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PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

LAW No. 2003/11

ON THE LAW ON ROADS

The Assembly of Kosovo,

Pursuant to the authority vested through UNMIK Regulation No. 2001/9 of 15 May 2001 in the Constitutional Framework for Provisional Self-Government in Kosovo, in particular, articles 5.1(h), 5.7, 9.1, 26(a), 9.3.3, and

For the purpose of promoting the development of a modern system of roads in Kosovo, ensuring that the regulation of construction of roads, protection, Maintenance, management, financing and supervision of roads shall be developed and enforced in full accordance with the best international standards,

Hereby approves,

LAW ON ROADS

I. GENERAL PROVISIONS

Article 1

This law regulates the legal status of public roads; construction and Maintenance of public roads; measures for protection of roads and circulation; governance; financing and supervision of public roads.

Article 2

“Authorised Official” means a person authorised for the purposes of this Law by the Ministry of Transport and Communications.

“Road” means the entire surface of any way designed for traffic.

"Construction" means the construction or reconstruction of a Road and doing of any other work necessary to put a Road in a safe condition for use by vehicles, but does not include Maintenance.

“Environmental Impact Assessment” means a comprehensive study on the likely effects of any proposed Road development to environment.

“Local Road” means a Public Road officially categorized as a Local Road, normally connecting residential areas inside Municipalities.

"Maintenance" means the preservation and repair of a Road and any other work necessary to keep a Road in serviceable condition.

“Main Road” means a Public Road officially categorized as a Main Road, normally connecting major cities and which may also serve as linkage to neighboring countries.

“Ministry” means the Ministry of Transport and Communications.

“Municipality” means the definition of Municipality as defined in UNMIK Regulation 2000/45.

“Public Road” means a Main, Regional, Local or Residential Road with a right of way for public traffic.

“Public Road Authority” means the relevant administering authority designated by the Ministry for Main and Regional Roads and Municipality for Local and Residential Roads.

“Regional Road” means a Public Road officially categorized as a Regional Road, normally connecting two or more major cities.

“Connecting road ”means a road that connects rail stations, airports, terminals or residential areas with public roads, and which is officially recognized as such by the Ministry.

“Road Reserve” means an area alongside a Road designated by the Ministry where restrictions regarding its use are applied with the aim of including the roadside and protecting the Public Roads.

“Uncategorized Road” means each Road not categorized as a Public Road, owner of which is a citizen or group of citizens and therefore not under the responsibility of the Ministry, but which is nevertheless unofficially used by pedestrians after vehicles, and other moving objects.

“Urban Area” means a territory under the jurisdiction of the Municipality delimited by Road signs.

“Weights and Dimensions” means the specified parameters of weight, length, width and height of vehicles.

Article 3

A public road is designated for general use and field of interest for Kosovo.

II. PUBLIC ROADS

Article 4

4.1 Public Roads are categorised into:

- a) Main Roads;
- b) Regional Roads; and
- c) Local Roads;
- d) Residential Roads.

4.2 The status of Main and Regional Roads is not affected when these Roads cross Urban Areas.

Article 5

5.1. The Ministry is the Public Road Authority for Main and Regional Roads;

5.2. Municipality is the Public Road Authority for Local Roads and Residential Roads.

5.3. The Ministry maintains a register containing an inventory of all Public Roads.

5.4. The Ministry is obligated to inform the Government, that the categorization of roads has been done.

Article 6

6.1 The Ministry for Main and Regional Roads and the Municipality for Local Roads may

- a) designate particular Roads for particular purposes ;
- b) divide a particular class of Roads into subclasses.

6.2 According to its' use, Public Roads may be designated for participants in road traffic (for example, motor vehicles, bicycles, pedestrians and other users), or for motor vehicles only.

Article 7

7.1 The Ministry may categorize any existing Public Road or any proposed Public Road as a Main Road or a Regional Road.

7.2 The Municipality may categorize any existing Uncategorized Road as a Local Road.

7.3. Ministry issue specific act on categorization of roads pursuant to Article 4 of this Law.

Article 8

8.1 The Ministry is responsible for management, Maintenance and Construction of Main and Regional Roads, while the Municipality is responsible for Local Roads and Residential Roads.

