



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

LAW No. 03 /L-120

FOR AMENDING AND SUPPLEMENTING THE LAW No. 2003/11 ON ROADS

Assembly of Republic of Kosovo,

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Taking into account the necessity of amending and supplementing the Law on Roads no. 2003/11 to create conditions that the Law is fully applicable,

Adopts:

**LAW FOR AMENDING AND SUPPLEMENTING
THE LAW ON ROADS NO 2003/11**

Article 1

Article 2 shall be supplemented with the following definitions:

“Reconstruction” shall mean execution of works in existing roads and in other following premises to change basic road characteristics or the constructive elements of objects (bridges, viaducts etc.) for the purpose of improvement of road elements and for enhancing level of services in the roads.

“Exceptional Transport” shall mean movement in public road of vehicles with axle load, measure or dimensions beyond foreseen measures with technical standards. In the whole text the term “specific transport” shall be replaced with the term “exceptional transport”

“Maintenance” shall mean preservation or repair of the road and its respective objects or any other necessary work to keep the road in serviceable condition;

In definition and throughout the whole text of the law word “main road” shall be replaced by the word “national road”.

“National Road” shall mean a public road officially ranked as a national road linking two or more towns and which may serve as a link to regions outside Kosovo;

“Public Road” shall be replaced with the following text: “shall mean a carriageway of general importance to traffic that may be used from traffic participants subject to conditions as set by the competent body;

“Urban Road” shall mean a public road that connects habitable spaces within a municipality settlement.

“Road Strip” shall mean a land strip in both sides of the national and regional roads of two (2) meters width, measuring it from the transverse profile verge points of the road and off the road sewerage channel verge; road strip to local roads shall be one (1) meter.

“Protection Strip” shall mean a land strip in both sides of the road where construction of objects it is forbidden starting from the verge point of the road strip;

“Construction” shall mean new complete construction of road and other following objects.

“Motorway” shall mean a public road particularly built and designated for the movement of motor vehicles, marked with special traffic signs, having carriageways physically separated for the movement in opposite directions of lanes of a width of at least 3,5 meters, due to the terrain configuration, with one lane for emergency stops in both sides of the motorway of width of at least 2,5 meters.

“Public Road Authority” shall mean a pertinent administrative authority designated by the Ministry or Municipality.

“Regional Road” shall mean a public road linking important economic centers of two or more regions.

“Linking Road” shall mean a public road connecting settlements with railway stations, airports roads, healing baths, recreational centers, national parks, etc.

“Uncategorized Road” shall mean a road not designated as a public road, but used for traffic such as a road for forests utilization, accumulative lake road, and road for agriculture destination and similar.

Article 2

Article 4 paragraphs 4.1. 4.2 and 4.3 are amended as following:

4.1 Roads network shall consist of:

Motorways, National Roads, Regional Roads, Local Roads, Roads at Settlements, Urban Roads, linking and uncategorized Roads.

4.2 Status of motorways, national and regional roads shall not be adjusted without consent of the Ministry in case these roads pass through urban areas.

4.3 Public Road shall consist of:

a) lower and upper road construction;

b) built-up road objects (bridges, viaducts, culverts, tunnels, galleries, protection walls, etc);

c) sidewalks, pedestrian lane and bicycle lane;

d) objects for removal of waters from the road;

e) road strip in both sides of two meters width;

f) follow up road objects (parking, vehicle stops, greenery etc);

g) space over the roads of 7,0 meters height, open profile over national and regional roads of 4,50 meters height, while for motorways 4,75 meters height from the carriageway;

h) horizontal and vertical signalization and traffic lights;

i) road fittings (elastic fencer, snow fences, protection nets, guides, measuring equipment for exceptional transportation of motor vehicles, air conditioning, public lightning, etc.);

j) environment protection fittings and noise protection fittings etc.

Article 3

Article 5 paragraphs 5.1 and 5.2 shall be replaced as following:

5.1 Ministry is responsible for motorways, national, regional and linking roads corresponding to these roads in compliance with Article 18.1 of this Law.

