

Monday, January 12<sup>th</sup>, 2004 OFFICIAL GAZETTE OF REPUBLIC SRPSKA

Based on paragraph 2 of the Amendment XL to the Constitution of Republic of Srpska ("Official Gazette of Republic of Srpska" number 28/94), I proclaim

## D E C R E E

On adoption of Law on Public Roads

I proclaim the adoption of the Law on Public Roads, which was adopted by the National Assembly of Republic of Srpska at the Twelfth Assembly, which took place on 22<sup>nd</sup>, 23<sup>rd</sup> and 24<sup>th</sup> of December 2003 and the House of People's of 5<sup>th</sup> of January 2004 confirmed that the adopted Law on Public Roads has not jeopardized the vital national interest of constitutional nations in Republic of Srpska.

Number: 01-020-3/04  
5<sup>th</sup> January 2004  
Banja Luka

President of the Republic of Srpska  
Mr. Dragan Cavic

## LAW

### ON PUBLIC ROADS

#### 1-GENERAL PROVISIONS

##### Article 1

This Law defines legal position of public roads and regulates construction, reconstruction, road maintenance, road protection, management of roads, road financing, concessions on public roads as well as the supervision of the implementation of the provisions of law in the road sector and fines.

##### Article 2

Road is every public road and unclassified road on which traffic is conducted.

Public road is an area of the public significance for traffic which can be freely used by everybody under the conditions regulated by the law and which is designated as the public road by the authorized body, such as the streets in the residential area.

Roadways and horizontal signalization are considered as an integral part of the highways/main, regional and local roads that are passing through residential areas and cities.

The unclassified road is a traffic area that is used for traffic upon any basis, accessible to a large number of users (village road, valley and forest roads, roads on flood

protection embankments, area surrounding objects – gas stations, bus stations, parking lots, private roads etc..)

### Article 3

Roads are of public goods in general use and owned by the Republic of Srpska. Management, maintenance, construction and road protection of roads are considered as activities of special interest of the Republic of Srpska.

The servitudes and official rights for locating devices and objects of public interest could be acquired on the public roads but with precondition not to obstruct or jeopardize safety and stability of roads and with no damage on road, structures and right-of-way.

### Article 4

Public roads are composed of:

1. Upper and lower layer of the roads (road section);
2. Road structures: bridges, overpasses, underpasses, tunnels, galleries, supporting and coating walls, under-corridors and over-corridors;
3. Drainage equipment and water treatment structures;
4. Traffic signalization (horizontal, vertical, lights);
5. Road equipment (snow screens, wind screens, protection from earth falls, direction signs, milestones, guard rails, road telecommunications and telecommunication equipment, public lights used for traffic, road signs, detectors and traffic counters, equipment and structures in tunnels, noise reduction devices and other devices for reducing harmful effects of the traffic, traffic TV cameras and parking meters);
6. Bus stops, parking and rest areas;
7. Intersections and connecting roads constructed to the main road on the road land
8. Right-of-way on both sides of the roads, at least one meter wide, measuring from the line connecting the end points of cross-sections of the roads;
9. Air space (Clearance) above the road up to 7m measured from the peak of elevation of the road;
10. Road service stationeries, petrol stations, service shops and other structures needed in conducting traffic and maintaining roads etc.

### Article 5

Certain terms used in this Law have the following meaning:

1. "Motorway" is a public road specially constructed and assigned solely for motorized traffic, marked with appropriate traffic signs and consists of two separate physically divided carriageways for contra-flow traffic streams, without crossings with other roads and railway or tram-way lines, to have grade separation, providing merging into the traffic and diverging on specially designed connection of public roads to the appropriate carriageways of the motorway.

2. “Expressway” is a public road reserved for motorized traffic, which by its traffic and technical characteristics and construction elements, enables fast flow of traffic with purpose of reaching higher speeds in traffic flow and reaching higher road carrying capacity and which connects to the motorway in Republic of Srpska and Bosnia and Herzegovina and to the compatible network of neighboring countries;
3. “Carriageway” is a part of the road area designated mainly for the traffic.
4. “Concessionaire” is a legal entity established in accordance to the Law of Republic of Srpska owned by domestic and/or foreign entity, to whom the concession has been given and which executes the contract on concession in accordance to the Law on Concessions;
5. “Local road” is a public road linking two or more municipal areas or inhabited areas within the municipality that is of importance for the municipal traffic.
6. “Highway/ main road” is a public road which connects whole or greater part of the territory of Republic of Srpska and which connects into the network of European roads or compatible roads in FBiH and neighboring countries.
7. “Residential area” is an area where strip or groups of buildings are located on one side or both sides of the road, giving it a image of the street and which borders are marked by traffic signs for marking inhabited areas, regulated by the authorized body.
8. “Pedestrian path” is regulated traffic area designated for movement of pedestrians which is not at the same level as carriageway or path is separated in other way.
9. “Connection” is the part of the public road by which public road, unclassified road or access road to the object, connects to that road;
10. A “road reserved” for motor vehicle traffic is a public road for the traffic of certain types of motor vehicles as determined by the traffic signs;
11. “Road structures” are : bridges, culverts, overpasses, underpasses, tunnels, galleries, supporting and coating walls, spatial constructions, under-corridors and over corridors, road toll points etc.;
12. “Intersection” is a road area on which one or more roads intersect as well as wider road surface formed by the intersecting of roads or connecting of roads.
13. “Regional road” is a public road that provides functionality and rationality of public road network on the territory of Republic Srpska or which connects significant economic areas of Republic of Srpska or provides the most rational connection between greater number of municipalities and connects with the competent roads in the Federation BiH and neighboring countries.

