

STATEMENT TO PARLIAMENT BY HON. MONICA AZUBA NTEGE, MINISTER OF WORKS AND TRANSPORT REGARDING GOVERNMENT'S PLAN TO INCREASE ROAD RESERVES UP TO A MAXIMUM OF 40 METRES

Rt. Hon. Speaker of Parliament

Hon. Members of Parliament

1.0 INTRODUCTION

Madam Speaker, during the sitting of Parliament on Thursday 6 December, 2018, Hon. Luttamaguzi Paulson Semakula (MP, Nakaseke South) sought an explanation on Government's plan to increase the road reserve from 15 metres to 40 metres.

Madam Speaker, allow me to respond as follows.

2.0 BACKGROUND

Currently, the planning, design, construction and maintenance of all categories of roads are regulated by two laws; the Roads Act of 1949, and Access to Roads Act of 1969.

The two laws regulate the following aspects:

- a) Road Reserves;
- b) Building Lines;
- c) Interferences with the functioning of roads;
- d) Excavation of materials from Road Reserves;
- e) Applications for Accessing Roads;
- f) Width of Roads of Access; and
- g) Repair of Roads of Access etc.

There are so many other aspects of road management that are not covered in the current laws e.g. road classification, road safety, axle load control, damage to roads etc. It is therefore important that the current laws are amended to improve the regulation of road development and maintenance.

In 2013, principles to review the two laws were submitted to Cabinet by my predecessor and approved. Thereafter, drafting of the Bill and stakeholder consultations were carried out that culminated into the Roads Bill, 2018.

3.0 APPROVED PRINCIPLES FOR AMENDING THE ROADS ACT AND THE ACCESS TO ROADS ACT

The approved principles for amending the two Acts highlighted the following:

- a) Establishment and protection of road reserves;
- b) Development, management and maintenance of roads;
- c) Access to roads;
- d) Provision for beautification, outdoor advertising and any other relevant road furniture to be erected in a road reserve;
- e) Fines for offences to be defined in currency points instead of Uganda Shillings;
- f) Authority to take materials from the Road Reserve
- g) Issuance of policy and standards in regard to roads, bridges and ferry landings;
- h) Directing of Road Authorities with respect to policy and standards and the Road Authorities shall comply with those directives;
- i) Classification and reclassification of roads in accordance with the administrative and functional criteria;
- j) Delegation of any of the functions of a Road Authority to any institution in respect of specified area and road;
- k) Opening, restriction and closing the use of or part of a road to traffic for a specified period;
- l) Provision for management of roads, ferries and ferry landings by respective Road Authorities;
- m) Restrictions on use of Roads;
- n) Provision for limitations on axle load; vehicle size, type and age; parking and stopping of vehicles; mechanical condition and time restrictions on roads;

- o) Provide for the safety of road users during planning, design, construction, maintenance and operation of a public road by the respective Road Authorities; and
- p) Introduction of road tolls.

4.0 JUSTIFICATIONS OF GOVERNMENTS PROPOSAL TO INCREASE THE ROAD RESERVE TO UP TO A MAXIMUM OF 40 METRES FROM THE CENTRELINE

Section 2 of the Roads Act declares a maximum road reserve of fifty feet (15 metres) from the centreline.

Clause 14 in the Roads Bill (**hereby attached as Annex 1**), 2018 which had its first reading on the floor of Parliament on 26 September, 2018, seeks to increase the maximum road reserve to up to 40 metres from the centreline; authorize the Minister to declare different road reserve widths for different classes of roads; and instructs road authorities to clearly mark the road reserves to avoid encroachment.

Currently, roads are classified into national roads, district roads, urban roads and community access roads as detailed in schedule 2 of the Roads Bill, 2018 (**extract of which is hereby attached as Annex 2**). The proposal in the Bill is for these different classes of roads to have different road reserves with the expressway as the highest sub class of national roads having a maximum road reserve width of 40 metres from the centreline.

Once the Roads Bill, 2018 is passed into law, it will not apply retrospectively.

The law will apply to new roads and before a road reserve is acquired, the land owner will be adequately compensated.

Wider road reserves will ease future expansion of the roads.