5.2 The Municipality is responsible for public roads, in compliance with Article 18.1 of this Law.

Article 4

Article 6 paragraph 6.1 shall be replaced as following:

6.1 The Ministry or the Municipality under the authority vested to them may:

Article 5

In paragraph 7.3, the words “In accordance with Article 4 of this Law”, shall be deleted.

Article 6

Article 8, paragraphs 8.1 and 8.2 of the law shall be amended as following:

8.1 Ministry is responsible for managing, maintenance and construction of motorway, national and regional roads, whereas municipality is responsible for local and urban roads.

8.2 the word “may”, shall be replaced by the word “must”.

Article 7

Article 8 shall be amended as following:

In Article 9, the word “expropriation” shall be replaced by the word “expropriation”.

In paragraph 9.1 before the words “main roads” shall be added the word “motorway”.

Article 8

Article 10, paragraph 1 is amended as following:

The maintenance and construction of public roads shall be financed by Kosovo Consolidated Budget taking into consideration the following:

Article 9

Article 12 shall be supplement with two new paragraphs as following:

12.2 The Ministry by sub-legal act regulates and determines the type of works, conditions, basic criteria of maintenance and the periodic maintenance of roads.

12.3 In extraordinary cases of road blocks as consequence of impact from natural factors (slides, floods, other falls) the Minister with urgent procedure must order to undertake measures for replacement of normal road condition, as well as its maintenance in compliance with provisions of the Law on managing the public finances, with responsibilities and with provisions of the Law on public procurement.

Article 10

Rubricating of CHAPTER IV “Built-Up and Construction” shall be replaced by “Design, Construction and Reconstruction of Public Roads”.

Article 11

The text of the Article 16 paragraphs 16.1 and 16.2 shall be replaced with the following:

16.1 The Ministry shall issue rules of technical criteria for design, construction and reconstruction of motorway, national and regional roads, whereas the Municipality shall issue rules of technical criteria for settlement road designing, construction and reconstruction under its authority.

16.2 In the course of designing, construction, reconstruction of public roads must be carried out an Environment Impact Assessment in cooperation with the Ministry of Environment and Spatial Planning”.

Article 12

The text of the Article 18 shall be replaced with the following text:

18.1. The permission for construction and reconstruction of the motorway, national and regional roads and the objects of these roads and their utilization shall issue the Ministry, whereas the permission for construction and reconstruction of local roads and the objects of these roads and their utilization shall issue the Municipality.

18.2 The permission for construction of public roads, by the competences of the Ministry, according to the law, shall be issued by Ministry for Environment and Spatial Planning in cooperation with Ministry

18.3 The public roads shall be built of a construction taking on axle loads of at least 115 kN (11,5 tons) per vehicle axle. In exceptional cases, local roads may be built of a construction taking on lesser vehicle axle loads but not less that 60 kN (6 tons) per axle.

18.4 To bridges, tunnels, viaducts and other objects of the road, vehicle carriageway width may not be less than vehicles carriageway width outside these objects. Bus stops in the main and the regional roads beyond settlements must be built off the vehicle carriageway.

18.5 Technical inspection to public roads and road objects shall perform a professional Commission designated by the Authority that issued construction permission.
The terms and the way of technical inspection shall set the Ministry by a sub-legal act.

Article 13

CHAPTER V “Road Utilization” shall be replaced by:

“Utilization and Protection of the Roads”.

Article 14

The text of the Article 21 shall be deleted and replaced with the following text:

21.1 The public roads may be used for traffic from all traffic participants under the terms laid down in the Law.

21.2 “The Ministry and the Municipality under authority vested to them shall take measures for:

- a) roads protection from damages, road construction objects and water removal objects;
- b) protection of signalizations;
- c) protection of road fittings and other objects in the service of the road;
- d) inspection to the load, axle load, vehicle dimensions and inspection of exceptional transport;
- e) put a halt to illegal constructions in parts of the road and road protection strip.
- f) for determining the conditions for granting the permission for extraordinary transport.