14. “Regular maintenance” of the public road network and public structures includes conducting planned activities which provide safe and unobstructed traffic regardless the weather conditions, and protects the utilization value of the road;

15. “Interchange ” is a place where road intersects at the same or different level with the other road or infrastructural object, such as railway, waterway, cable car etc...

16. “Street” is a part of the road in the residential area with the sidewalk and curb by which at least on one side, strips of residential houses or groups of buildings are located.

17. “Periodic maintenance and rehabilitation” of public roads and structures includes limited works on the cross-section and carriageway construction which is done exceptionally on the base of project, and by the supervision entity, and accepted technical documentation;

18. “Protection zone” of public road is the land area by the public road which utilization is limited in order to eliminate negative impacts for unobstructed and safe traffic flow.

#### Article 6.

Based on the significance for traffic, public roads are classified onto the motorways, expressways, highways/main roads, regional roads, local roads, streets in the residential area.

#### Article 7.

Government of Republic of Srpska sets up measures and criteria for the classification of the public roads.

Decisions on road classification of public roads based on the criteria from the paragraph 1 of this article is issued by the RS Government based on the proposal of the Ministry of Transport and Communications in Republic of Srpska (in further text: authorized Ministry).

Exception to the paragraph 2. of this Article, decision of the classification of local roads, streets in the residential area is issued by the authorized municipal/city administration body and it is published in the municipal or city administration “Official Gazette”.

#### Article 8.

Traffic on traffic areas that are not classified into the public roads (unclassified roads) is allowed only in the way and under the conditions which are in accordance with the regulations on the traffic safety issued by the owner or authorized persons which manages these traffic areas.

Construction, maintenance, utilization of forest roads is closely regulated by the authorized body for forest management.

## Article 9.

Strategy of RS public road network development is adopted by the RS National Assembly, upon proposal of the RS Government, for the period at least ten years.

Implementation of the strategy of road network development and provision of technical-technologic harmonization of the network of public roads in Republic of Srpska is done by the authorized Ministry.

Implementation of the strategy of road network development and provision of the technical-technologic harmonization of the network of local roads and streets in the residential area is done by the authorized municipal (city) body.

## II – PUBLIC ROAD MANAGEMENT

### Article 10

This Law is establishing Public company “Republic of Srpska Roads” and Public company “Republic of Srpska Motorways”. (in further text: public companies)

### Article 11.

Managing, constructing, maintenance and protection of highways and regional roads network in RS is done by the Public company “Republic of Srpska Roads”.

Managing, constructing, maintenance and protection of motorways in RS is done by the Public company “Republic of Srpska Motorways”.

Until the establishment the Public company “ Republic of Srpska Motorways” all the jobs under the scope of its authorization will be done by “ Republic of Srpska Roads”.

### Article 12.

Decision on the establishment of the public companies from the Art.10 of the Law is going to be issued by the Government in the time frame of 15 days from the time this Law becomes effective.

Decision from the paragraph 1. of this article regulates:

- title, abbreviation and headquarters of the company,
- founding initial capital of the company

- authorized entity for representation
- company's field of activity
- procedure, way and deadlines for adoption of the statute and selection of the steering and managerial body
- other issues which founder finds significant for the operation of the company.

#### Article 13.

Public company "Republic of Srpska Roads" is a legal successor of Road Directorate of Republic of Srpska.

From the day of the registering in the public company court registry, Road Directorate takes over all rights and responsibilities which public companies have.

#### Article 14.

Steering and managerial bodies of the public companies are Management Board, Supervision Board and Director/ General Manager.  
Management board consists of five and supervision board consists of three members.

#### Article 15.

Steering and managerial bodies of the public companies are appointed by the Government of Republic of Srpska with the four-year mandate with possibility of being reelected.

#### Article 16.

Goal of the operation of the Public company "Republic of Srpska Roads" is to perform the following activities:

1. Plan of operation for technical and technologic harmonization of road network of highways and regional roads in accordance to the adopted Strategy, through spatial, transport, technical and economic investigations and analysis;
2. Based on Strategy, prepares annual and mid-term plans for maintenance, protection, reconstruction and construction of highways and regional roads and roads structures;
3. Organization of programming and planning of highway and regional road development;
4. Organization of financing, construction, maintenance, protection, reconstruction of highways and regional roads and roads structures;
5. Maintains unique data bank on roads and cadastre of objects/structures
6. Informs public on the traffic conditions on the highways and regional roads, as well as on the meteorological conditions that are of significance for ensuring safe traffic flows;

7. Organizes and implements projects on environmental protection from the harmful impacts of traffic on roads.
8. Ensures measures and activities for improving of traffic safety conditions on the roads;
9. Monitoring of traffic load and traffic flows on the public roads;
10. Other activities related to the management of highways and regional roads.

