

Public Roads and Their Use

Abstract

The thesis contains a historical view on the legal regulation of public roads and deals with interpretation and analysis of the legal regulation of basic issues related to public roads and their public use provided in Act No. 13/1997 Sb., on Public Roads, as amended. The thesis also analyses the current legislation in terms of its coherence. In matters where the legislation is found to be insufficient, the thesis also contains proposals *de lege ferenda*.

First chapter of the thesis contains a historical view on the public roads and their legal regulation and second chapter defines road law, its structure and sources, the concept of public road and significance of this concept. Third chapter deals with private law issues related to public roads – the issue of road construction as a thing in the legal sense (application of the *superficies solo cedit* principle in the current legislation), ownership of roads and the definition of their components and accessories.

Fourth chapter of the thesis analyses the current division of roads into categories and classes. It deals mainly with the concept of so-called special-purpose roads, which are regulated by the current legislation only minimally. This chapter also presents issues related to forest and field roads and the relevant provisions of the Forest Act and the Act on Nature and Landscape Protection and other regulations that must be applied in addition to the Act on Public Roads.

In fifth chapter, the thesis deals with issues related to establishment and termination of public roads and changes of their category. Most attention is again paid to the so-called special-purpose communications and their current regulation and related case law, as well as possible changes in their concept.

Sixth chapter of the thesis examines public use of roads, which is the main reason of existence of public roads. This chapter deals with both general and special public use, imposition of charges on the public use and restrictions of general use of roads. Particular attention is paid to problematic parts of the current legislation, especially to the concept of toll and parking regulation in municipalities.

The sixth chapter also contains a draft of a new concept of legal regulation of conditional general public use of roads, which currently concerns parking zones and restriction on entry to selected parts of municipalities, i.e., cases in which general public use of roads is conditioned by prior permission and usually also by paying a fee.

Keywords: public roads, road law, public use