Article 15

In Article 23 shall be deleted the paragraph 23.2.

Article 16

In the paragraph 26.1 and 26.2 shall be deleted the sentence “that may damage the public roads within the distance of” and shall be replaced with the words “in a lesser distance than”.

Paragraph 26.1 shall be supplemented with new point:

- a) one hundred (100) meters from the motorway

Paragraph 26.2 shall be supplemented with new point:

- a) forty (40) meters from the motorway.

Article 17

In the Article 27 after the words “utilization of the public road” shall be added the words “parts of it, road strip and protection strip”.

Article 18

The text of Article 28 paragraphs 28.3 and 28.4 shall be amended and replaced by the text:

28.3 To utilize a road, part of the road or objects of the motorway, national and regional roads as well as the road strip of these roads, the Ministry may ask for compensation.

28.4 Utilization Charges for certain parts of the motorway, national and regional roads as well as vehicle categories and charges per each category shall be set by the Ministry in cooperation with the Ministry of Economy and Finance by means of a sub-legal act.

Article 19

The text of Article 29 paragraph 29.1 shall be amended as following:

29.1 When a construction is accomplished, a structure is placed, installation or a road mark, in the land strip or in the protection strip of the road there is built an access to a public road in violation with this Law or the rules and the terms contained in the permission, the Ministry must ask the responsible subject, remove it or adjust the construction, the structure, installation, mark or access to the public road.

In Article 29 shall be added two new paragraphs 29.4 and 29.5 as following:

29.4 A road accessing an asphalted public road must have the same construction with that road in length of:

- a) fifty (50) meters accessing a national road;
- b) thirty (30) meters accessing a regional road and
- c) twenty (20) meters to a local road.

29.5 The width of the road from paragraph 4 of this Article should be of at least 5 meters. Costs of construction and pavement of the access shall be covered by the applicant.

Article 20

The text of the Article 30 shall be deleted and replaced by the text:

30.1 Anyone using a public road shall take all reasonable measures to not damage the public road, parts of it, equipment as well as objects in the public road:

30.2 In compliance with this Law shall be forbidden to:

- a) damage a public road, road fittings, adjust the form and occupy road carriageway or parts of it;
- b) damage, remove, take out road signalization and any other object falling into it;
- c) prevent free flow of waters in side channels and pertinent acts of accumulation and discharge of waters;
- d) prevent free water flow discharged in the terrain under the road level;
- e) mobility of animals in the road, grazing in the road strip;
- f) ditch or pile the soil, construction materials, waste or materials of any kind in the road, road strip and in the distance of five (5) meters from the road strip;
- g) deposition of ordure in the road strip;
- h) bring in or disperse mud in the road through vehicle tires coming in from entrances or diverges;
- i) use road channel to water land plots around;
- j) pollute the road by oil waste, diesel, motor oils, concrete as well as other oily substances;
- k) place lights or other lighting fittings in the road or along the road that would obstacle or endanger the traffic;

- l) put on fire grasses or waste in road or parts of it;
- m) any other kind of action that would damage a public road or road fittings, obstacle or endanger of traffic in the public road;
- n) place obstacles in a public road or other means affecting traffic development;
- o) drive motor vehicles on flat tires or on gears, without tire cover on a flat surface;
- p) execute works off the protection strip without consent, in which case may be adjusted waters level or underground waters rising or in any other way may affect the road, traffic safety or execute in contradiction to the given consent terms;
- q) discharge waters and excrement waters;
- r) perform plowing and execution of agricultural works at shoulder, slopes and road strip.