#### Article 17.

Goal of the operation of the Public company “Republic of Srpska Motorways” is to perform the following activities:

1. Provision of project and other documentation relative to the construction motorways and expressways;
2. Organization of programming and planning of motorway and expressway development and road structures for tolling;
3. Maintenance of motorways and expressways;
4. Organization of financing and financing of construction and reconstruction of the motorways and expressways;
5. Other activities related to the management of the motorways, expressways and structures for toll charging;
6. Measures and activities for improvement of the traffic safety on the roads;
7. Organization and implementation of the projects for environmental protection from the harmful impacts of the roads

#### Article 18.

Mid-term program and annual plan for maintenance, protection, reconstruction and construction of public roads is adopted by the Government based on proposal of authorized Ministry.

Mid-term program and annual plan for maintenance, protection, reconstruction and construction of local roads and streets is adopted by the municipal (city) administration based on proposal of authorized municipal (city) body.

#### Article 19.

Government of Republic of Srpska is entitled to control matching of public interest and tasks on which basis public companies were established, rationality of their performance, purposeful utilization of funds and overall business success.

Government of Republic of Srpska conducts control of the paragraph 1. of this article through revision of the annual balance statement of the company which is submitted to the Government within the time frame of ten days in the current year for the previous year.

It is mandatory for public companies to submit the report on its performance from the paragraph 2. of this article even in the shorter time interval if requested by the Government.

Public companies are obliged to conduct financial audits of the company at least once a year.

#### Article 20.

Management, construction, maintenance and protection of the network of local roads and streets in the residential area is done by the municipal/city authorized body.

Municipal/city authorized body is obliged to make decision of classification, management and protection of local roads and streets in the residential area.

#### Article 21.

In order to provide unobstructed and safe traffic flow, public companies cooperate with BiH corporations in the road sector as well as with the other institutions in BiH and Federation BiH which are authorized for the road sector.

### III – CONSTRUCTION AND RECONSTRUCTION OF THE PUBLIC ROADS

#### Article 22.

Under construction and reconstruction of public roads, in accordance with this law, is considered:

1. Programming and planning of activities on reconstruction and construction of public roads and road structures;
2. Designing of the public roads and structures on roads with investigation works;
3. Expert evaluation of studies and designs; project revision
4. Land and buildings acquisition related property-legal works ;
5. Procurement and contracting works on public road constructing and reconstructing and structures on roads;
6. Organization of supervising and technical controlling of construction of public roads and road structures;
7. Handing-over of public roads and structures on roads for maintenance and management.

#### Article 23.

Public road and road structure construction, in accordance with this law, is the construction of roads and road structure on the new alignment.

Public road and road structure reconstruction, in accordance with this law, is the works that affects principle characteristics of the existing road section and road structures aiming at improvement of the road safety, capacity or the level of service.



#### Article 24.

Highway and regional roads that are passing through a town or another inhabited place, shall be a subject to changes only if newly proposed alignment does not have negative impact on the continuity of the alignment and if the technical profile of the new alignment complies with the technical conditions of that road category.

Part of a public road that is not part of the newly constructed or reconstructed alignment shall not be considered as part of that public road.

Decision for that abandoned part of road from the previous paragraph shall be issued by the RS Ministry of Transport and Communications thirty days after the inclusion of the newly constructed road alignment into the road networks.

#### Article 25.

The RS Ministry of Spatial Planning, Civil Engineering and Environment issues approval for construction, reconstruction and using of motorways, expressways, highways and regional roads, while the authorized city or municipality institution issues the same kind of approval for local roads and streets in the residential area.

The Investor shall make an announcement through the public broadcast services to road users within 30 days prior to commencement of construction or reconstruction works on a road or road structures.

Public companies, concessionaire, and authorized body which manages roads are responsible to announce through public broadcast services, the start of operation of newly constructed public roads.

#### Article 26.

Maintenance of road structures, equipment and installations located in the carriageway or the protective zone ( waterworks, gas mains, electrical cables, phone lines, etc.), including those planning placement of installations, can be executed with compliance of public companies, concessionaires and authorized bodies which manage public roads, in the way that regular activities as well as reconstruction of public road remain unobstructed.

Owners and users of the structures, equipment and installations from the paragraph 1. of this Article, shall comply with decision of the public company, concessionaire or authorized body which manages public road, in the case of reconstruction, and if needed to dislocate or adapt located structures, equipment and installations to the newly designed situation on own expense.

If the owner or the user of the structure, equipment and installations in the carriageway and protection zone does not comply with the request of the public company, concessionaire or the body that manages public roads, the removal of placed structures shall be conducted by an investor at the expense of the owner, user of structure, equipment and installations in the carriageway and road structure and right-of-way of public road.

#### Article 27.

If the public road realignment has to be altered due to the construction of other utilities (railway, mine, quarry, reservoir, airport, etc.), that road section affected by this shall be constructed in way that corresponds to that road category.

The road realignment costs, outlined in the previous paragraph, shall be borne by the utility investor.

#### Article 28.

A public road can be categorized as a town street if construction is requested by an authorized body of the municipality or town, and is in accordance with the characteristics that meet needs of inhabited places, such as: wider lane, construction of sidewalks, vehicle stopping and parking lots, lights system, traffic lights and construction of road structures on the public road in accordance with the needs of the residential areas and in compliance with the spatial-planning documentations..