8.2 The Municipality should ask an advice from the Ministry related to management, Maintenance and Construction of Local Roads and Residential Roads.

8.3 The Ministry will issue specific regulations and powers to the Department of Road Infrastructure of the Ministry and to the Directorate of Roads.

Article 9

9.1 The Municipality, acting on the request of the Ministry, may expropriate any land, stream, water, watercourse, fence or wall, the acquisition or appropriation of which the Ministry considers as necessary for the use, Construction or Maintenance of a Main and Regional Road.

9.2 The Municipality may expropriate any land, stream, water, watercourse, fence or wall, the acquisition or appropriation of which the Municipality considers as necessary for the use, Construction or Maintenance of a Local Road.

9.3 Where the Ministry or Municipality must expropriate any piece of land, stream, water, watercourse, fence or wall pursuant to paragraphs 1 of this Article, they shall do so in accordance with the Law on Expropriation.

Article 10

The maintenance and construction of public roads shall be financed from appropriations from the Kosovo Consolidated Budget. In determining the amount of such appropriation, the Assembly shall take into consideration the following:

- a) taxes on fuel consumption;
- b) vehicle registration fees;
- c) fees for the use of roads;
- d) fees from concessions;
- e) donations designated for road construction and maintenance.

Article 11

No legal entity or private individual can make a property claim on a Public Road or on a part of a Public Road.

III. MAINTENANCE

Article 12

The Ministry will develop an annual winter and summer Maintenance plan for Main and Regional Roads, while the Municipality will develop an annual winter and summer Maintenance plan for Local Roads.

Article 13

13.1 The Ministry is responsible for maintaining the traffic signs and on Main and Regional Roads; while the Municipality is responsible for maintaining the traffic signs on Local Roads.

13.2 The Ministry is responsible for Maintenance of traffic signs on intersections of main and regional roads with railway lines, while the Municipality is responsible for Maintenance of traffic signs on intersections of local roads with railway lines.

Article 14

The Ministry, for Main and Regional Roads, while the Municipality for local roads can conclude contracts with the trusty companies which are subject to procurement legislation.

IV. CONSTRUCTION AND RECONSTRUCTION

Article 15

The Ministry will issue rules on technical standards for Construction and Reconstruction of Public Roads.

Article 16

- 16.1 The Ministry issue an annual Construction and Reconstruction plan for Main and Regional Roads, while the Municipality issues an annual Construction and Reconstruction plan for Local Roads.
- 16.2 The Municipality informs the Ministry on annual program of constructions of Local Roads.
- 16.3 The Ministry coordinates the Construction programs for the Public Road Authorities.

Article 17

- 17.1 The Municipality and owners of Uncategorized Roads inform the Ministry regarding the construction design and linkage of these Roads with Main and Regional Roads.
- 17.2 Owners of Uncategorized Roads who would like to access to a Main or Regional Road outside the Urban Areas must provide a permission from the Ministry.

Article 18

The Ministry, for Main and Regional Roads and the Municipality, for Local Roads, determines rules according to the standards for construction and reconstruction of public roads.

Article 19

19.1 The Ministry shall prepare an Environmental Impact Assessment in cooperation with the Ministry of Environment and Spatial Planning, relating to any proposed Road development consisting of the Construction of a Main or Regional Road.

19.2 The Municipality shall develop an Environmental Impact Assessment in cooperation with the Ministry of Environment and Spatial Planning related to any proposed Road development consisting of Construction of a Local Road.

19.3 The Environment Impact Assessment shall be prepared in accordance with the procedures in the Law on Environmental Protection.

19.4 An Environmental Impact Assessment shall contain, but not be limited to, the following detail:

- a) a description of the proposed Road development, comprising information about the site, design, size, physical characteristics and land-use requirements of the development;
- b) the data necessary to identify and assess the main effects which the proposed Road development is likely to have on the environment;
- c) a description of the likely significant effects on the environment of the proposed Road development; and
- d) where significant adverse effects on the environment are identified, a description of the measures envisaged in order to avoid, reduce and, if possible, remedy those effects.