Article 21

Text of Article 32 shall become paragraph 32.1 whereas to this article shall be added two new paragraphs 32.2 and 32.3 as following:

32.2 Observing the law enforcement, road inspector is authorized:

- a) for inspecting technical papers related to construction, reconstruction and maintenance of public roads and objects in these roads;
- b) for inspecting development of works in construction, reconstruction, maintenance and protection of public roads;
- c) for inspecting materials in the event of development of works, whether technical standards, norms and criteria are being implemented in the course of construction, reconstruction and maintenance of public roads;
- d) for inspecting compliance with the terms of persons dealing with designing, revision and inspection of technical documentation, management, execution of works and professional supervision;
- e) for inspecting in case of construction, reconstruction of a public road, parts of it as well as road objects, construction permission and find out is it issued properly.
- f) for inspecting exceptional transport as well as verify the transport permit;

g) for inspecting is the construction and reconstruction operator of a public road, parts of it and road objects maintaining the inspection book and construction daybook properly;

h) suspends works which are being carried out in contradiction with legal provisions, technical norms and standards during works execution and utilization of construction material in maintenance, construction and reconstruction of public roads;

i) suspends works which are being carried out close directly to a public road;

j) excluding the vehicle of the traffic that travels in a public road without permit for exceptional transport;

k) order elimination of defects found out in a public road endangering traffic development in a public road;

l) order works stop and destruction of an object build in the road strip and protection strip of a public road;

m) order taking measures for public road safety and prohibits temporarily traffic for vehicles which due to their own overall weight, dimensions and other technical features may cause damages to a public road or endanger safe traffic of vehicle in a public road;

n) prohibits traffic on a road constructed or reconstructed, road object or part of the road if there is no permission issued for utilization of the public road or object of the public road;

o) prohibits utilization of a parking or a linking road if build without permission or in non-compliance with the given terms on the permission;

p) taking measures and other actions authorized by means of special provisions.

32.3 Except the issues regulated by this Law in the inspection field, the Ministry by sub-legal act regulates the organization, competencies, the rights, responsibilities of the inspectorate, and of the inspector as well as the procedures for application of this Law.

Article 22

Prior the Article 34 shall be rubricated:

CHAPTER VII

Minor Offences Fines

Whereas CHAPTER VII shall become:

CHAPTER VIII

Transitional and Conclusive Provisions

Article 23

The text of the Article 34 shall be deleted and replaced with the following text:

34.1 For a minor offence a legal person shall be liable of a fine from three thousand (3.000€) up to thirty thousand (30.000€) in the event:

- a) builds up an object within the scope as set under Article 26;
- b) accessing the national or regional road without permission from the Ministry. (Article 17, paragraph 2.);
- c) places telecommunication cables, water pipes or similar structures without consent of the Ministry or Municipality (Article 27);
- d) it is owner of an overloaded vehicle moving in a public road without special permission (Article 25).

34.2 A natural person or person in charge at a legal person committing given violations under Article 34, paragraph 1 shall be liable of a fine from five hundred (500€) up to three thousand (3.000€).

Article 24

The text of the Article 35 shall be deleted and replaced by the text:

35.1 For a minor offence a legal person shall be liable of a fine from two thousand (2.000€) up to fifteen thousand (15.000€) and it is obliged to return it to the previous condition if:

a) in case uses or damages a public road, parts of it, road fittings and objects. (Article 22 and Article 30).

35.2 A natural person or a person in charge for a legal person committing given violations under Article 35, paragraph 1 shall be liable of a fine from three hundred (300€) up to three thousand (3.000€).

Article 25

The text of the Article 36 shall be deleted and replaced by the text:

36.1 For a minor offence a legal person shall be liable of a fine from three thousand (3.000€) up to ten thousand (10.000€) in the event:

a) builds up an access road to a public road noncompliance to given distances under Article 29, paragraphs 1, 2 and 3;

b) it is an owner of an overloaded vehicle moving in a public road in violation with the given terms of the special permission (Article 25);

c) of carrying out exceptional transport without a special permit (Article 28);

d) of carrying out special transport in contradiction with permission terms (Article 28);

e) enters the public road which is closed, prior to taking authorization (Article 23).

36.2 A natural person or a person in charge for a legal person committing given violations under Article 36, paragraph 1 of this Article shall be liable of a fine from three hundred (300€) up to one thousand (1000€).

Article 26

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-120
12 December 2008**

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI