

Law n° 33/2004
of July 28

Protections placement in road restraint systems of public roads, integrated or not in the national road net, contemplating the perspective of the safety of the vehicles of two wheels.

The Assembly of the Republic ordains, in the terms of the paragraph c) of the 161st article of the Constitution, to be worth as general law of the Republic, the following:

1st Article

Goal

The present law establishes the obligation of the road restraint systems used in public roads, integrated or not in the national road net, to contemplate the safety of the vehicles of two wheels, mainly in the road black spots.

2nd Article

Conception and Protections construction

The dimensions and profiles of the protection system in the road restraint systems, as well as the used materials in its construction, should satisfy safety's standards for the circulation of vehicles of two wheels, in the terms to be define for regulation by the Government.

3rd Article

Protections location

1 — The protections in road restraint systems must be applied in the black spots of the highways and in the shoulders whose location, characteristics, unlevelling or fixed and rigid obstacles exists less than 2 m from the limit of the wheelwork strip susceptible of provoking superior damages to the caused by the collision in the same ones, namely encounters of bridges, pillars, walls, posts and trees of great load.

2 — For the effects of the determination in the previous number, the protections in road restraint systems are located:

a) In highways and freeways (AE), main itineraries (IP), complementary itineraries (IC), circulars and variants, whenever it is considered necessary, and especially in:

- i) Curves of inferior ray to the normal minimum;
- ii) Curves with inferior superelevation to the demanded or inexistent;
- iii) Curves of associated reduced ray the accentuated slope (> 4%);
- iv) Following circular curves, of the same sense, and of decreasing ray;
- v) Intersection legs in bow and others of reduced ray;
- vi) Areas of entrance of the branches of the knots of connection;
- vii) Areas with skidding danger;
- viii) Ice forming zones;

b) In regional and municipal roads, in the places suitable in the paragraph a) and although the road witch are flanked of cliffs or accentuated slopes.

3 — Without damage of the determination in the previous number, road restraint systems must be replaced, whenever possible, by free shoulders of obstacles with enough width that it allows the slowing down of the vehicles/riders in case of accident.

4 — In the roads to be contractuallized, protections are to be putted in all road restraint systems extensions.

4th Article

Identification of roads black spots

1 — For the effects of the determination in the previous article, the legal collective entities or contractually responsible for the construction or operation maintenance of the public roads, integrated or not in the national road net, they promote, in the extent of the respective competences, the permanent identification of the black spots of the roads under your responsibility.

2 — The identification of the black spots must have the agreement of the Vial General-Direction and of the Portuguese Road Prevention.

3 — The identified spots in the terms of the previous numbers consists from a list to be published by the Vial General-Direction and by the Portuguese Road Prevention.

5th Article

Adaptation of the existent road restraint systems

1 — The legal collective entities or contractually responsible for the construction or operation maintenance in operation of the public roads, integrated or not in the national road net, they promote the placement of protection devices, as metallic type, in the actual existing road restraint systems in the following terms:

a) in the black spots of the roads under their responsibility, in the period of one year to count of the publication of the list referred in n° 3 of the previous article;

b) In the remaining situations, in the period of three years to count from the entrance in application of the present law.

2 — If are verified difficulties in the acquisition of the devices foreseen in the previous number, the entities in him referred promote the temporary placement of other devices with similar effectiveness in the posts of the road restraint systems, in way to be satisfied the established periods in the previous number.

3 — For the effects of the determination in the previous numbers, the entities referred in n° 1 assure the identification of the black spots of the roads under their responsibility in the maximum period of one year.

4 — In the terms of the determination in n° 3 of the 4th article of the present law, the black spots foreseen in the previous number are of obligatory publication.

6th Article

Responsibility

1 — The non accomplishment of the determination in the present law, and respective regulation, determines the civil responsibility, criminal or discipline of the respective ones agents.

2 — The negligence is punished in the terms of the law.

3 — The eventual transmission to somebody else, by law or contract, of the civil responsibility for the caused damages to third parts doesn't exempt the responsible for the decision of opening to the traffic or of use of the public communication roads, integrated or not in the national road net, of those that don't respect the determination of the present law.

7th Article

Regulation

The Government will regulate the present law, in the period of 120 days after the date of its publication, mainly approving the standards of construction of the protections in road restraint systems, the other rules for its placement, as well as the financial resources necessary to its implementation.

8th Article

Entrance in application

The present law goes into effect the following day of its publication.

Approved on May 27, 2004.

The President of the Assembly of the Republic, João Bosco Mota Amaral.

Promulgated on July 14, 2004.

Be published.

The President, JORGE SAMPAIO.

Countersigned on July 16, 2004.

The Prime Minister, José Manuel Durão Barroso.