19.5 The Ministry in cooperation with Ministry of Environment and Spatial Planning develops detailed rules on the preparation of an Environmental Impact Assessment.

19.6 Rules on Environmental Impact Assessment will be approved by Government.

Article 20

20.1 The Ministry is responsible for placing traffic signs on Main and Regional Roads.

20.2 The Municipality is responsible for placing traffic signs on Local Roads.

20.3 The Ministry and Municipality are responsible for placing relevant traffic signs on the road-side portion of the intersections of Public Roads with railway lines, each of them in accordance with their respective competencies.

V. USE OF ROADS

Article 21

Whoever makes use of a Public Road, must take all reasonable measures in order to avoid:

- a) injury of any person using the Public Road;
- b) damage of any person's property while using the Public Road;
- c) damage of any road.

Article 22

22.1 Legal entity or individual will create an offence if, without any justification and in contradiction with provisions of this law:

- a) obstructs a Public Road or deposits any material on a Public Road, or
- b) interferes with, breaks, cuts or otherwise damages a Public Road.

22.2 The court convicting a legal entity or an individual for an offence under this Article, may order damages in restitution.

Article 23

23.1 While any Construction or Maintenance is in progress on a Public Road, the Public Road Authority may close the Road to traffic and place clearly marked signage on that part of the Public Road on which the work is being carried out.

23.2 A person who, in spite of precautions followed in paragraph 23.1 above, makes use of the Public Road will do so at his/her own risk, and shall not subsequently hold the Public Road Authority liable for any damage resulting from his/her use of traffic so closed to the public road.

23.3 Where a Public Road is closed under this Article, no person may enter or travel on the Public Road unless he or she:

- a) is authorized by the Public Road Authority, and
- b) enters or travels on the Public Road in the course of his or her duties in connection with the Construction or work Maintenance being carried out on that Public Road.

Article 24

The Ministry issues specific rules on Weights and Dimensions of vehicles using Public Roads, including:

- a) specific rules for each category of vehicles;
- b) rules on checking devices for weights of vehicles;
- c) punitive provisions on violation of the rules on weight and dimensions; and
- d) permits for vehicles under exceptional transports.

Article 25

25.1 The owner of an overloaded vehicle operating on a Public Road creates an offence if he/she contravenes Article 24, of this Law.

25.2 Owners of vehicles may exceed the specified rules for Weights and Dimension only if they possess a valid permit from the Ministry.

25.3 The owner of an overloaded vehicle must transfer its cargo to another vehicle or other vehicles before it is allowed to carry on its journey.

Article 26

26.1 In the defined area of the Road Reserve, no one shall open a mine, construct structures, artificial lakes, pools, cisterns, septic tanks, industrial plants, or any other similar installations that may damage the use of the Public Roads, within a distance of:

- a) 60 meters from Main Roads;
- b) 40 meters from Regional Roads; and
- c) 30 meters from Local Roads.

26.2 In the defined area of the Reserve Roads, no one shall construct residences, offices, wells, septic tanks, electric transmitters, or any other similar installations that may damage the Public Roads, within a distance of:

- a) 20 meters from Main Roads, and
- b) 10 meters from Regional and Local Roads.

Article 27

The use of the Public Road for general public needs such as laying telecommunications cables, water pipes as well as air and underground connections, should be done by

agreement and under the supervision of the Ministry for the Main Roads and the Regional Roads; and under the supervision of the Municipality for the Local Roads.

Article 28

28.1 Any legal entity or individual intending to use any part of the Main or Regional Road, or the Reserve Road corresponding with Main and Regional Roads, for an exceptional transport use, must first obtain specific permission from the Ministry.

28.2 The Ministry issues rules on the procedure for providing permission for the use of any portion of the Main and Regional Road and the Reserve Road corresponding with Main and Regional Roads by legal entities and individuals, as specified in paragraph 1 of this Article.

28.3 The Ministry is entitled to determine rule for compensation fees from legal entities and from individuals who use any portion of the Main and Regional Road and the Reserve Road corresponding with Main and Regional Roads, as contemplated in paragraph 1 of this Article.

28.4 The Ministry issues specific rules on compensation fees from legal entities and individuals for use of certain parts of the Main and Regional Road and the Reserve Road corresponding with Main and Regional Roads, pursuant to paragraph 2 of this Article.

Article 29

29.1 Where the construction, structure, installation, sign or access to certain roads is built on a part of land in contradiction with this Law or regulations and the conditions contained in a permit, the Ministry shall require the owner to move, remove or alter the building, structure, installation, sign or access to the road.

29.2 A notice under paragraph 1 of this Article shall be in writing and be delivered to the owner or owners in person.

29.3 In a case when constructed items or facilities are in accordance with the law, the owner has the rights of compensation under legal procedure.

Article 30

30.1 The users of Public Roads may be subject to the payment of certain user fees, in accordance with rules to be determined by the Ministry.

30.2 The user fees shall be based on distance and the category of the vehicle.

30.3 The categories of vehicles and the fees applicable to each category shall be established in an administrative instruction issued by the Ministry in cooperation with the Ministry of Finance and Economy.

VI. INSPECTION

Article 31

31.1 Enforcement of the provisions of this Law and other subordinate legislation will be supervised by the Ministry Inspectorate.

31.2 Intervention on Public Roads and on Reserve Roads will be supervised by construction inspectors and urban inspectors, in accordance with their respective competences.

Article 32

The roads inspector is authorized to supervise the Maintenance of all Public Roads, within the specified common provisions of the professional base for the construction and Maintenance of the public roads.

Article 33

If one or more Municipalities establish a service for supervision of Local Roads, the Ministry may authorize a duty performance inspector to determine professional base for Construction and Maintenance of Local Roads.

Article 34

A legal entity or individual shall be fined an amount of 25 Euro to 2,500 Euro for the offence if they:

- a) fail to take reasonable measures to avoid injury to a person or a person's property (Article 21);
- b) obstruct a public road, deposit material on a public road, or otherwise interfere with a public road (Article 22);
- c) enter a public road that has been closed without authorization (Article 23).

Article 35

A legal entity or private person shall be fined an amount of 50 Euro to 5,000 Euro if they:

- a) are the owner of an overloaded vehicle that operates on a public road without a special permit (Article 25);
- b) are the owner of an overloaded vehicle that operates on a public road in violation of the terms and conditions of the special permit (Article 25);
- c) perform exceptional transport without a special permit (Article 28);
- d) perform the exceptional transport in violation of the terms and conditions of the permit (Article 28).

Article 36

A legal entity or individual shall be fined an amount of 1,000 Euro to 100,000 Euro if they:

- a) construct an installation within the distances specified in Article 26;
- b) lay telecommunications cables, water pipes or similar structures without the agreement of the Ministry or Municipality (Article 27).

Article 37

Revenues generated, fees collected, or penalties imposed under the present law shall be forwarded to the Ministry of Finance and Economy to be deposited in the Kosovo Consolidated Budget.

VII TRANSITIONAL AND FINAL PROVISIONS

Article 37

Revenues generated, fees collected, or penalties imposed under the present law shall be forwarded to the Ministry of Finance and Economy to be deposited in the Kosovo Consolidated Budget.

Article 38

Started beginning procedures according to provisions of the Law on Roads (“Official Gazette of Kosovo “ No.43/74) will cease according to the provisions of applicable Law.

Article 39

Public Roads will be recorded and registered on property books, in compliance to the legislation regulating property registry books.

Article 40

The Ministry will keep a database for Public Roads and will provide certain maps indicating public roads in appropriate size, within a deadline of one year, from the date this Law enters into force.

Article 41

This Law repeals the Law on Roads [“Official Gazette of Kosovo” no.43/74] on the date the herein Law enters into force.

Article 42

In order to implement provisions of this Law, the Ministry will issue appropriate subordinate legislation.

Article 43

This law shall be effective after it is adopted by the Assembly and on the date that it is promulgated by the SRSG.

Law Nr. 2003/ 11

29 May 2003

President of the Assembly of Kosovo

Dr. Nexhat Daci