require a good deal of effort by the Swedish Transport Administration, whom would be forced to produce new prescriptions, to enable the use of the law proposal. The framing of the proposal's meaning for the industry will depend on how the Swedish Transport Administration chooses to handle the new code. Nevertheless, the final result will rest upon the constitution comments, which will function as explicit guidelines for the authority when the prescriptions are established. The purpose with the constitution comments are to be as evident that misconceptions could be dismissed.

The proposal is focusing on changes in the laws, which is something that occurs fairly often. It will probably not entail particularly large alterations, in the consultants' perspective. In addition to the amendments, there modus operandi will probably continue as before.

8.3 A coherent transport law

The committee believes that a merger between the Road Law and the Railroad Construction Act would be a good progression in the work of increasing the efficiency in the infrastructure planning process. However, they do not believe that such an act will be performed, at least not in the nearest future, since it would require too much effort compared to what would be gained by such a process. The committee did consult a jurist in the matter, who stated that they probably would encounter a lot of trouble if they attempted to stage a merger between the two transport laws. However, the committee's task were not to produce a coherent transport law and such a procedure would probably not lead to any revolutionary changes in regard to speed up the transport infrastructure planning process.

Moreover, the transport laws have been altered, not only to be in harmony with each other, but also to be more-attuned with other laws. It is ineptly that the laws concerning roads and railroads should demand higher demands than other constructions.

8.4 Changes regarding consultations

The committee has put a lot of effort to assure that the public's rights would be remained, since the committee believes that it is of great importance that everyone has the right to express their opinion, regardless of the project's size. In today's planning process the public may enter the process at different stages, which could result in difficulties of understanding how and when they should express their views. In the law proposal, consultations are more in symbiosis with the entire process and the public would be participating in the process in a much earlier stage. However, it could be hard for an individual to enter the process in an all too early stage; thus, guidelines need to be set up of how it should be proceeded practically. Hence, the first consultations should be broader and it is of great importance that clear assigned consultations are defined during the process.

8.5 The Transport Infrastructure Committee's aim and expectations

The committee's aim has been to not take any specific part's side, when executing the proposal. Thus, the committee has tried to take all parts into consideration and thereby elaborated a proposal that should improve the planning process for all involved stakeholders.

The aim of the law proposal is to make the planning process more efficient. However, the committee opines that it is crucial that the efficiency do not trespasses on the importance of single individuals or on the environmental issues.

Consequently, the aim is to decrease the amount of time used for each project, without adventure other significant interests that may be affected by the infrastructure planning process. The committee's believes and hopes are that the project's medium planning time will decrease with approximately two years in total.

9 Discussion

After becoming acquainted with the present situation of the transport infrastructure industry, we have understood that the planning process is a very time-consuming procedure that needs to be processed. However, quality needs time and a too fast procedure is therefore not desirable. Nevertheless, the amount of time used, from idea stage to building act, is way too drawn-out today and a change is necessary.

After analyzing the law proposal, from the Transport Infrastructure Committee, we believe that the suggestions are very well elaborated and thoroughly analyzed. The committee has managed to produce a proposal, which consider several different aspects and contains many good suggestions, in a short amount of time. The proposal is based upon the Government's directive, which aim was to make the planning process more efficient by modifying laws affecting the planning process. However, it is not only the planning process itself that is time-consuming. The time between the different stages also contributes to the drawn-out process. Since the projects remain untreated during a long period of time, without any contribution to it, the total project time increases without any cause. Thus, we believe that this needs to be investigated further, to receive a more efficient planning process. In our opinion, the problem with projects that remain untreated, during a long period of time, derives from the lack of human resources and priorities of projects.

Furthermore, economy is another significant aspect of the problem, which may lead to an even more long-drawn process. The lack of funding is a large contributor to that a project is stagnating today. Thereby, the project may be put to a halt up to several years, until it is prioritized once again, within the economic plan. When a project is initiated it follows a finance plan, however, the economic situation may change over time and the funding may not follow the initial plan. Thus, the project may be a target of re-prioritizing and thereby cut off of finance, which can result in a total stop in the project. Yet, it is not only the lack of funding that could lead to stagnation within the projects. Occasionally, projects could be left unclaimed, at authorities, during a long period of time and the problem simply arises since no one deals with the documents. Accordingly, the unnecessary time spent between the different stages needs to be dealt with and the authorities have a large responsibility in that matter. However, the authorities' resources are not sufficient today and alterations need to be made within the organizations, to enable an improved market. The long pauses in a project do not only lead to a drawn-out process, but also to that the project documents can end up out-of-date, which lead to that the work needs to be remade and, thereby, the project will be even more drawn-out. Consequently, the lack of funding and the time spent between the different phases are two major contributors to the drawn-out process. If the authorities' manning is not sufficient and the priority cannot be altered, maybe the managing of the project should change hands. One could, for instance, provide those responsible with competent and authorized assistance, to unburden them from specific transport related projects.

The Transport Infrastructure Committee's mission was to focus on the transport laws. Still, the committee has chosen to elucidate the Four-Stage Principle's position in the planning process, although it was not formally a part of the directive. Even if the principle is a precursor to the actual planning process, the committee believed that it was important to clarify and improve the Four-Stage Principle's part in the transport infrastructure planning today. We believe that this will lead to time-winnings in the actual planning process, since unnecessary steps are removed. Additionally, we

believe that a better defined principle would lead to decreased discontent among the consultants, since they no longer would be forced to use a principle just for show. As it appears today, the Four-Stage Principle is used in a way that it does not contribute to the project; however, the principle could be a good tool if used right. There is no reason of using the Four-Stage Principle in the initial study, when it is already stated what should be done. That leads to that everyone involved in the project aims to solve the problem with the already stated solution, and no one is investigating other, more cost-effective ways, of solving the issue. Nevertheless, if the principle is used as suggested in the proposal it would most likely entail necessary qualities for a well-planned transport infrastructure. If the principle's different steps are thoroughly gone through, as a preparative step to the planning process, it could lead to a more socioeconomic benefit for the public, since the principle contribute to a wide overview of the situation. This could lead to that more projects could be solved in a more efficient way than is done today. This would lead to benefits both environmental wise as well as economical wise. At present, many projects are defined in an early stage, without a clear review of the alternatives.

At the moment, a coordination of the economic planning and the physical planning is investigated. That is something we believe is crucial in an efficiency perspective and for a well-functioning planning process. The committee's proposal, in terms of the Four-Stage Principle, has simplified such a procedure, since the principle could easily be applied to the economic planning process. Furthermore, we are of the opinion that a project should be funded when it is initiated. With the Four-Stage Principle outside the planning process, the project's aim will be determined when the planning process begins and, thereby, the process of estimating the projects approximating cost will be simplified. Thus, financial resources could be set aside and reserved for the specific project and, thereby, the project's implementation could be ensured. Moreover, we believe that the economic plan should run over a longer period of time, so that larger project's funding could be assured. Still, there should be a buffer for the more urgent and unplanned projects. Thus, the economic plan could not be too strict since there must be room for unexpected cost.

Another important part of the proposal, which we align with, is the modifications made concerning the consideration of permissibility. When the Government actively has to choose which projects they should process, their insight into the projects will increase. Hence, it would both increase the Government's interest for the projects as well as increase their awareness of what is happening in the state. Moreover, the time-consuming process, where the Government chooses to abstain from their rights to an opinion, would hopefully disappear. Although, this would demand a well-functioning collaboration between the Swedish Transport Administration and the Government, to avoid that everything would end up at the Government's table anyway.

On the whole, the committee has managed to handle a number of laws that have a considerable impact on the time spent in the planning process. They have made small alterations and crucial changes, which could contribute to a more lucid and accessible process, both for authorities and public. They have also managed to eliminate superfluous parts and unnecessary differences between the laws, which could result in reduced duplication of work. Moreover, we are positive to that the committee has enhanced the Government's responsibility, regarding projects that are resulting in conflict. Thus, the Government has to take side, even though the matter is sensitive and, thereby, one could avoid a deadlocked situation, even though there are disagreements between different parts.

Another alteration made in the laws, which could help to speed up the process, is the modifications made concerning single individuals' rights in the planning process. The committee rigorously adverted that they did not in any way want to restrict the public's rights; yet, the situation today is not desirable and needs a brush-up. We believe that these changes would improve the situation, both for single individuals as well as for those who are working within the process. As it is today, people in an afflicted area could end up in a paralyzed situation, which goes on for several years. Thus, people that live in a community, where a road/railroad is to be situated, could end up in a situation where they cannot plan for the future. The increased opportunities of redemption, even before a design plan is affirmed, could most definitely improve the single individuals' situation. Moreover, we are positive to the committee's suggestion, that the public should be introduced to the process in an earlier stage. Thereby, there would be a possibility that the single individuals' opinions would be considered already at start. If there is a dialogue between concerned individuals and the transport infrastructure industry there would be a possibility that some of the appeals made today could be avoided. Furthermore, a more explicit planning process would simplify the single individuals' prospect of gaining insight into the project and, thereby, receive a better overview of the project and what will happen in the area. Additionally, if the process would be less drawn-out in general, the afflicted area would not end up in a stupor for a needlessly long period of time.

Furthermore, the merge of the planning process could entail a great change, if the Swedish Transport Administration chooses to deal with it in such a way. Yet, the committee does not believe that a coherent process would infer that today's three planning stages would be eliminated, which would entail that the change would not be that remarkable. We believe that the new coherent planning process would entail better opportunities for the consultants to adapt the process to each object. However, there is a possibility that the projects go towards a more coherent purchase, which could result in an oligopolistic market. A market where only a few, large, companies could compete is never good and the lack of competition could e.g. lead to stagnation in the industry's development.

Since this master's thesis is based upon the consultants' perspective we wanted to separate their position concerning their view on today's planning process as well as on the proposal. Thus, we performed a number of interviews with representative consultants, to receive an explicit impression of the main view on the process' state and potentiality. These interviews implied that the consultants' view in general was quite accordant. It was interesting to discover the explicit resemblance between the different companies' views. That implies that their view on the process probably is well-established among the consultants within the transport infrastructure industry. Moreover, these conversations verified a number of the thoughts and thinking that we developed during our studies. Yet, we detected some misconceptions among the consultants and, also, among other stakeholders, when we compiled their opinions. We believe that some of these misconceptions derive from that the different stakeholders have gone through the proposal quite cursorily and these misconceptions could, thereby, be unraveled with more in-depth studies. However, some of the misconceptions indicate that the proposal, in certain segments, should be more clarified.

Consequently, the law proposal would most likely lead to a more rapid planning process, when/if it gains legal force. Yet, the formation of the final law alterations

would be decisive of the total impact. Much relies upon how the Swedish Transport Administration chooses to act in the matter. Moreover, it would not be enough to make alterations in the laws. The process is in need of a great improvement, both in terms of law alterations as well as for the working procedures. It would be desirable to take a look at the time spent between different phases, since it is a large contributor to the drawn-out process. Moreover, it is of great importance that the alterations are accepted by the industry and that resistance is avoided, so the process do not proceeds in the same old rut. The law proposal is a contribution to the industry and if it is embraced it could lead to a simpler, faster and more object adapted process in the end. As it is now, the result, due to the law proposal, is quite ambiguously, since nothing is yet affirmed. The answers to the submission of comments are under consideration and the proposal's final formation is not known. However, the proposal is well-entrenched, since all parties in the parliament were represented in the committee and the alterations made in the proposal will most likely not be subversive. Still, much rests upon how the Swedish Transport Administration chooses to treat the upcoming legislative amendments, since their prescriptions would be the bases of how the planning process would be processed.

10 Conclusions

Consequently, the proposal is overall good and well elaborated and when/if the proposal gains legal force, it would entail a more rapid planning process for everyone involved. However, there is still room for improvements and the time spent between the different stages is one of the biggest contributors to the drawn-out process.

Furthermore, the law proposal would probably not entail a revolutionary change for the consultants' situation. However, the way the Swedish Transport Administration chooses to deal with the new transport infrastructure legislation would be crucial for how the future impact on the industry would turn out.

Finally, it is crucial that the economic planning process is connected to the physical planning process, if the process is going to be sufficiently effective. If the funding of projects is not secured, it does not matter if the process itself becomes more efficient.

11 Suggestion to further investigations

Since this master's thesis is based upon a proposal that has not gained legal force, further investigations would be desirable, when the final law proposal reach validity. This report focus on how the proposal could affect the transport infrastructure industry, yet, the proposal is only a touchdown. It would be eligible to analyze the egression of the proposal, when it has been put into practice. Moreover, it would be interesting to study how the connection between the physical and the economic planning process will turn out.

As it is today, there are no guidelines concerning how the proposal would be realized. It would be interesting to analyze the prescriptions that the Swedish Transport Administration would be forced to produce. Additionally, one could investigate how well the industry adapts to the new formation and whether the new legislation has led to a more efficient planning process, in the end.

Furthermore, it would be interesting to perform an investigation of whether the Swedish transport planning process could be made more efficient, by analyzing prosperous international planning processes. It would be interesting to see how the Swedish process could be changed, without jeopardizing primary Swedish values.

12 References

- European Commission (2011). *What is Natura 2000?*. [Online] Available at: http://ec.europa.eu/environment/nature/natura2000/index_en.htm [2011-02-21].
- Expowera (2008). *Miljöbalken*. [Online] Available at: http://www.expowera.se/mentor/miljo/miljo_miljobalken.htm [2011-02-21]
- Kronoberg County Administrative Board (2010). *Att söka tillstånd till miljöfarlig verksamhet*. [Online] Available at: http://www.lst.se/_kronoberg/amnen/Miljoskydd/mkb_innehall.htm [2011-02-21].
- Kungälv Municipality (2010). *Vad är en översiktsplan?*. [Online] Available at: <http://www.kungalv.se/Oversiktsplan-2010/Oversiktsplan-2010/Vad-ar-en-oversiktsplan/> [2011-02-18].
- Lund Municipality (2010). *Vad är en detaljplan?* [Online] Available at: <http://www.lund.se/Bygga--bo/Planer-pa-gang/Vad-ar-en-detaljplan/> [2011-02-18].
- Ministry of Enterprise, Energy and Communications (2011a). *Remissammanställning av yttranden över Transportinfrastrukturkommitténs betänkande Effektivare planering av vägar och järnvägar (SOU 2010:57)*. [Online : PDF] Available at: <http://www.sweden.gov.se/content/1/c6/16/21/38/6a968048.pdf> [2011-03-17].
- Ministry of Enterprise, Energy and Communications (2011b). *Sammanfattad version av: Remissammanställning av yttranden över Transportinfrastrukturkommitténs betänkande Effektivare planering av vägar och järnvägar (SOU 2010:57)*. [Online : PDF] Available at: <http://www.sweden.gov.se/content/1/c6/16/21/37/ffa1ba79.pdf> [2011-03-17].
- Månsson, Urban (2004). *Jämförelse mellan lagen om byggande av järnväg och väglagen*. Lund: Lund Institute of Technology, Lund University, Sweden. (Master's thesis for the department of Real Estate Science). [Online : PDF] Available at: http://www.lantm.lth.se/fileadmin/fastighetsvetenskap/utbildning/Examensarbete/04_5098_Urban_Maansson.pdf [2011-02-15].
- Swedish Environmental Protection Agency (2003). *Natura 2000 i Sverige : Handbok med allmänna råd*. [Online : PDF] Available at: <http://www.naturvardsverket.se/Documents/publikationer/620-0131-0.pdf> [2011-02-21]
- Swedish Environmental Protection Agency (2011). *Miljöbalken*. [Online] Available at: <http://www.naturvardsverket.se/sv/Start/Lagar-och-styrning/Lag-och-ratt/Miljobalken/> [2011-02-21].
- SOU (2010). *Effektivare planering av vägar och järnvägar*. Stockholm: SOU (SOU 2010:57).
- Swedish Road Administration (1994). *Redovisning av arbetsplan*. [Publikation 1994:72].
- Swedish Road Administration (2002a). *Handbok förstudie* [Publikation 2002:46]. [Online : PDF] Available at: http://publikationswebbutik.vv.se/upload/1894/2002_46_handbok_forstudie.pdf [2011-01-31].
- Swedish Road Administration (2002b). *Åtgärdsanalys enligt fyrstegsprincipen – ett allmänt förhållningssätt i åtgärdsanalyser för vägtransportssystemet*. [Publikation

- 2002:72]. [Online : PDF] Available at: http://publikationswebbutik.vv.se/upload/1448/2002_72_atgardsanalys_enligt_fyrstegsprincipen.pdf [2011-01-31].
- Swedish Road Administration (2005). *Feasibility studies in Sweden*. [Publication 2005:64E]. [Online : PDF] Available at: http://publikationswebbutik.vv.se/upload/2629/2005_64E_feasibility_studies_in_sweden.pdf [2011-01-31].
- Swedish Road Administration (2006). *Handbok vägutredning* [Publikation 2005:64]. [Online : PDF] Available at: http://publikationswebbutik.vv.se/upload/2171/2005_64_handbok_vagutredning.pdf [2011-01-31]
- Swedish Road Administration (2010). *Handbok arbetsplan* [Publikation 2010:01]. [Online : PDF] Available at: http://publikationswebbutik.vv.se/upload/5393/2010_1_handbok_arbetsplan.pdf [2011-01-31].
- Swedish Transport Administration (2010a). *Så blir väg och järnväg till*. [Online] Available at: <http://www.trafikverket.se/Privat/Vagar-och-jarnvagar/Sa-blir-vag-och-jarnvag-till/> [2011-01-18].
- Swedish Transport Administration (2010b). *1. Lagar och förordningar*. [Online] Available at: <http://www.trafikverket.se/Foretag/Planera-och-utreda/Planerings--och-analysmetoder/Planering-pa-projektniva/Infrastrukturprojekt/Vag/Markatkoms t/1-Lagar-och-forordningar/> [2011-02-15].
- Swedish Transport Administration (2010c). *Järnväg*. [Online] Available at: <http://www.trafikverket.se/Foretag/Planera-och-utreda/Planerings--och-analysmetoder/Planering-pa-projektniva/Infrastrukturprojekt/Jarnvag/> [2011-02-15].
- Uddevalla Municipality (2011). *Vad är en detaljplan. Detaljplaneprocessen*. [Online] Available at: <http://www.uddevalla.se/byggabomiljo/detaljoversiktsplan/vadarende taljplan.4.e41bc3fd31d4fc377fff17280.html> [2011-02-18].
- WSP (2010). *Vägutredning för E22, delen förbifart Norrköping (Norrliden)*.

Oral references

- Andersson, Bengt. (Engineer, WSP Analysis & Strategy, Stockholm). Interview by the authors 2011-03-14.
- Asplind, Bo. (Civil engineer, Ramböll, Göteborg). Interview by the authors 2011-03-31.
- Dahlström, Camilla. (Technical manager Feasibility studies, Vectura). Interview by the authors 2011-03-30.
- Eriksson, Bengt. (Environmental Investigator, WSP Civils, Stockholm). Interview by the authors 2011-03-14.
- Faith-Ell, Charlotta. (Engineering Manager Environment and EIA, WSP Civils, Stockholm). Interview by the authors 2011-03-14.
- Gustafsson, Mikael. (Traffic political secretary, Left Party). Interview by the authors 2011-04-13.

- Hallman, Bertil. (Long-term planner and Traffic Analyst, Swedish Transport Administration Region West, Göteborg). Interview by the authors 2011-03-04.
- Lundberg, Kurt. (Civil engineer, Road and Track, Norconsult, Göteborg). Interview by the authors 2011-03-22.
- Modin, Anna. (Consultant, WSP Analysis & Strategy, Stockholm). Interview by the authors 2011-03-14.
- Niland, Christer. (Head of division, Infrastructure Technology, COWI AB, Göteborg). Interview by the authors 2011-03-29.
- Tysklind, Lars. (Member of the Riksdag the Liberal Party, Parliamentary Committee on Transport and Communication, and Parliamentary Committee on Agriculture and the Environment). Interview by the authors 2011-04-13.

APPENDICES

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Appendix 1. Kommittédirektiv

Effektivisering av planeringsprocessen för transportinfrastruktur

Dir. 2009:16

Beslut vid regeringssammanträde den 19 mars 2009

Sammanfattning

En parlamentarisk kommitté ska analysera planeringsprocessen för byggande av transportinfrastruktur och föreslå sådana ändringar i väglagen (1971:948) och lagen (1995:1649) om byggande av järnväg som innebär att processen effektiviseras. Utredningsarbetet ska även, ur ett transportinfrastrukturperspektiv, omfatta frågor om miljökonsekvensbeskrivning och tillåtlighetsprövning enligt miljöbalken samt frågor om samordning med övrig fysisk planering enligt plan- och bygglagen (1987:10).

De förslag till effektivisering som kommittén lägger fram ska tillgodose kraven på demokratiskt inflytande och rättssäkerhet för enskilda som berörs av planeringsprocessen. Vidare ska tillräcklig insyn och möjlighet till inflytande säkerställas för berörd allmänhet. Behovet av hänsyn till miljön och miljökvalitetsmålen samt till andra samhällsmål ska tillgodoses.

Kommittén ska utarbeta de författningsförslag som behövs för att bl.a.

- förkorta ledtiderna fram till färdig anläggning,
- förbättra samverkan mellan involverade aktörer,
- förbättra samordningen med övrig fysisk planering, och
- förtydliga kopplingar till den ekonomiska planeringen för transportinfrastruktur.

Kommittén ska redovisa sitt uppdrag senast den 31 augusti 2010.

Bakgrund

En väl fungerande infrastruktur är en grundförutsättning för att bedriva företagsverksamhet, skapa fler jobb och för att åstadkomma en långsiktigt hållbar tillväxt och välfärd i alla delar av landet. De behov och förväntningar som finns i samhället innebär ökade krav på att snabbt och effektivt genomföra de förbättringar av transportinfrastrukturen som är nödvändiga. Infrastrukturplaneringen behöver effektiviseras så att transportinfrastrukturen snabbare kan utvecklas för att på ett långsiktigt hållbart sätt möta behoven hos näringsliv, medborgare och samhälle i olika delar av landet för att främja samhällsekonomiskt effektiva lösningar. Planeringsprocessen för byggande av järnvägar och vägar regleras i lagen (1995:1649) om byggande av järnväg respektive väglagen (1971:948). Lagen om byggande av järnväg trädde i kraft 1996, som en följd av att satsningarna på utveckling av järnvägsnätet förstärkt behovet av att skapa en lagstiftning för järnvägsplanering. Reglerna i lagen ska tillämpas även för tunnelbana och spårväg. Vägslagstiftningen fick sin nuvarande form 1971 och ändrades 1987 genom anpassning till lagen (1987:12) om hushållning med naturresurser m.m. och plan- och bygglagen (1987:10). Förändringar i båda lagarna gjordes 1999 vid tillkomsten av miljöbalken för att ge en tydlig koppling till denna. Flygplatser prövas som miljöfarlig verksamhet av miljödomstol enligt 9 kap. miljöbalken medan nya allmänna hamnar och allmänna farleder prövas av Sjöfartsverket enligt lagen (1983:293) om inrättande, utvidgning och avlysning av allmän farled och allmän hamn. Det är emellertid framför allt i samband med utbyggnad av järnvägar och vägar som planeringsprocessens längd ofta har diskuterats. En målsättning med järnvägs- och vägslagstiftningen är att ge förfarandet vid järnvägs- och vägbyggen en god anknytning till övrig samhällsplanering och till miljölagstiftningen. Planeringsprocessen syftar till att förankra planeringen av järnvägar och vägar i den regionala planeringen och i kommunernas planering samt till att ge goda möjligheter till insyn och påverkan för dem som berörs i olika skeden. Vidare syftar planeringsprocessen till att göra avvägningar mellan olika allmänna och enskilda intressen samt till att åstadkomma ett effektivt och rättssäkert plangenomförande. Det upplevs emellertid av många att planeringsprocessen för byggande av transportinfrastruktur har blivit komplicerad och att ledtiderna i många fall är alltför långa, vilket bl.a. kan leda till ökade samhällsekonomiska kostnader. Önskemål framförs därför om att bl.a. påskynda och förkorta processerna.

Uppdraget att effektivisera planeringsprocessen för byggande av transportinfrastruktur

Ett förändrat eller nytt regelverk för den fysiska planeringen av transportinfrastruktur ska utformas så att det bidrar till att de transportpolitiska målen uppnås och stödjer tillämpningen av den s.k. fyrstegsprincipen. Det ska också innebära en förbättrad samordning mellan de olika planeringssystemen för transportinfrastruktur och övrig fysisk planering. Fyrstegsprincipen innebär att möjliga förbättringar i transportsystemet ska prövas stegvis. Först prövas åtgärder som kan påverka transportbehovet och valet av transportsätt. I ett andra steg studeras åtgärder som ger effektivare utnyttjande av befintliga trafikanläggningar och fordon. I steg tre undersöks möjligheterna att genomföra begränsade ombyggnader av bl.a. vägar och järnvägar, medan behovet av nyinvesteringar och större ombyggnadsåtgärder övervägs i steg fyra. Kommittén ska se över planeringsprocessen för byggande av transportinfrastruktur och föreslå sådana ändringar i väglagen

(1971:948) och lagen (1995:1649) om byggande av järnväg som innebär att processen effektiviseras, t.ex. genom kortare ledtider och förbättrad samverkan och samordning. Översynen ska även, ur ett transportinfrastrukturperspektiv, omfatta frågor om miljökonsekvensbeskrivning och tillåtlighetsprövning enligt miljöbalken samt frågor om samordning med övrig fysisk planering enligt plan- och bygglagen (1987:10). Kommittén ska beakta förenklingsperspektivet i samtliga förslag som kommittén lämnar. De förslag till effektivisering av processen som kommittén lägger fram ska säkerställa ett demokratiskt inflytande i planeringsprocessen samt tillgodose rättssäkerheten för enskilda som berörs och säkerställa tillräcklig insyn och möjligheter till inflytande för berörd allmänhet. Behovet av hänsyn till miljön och miljö kvalitetsmålen samt till andra samhällsmål ska tillgodoses. Det står även kommittén fritt att analysera och föreslå effektiviseringsåtgärder som kan ske inom ramen för nuvarande lagstiftning. Inom områden som överlappar utredningsuppdraget till Miljöprocessutredningen (M 2007:04, dir. 2007:94), Utredningen om ny kollektivtrafik (N 2008:3, dir. 2008:55) och Trafikverksutredningen (N 2008:06, dir. 2008:90) begränsas kommitténs uppdrag till frågor som ligger utöver de förslag som regeringen har att ta ställning till med anledning av kommande eller ännu inte omhändertagna betänkanden. På samma sätt begränsas uppdraget avseende förslag till ändringar i plan- och bygglagen till sådana frågor som ligger utöver de förslag som regeringen har att ta ställning till i en kommande proposition med förslag till en förändrad plan- och bygglagstiftning under 2009.

Hur kan ledtiderna fram till färdig anläggning förkortas?

Beslutsprocesserna för byggande av transportinfrastruktur bör vara utformade så att de är effektiva och ändamålsenliga. Både för det allmänna och för enskilda är det av stor betydelse att prövningen är snabb och medverkar till att angelägna samhällsåtgärder som utbyggnad av samhällsekonomiskt effektiv infrastruktur kan genomföras utan att det tar alltför lång tid. Samtidigt är det nödvändigt att besluten är demokratiskt förankrade och att de som påverkas av dem har möjlighet att framföra synpunkter och kan överklaga vid de tillfällen då frågor som berör dem avgörs.

Förslag till förenklingar med liknande syfte har presenterats av Miljöbalkskommittén (M 1999:03), som hade i uppdrag att undersöka möjligheterna att effektivisera och förenkla miljöprövningen utan att hälso- och miljöskyddskraven åsidosätts, se SOU 2003:124.

I propositionen Framtidens resor och transporter – infrastruktur för hållbar tillväxt (prop. 2008/09:35) framhåller regeringen bl.a. att planeringsprocessen för byggande av transportinfrastruktur bör effektiviseras i syfte att korta ledtiderna fram till färdig anläggning. Det finns flera exempel på järnvägs- och vägprojekt där planeringsarbetet och beslutsprocessen från begäran om tillåtlighetsprövning till lagakraftvunnen järnvägs- eller arbetsplan tagit 6–8 år. Farhågor om att angelägna investeringar i transportinfrastruktur försenas i onödan genom ett allt för utdraget beslutsförfarande, med ökade kostnader som följd, har bl.a. framförts vid ett seminarium som Regeringskansliet (Näringsdepartementet) arrangerade den 16 december 2008 och i samband med intervjuer som Regeringskansliet (Näringsdepartementet) låtit genomföra under december 2008 och januari 2009. Kommittén ska därför

- analysera beslutsprocesserna enligt väglagen, lagen om byggande av järnväg, plan- och bygglagen samt miljöbalken och föreslå ändringar i väglagen, lagen om byggande av järnväg och vid behov i bestämmelser om miljökonsekvensbeskrivningar och

tillåtlighetsprövning i miljöbalken som innebär att ledtiderna fram till färdig transportinfrastrukturanläggning förkortas, och

- analysera reglerna för överklaganderätt och överklagandemöjligheter i väglagen och lagen om byggande av järnväg och föreslå ändringar för att få en snabbare och effektivare beslutsprocess samtidigt som den demokratiska förankringen och möjligheterna till medinflytande inte minskar eller rättssäkerheten äventyras samt med beaktande av Århuskonventionen.

Hur kan samverkan mellan involverade aktörer och samordning med övrig fysisk planering förbättras?

Utvecklingen av olika åtgärder inom transportinfrastrukturen behöver ske med beaktande av de strategier för hållbar tillväxt och utveckling som finns i landets regioner, bl.a. regionala utvecklingsprogram. Lagstiftningen bör säkerställa att planeringsprocessen på ett bättre sätt tar hand om nationella, regionala och mellankommunala frågor och mål.

Planeringen av trafikanläggningar sker på olika sätt beroende på vilket trafikslag det är fråga om. För väg och järnväg finns en planering som delvis överlappar den kommunala fysiska planeringen som sker enligt plan- och bygglagen.

Den statliga planeringen för inriktning och investeringar i trafikanläggningar läggs fast genom beslut av riksdag, centrala myndigheter respektive länsstyrelser eller regionala självstyrelseorgan. Denna planering är inte kopplad till den kommunala fysiska planeringen. Sambanden är däremot tydliga när det gäller planering och prövning av enskilda trafikanläggningar och objekt. Objektens genomförande förbereds genom kommunal planering, sektorsplanering och projektplanering inklusive framtagande av miljökonsekvensbeskrivning.

Bedömningarna vid prövningen enligt trafiklagarna betonar den tekniska funktionen, medan plan- och bygglagen betonar användningen av mark- och vattenområden och bebyggelsens utveckling samt miljöbalkens hänsyn till miljön.

Dubbelprovningen, där flera myndigheter prövar samma fråga enligt olika lagstiftningar men med många gemensamma regler, innebär problem i flera avseenden. De nuvarande processerna kan bli oförutsebara, tidsödande och resurskrävande utan att det går att se någon tydlig nytta i form av ökat eller mer aktivt deltagande från allmänhet eller andra aktörer eller i form av förbättrade projekt, beslut eller ökad hänsyn till hälsa och miljö. Syftet med att undvika dubbelprovning är emellertid inte enbart att spara tid och pengar utan även att undvika oklarheter med dubbla besked och risken för att något ändå faller mellan stolarna.

Regeringen tillkallade 2002 en parlamentariskt sammansatt kommitté (M2002:05) med uppdrag att se över plan- och bygglagstiftningen (dir. 2002:97). Denna kommitté, PBL-kommittén, har redovisat förslag till lagändringar i flera betänkanden, bl.a. i slutbetänkandet Får jag lov? Om planering och byggande (SOU 2005:77). Vidare tillsatte regeringen i september 2007 en särskild utredare (M2007:6) med uppdrag att se över vissa frågor i plan- och bygglagen (dir. 2007:136), bl.a. för bestämmelserna om detaljplaneläggning. Utredningen antog namnet Byggprocessutredningen och överlämnade i juni 2008 sitt betänkande Bygg – helt enkelt! (SOU 2008:68).

Regeringen bereder just nu bl.a. de förslag till ändringar som har lämnats av PBL-kommittén och Byggprocessutredningen och som inte tidigare har tagits om hand.

Regeringen avser att besluta om en proposition med förslag till förändrad plan- och bygglagstiftning senare i år.

PBL-kommittén och Byggprocessutredningen har dock inte lämnat förslag i frågan om samordning mellan plan- och bygglagen och trafiklagarna. Däremot har PBL-kommittén i en särskild underlagsrapport (Samordning PBL och trafiklagarna, augusti 2004) utrett möjligheterna till samordning mellan plan- och bygglagen och trafiklagarna. Kommittén har konstaterat att samordningen i dag brister i vissa fall och att det ofta förekommer vad som kan anses vara dubbel planering eller dubbel prövning. De regler som ska tillämpas är enligt kommittén delvis gemensamma, men det finns också skilda materiella krav. Kommittén konstaterar att analysen i underlagsrapporten visade att en ökad samordning mellan lagarna kräver en särskild utredning med djupa politiska och juridiska analyser, inte minst mot bakgrund av de skillnader som finns mellan lagarna när det gäller procedurer och aktörer samt materiella krav.

Kommittén ska därför

- analysera berörd lagstiftning för att se om den lägger hinder i vägen för dels en ökad samverkan mellan olika aktörer, dels en god samordning mellan planering av väg- och järnvägsinfrastruktur och övrig fysisk planering, och föreslå de förändringar som i så fall behöver genomföras för att möjliggöra en förbättrad samverkan och samordning, och
- studera och föreslå former för att undvika prövning av samma fråga i flera olika planeringssystem (s.k. dubbelprövning).

Hur kan kopplingar till den ekonomiska planeringen för transportinfrastruktur förtydligas?

De lagstadgade processerna för fysisk planering av väg- och järnvägsutbyggnad är skilda från den ekonomiska planeringsprocessen för transportinfrastruktur, som utgörs av inriktnings- och åtgärdsplaneringen. Formerna för inriktnings- och åtgärdsplaneringen är beslutade av riksdagen och förordningsreglerade. Processerna har dock, främst genom åtgärdsplaneringen och det underlag om objekten som den innehåller, starka kopplingar. Om processen för fysisk planering av transportinfrastruktur blir alltför utdragen i tiden kan förutsättningarna i omvärlden förändras vilket kan påverka förutsättningarna för finansiering och därmed också investeringarnas samhällsekonomiska lönsamhet. Samtidigt kan oklarheter om finansiering fördröja den fysiska planeringen, t.ex. genom att underlag åldras, beslut blir obsoleta eller aktörer ändrar uppfattning. Därför kan det vara möjligt att tydligare kopplingar mellan den ekonomiska och den fysiska planeringen också kan bidra till att effektivisera processen för den fysiska transportinfrastrukturplaneringen.

Kommittén ska därför

- undersöka kopplingar mellan den fysiska planeringen för transportinfrastruktur och den ekonomiska planeringen för transportinfrastruktur och föreslå hur dessa samband kan förtydligas.

Uppdragets genomförande

Utredningsarbetet ska bedrivas på ett öppet och inbjudande sätt. Dialog bör föras med berörda kommittéer, utredningar och myndigheter samt med organisationer liksom med regionala och lokala aktörer. Relevanta internationella erfarenheter och jämförelser bör tas till vara.

Kommittén ska löpande informera Regeringskansliet (Näringsdepartementet) om sitt arbete.

Redovisning av uppdraget

Kommittén ska redovisa sitt uppdrag senast den 31 augusti 2010.

(Näringsdepartementet)

Appendix 2. Förslag till lag om ändring i väglagen (1971:948)

Härigenom föreskrivs i fråga om väglagen (1971:948)

dels att 14 b § ska upphöra att gälla,

dels att nuvarande 14 a, 14 c, 15 och 16 §§ ska betecknas 15, 16, 16 a och 15 a §§,

dels att 3 a, 10, 13, 17, 18, 19, 20, 28, 30, 31, 35, 48, 66, 69, 74, 75, 75 a, 76 och 77 §§ samt nya 15, 15 a, 16 och 16 a §§ ska ha följande lydelse,

dels att det i lagen ska införas 20 nya paragrafer, 3 b, 13 a, 14 a–14 c, 15 b, 15 c, 16 b, 16 c, 17 a, 17 b, 18 a–d, 20 b, 55 a, 55 b, 75 b och 78 §§, av följande lydelse.

3 a §

Vid prövning av ärenden enligt denna lag ska 2–4 kap. och 5 kap. 3 § miljöbalken tillämpas. Fastställande av väg-plan enligt denna lag ska då jämföras med meddelande av tillstånd enligt miljöbalken.

3 b §

Med särskild rätt till fastighet avses nyttjanderätt, servitut och rätt till elektrisk kraft samt liknande rätt.

Med fastighetsägare avses även tomträttsinnehavare och med fastighet avses även tomträtt.

10 §

Med byggande av väg avses att anlägga en ny väg och att bygga om en väg.

En åtgärd på en befintlig väg ska inte anses vara byggande av väg om

1. åtgärden inte medför mer än marginell ytterligare påverkan på omgivningen, och
2. mark eller annat utrymme inte behöver tas i anspråk med tvång.

13 §

Syftet med planeringen är att vägen ska få en lokalisering och utformning som bidrar till att säkerställa en samhällsekonomiskt effektiv och långsiktigt hållbar transportförsörjning för medborgarna och näringslivet i hela landet.

Vägen ska få ett sådant läge och utformas så att ändamålet med vägen uppnås med minsta intrång och olägenhet utan oskälig kostnad. Hänsyn ska tas till stads- och landskapsbilden och till natur- och kulturvärden.

I de delar som en vägplan medför att mark eller annat utrymme eller särskild rätt till mark eller annat utrymme kan komma att tas i anspråk enligt 31 §, ska planen utformas så att de fördelar som kan uppnås med den överväger de olägenheter som planen orsakar enskilda.

13 a §

Planläggning och annan prövning enligt denna lag som avser en användning av ett mark- eller vattenområde som också har prövats eller ska prövas enligt annan lag ska samordnas med det andra arbetet, om det är lämpligt.

Bestämmelser om planer och planeringsunderlag finns i 6 kap. 19 och 20 §§ miljöbalken.

14 a §

Den som avser att bygga en väg ska upprätta en vägplan.

En väg som behövs på grund av ett järnvägsprojekt får i stället regleras i en järnvägsplan enligt 2 kap. 21 § andra stycket lagen (1995:1649) om byggande av järnväg. I så fall ska 14 b–18 d §§ inte tillämpas. Vid tillämpningen av övriga bestämmelser ska järnvägsplanen likställas med en vägplan.

14 b §

Den som avser att bygga en väg ska under arbetet med att upprätta vägplan samråda med länsstyrelsen, berörda kommuner och de enskilda som särskilt berörs. Samråd ska avse vägens lokalisering, utformning och miljöpåverkan.

Om vägen kan antas medföra en betydande miljöpåverkan ska

1. samråd också ske med de övriga statliga myndigheter samt den allmänhet och de organisationer som kan antas bli berörda, och

2. samrådet även avse miljökonsekvensbeskrivningens innehåll och utformning.

Länsstyrelsen ska verka för att miljökonsekvensbeskrivningen får den inriktning och omfattning som behövs för prövningen av vägplanen.

14 c §

Samrådet ska inledas så tidigt som möjligt och anpassas efter behovet i det enskilda fallet.

Den som avser att bygga vägen ska ta fram underlag för samrådet och göra det tillgängligt.

15 §

Regeringen får meddela föreskrifter om att vissa slags projekt enligt denna lag ska antas medföra en betydande miljöpåverkan.

Om projektet inte omfattas av föreskrifter enligt första stycket, ska länsstyrelsen under samrådet pröva om projektet ändå ska antas medföra en betydande miljöpåverkan.

Beslutet ska fattas av den länsstyrelse inom vars område projektet huvudsakligen ska utföras efter samråd med övriga berörda länsstyrelser. Innan länsstyrelsen fattar beslut ska den som avser att bygga vägen ha gett de enskilda som kan antas bli särskilt berörda möjlighet att yttra sig.

15 a §

Samrådsförfarandet får förenklas om

1. vägplanen enbart gäller ändring av planen för ett vägbygge som ännu inte är färdigställt, och
2. ändringen inte kan antas medföra en betydande miljöpåverkan.

Ägaren till sådan mark eller sådant utrymme som kan komma att tas i anspråk eller till sådant vattenområde som kan komma att påverkas ska alltid ges tillfälle att yttra sig. Detsamma gäller innehavare av särskild rätt till sådan mark eller sådant utrymme eller vattenområde.

15 b §

Samråd om en vägs lokalisering och utformning i detalj behöver inte ske om

1. vägplanen enbart gäller åtgärder som har prövats eller ska prövas genom detaljplan enligt plan- och bygglagen (2010:900),
2. utredningen i detaljplaneärendet är tillräcklig och aktuell för vägplanen, och
3. samråd i detaljplaneärendet sker med alla dem som ska omfattas av samråd enligt 14 b § första och andra styckena.

Om samrådet i detaljplaneärendet är avslutat och samråd inte skett med alla enligt första stycket 3, är det tillräckligt att samråd sker med dem som inte har omfattats av samrådet.

15 c §

Om ett projekt kan antas medföra en betydande miljöpåverkan i ett annat land ska 6 kap. 6 § miljöbalken tillämpas.

16 §

Om ett projekt ska tillåtlighetsprövas enligt 17 kap. 3 § miljöbalken, ska Trafikverket med eget yttrande överlämna ärendet till regeringen. Ärendet ska överlämnas när Trafikverket har tagit ställning till vilka alternativ som är rimliga och rangordnat dessa.

Ärendet ska innehålla en miljökonsekvensbeskrivning och det övriga underlag som behövs för tillåtlighetsprövningen. När underlaget tas fram ska förfarandet för vägplan i 14 b–15 c och 17 §§ tillämpas.

Miljökonsekvensbeskrivningen ska uppfylla kraven i 6 kap. 7 § miljöbalken och godkännas av berörda länsstyrelser innan ärendet kungörs.

16 a §

Vägplanen ska innehålla en karta över det område som planen omfattar. Kartan ska visa vägens sträckning och väganläggningens utformning samt den mark eller det utrymme och de särskilda rättigheter som behöver tas i anspråk för vägen och för att bygga vägen. Planen ska också innehålla uppgift om

1. de skyddsåtgärder och försiktighetsmått som ska utföras för att förebygga störningar och andra olägenheter från trafiken eller anläggningen, samt
2. uppgift om verksamheter och åtgärder för vilka anmälan för samråd enligt 12 kap. 6 § miljöbalken inte behövs.

Om kommunen går med på det, får omfattningen av kraven på bygglov, rivningslov eller marklov enligt plan- och bygglagen (2010:900) begränsas i en vägplan. I så fall ska vägplanen innehålla uppgift om det.

Tillsammans med planen ska följande finnas:

1. en redovisning av orsakerna till valet av lokalisering och utformning av vägen,
2. en sammanställning av de synpunkter som kommit fram under samrådet och uppgift om hur synpunkterna har beaktats (samrådsredogörelse),
3. en miljökonsekvensbeskrivning, och
4. de övriga uppgifter som behövs för att genomföra projektet.

16 b §

Det behövs ingen miljökonsekvensbeskrivning som är särskilt upprättad för vägplanen om

1. vägplanen enbart gäller åtgärder som har prövats eller ska prövas genom detaljplan enligt plan- och bygglagen (2010:900), och
2. miljökonsekvensbeskrivningen i detaljplaneärendet återges i och är aktuell och tillräcklig för vägärendet.

Om ett vägprojekt inte kan antas medföra en betydande miljöpåverkan, behövs ingen miljökonsekvensbeskrivning. Det ska i stället finnas uppgifter om verksamhetens förutsebara påverkan på människors hälsa och miljön.

16 c §

En miljökonsekvensbeskrivning ska uppfylla kraven i 6 kap. 7 § miljöbalken. Bestämmelsen om kostnadsansvar i 6 kap. 10 § miljöbalken ska tillämpas.

Miljökonsekvensbeskrivningen ska godkännas av berörda länsstyrelser innan den kungörs.

17 §

Trafikverket ska kungöra förslaget till vägplan och låta det granskas. Om en miljökonsekvensbeskrivning har upprättats gäller det som anges i 6 kap. 8 § första stycket miljöbalken om att den ska kungöras och hållas tillgänglig för allmänheten.

Om förslaget enbart gäller åtgärder som har prövats eller ska prövas genom detaljplan enligt plan- och bygglagen (2010:900), får kungörandet samordnas med det kungörande som ska ske i detaljplaneärendet.

17 a §

Ett förslag till vägplan som enbart gäller ändring av planen för ett vägbygge som ännu inte är färdigställt, behöver bara kungöras och granskas om

1. ändringen kan antas medföra en betydande miljöpåverkan, eller
2. någon annans mark eller utrymme behöver tas i anspråk eller särskild rättighet behöver upphävas eller begränsas och åtgärden inte skriftligen medgetts av berörda fastighetsägare och innehavare av särskild rätt.

17 b §

Ett förslag till vägplan behöver inte kungöras om förslaget

1. inte är av stor vikt eller har principiell betydelse,
2. inte kan antas medföra en betydande miljöpåverkan, och
3. saknar intresse för allmänheten.

Trafikverket ska i stället ge länsstyrelsen, berörda kommuner och de enskilda som särskilt berörs tillfälle att godkänna förslaget eller att inom två veckor granska det och lämna synpunkter. Granskningstiden får göras kortare, om alla berörda är överens om det.

18 §

En vägplan fastställs av Trafikverket efter samråd med berörda länsstyrelser.

Trafikverket ska överlämna frågan om att fastställa planen till regeringens prövning om Trafikverket och en länsstyrelse har olika uppfattning. Detsamma gäller om

1. planen gäller en väg som behövs för att tillgodose ett riksintresse för kommunikationer enligt 3 kap. 8 § miljöbalken, och
2. Trafikverket och en kommun har olika uppfattning.

Om det i annat fall finns särskilda skäl, får Trafikverket överlämna frågan till regeringens prövning.

Innehållet i en miljökonsekvensbeskrivning samt resultatet av samråd och yttranden ska beaktas när vägplanen fastställs. Beslutet att fastställa planen ska kungöras. Om samråd har skett med ett annat land enligt 6 kap. 6 § miljöbalken, ska den ansvariga myndigheten i det landet informeras.

18 a §

Om regeringen har beslutat att fastställa en vägplan som överlämnats enligt 18 § andra stycket 1 och 2, ska kommunen så snart som möjligt upphäva eller ändra detaljplan eller områdesbestämmelser så att vägplanen kan genomföras.

Om kommunen inte fullgör skyldigheten enligt första stycket, får regeringen

1. besluta att länsstyrelsen på kommunens bekostnad ska ta fram det förslag och i övrigt fullgöra det arbete som enligt 5 kap. plan- och bygglagen (2010:900) behövs för att detaljplanen eller områdesbestämmelserna ska kunna ändras eller upphävas, och
2. ändra eller upphäva detaljplanen eller områdesbestämmelserna.

18 b §

Ett beslut att fastställa en vägplan upphör att gälla fem år från utgången av det år då beslutet fick laga kraft om

1. vägbygget inte har påbörjats, eller
2. vägens sträckning inte har blivit tydligt utmärkt på marken.

Om det finns synnerliga skäl, får regeringen eller, efter regeringens bemyndigande, Trafikverket förlänga giltighetstiden med högst två år.

Ett beslut att förlänga giltighetstiden ska kungöras.

18 c §

Ett beslut att fastställa en vägplan ska upphävas, helt eller delvis, om förhållandena efter beslutet har ändrats så att förutsättningarna för att fastställa planen inte längre är uppfyllda.

Har beslutet meddelats av regeringen ska regeringen upphäva det. I annat fall ska Trafikverket upphäva beslutet. Trafikverket får dock överlämna frågan om upphävande av beslutet till regeringens prövning.

18 d §

Om ett beslut att fastställa en vägplan har upphört att gälla och begär därefter samma sökande att en i huvudsak överensstämmande vägplan ska fastställas, får planen fastställas endast om det finns synnerliga skäl.

19 §

Byggnad av väg får påbörjas först sedan vägplan har blivit fastställd.

20 §

När en väg byggs får endast oväsentlig avvikelse göras från vägplanen. Om en sådan avvikelse görs i fråga om den mark eller det utrymme som enligt planen ska tas i anspråk för vägen, ska det omedelbart antecknas i ett tillägg till planen.

20 b §

En vägplan och en järnvägsplan enligt lagen (1995:1649) om byggande av järnväg får upprättas i ett gemensamt förfarande och fastställas genom ett beslut.

I en vägplan får regleras byggande av järnväg som behövs på grund av det vägprojekt som planen avser

28 §

Om mark eller annat utrymme, utöver vad som redan hör till vägen, behöver tas i anspråk för en väganordning, vars utförande ingår i drift av väg, ska en vägplan upprättas. I vägplanen ska den mark eller det utrymme som behöver tas i anspråk anges. Bestämmelserna i 3–20 §§ ska då tillämpas. Vid tillämpningen av 15 a och 17 a §§ ska vägplanen anses som en sådan plan som enbart gäller ändring av planen för ett vägbygge som ännu inte är färdigställt.

Första stycket gäller inte om

1. åtgärden inte medför mer än marginell ytterligare påverkan på omgivningen, och
2. marken eller utrymmet kan tas i anspråk utan tvång.

30 §

Vägrätt innefattar rätt för väghållaren att nyttja mark eller annat utrymme som behövs för väg, trots den rätt som någon annan kan ha till fastigheten. I den mån någon inskränkning inte har gjorts i vägplanen, en skriftlig överenskommelse eller ett beslut om förändring av enskild väg till allmän, ger vägrätt även i övrigt väghållaren rätt att i fastighetsägarens ställe

1. bestämma över markens eller utrymmets användning under den tid vägrätten består, och
2. tillgodogöra sig alster och andra tillgångar som kan utvinnas ur marken eller utrymmet.

31 §

Vägrätt uppkommer genom att väghållaren tar mark eller annat utrymme för väg i anspråk med stöd av en fastställd vägplan eller, i fråga om åtgärd enligt 10 § andra stycket och 28 § andra stycket, en skriftlig överenskommelse. Vägrätt uppkommer även genom att väghållaren övertar mark eller annat utrymme med stöd av beslut om enskild vägs förändring till allmän.

Mark eller annat utrymme ska anses ha tagits i anspråk för väg, när vägens sträckning över fastigheten tydligt har utmärkts på marken och det vägarbete som anges i vägplanen har påbörjats inom fastigheten.

Om utmärkning enligt andra stycket inte lämpligen kan göras, ska mark eller annat utrymme anses ha tagits i anspråk när marken eller utrymmet har angetts i en vägplan och det vägarbete som anges i planen har påbörjats inom fastigheten.

Mark eller annat utrymme ska anses ha tagits i anspråk för åtgärd enligt 10 § andra stycket och 28 § andra stycket när det arbete som anges i överenskommelsen har påbörjats.

35 §

Har det i en fastställd vägplan för ett vägbyggnadsprojekt avsatts mark eller annat utrymme i närheten av det vägområde som upptas i vägplanen och är marken eller utrymmet avsett för upplag eller liknande ändamål i samband med byggandet av vägen, ska nyttjanderätt till marken eller utrymmet upplåtas till väghållaren för den tid som har angetts i planen.

48 §

Inom det i en vägplan angivna vägområdet får inte utan väghållningsmyndighetens tillstånd uppföras byggnader, göras tillbyggnader, utföras andra anläggningar eller vidtas andra sådana åtgärder, som kan väsentligt försvåra områdets användning för vägändamål. Förbudet gäller från det att beslutet om fastställelse av vägplanen har fått laga kraft till dess att vägområdet har tagits i anspråk för väg.

För tid som anges i första stycket gäller bestämmelserna i 47 § första och andra styckena om förbud att utan länsstyrelsens tillstånd uppföra byggnader, göra tillbyggnader, utföra andra anläggningar eller vidta andra sådana åtgärder.

Förbud enligt första eller andra stycket upphör att gälla, när beslut om fastställelse av en vägplan upphör att gälla.

I samband med tillstånd får väghållningsmyndigheten meddela de föreskrifter som behövs.

55 a §

Om fastighetsägaren begär det, ska mark eller utrymme som enligt en gällande vägplan inte endast tillfälligt ska användas för vägändamål lösas in av den som ska bygga vägen. Det gäller dock inte om vägrätt har uppkommit eller om det finns en överenskommelse om ersättning för vägrätt.

När ersättningen bestäms gäller 4 kap. expropriationslagen (1972:719) i tillämpliga delar.

55 b §

En fastighet eller del av fastighet ska lösas in även om det ännu inte finns någon gällande vägplan om

1. fastighetsägaren begär det,
2. det är sannolikt att fastigheten eller del av fastigheten kommer att behövas för vägändamål, och
3. det finns synnerliga skäl.

När ersättningen bestäms gäller 4 kap. expropriationslagen (1972:719) i tillämpliga delar.

66 §

Har överenskommelse inte träffats om ersättning enligt 55, 58, 61 eller 63 § eller om inlösen enligt 55 a §, 55 b §, 56, 59 eller 62 §, ska den som vill göra anspråk på ersättning eller begära inlösen väcka talan vid den mark- och miljödomstol inom vars område fastigheten eller anordningen är belägen. Även väghållaren kan på samma sätt begära prövning av ersättning till fastighetsägare eller annan sakägare.

69 §

I mål om ersättning enligt 55, 58 eller 61 § eller om gottgörelse enligt 68 § gäller i tillämpliga delar bestämmelserna i expropriationslagen (1972:719) om rättegång samt om rättegångskostnader och kostnader vid fördelning av ersättning, om inte annat är särskilt föreskrivet. Om ett yrkande om ersättning enligt 58 eller 61 § eller om gottgörelse enligt 68 § ogillas och målet inte har anhängiggjorts av väghållaren, tillämpas 15 kap. 8 § plan- och bygglagen (2010:900) i fråga om rättegångskostnaderna.

I mål om inlösen enligt 55 a, 55 b, 56, 59 eller 62 § gäller i tillämpliga delar expropriationslagen (1972:719), om inte annat är särskilt föreskrivet. Om ett yrkande om inlösen enligt 59 eller 62 § ogillas, tillämpas allmänna regler om rättegångskostnad.

74 §

Länsstyrelsens beslut enligt 37, 45–47 §, 48 § andra stycket, 52, 53 § eller 64 § andra stycket får överklagas hos allmän förvaltningsdomstol. Prövningstillstånd krävs vid överklagande till kammarrätten.

Länsstyrelsens beslut enligt 15 § andra stycket, 16 § tredje stycket eller 16 c § andra stycket får inte överklagas.

Andra beslut av länsstyrelsen enligt denna lag än som avses i första och andra styckena får överklagas hos regeringen.

75 §

Trafikverkets beslut enligt denna lag får överklagas hos regeringen.

Trafikverkets beslut om fastställelse av en vägplan får inte överklagas i den del det avser en fråga som redan är avgjord genom ett beslut om tillåtlighet enligt 17 kap. miljöbalken.

75 a §

Trafikverkets beslut i fråga om fastställelse av en vägplan för väg får överklagas av en sådan ideell förening eller annan juridisk person som avses i 16 kap. 13 § miljöbalken.

75 b §

En enskild får överklaga ett beslut att fastställa en vägplan endast om han eller hon före utgången av granskningstiden skriftligen har framfört synpunkter som inte har blivit tillgodosedda.

Inskränkningen i rätten att överklaga gäller inte om

1. beslutet har gått emot sakägaren genom att förslaget ändrats efter granskningstiden,
2. överklagandet grundas på att beslutet inte har tillkommit i laga ordning, eller
3. beslutet gäller en sådan plan som avses i 17 a § och kungörande och granskning inte skett.

76 §

Trafikverket får överklaga länsstyrelsens beslut enligt denna lag.

Naturvårdsverket får överklaga sådana beslut av väghållningsmyndighet, Trafikverket eller länsstyrelse enligt denna lag, som berör Naturvårdsverkets verksamhetsområde.

Länsstyrelsen får överklaga sådana beslut av Trafikverket enligt denna lag som berör länsstyrelsens verksamhetsområde.

Kommuner, regionala kollektivtrafikmyndigheter enligt lagen (2010:1 065) om kollektivtrafik och regionplaneorgan enligt 7 kap. plan- och bygglagen (2010:900) får överklaga Trafikverkets beslut.

77 §

Ett beslut i fråga om tillstånd enligt 39, 43, 45, 46, 47 eller 48 § och Trafikverkets beslut i fråga om fastställelse av en vägplan för väg, förändring av en enskild väg till allmän, förklaring att en gata tillika ska vara allmän väg eller indragning av en väg blir gällande när beslutet får laga kraft. I ett beslut om tillstånd får dock beslutes att beslutet ska gälla omedelbart.

Andra beslut enligt denna lag än som avses i första stycket gäller omedelbart, om inte något annat beslutes i beslutet.

78 §

Om ett beslut att fastställa en vägplan har överklagats och Trafikverket begär det, får regeringen besluta att planen får genomföras trots att överklagandet inte har avgjorts. Förordnandet får bara gälla delar av planen som uppenbarligen inte berörs av överklagandet.

Appendix 3. Förslag till lag om ändring i lagen (1995:1649) om byggande av järnväg

Härigenom föreskrivs i fråga om lagen (1995:1649) om byggande av järnväg

dels att 2 kap. ska upphöra att gälla,

dels att 1 kap. 1, 2 och 4 §§, 3 kap. 1 och 3 §§, 4 kap. 4 § samt 5 kap. 1, 2 och 3 §§ ska ha följande lydelse,

dels att det i lagen ska införas ett nytt kapitel, 2 kap., samt fem nya paragrafer, 1 kap. 4 a §, 3 kap. 3 a §, 4 kap. 2 a §, 5 kap. 1 b och 5 §§, av följande lydelse.

1 kap. Allmänna bestämmelser

1 §

Med järnväg avses i denna lag spåranläggning för järnvägstrafik. Till en spåranläggning hör spår och de övriga fasta anordningar som behövs för spårens bestånd, drift eller brukande, signal- och säkerhetsanläggningar i övrigt, trafikledningsanläggningar samt anordningar för elförsörjning av trafiken.

Vad som föreskrivs om järnväg tillämpas också på tunnelbana och spårväg. Det behöver dock inte tillämpas på tunnelbana eller spårväg som ska byggas i enlighet med detaljplan.

2 §

Med byggande av järnväg avses att anlägga en ny järnväg och att bygga om en järnväg.

En åtgärd på en befintlig järnväg ska inte anses vara byggande av järnväg om

1. åtgärden inte medför mer än marginell ytterligare påverkan på omgivningen, och
2. mark eller annat utrymme inte behöver tas i anspråk med tvång.

4 §

Syftet med planeringen är att järnvägen ska få en lokalisering och utformning som bidrar till att säkerställa en samhällsekonomiskt effektiv och långsiktigt hållbar transportförsörjning för medborgarna och näringslivet i hela landet.

Järnvägen ska få ett sådant läge och utformas så att ändamålet med järnvägen uppnås med minsta intrång och olägenhet utan oskälig kostnad. Hänsyn ska tas till stads- och landskapsbilden och till natur- och kulturvärden.

I de delar som en järnvägsplan medför att mark eller annat utrymme eller särskild rätt till mark eller annat utrymme kan komma att tas i anspråk enligt 4 kap. 1 §, ska planen utformas så att de fördelar som kan uppnås med den överväger de olägenheter som planen orsakar enskilda.

4 a §

Planläggning och annan prövning enligt denna lag som avser en användning av ett mark- eller vattenområde som också har prövats eller ska prövas enligt annan lag ska samordnas med det andra arbetet, om det är lämpligt.

Bestämmelser om planer och planeringsunderlag finns i 6 kap. 19 och 20 §§ miljöbalken.

2 kap. Järnvägsplan m.m

När en järnvägsplan ska upprättas

1 §

Den som avser att bygga en järnväg ska upprätta en järnvägsplan.

En järnvägsplan behöver dock inte upprättas för industrispår eller hamnspår som ska anläggas uteslutande på egen fastighet. En järnvägsplan får upprättas för att stänga av en plankorsning, även om åtgärden inte är byggande av järnväg.

En järnväg som behövs på grund av ett vägprojekt får i stället regleras i en vägplan enligt 20 b § andra stycket väglagen (1971:948). I så fall ska 2–19 §§ inte tillämpas. Vid tillämpningen av övriga bestämmelser ska vägplanen likställas med en järnvägsplan.

Samråd

2 §

Den som avser att bygga en järnväg ska under arbetet med att upprätta järnvägsplan samråda med länsstyrelsen, berörda kommuner och de enskilda som särskilt berörs. Samråd ska avse järnvägens lokalisering, utformning och miljöpåverkan.

Om järnvägen kan antas medföra en betydande miljöpåverkan ska

1. samråd också ske med de övriga statliga myndigheter samt den allmänhet och de organisationer som kan antas bli berörda, och
2. samrådet även avse miljökonsekvensbeskrivningens innehåll och utformning.

Länsstyrelsen ska verka för att miljökonsekvensbeskrivningen får den inriktning och omfattning som behövs för prövningen av järnvägsplanen.

3 §

Samrådet ska inledas så tidigt som möjligt och anpassas efter behovet i det enskilda fallet.

Den som avser att bygga järnvägen ska ta fram underlag för samrådet och göra det tillgängligt.

4 §

Regeringen får meddela föreskrifter om att vissa slags projekt enligt denna lag ska antas medföra en betydande miljöpåverkan.

Om projektet inte omfattas av föreskrifter enligt första stycket, ska länsstyrelsen under samrådet pröva om projektet ändå ska antas medföra en betydande miljöpåverkan.

Beslutet ska fattas av den länsstyrelse inom vars område projektet huvudsakligen ska utföras efter samråd med övriga berörda länsstyrelser. Innan länsstyrelsen fattar beslut

ska den som avser att bygga järnvägen ha gett de enskilda som kan antas bli särskilt berörda möjlighet att yttra sig.

5 §

Samrådsförfarandet får förenklas om

1. järnvägsplanen enbart gäller ändring av planen för ett järnvägsbygge som ännu inte är färdigställt, och
2. ändringen inte kan antas medföra en betydande miljöpåverkan.

Ägare till sådan mark eller sådant utrymme som kan komma att tas i anspråk eller till sådant vattenområde som kan komma att påverkas ska alltid ges tillfälle att yttra sig. Detsamma gäller innehavare av särskild rätt till sådan mark eller sådant utrymme eller vattenområde.

6 §

Samråd om en järnvägs lokalisering och utformning i detalj behöver inte ske om

1. järnvägsplanen enbart gäller åtgärder som har prövats eller ska prövas genom detaljplan enligt plan- och bygglagen (2010:900),
2. utredningen i detaljplaneärendet är tillräcklig och aktuell för järnvägsplanen, och
3. samråd i detaljplaneärendet sker med alla dem som ska omfattas av samråd enligt 2 § första och andra styckena.

Om samrådet i detaljplaneärendet är avslutat och samråd inte skett med alla enligt första stycket 3, är det tillräckligt att samråd sker med dem som inte har omfattats av samrådet.

7 §

Om ett projekt kan antas medföra en betydande miljöpåverkan i ett annat land ska 6 kap. 6 § miljöbalken tillämpas.

Tillåtlighetsprövning

8 §

Om ett projekt ska tillåtlighetsprövas enligt 17 kap. 3 § miljöbalken, ska Trafikverket med eget yttrande överlämna ärendet till regeringen. Ärendet ska överlämnas när Trafikverket har tagit ställning till vilka alternativ som är rimliga och rangordnat dessa.

Ärendet ska innehålla en miljökonsekvensbeskrivning och det övriga underlag som behövs för tillåtlighetsprövningen. När underlaget tas fram ska förfarandet för järnvägsplan i 2–7 och 12 §§ tillämpas.

Miljökonsekvensbeskrivningen ska uppfylla kraven i 6 kap. 7 § miljöbalken och godkännas av berörda länsstyrelser innan ärendet kungörs.

Järnvägsplanens innehåll

9 §

Järnvägsplanen ska innehålla en karta över det område som planen omfattar. Kartan ska visa järnvägens sträckning och järnvägsanläggningens utformning samt den mark eller det utrymme och de särskilda rättigheter som behöver tas i anspråk för järnvägen och för att bygga järnvägen. Planen ska också innehålla uppgift om

1. de skyddsåtgärder och försiktighetsmått som ska utföras för att förebygga störningar och andra olägenheter från trafiken eller anläggningen, samt
2. uppgift om verksamheter och åtgärder för vilka anmälan för samråd enligt 12 kap. 6 § miljöbalken inte behövs.

Om kommunen går med på det, får omfattningen av kraven på bygglov, rivningslov eller marklov enligt plan- och bygglagen (2010:900) begränsas i en järnvägsplan. I så fall ska järnvägsplanen innehålla uppgift om det.

Tillsammans med planen ska följande finnas:

1. en redovisning av orsakerna till valet av lokalisering och utformning av järnvägen,
2. en sammanställning av de synpunkter som kommit fram under samrådet och uppgift om hur synpunkterna har beaktats (samrådsredogörelse),
3. en miljökonsekvensbeskrivning, och
4. de övriga uppgifter som behövs för att genomföra projektet.

10 §

Det behövs ingen miljökonsekvensbeskrivning som är särskilt upprättad för järnvägsplanen om

1. järnvägsplanen enbart gäller åtgärder som har prövats eller ska prövas genom detaljplan enligt plan- och bygglagen (2010:900), och
2. miljökonsekvensbeskrivningen i detaljplaneärendet återges i och är aktuell och tillräcklig för järnvägsärendet.

Om ett järnvägsprojekt inte kan antas medföra en betydande miljöpåverkan, behövs ingen miljökonsekvensbeskrivning. Det ska i stället finnas uppgifter om verksamhetens förutsebara påverkan på människors hälsa och miljön.

11 §

En miljökonsekvensbeskrivning ska uppfylla kraven i 6 kap. 7 § miljöbalken. Bestämmelsen om kostnadsansvar i 6 kap. 10 § miljöbalken ska tillämpas.

Miljökonsekvensbeskrivningen ska godkännas av berörda länsstyrelser innan den kungörs.

Kungörande och granskning av förslaget till järnvägsplan

12 §

Trafikverket ska kungöra förslaget till järnvägsplan och låta det granskas. Om en miljökonsekvensbeskrivning har upprättats gäller det som anges i 6 kap. 8 § första stycket miljöbalken om att den ska kungöras och hållas tillgänglig för allmänheten.

Om förslaget enbart gäller åtgärder som har prövats eller ska prövas genom detaljplan enligt plan- och bygglagen (2010:900), får kungörandet samordnas med det kungörande som ska ske i detaljplaneärendet.

13 §

Ett förslag till järnvägsplan som enbart gäller ändring av planen för ett järnvägsbygge som ännu inte är färdigställt, behöver bara kungöras och granskas om

1. ändringen kan antas medföra en betydande miljöpåverkan, eller
2. någon annans mark eller utrymme behöver tas i anspråk eller särskild rättighet behöver upphävas eller begränsas och åtgärden inte skriftligen medgetts av berörda fastighetsägare och innehavare av särskild rätt.

14 §

Ett förslag till järnvägsplan behöver inte kungöras om förslaget

1. inte är av stor vikt eller har principiell betydelse,
2. inte kan antas medföra en betydande miljöpåverkan, och
3. saknar intresse för allmänheten.

Trafikverket ska i stället ge länsstyrelsen, berörda kommuner och de enskilda som särskilt berörs tillfälle att godkänna förslaget eller att inom två veckor granska det och lämna synpunkter. Granskningstiden får göras kortare, om alla berörda är överens om det.

Fastställelse av en järnvägsplan

15 §

En järnvägsplan fastställs av Trafikverket efter samråd med berörda länsstyrelser.

Trafikverket ska överlämna frågan om att fastställa planen till regeringens prövning om Trafikverket och en länsstyrelse har olika uppfattning. Detsamma gäller om

1. planen gäller en järnväg som behövs för att tillgodose ett riksintresse för kommunikationer enligt 3 kap. 8 § miljöbalken, och
2. Trafikverket och en kommun har olika uppfattning.

Om det i annat fall finns särskilda skäl, får Trafikverket överlämna frågan till regeringens prövning.

Innehållet i en miljökonsekvensbeskrivning samt resultatet av samråd och yttranden ska beaktas när järnvägsplanen fastställs. Beslutet att fastställa planen ska kungöras. Om samråd har skett med ett annat land enligt 6 kap. 6 § miljöbalken, ska den ansvariga myndigheten i det landet informeras.

16 §

Om regeringen har beslutat att fastställa en järnvägsplan som överlämnats enligt 15 § andra stycket 1 och 2, ska kommunen så snart som möjligt upphäva eller ändra detaljplan eller områdesbestämmelser så att järnvägsplanen kan genomföras. Om kommunen inte fullgör skyldigheten enligt första stycket, får regeringen

1. besluta att länsstyrelsen på kommunens bekostnad ska ta fram det förslag och i övrigt fullgöra det arbete som enligt 5 kap. plan- och bygglagen (2010:900)

behövs för att detaljplanen eller områdesbestämmelserna ska kunna ändras eller upphävas, och

2. ändra eller upphäva detaljplanen eller områdesbestämmelserna.

Järnvägsplanen upphör att gälla

17 §

Ett beslut att fastställa en järnvägsplan upphör att gälla om järnvägsbygget inte har påbörjats inom fem år från utgången av det år då beslutet fick laga kraft.

Om det finns synnerliga skäl, får regeringen eller, efter regeringens bemyndigande, Trafikverket förlänga giltighetstiden med högst två år.

Ett beslut att förlänga giltighetstiden ska kungöras.

18 §

Ett beslut att fastställa en järnvägsplan ska upphävas, helt eller delvis, om förhållandena efter beslutet har ändrats så att förutsättningarna för att fastställa planen inte längre är uppfyllda.

Om beslutet har meddelats av regeringen ska regeringen upphäva det. I annat fall ska Trafikverket upphäva beslutet. Trafikverket får dock överlämna frågan om upphävande av beslutet till regeringens prövning.

19 §

Om ett beslut att fastställa en järnvägsplan har upphört att gälla och begär därefter samma sökande att en i huvudsak överensstämmande järnvägsplan ska fastställas, får planen fastställas endast om det finns synnerliga skäl.

Avvikelser från järnvägsplanen

20 §

När en järnväg byggs får endast oväsentliga avvikelser göras från järnvägsplanen. Om en sådan avvikelse görs i fråga om den mark eller det utrymme som enligt planen ska tas i anspråk för järnvägen, ska det omedelbart antecknas i ett tillägg till planen.

Gemensam planering av järnvägar och vägar

21 §

En järnvägsplan och en vägplan enligt väglagen (1971:948) får upprättas i ett gemensamt förfarande och fastställas genom ett beslut.

I en järnvägsplan får regleras byggande av väg som behövs på grund av det järnvägsprojekt som planen avser.

Väghållning för enskild väg

22 §

Om byggande av en järnväg eller avstängning av en plankorsning medför att en enskild väg behöver byggas eller att ändrade förhållanden uppstår som väsentligt påverkar väghållningen för en sådan väg, ska den som bygger eller innehar järnvägen, om det behövs, begära förrättning enligt anläggningslagen (1973:1149) för att ordna väghållningen för den enskilda vägen.

3 kap. Tillfälligt ianspråktagande av mark, m.m.

1 §

Den som avser att bygga en järnväg har rätt att få tillträde till en fastighet för att verkställa mätning eller stakning, undersökning av grund eller annan förberedande åtgärd för byggande av järnvägen. Den som avser att bygga järnvägen ska underrätta fastighetsägaren om beräknad tidpunkt för tillträde. I en trädgård, park eller liknande plantering får träd eller buskar inte skadas eller fällas utan fastighetsägarens samtycke. Även i övrigt ska skada så långt möjligt undvikas.

Polismyndigheten ska lämna det biträde som behövs för att åtgärderna ska kunna genomföras.

3 §

Om mark i närheten av järnvägsmarken i en fastställd järnvägsplan har avsatts för upplag eller liknande ändamål i samband med byggandet av järnvägen, ska nyttjanderätt till marken upplåtas för den tid som angetts i planen.

Vad som sägs i denna paragraf om mark gäller även annat utrymme.

3 a §

Länsstyrelsen får besluta att nyttjanderätt till mark eller annat utrymme ska upplåtas för tillfällig järnväg om

- en järnväg inte kan användas utan risk för olyckshändelse på grund av pågående arbete, jordras, översvämning eller annan orsak, och
- infrastrukturförvaltaren begär det.

Nyttjanderätten ska upplåtas för den tid en tillfällig järnväg behövs till följd av hindret.

4 kap. Inlösen och ersättning

2 a §

En fastighet eller del av fastighet ska lösas in även om det ännu inte finns någon gällande järnvägsplan om

1. fastighetsägaren begär det,
2. det är sannolikt att fastigheten eller del av fastigheten kommer att behövas för järnvägsändamål, och
3. det finns synnerliga skäl

4 §

Den som avser att bygga en järnväg ska ersätta skador till följd av åtgärder som avses i 3 kap. 1 § och skador till följd av att mark eller annat utrymme tagits i anspråk enligt 3 kap. 3 eller 3 a §. Järnvägsinnehavaren ska ersätta skador till följd av åtgärder som avses i 3 kap. 4 §.

5 kap. Överklagande m.m.

1 §

Trafikverkets beslut får överklagas hos regeringen. Beslut enligt 3 kap. 2 § överklagas dock hos allmän förvaltningsdomstol.

Prövningstillstånd krävs vid överklagande till kammarrätten.

Trafikverkets beslut om fastställelse av en järnvägsplan får inte överklagas i den del det avser en fråga som redan är avgjord genom ett beslut om tillåtlighet enligt 17 kap. miljöbalken.

1 b §

En enskild får överklaga ett beslut att fastställa en järnvägsplan endast om han eller hon före utgången av granskningstiden skriftligen har framfört synpunkter som inte har blivit tillgodosedda.

Inskränkningen i rätten att överklaga gäller inte om

1. beslutet har gått emot sakägaren genom att förslaget ändrats efter granskningstiden,
2. överklagandet grundas på att beslutet inte har tillkommit i laga ordning, eller
3. beslutet gäller en sådan plan som avses i 13 § och kungörande och granskning inte skett.

2 §

Länsstyrelsens beslut får överklagas hos allmän förvaltningsdomstol. Länsstyrelsens beslut enligt 2 kap. 4 § andra stycket, 8 § tredje stycket eller 11 § andra stycket får dock inte överklagas.

Prövningstillstånd krävs vid överklagande till kammarrätten.

3 §

Trafikverket och kommuner får överklaga länsstyrelsens beslut. Kommuner, regionala kollektivtrafikmyndigheter enligt lagen (2010:1065) om kollektivtrafik och regionplaneorgan enligt 7 kap. plan- och bygglagen (2010:900) får överklaga Trafikverkets beslut.

Naturvårdsverket får överklaga sådana beslut av Trafikverket som berör Naturvårdsverkets verksamhetsområde.

5 §

Om ett beslut att fastställa en järnvägsplan har överklagats och Trafikverket begär det, får regeringen förordna att planen får genomföras trots att överklagandet inte har avgjorts. Förordnandet får bara gälla delar av planen som uppenbarligen inte berörs av överklagandet.

Appendix 4. Förslag till lag om ändring i miljöbalken

Härigenom föreskrivs i fråga om miljöbalken

dels att 7 kap. 16 § samt 17 kap. 1 och 5 §§ ska ha följande lydelse,

dels att det i lagen ska införas tre nya paragrafer, 7 kap. 11 a §, 12 kap. 6 a § och 17 kap. 8 §, samt närmast före 17 kap. 8 § en ny rubrik av följande lydelse.

7 kap.

11 a §

Inom ett biotopskyddsområde enligt 11 § första stycket 1 gäller förbuden i 11 § andra stycket inte

1. byggande av allmän väg enligt en fastställd vägplan enligt väglagen (1971:948), eller
2. byggande av järnväg enligt en fastställd järnvägsplan enligt lagen (1995:1649) om byggande av järnväg.

16 §

Förbuden i 15 § gäller inte

1. byggnader, anläggningar, anordningar eller åtgärder som inte avser att tillgodose bostadsändamål, om de behövs för jordbruket, fisket, skogsbruket eller renskötseln och de för sin funktion måste finnas eller vidtas inom strandskyddsområdet,
2. verksamheter eller åtgärder som har tillåtits av regeringen enligt 17 kap. 1, 3 eller 4 § eller som omfattas av ett tillstånd enligt denna balk eller enligt föreskrifter som har meddelats med stöd av balken,
3. byggande av allmän väg enligt en fastställd vägplan enligt väglagen (1971:948), eller
4. byggande av järnväg enligt en fastställd järnvägsplan enligt lagen (1995:1649) om byggande av järnväg.

12 kap.

6 a §

Skyldigheten att göra en anmälan för samråd enligt 6 § gäller inte byggande av allmän väg eller byggande av järnväg om det anges i en fastställd vägplan enligt väglagen (1971:948) eller i en fastställd järnvägsplan enligt lagen (1995:1649) om byggande av järnväg.

17 kap.

1 §

Regeringen ska pröva tillåtligheten av nya verksamheter av följande slag:

1. anläggningar för kärnteknisk verksamhet som prövas av regeringen enligt lagen (1984:3) om kärnteknisk verksamhet samt anläggningar för att bryta uranhaltigt material eller andra ämnen som kan användas för framställning av kärnbränsle, och
2. allmänna farleder.

5 §

En myndighet eller kommun som inom sitt verksamhetsområde får kännedom om en verksamhet som avses i 3 § ska underrätta regeringen om verksamheten.

Första stycket gäller inte vägar och järnvägar som Trafikverket avser att bygga.

Mindre avvikelse

8 §

Länsstyrelsen får tillåta en mindre avvikelse från ett tillåtlighetsbeslut som gäller en väg eller järnväg.

Beslutet får inte överklagas.

Appendix 5. Förslag till lag om ändring i fastighetsbildningslagen (1970:988)

Härigenom föreskrivs att 5 kap. 5 § och 14 kap. 1 a § fastighetsbildningslagen (1970:988) ska ha följande lydelse.

5 kap.

5 §

Fastighetsreglering som begärts av sakägare får genomföras endast om den är nödvändig för att en fastighet som tillhör sökanden ska förbättras. Kravet på att fastigheten ska förbättras gäller inte om

1. regleringen har begärts av en samfällighetsförening och berör en samfällighet som inte längre är av gemensam betydelse för delägarfastigheterna,
2. fastighetsregleringen behövs för att få fastigheten att stämma bättre överens med gällande detaljplan eller järnvägsplan, eller
3. det finns en rätt att få fastigheten inlöst enligt väglagen (1971:948) och fastighetsreglering behövs för att få fastigheten att stämma bättre överens med en gällande vägplan.

Har regleringen påkallats av annan än sakägare eller innebär ansökan av sakägare att regleringen, för att inte möta hinder enligt 4 § andra stycket, ska göras mer omfattande än som krävs för att sökandens fastighet ska förbättras, får regleringen inte äga rum, om de sakägare som har ett väsentligt intresse i saken mera allmänt motsätter sig regleringen och har beaktansvärda skäl för det. Vid prövningen av sådan fråga ska främst deras mening beaktas som har störst nytta av regleringen.

Andra stycket gäller inte, om behovet av fastighetsreglering är synnerligen angeläget.

14 kap.

1 a §

En fråga om fastighetsbestämning får tas upp till prövning, om

1. det behövs vid en fastighetsbildningsförrättning,
2. lantmäterimyndigheten har förordnat om det enligt 15 § ledningsrättslagen (1973:1144) eller 17 § anläggningslagen (1973:1149),
3. en sakägare har ansökt om det,
4. en kommun har ansökt om det och ansökan gäller ett område med detaljplan eller områdesbestämmelser eller ett område för vilket fråga har väckts om att upprätta en sådan plan eller sådana bestämmelser,
5. staten eller en kommun har ansökt om det och ansökan gäller ett område som sökanden har förklarat skyddat enligt 7 kap. miljöbalken eller ett område för vilket sökanden har väckt fråga om sådan förklaring,
6. staten eller en kommun har ansökt om det och ansökan gäller ett område med vägrätt eller vägplan eller ett område för vilket fråga har väckts om att upprätta en sådan plan, eller

7. staten, en kommun eller den som har byggt eller avser att bygga en järnväg har ansökt om det och ansökan gäller ett område med järnvägsplan eller ett område för vilket fråga har väckts om att upprätta en sådan plan.

En ansökan enligt första stycket 3, 4, 5, 6 eller 7 får inte prövas om det är uppenbart att frågan saknar betydelse för sökanden.

Om ansökan gäller fastighetsbestämning av servitut får den inte heller prövas om servitutet har tillkommit på annat sätt än vid avvittring eller enligt lagstiftningen om fastighetsbildning eller enskilda vägar eller enligt anläggningslagen eller 28 kap. 10 § miljöbalken eller motsvarande äldre bestämmelser.

Appendix 6. Förslag till lag om ändring i anläggningslagen (1973:1149)

Härigenom föreskrivs att 18 och 29 §§ anläggningslagen (1973:1149) ska ha följande lydelse.

18 §

Rätt att begära förrättning enligt denna lag har

1. ägaren av en fastighet som ska delta i anläggningen,
2. ägaren av en fastighet som enligt en detaljplan helt eller till viss del ska användas för allmän plats för vilken kommunen inte är huvudman eller för trafikaneläggning som är gemensam för flera fastigheter,
3. kommunen,
4. hyresgästorganisation.

En samfällighetsförening får, efter beslut av föreningsstämman, begära en förrättning som angår gemensamhetsanläggning under föreningens förvaltning.

Länsstyrelsen kan begära förrättning för inrättande av anläggning som styrelsen finner vara av större betydelse från allmän synpunkt.

Vid expropriation eller liknande tvångsförvärv får förvärvaren begära förrättning för inrättande av sådan anläggning varigenom olägenhet av förvärvet kan undanröjas, minskas eller förebyggas.

Bestämmelser om rätt för väghållare och den som bygger eller innehar järnväg att begära förrättning enligt denna lag finns i 20 a § och 25 § tredje stycket väglagen (1971:948) samt i 2 kap. 22 § lagen (1995:1649) om byggande av järnväg.

En samfällighetsförening som förvaltar en exploateringssamfällighet enligt lagen (1987:11) om exploateringssamverkan får begära förrättning enligt denna lag, om åtgärden syftar till att genomföra sådan samverkan.

29 §

Förrättningskostnaderna ska, om anläggningsbeslut meddelats, fördelas mellan ägarna av de fastigheter som ska delta i anläggningen efter vad som är skäligt.

Om en förrättning har påkallats enligt 20 a § eller 25 § tredje stycket väglagen (1971:948) ska staten svara för förrättningskostnaderna.

Om en förrättning har begärts enligt 2 kap. 22 § lagen (1995:1649) om byggande av järnväg, ska den som begärt förrättningen att svara för förrättningskostnaderna.

I övrigt tillämpas 2 kap. 6 § fastighetsbildningslagen (1970:988) på förrättning enligt denna lag.

Appendix 7. Förslag till lag om ändring i minerallagen (1991:45)

Härigenom föreskrivs att 3 kap. 7 § minerallagen (1991:45) ska ha följande lydelse.

3 kap.

7 §

Undersökningsarbete får inte utan medgivande av bergmästaren äga rum inom

1. område inom trettio meter från allmän väg eller sådan vägsträckning enligt fastställd vägplan, eller från järnväg, flygplats eller kanal som är upplåten för allmän trafik,
2. område inom tvåhundra meter från bostadsbyggnad,
3. område inom tvåhundra meter från kyrka, annan samlingslokal, undervisningsanstalt, hotell eller pensionat eller område inom tvåhundra meter från vårdanstalt, elevhem eller liknande inrättning, om den är avsedd för mer än femtio personer,
4. område inom tvåhundra meter från elektrisk kraftstation eller industriell anläggning, eller
5. område med detaljplan eller områdesbestämmelser enligt plan- och bygglagen (2010:900).

I fall som anges i första stycket 5 får medgivande inte lämnas i strid med planen eller områdesbestämmelserna. Om syftet med planen eller bestämmelserna inte motverkas, får dock mindre avvikelser göras.

Trots första stycket 2–4 får undersökning ske, om medgivande har lämnats av den som berörs av arbetet. I fall som anges i första stycket 2 ska medgivande lämnas av ägaren till byggnaden eller marken och den som har nyttjanderätt till den. I fall som anges i första stycket 3 och 4 ska medgivandet lämnas av ägare och nyttjanderättshavare.

Bergmästaren får förena sitt medgivande med villkor.

Appendix 8. Förslag till lag om ändring i plan- och bygglagen (2010:900)

Härigenom föreskrivs i fråga om plan- och bygglagen (2010:900)

dels att 4 kap. 34 § samt 5 kap. 7 och 16 §§ ska ha följande lydelse,

dels att det i lagen ska införas en ny paragraf, 9 kap. 15 a §, samt närmast före 9 kap. 15 a § en ny rubrik av följande lydelse.

4 kap.

34 §

Om genomförandet av planen kan antas få en betydande miljöpåverkan, ska redovisningen enligt 33 § första stycket 4 i fråga om miljökonsekvenserna ha det innehåll som följer av 6 kap. 12 § och 13 § första stycket miljöbalken.

Redovisningen ska också uppfylla kraven i 6 kap. 7 § första och andra styckena miljöbalken, om genomförandet av detaljplanen kan antas få en betydande miljöpåverkan på grund av att planområdet får tas i anspråk för

1. industriändamål,
2. ett köpcentrum, en parkeringsanläggning eller något annat projekt för sammanhållen bebyggelse,
3. en skidbacke, skidlift eller linbana med tillhörande anläggningar,
4. en hamn för fritidsbåtar,
5. ett hotellkomplex eller en fritidsby med tillhörande anläggningar, utanför sammanhållen bebyggelse,
6. en permanent campingplats,
7. en nöjespark,
8. en djurpark,
9. en spårväg, eller
10. en tunnelbana.

5 kap.

7 §

Arbetet med att ta fram en detaljplan får förenklas i den utsträckning som anges i 15 och 16 §§, 18 § andra stycket, 19 § tredje stycket, 21 § andra stycket och 23 § andra stycket (enkelt planförfarande), om planförslaget är förenligt med översiktsplanen och länsstyrelsens granskningsyttrande enligt 3 kap. 16 § och

1. inte är av stor vikt eller har principiell betydelse och inte heller kan antas medföra en betydande miljöpåverkan samt saknar intresse för allmänheten,
2. enbart gäller en verksamhet som har tillståndsprövats eller ska tillståndsprövas enligt föreskrifter som har meddelats med stöd av 9 kap. 6 § miljöbalken, eller
3. enbart gäller åtgärder som har prövats eller ska prövas genom upprättande och fastställande av en vägplan enligt väglagen (1971:948) eller en järnvägsplan enligt lagen (1995:1649) om byggande av järnväg.

16 §

För ett planförslag som avses i 7 § 2 eller 3 behöver samråd enligt 11–15 §§ endast ske om prövningen av det andra ärendet är avslutad och

1. den utredning som finns i det ärendet inte är tillräcklig eller inte längre är aktuell för detaljplaneärendet, eller
2. samråd inte har skett i det andra ärendet med alla dem som ska omfattas av samråd enligt 11 §.

I ett fall som avses i första stycket 2 är det tillräckligt att komplettera detaljplaneärendet så att samråd sker med dem som inte omfattades av samrådet i det andra ärendet.

9 kap.

Åtgärder enligt vägplan eller järnvägsplan

15 a §

Om kravet på bygglov, marklov eller rivningslov har begränsats i en vägplan enligt 16 a § andra stycket väglagen (1971:948) eller i en järnvägsplan enligt 2 kap. 9 § andra stycket lagen (1995:1649) om byggande av järnväg, behövs inte lov för att genomföra åtgärder på det sätt som anges i planen.