Costs of works that differ from those outlined in paragraph 1 of this Article, shall be borne by the municipality or town whose body requested implementation of such works.

The continuity of public road alignment and its traffic cannot be interrupted during the construction of road section or road structure in accordance with the previous paragraph.

#### Article 29.

If the crossing of the railway and public road is required due to new public road or railway construction or reconstruction, than construction costs are to be borne by the investor of construction or reconstruction of public road or railway line in accordance with the contractor's design and project documentation.

Public road connection to the network of newly constructed public road means construction of the modern road surface in the length of at least 50 meters measuring from the connection spot and costs of construction of the crossing or connection is to be paid by the investor of construction or reconstruction of the public road.

#### Article 30.

Funds for construction of the bypass road in the zone of residential area are provided by the Government and municipality/city in the amount and proportion defined by the contract ad on basis of the significance of the public road in accordance with the established strategy and adopted plans for construction and reconstruction of the public roads.

## IV- MAINTENANCE OF THE PUBLIC ROADS

### Article 31.

Public companies, concessionaire or authorized management entity for is obliged to provide permanent, continuous and qualitative maintenance and protection of public roads in scope and way which enables safely, undisturbed and regularly traffic and to compensate any claim to road users if the damage is caused by non-adequate road maintenance or protection.

### Article 32.

Maintenance of bridges for public roads and railways is done by railway organization which manages railways and railway installations on the bridge structure.

Maintenance costs of carriageway structure of the bridge in the width of the bridge cross-section is equally borne under the same conditions to both public companies and railway organization which utilizes structure.

### Article 32.

Road maintenance and road structure maintenance, for the purposes of this Law, includes the works:

1. Planning of maintenance and protection measures on public roads, structures and traffic;
2. Routine, periodical and winter maintenance of public roads and structures;
3. Contracting of routine, periodical and winter maintenance of public roads and structures;
4. Planning, supervising and technical control of works on public road and structure maintenance;
5. Decision making on road land use and back up services on the public roads;
6. Removal of damaged and abandoned vehicles and other objects from public roads;
7. Public information regarding public **road serviceability**, extraordinary measures and meteorological conditions relevant to traffic;
8. Keeping records on public roads;
9. Other jobs which ensure permanent, uninterrupted and safe traffic on public roads.

The works on periodical public roads maintenance must be done exclusively in accordance with specially prepared technical documentation.

List of works of the regular and periodical maintenance on roads and structures, scope of different works and deadlines for implementation, method of keeping records on public roads, ways and conditions of performing roads service are regulated by the Regulations on public road maintenance and protection and structures set up by the authorized Ministry.

The regulations on public roads and structure maintenance and protection shall regulate principal technical conditions for public road maintenance, permanent supervision on public roads and structures and conditions to be fulfilled by the contractor to perform road maintenance and protection.

#### Article 34.

Carriageway maintenance of the highway/regional road section which passes through the residential area, in the width of that road outside of the residential area, shall be a responsibility of the public company.

The maintenance of the utility structures along the roads, outlined in the previous article, shall be the responsibility of a body or a enterprise managing those structures.

Public company in case of utility damage on carriageway or road structure and for purpose of traffic regulation and road protection, may charge the utility company who managed those structures for repairing the damage in scope to provide non-interrupted traffic on road.

#### Article 35.

The works on the public road maintenance shall be conducted without interruption of the traffic.

Exceptionally of provisions in paragraph.1. of this Article, if the public road or road structure maintenance works cannot be implemented without interruption of the traffic, an authorized body shall, in accordance with findings of an authorized body of interior affairs, carry out a decision on traffic suspension defining a new traffic route and its conditions.

Public company or a body authorized for road management is obliged, if the traffic suspension outlined in paragraph 2 of this Article occurs, to inform all road users by public broadcast services on traffic interruption, but not later than 48 h before the traffic is interrupted.

#### Article 36.

Regular and periodical maintenance of the local roads and streets in the residential areas in accordance with the decision from the Article 20. paragraph 2 of this Law, is a responsibility of the authorized municipal/city administration body.

## V- PUBLIC ROAD PROTECTION

### Article 37.

According to this law, public road protection includes:

1. protection of road structure from damaging,
2. protection of the public road structures, equipment and facilities
3. protection of traffic signalization,
4. protection of road structures and other road facilities in service to the road;
5. weight control, axle load control and vehicle dimensions and cargo in providing extraordinary transportation;
6. prevention of illegal construction in public road right-of-way;
7. information dissemination to road users on road conditions and serviceability of the road.

### Article 38.

Vehicles with caterpillars as well as the other vehicles which can damage pavement may use public roads with asphalt or concrete pavement only if appropriate coating with flat surfaces covers caterpillars.

### Article 39.

Transport with vehicles that, empty or loaded, exceed allowed weight, axle load or dimensions, or measures allowed for public roads, is considered extraordinary transport and can be suspended from the traffic with costs borne to carrier until it regulates the omission of providing an appropriate permit for operation of extraordinary transport.

Permit for extraordinary transport may be issued only for transport of undividable load, if such transport cannot be organized by other means.

Permit from the previous paragraph is issued by the authorized public company, concessionaire or the authorized municipal/city administration body in case that condition of public road and its technical characteristics enable transport.

Costs of issuance of permission for extraordinary transportation, undertaking special security measures such as additionally supporting and reinforcement of bridges and culverts to increase load-bearing capacity, construction of deviations, providing associate structure, fee for conducting extraordinary transportation as well as compensation for any damage resulting from this type of transport shall be borne by the carrier.

The carrier or driver of the vehicle without permit and excluded from traffic is obliged to take care of vehicle and is responsible for any consequences that might occur from exclusion.

#### Article 40.

Control of axle load, total allowed mass and dimensions of the vehicle on highway and regional public roads perform authorized public companies, concessionaire and authorized municipal/city entity.

#### Article 41.

Rules and conditions for extraordinary transportation operation, procedure for obtaining the permit, method of controlling axle load, total allowed mass and dimension of the vehicle on public roads are issued by the authorized Ministry.

#### Article 42.

Local roads, streets and unclassified roads can be connected with the highways and regional roads in accordance with an obtained permission issued by the authorized Public company »Republic of Srpska Roads«, that defines methods and conditions of that connection.

In order to protect public roads and road structures or due to jeopardized traffic safety, utilization of the existing connections can be prohibited under the conditions that alternative connection can be provided.

#### Article 43.

Along the public road and within the road protective zone it is prohibited to conduct work that can damage the road and road structures and equipment; increase public road maintenance expenses; affect normal traffic and in particular:

1. temporary or permanent road occupation and implementation of the construction works that are not in accordance with maintenance and road reconstruction,
2. littering, dumping or leaving objects or material on road;
3. pulling items on roads (beams, lumber, plows, harrow, blocks, etc.);
4. rolling down the side cuts or slopes wood construction material, fire-wood, rocks and other material;
5. burning of grass;
6. leaving cattle by the road unsupervised, and letting cattle graze in the right-of-way;
7. building fences, planting green fences and other high vegetation which can decrease road visibility;
8. emission of disposed waters and other waters on the road land, carriageway or gutter;
9. preventing waste water runoff through road base or through drainages or gutters;
10. drifting mud on public roads from access roads or cultivated lands;
11. inclusion and exclusion of vehicles in places other than defined; and performance of similar activities and actions that could damage the road.

#### Article 44.

A vehicle placed across the road or vehicle that cannot surmount a gradient under winter conditions as well as cargo that fell from the vehicle must be immediately removed from the lane by the driver, and if this is not done within 1 hour, removal shall be provided within 6 hours by the authorized public company, concessionaire or authorized municipal / city entity.

Removal of the vehicle or cargo from the traffic or road protective zone shall be provided by the authorized public company, concessionaire or authorized municipal/city entity within 24 hours at the expense of the vehicle owner.

#### Article 45.

At the places, situated next to a public road with heavy traffic, where citizens gather in large numbers, such as sports stadiums, fair grounds, schools, bars, market places and similar, or at the places used to keep large numbers of livestock, such as pasture-grounds, horse-farms, cattle-markets and similar, a protective fence shall be placed to provide traffic safety and to protect public road and the road objects from damage.

The protective fence shall be placed and maintained by the owners, or users of grounds or buildings from the previous paragraph. Should the owner or user fail to do this, the fence shall be placed and maintained, at his expense, by the public company, concessionaire or authorized municipal/ city body.

#### Article 46.

Construction and other material which is not used for the road maintenance shall not be placed along the road unless it is at a distance not less than 5 meters, measured from the outer edge of the right-of-way.

As an exception to the provision of the previous paragraph, public company, concessionaire or authorized municipal/ city body shall be able to give consent that the distance for primary and regional roads can be less if it shall not affect the visibility of the road and traffic safety.

User of the material from the paragraph 1 of this Article is obliged to remove disposable material away from protected road area within no more than 15 days from the day of its disposal.

#### Article 47.

Objects such as residential buildings, business, auxiliary and similar structures, wells, reservoirs, septic pits etc., shall not be built in the right-of-way, except for the items used for the traffic itself.

Public company, concessionaire or authorized municipal/ city body shall be able to lease a part of the right-of-way in accordance with the spatial planning documentation.

#### Article 48.

Buildings shall not be constructed, installations and devices placed, nor other objects built in the protective zone of the road at a certain distance from the roads, as follows:

1. The width of the protective zone where mines and quarries shall not be open, nor lime-kilns, brickyards, industrial structures, installations, waste and rubbish disposals and similar structures built, is 60 meters from the motorway and expressway, 40 meters from the highway and regional road and 20 meters from the local road.

2. The width of the protective zone where long-distance power lines and transformer substations on posts shall not be placed, is in the case where the power line crosses a public road at least the height of a long-distance power line post or transformer substation post, and in the case where they run parallel, at least 40 meters from the motorway and expressway, or 20 meters from the highway and regional road, or 10 meters from the local road;

3. The width of the protective zone where railway tracks and immovable culturally significant buildings shall not be placed, is at least 40 meters from the motorway and expressway, or 20 meters from the highway and regional road, or 10 meters from the local road;

4. The width of the protective zone where housing, business, auxiliary and similar structures shall not be built, nor wells, reservoirs, septic pits and similar structures dug is 20 meters from the motorway and expressway, 10 meters from the highway and regional road, and 5 meters from the local road.

The distances defined in the paragraph 1. of this Article shall be measured from the outer edge of the right-of-way, and also enforced in a populated area, unless otherwise specified in the urban plan.

#### Article 49.

Permit for constriction of buildings in the protective zone of the motorways, expressways, highways and regional roads is issued by the Ministry for Spatial Planning, Civil Engineering and Environment upon approval of the authorized Ministry.

Current condition of the buildings in the protective zone remains as such on temporary basis until its permanent use is assigned in accordance with the road spatial planning documentation.

#### Article 50.

Authorized public company, concessionaire or the authorized municipal/city body, shall issue a permit to place billboards, advertisements and signs (hereinafter : signs) in the protective zone.



Roadside signs shall be installed, removed and maintained by the user, public company, concessionaire or authorized municipal/city entity or private citizen on whose request the sign was placed.

Rules and regulations on the conditions and way of installation, removal and maintenance of the signs and fees are issued by the authorized Ministry.

#### Article 51.

Placing, removal, timely replacement and orderly maintenance of traffic signalization equipment and road equipment are provided by the authorized public companies, concessionaire and authorized municipal/city body.

Traffic signalization and equipment are placed on public roads on the basis of traffic design project.

#### Article 52.

If the road is in such condition that no traffic or traffic by certain kinds of vehicles cannot take place, or if the traffic of certain kinds of vehicles would damage the road and road objects, or if the road reconstruction and maintenance works cannot take place without blocking the traffic, or due to other traffic safety reasons, the administrative body in charge of traffic affairs shall, at the proposal by the public company, concessionaire, authorized municipal/city entity or the public roads inspectorate and consent of the authorized interior affairs entity, ban traffic on that part of the road, or for certain kinds of vehicles on the entire road or road section thereof.

A general traffic ban on a public road shall only be temporary, and a traffic ban for certain kinds of vehicles may be temporary or permanent.

The traffic ban shall be timely announced on the public broadcast services and marked with appropriate traffic signs on the road, provided that the other necessary safety measures are also taken.

### VI- FINANCING OF THE PUBLIC ROADS

#### Article 53.

Activities for securing of funds, plans and design documentation and technical conditions that are aimed for construction, reconstruction, maintenance protection and using of highways and regional roads are performed by the authorized public companies, concessionaires or authorized municipal/city for local roads and streets in the residential area.

#### Article 54.

For the use of public roads a duty shall be paid, as follows:

1. duty for highways and regional roads contained in the retail price of oil products;

2. duty for motorways and expressways in Republic Srpska contained in the retail price of oil products;
3. duty for other public roads in Republic Srpska contained in the retail price of oil products;
4. annual duty for public roads paid on the registration of a motor vehicle and vehicle trailers;
5. special duty for the use of road, road section or road structure;
6. duty for extraordinary transport;
7. duty for putting a sign in the protective zone of the road;
8. duty for the use of ground that belongs to the road authority;
9. duty for the connection of an access road to the public road;
10. duty for placing installations in the road and in the protective zone of the road;
11. duty for building and use of commercial objects in the protective zone of the road;
12. special duty for promoting traffic safety, prevention and information services to road users.

Calculation and payment of roads fees for public roads from the retail price originating from oil and crude oil derivatives is to be carried out in terms and procedures prescribed for calculation and payment of basic sale tax.

Control of the calculation of the payment of duties from the paragraph one of this Article can be done by the authorized public companies upon compliance of Government of Republic of Srpska.

Assets collected to the account of public incomes are dynamically transferred to the account of end users and can not be used in other purposes.

#### Article 56.

The duties from Article 55, paragraph 1. items 1 and 4, of this Law represent the revenues of the “RS Roads”.

The duties from Article 55, paragraph 1 item 2, of this Law represent the revenues of the “RS Motorways”.

The duties from Article 55, paragraph 1 items 3, of this Law represent the revenues of the relevant city or municipality entity.

The duties from Article 55, paragraph 1, items 5 to 11 of this Law for the use of motorways and expressways are revenue of the public company »RS Motorways«, use of highways and regional roads represent the revenues of the “RS Roads”, and for the use of local roads, streets in the residential area represent the revenues of municipal/city authorized bodies.

The duties from Article 55, item 12, of this Law represent the revenues of the RS Ministry of Transport and Communications.

#### Article 57.

The amount of the duty from Article 55, paragraph 1, items 1, and 4. to 11. on the highways and regional roads shall be determined by the Government based on proposal by Public company "RS Roads".

The amount of the duty from Article 55, paragraph 1, item 2 and 5. to 11. on the motorways are determined by the Government based on the proposal of the Public company »RS Motorways«.

The amount of the duty, criteria and the distribution of the duties from the Article 55, item 3 and 5. to 11. on the other roads, shall be determined by the Government of Republic of Srpska..

Until making special decisions on financing of roads from the Article 55. paragraph 1. item 3, financing will be done using the budget of RS, based on the existing decision and way of distribution by municipalities.

#### Article 58.

Financial assets, realized funds from the Article 55, paragraph 1. article 4. of this law are used for maintenance, protection, reconstruction and construction of public roads and promoting traffic safety on public roads.

The duty from Article 55. of this Law shall not be paid for the vehicles of:

1. The Army of the RS, ambulance, red cross, fire brigade, internal affairs body;
2. Foreign diplomatic and consular missions, if the exemption from this duty is regulated by an international agreement or if there is a reciprocity;

### VII – CONCESSIONS OVER PUBLIC ROADS

#### Article 59.

Foreign or domestic legal entity may be granted a concession for construction, management, and exploitation of roads and road structures (bridges, tunnels, viaducts etc.), and side services (hotels, gas stations, parking, restaurants, shops, etc.) on road land and in the way and under conditions determined by a Law on concessions.

Contract on concession for construction of public road is signed by the ministry and/or public company upon authorization of the Government of RS, while for local roads authorized municipal/city entity.

#### Article 60.

Rights and responsibilities regulated by this law and regulations made on the basis on this law and municipal/city regulations, related to the maintenance and enforcement of the measures for protection of public road and traffic on them, are effective for the concessionaire from the Article 59. paragraph 1, which manages and exploits public road and road structures and in the right-of-way, unless differently defined by the contract from the Article 59. paragraph 2.

### VIII - SUPERVISION OVER THE APPLICATION OF THE LAW AND OTHER REGULATIONS

#### Article 61.

The supervision over the enforcement of the law and other regulations that relate to the public roads are responsibility of the republic road inspectors and authorized municipalities/city – communal police in accordance to this law (further in text: inspector for public roads) does supervision of the local roads, streets in the residential area.

While doing inspective supervision, inspector uses legitimation which form, content and procedure and way of issuing is determined by the ministry authorized for management.

#### Article 62.

The inspection of the application of the law, other regulations and general acts shall be conducted by the inspector for public roads, and especially regarding:

1. condition of the public roads, proper maintenance under technical and other regulations, technical and other conditions for the capability of the road for safe and unobstructed traffic;
2. conditions of the public road traffic and the measures for the protection of public roads;
3. applications of technical regulations, technical standards during works and the use of materials during construction, reconstruction and maintenance of roads;
4. review the technical documentation for construction, reconstruction and maintenance of roads and road structures;
5. fulfillment of conditions for persons conducting technical and internal controls, management of works and expert inspection on the roads.

#### Article 63.

In conducting the inspection of roads, the inspectorate for roads is authorized and obliged to:

- 1) ban or stop the execution of works not in compliance with legal regulations, technical standards for execution and the use of materials during maintenance, reconstruction and building of the roads, not in compliance with the conditions of road traffic or not in compliance with prescribed measures for the protection of roads,
- 2) order the removal of defects on the roads that jeopardize traffic safety,
- 3) order cancellation of works in the immediate vicinity of the roads, that may jeopardize the safety of the road and traffic safety,
- 4) order the demolition of objects, or removal of installations built or placed in the protective zone contrary to the provisions of this Law,
- 5) order the demolition or removal of objects, materials, fences, trees or planting strips built, set up or placed contrary to the provisions of this Law,
- 6) order the measures for road safety and, if necessary, ban the traffic of vehicles that can, due to their total weight, dimensions and other technical characteristics, damage the road or jeopardize traffic safety and do not possess permits for extraordinary traffic,
- 7) order a temporary ban of traffic on a newly built or reconstructed road, if technical inspection has not been completed and a permit issued for the use of road or object on the road,
- 8) file a law suit or criminal suit to the authorized entity.
- 9) Inform other authorized entity if there is a need and reason for undertaking of proper measures and procedures prescribed by Law.

Exceptionally, in case when the road is jeopardized and its safe utilization, inspector is authorized to prescribe measures from the paragraph 1 of this Article.

#### Article 64.

In the procedure of undertaking measures which order removal of determined defects and irregularities, inspector issues a decision.

A complaint shall be lodged against a decision by the inspector for roads within eight days from delivery.

A complaint against a decision by the inspector for roads shall be decided upon by the Ministry of Traffic and Communication.

The complaint shall not delay the execution of the decision banning works or traffic, or ordering the removal of defects on the road that jeopardize traffic safety or cause irreparable damage.

#### Article 65.

Inspectors are independent in their work in the framework of their authorizations determined by the law and other regulations and they take on responsibility for their work:

1. if during the course of his/her work does not undertake, does not suggest or prescribe measures he/she is authorized for;
2. if he/she does not file a law suit on behalf of the authorized entity for the determined irregularities
3. if steps over the scope of authorization

#### Article 66.

Parties involved in the inspection control procedures are obliged to offer to inspectors all necessary aid and upon inspector's request, make available all necessary documentation for performance of the inspection supervision.

### IX - PENALTY PROVISIONS

#### Article 67.

The public company, concessionaire, contractor of works and authorized municipal/city entity or other legal entity shall be fined with a fine of 3.000 KM to 15,000 KM if:

1. it conducts works on building and reconstruction of a public road without prescribed technical documentation or assent of a competent body (Article 21, para. 1),
2. if utilize a new public road, its section or road structure without prescribed approval or fail to announce road handing over to users through the public broadcast system(Article 25, para.3);
3. it does not build a displaced part of the road with the elements analogous to the category of the existing road (Article 27, para. 1),
4. a built section of the road or a road object passing through a residential area interrupts the continuity of a public road alignment (Article 28 para. 2),
5. it does not provide permanent, undisturbed and safe traffic and preserve road conditions (article 31. para.1)
6. does not keep record of conditions of public roads and objects on them, as well as technical data and an inventory ( Article 33. para1.)

A fine ranging between 300 KM and 1.000 KM shall be imposed to responsible person for the offence from the paragraph 1 of this Article.

#### Article 68.

A legally liable public company, concessionaire, contractor of works, authorized shall be fined for offence with 1.000 to 5.000 KM and municipal/city entity, legal entity or legal person ranging from 500 to 1.500 KM if it:

- 1) does not announce commencement of the works on the construction and reconstruction of the public road or road structure (Article 25. paragraph 2)
- 2) does not build a dirt-road with the same surfacing as the public road that it connects to, with prescribed length and width (Article 29, paragraph 2),
- 3) suspends traffic on the public road section, and fails to inform public and road users in accordance with the Article 35. paragraph 3
- 4) uses vehicles without pneumatic tires or tracked vehicles without appropriate covering in traffic on public roads, (Article 38),
- 5) connects a local or unclassified road to highway or regional or other public road contrary to the provisions of the Article 42 of this Law
- 6) acts on the public road contrary to Article 43 of this Law,
- 7) does not timely remove a broken vehicle or load that fell off a vehicle from the road or does this in a way that damages the road and road objects and equipment, or does not remove a vehicle, or load, from the right-of-way or protective zone (Article 44, paragraph 1),
- 8) does not maintain the guard rails by the road and parking spaces by the road (Article 45. paragraph 2),
- 9) leaves construction and other material not intended for road maintenance at a distance less than prescribed (Article 46. of this Law)
- 10) builds objects, raises planting strips and conducts agricultural and other works in the protective zone (Article 48),
- 11) places signs by the roads without assent or contrary to the prescribed conditions, (Article 50),
- 12) does not execute the decision by the inspector for public roads (article 64)

For the activities from paragraph 1 of this Article a responsible person within the legally liable organization shall be fined with a fine of 100 KM to 500 KM.

#### Article 69.

A fine of 1.000 KM to 3.000 KM shall be charged for offence against a legally liable legal entity and with fine of 500 to 1.500 KM legal person or citizen who conducts transportation of goods, if they are conducted without a special permit, or does not conduct extraordinary transport in a way or under conditions defined in the permit for special transport (Article 39).

For the activities from paragraph 1 of this Article a fine of 150 KM to 500 KM shall be charged against the driver of the vehicle.

#### Article 70.

For offence based on the Article 43. paragraph 1 of this Law, legal person will be fined from 150 to 1000 KM.

## X - INTERIM AND FINAL PROVISIONS

### Article 71.

Until the regulations from Articles 33., 41., and 50 from this Law are adopted, the following shall be enforced:

1. The Book of Rules on public roads records and structures on them and on technical data of those roads (Official Gazette of SFRJ, number 52/83 and 60/83),
2. The Decision on identification of highway/main roads (Official Gazette of SFRJ, number 39/84 and 4/87),
3. The Decision on identification of regional roads (Official Gazette of SRBiH, number 8/91 and 29/91),
4. The Book of Rules on conditions and ways of conducting special transport, issuing permits and on special transport duties (Official Gazette of SRBiH, number 40/75),
5. The Decision on criteria for identification of regional roads (Official Gazette of SRBiH, number 23/90),
6. The Book of Rules on maintenance of public roads (Official Gazette of SRBiH, number 24/90),
7. The Decision on the amount of duty for the use of ground in right-of-way (Official Gazette of RS, number 19/99),
8. The Decision on the amount of duty for special use of road (extraordinary transport) (Official Gazette of RS, number 19/99),
9. The Decision on the amount of special duty for the Automobile Association of Republic of Srpska 'Help-Information' Service (Official Gazette of Republic of Srpska, number 18/92, 6/93, 14/93, 3/94 and 9/94),
10. The Decision on the amount of duty for location and building in protective right-of-way which connects to main and regional roads (Official Gazette of RS, number 19/99),
11. The Decision on the amount of duty for location of information signs on main and regional roads (Official Gazette of RS, number 19/99),
12. The Rules for controlling dimensions, total mass and axle load of the vehicles and vehicle trailers by the measurement units on site (Official Gazette of RS, number 30/02),
13. The Decision on the annual duty for the use of roads for trailers and the way of distribution of duties between the road funds (Official Gazette of Republic of Srpska, number 26/98),
14. The Decision on the amount of duty for roads contained in the excise tax on petrol and diesel fuels and the distribution of this duty between the road funds (Official Gazette of Republic of Srpska, number 26/98 and 3/99),



15. The Decree on allocation of road maintaining and protecting activities to the road companies (Official Gazette of the Republic of Srpska, number 22/93 and 9/94).

The regulations from paragraph 1. of this Article, items 1 to 15 of this Law shall be adopted within one year from the date this Law is enforced.

#### Article 72.

By enforcement of this Law, the following shall cease The Law on Roads (Official Gazette of RS, number 11/95).

Decisions of this Law are related to the Public company "Republic Srpska Motorways" will be enforced once Government of Republic of Srpska upon the need, makes decision of establishment of the Public company "Republic of Srpska Motorways".

#### Article 73.

This Law shall come into force on the eighth day after its publication in the Official Gazette of the Republic of Srpska and will be effective from January 1<sup>st</sup> 2004.

Number: 01-1172/03  
23. December 2003  
Banja Luka

President of National Assembly  
Dr. Dragan Kalinic