The rationale of the 40 metre maximum road reserve can be explained as follows:

An expressway with 4 lanes on each side requires:

- 14.6 metres for the lanes (3.65 metres per lane);
- 2 metre for shoulders;
- 3 metres minimum for central reservation (island);
- 3 metres for road verges; and

- 10 metres for utilities and greening; totalling to a minimum 33 metres on either side of the centreline depending on the profile of the ground.

Experience in the region is such that:

Kenya's road reserve width is a minimum of 40 metres except in commercial centres where it is limited to 25 metres from the centreline.

Tanzania's road reserve width is from 12.5 to 60 metres from the centreline depending on the class of road.

Rwanda's road reserve width is 22 metres from the centreline.

5.0 CONCLUSION

Madam Speaker, I wish again to remind the Hon. Members of Parliament that the increase of the road reserve width up to a maximum of 40 metres depending on the class of the road will ease future expansion of the roads.



Monica Azuba Ntege

MINISTER OF WORKS AND TRANSPORT

ANNEX 1: CLAUSE 14 OF THE ROADS BILL, 2018

(2) Every road set out in Schedule 2 to this Act is declared a public road for purposes of this Act.

(3) The Minister may, taking into account any developments, declaration, public interest, road closure, diversion, turning or enlargement relating to a public road under this Act, reclassify public roads.

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14. Declaration of road reserve.

(1) The Minister may, by statutory instrument, declare an area bounded by imaginary lines parallel to and a distance of not more than forty meters from the centerline of any road to be a road reserve for the purposes of this Act.

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(2) Subject to subsection (1), the Minister may declare and gazette different widths of road reserves for different classes of roads not exceeding forty meters from the centerline.

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(3) A road authority shall clearly demarcate and mark the boundaries of a road reserve on every public road under its jurisdiction using trees, pegs or any other marking approved by the Minister.

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15. Road reserves to be kept clear.

(1) A road reserve declared under section 14, shall be used exclusively for the development and expansion of public roads or for other road related activities.

(2) Notwithstanding subsection (1), a road authority may, in writing, authorise any person or authority to use a road reserve temporarily for any approved activity including the placing of public lighting, advertisements, pipelines, telephone lines, electric supplies, optic fibre cables and posts, drains, sewers, mains and other utilities.

(3) The authorisation to use a road reserve under subsection (2) shall only be granted where the use does not hinder further use and development of the road reserve by a road authority.

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**ANNEX 2: SCHEDULE 2 ON CLASSIFICATION OF ROADS IN THE ROADS BILL,
2018**

2018

Bill No. 13

Roads Bill

2018

SCHEDULE 2

CLASSIFICATION OF PUBLIC ROADS

Sections 2, 13 (2) and 81 (2)

| Class of Road | Type of road | Road Authority | Designated by | Recommending authority | Description |
|---------------|--------------|---------------------------------|---------------|--------------------------|--|
| National Road | Expressway | Uganda National Roads Authority | Minister | Executive Director, UNRA | Heavy traffic roads, high speed and limited access with dual carriage way with grade separated junctions, and considered the highest grade of road. It may qualify for development using private sector financing. |
| National Road | A | Uganda National Roads Authority | Minister | Executive Director, UNRA | Strategic roads of national importance linking ports, airports and border posts to each other and to the Capital City. They serve long distance transport, with a relatively high proportion of heavy trucks |
| National Road | B | Uganda National Roads Authority | Minister | Executive Director, UNRA | Roads linking District Headquarters to each other or to a class A road. They also connect major regional commercial, population and administrative centres to Class A road network, serving as collectors for Class C roads and local roads. Trips are a mixture of long distance and local traffic. |

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| National Road | C | Uganda National Roads Authority | Minister | Executive Director, UNRA | Roads linking small towns to District Headquarters, to Class A and B roads and to each other. They are local in nature and connect local roads to Class B road network. Traffic using these roads is predominantly local, covering short distances |
| National Road | Other | Uganda National Roads Authority | Minister | Executive Director, UNRA | Other national roads, maintained by UNRA |
| District Road | I | District Council | Minister | CAO, District Council | Link District centres to each other and the national road network. |
| District Road | II | District Council | Minister | CAO, District Council | Provide a connection to the national road network or Class I District network. Interconnect district headquarters and county administrative centres |
| District Road | III | District Council | Minister | CAO, District Council | Connectors to and between Class II District Road Network. |
| Urban Road | U | Municipal Council | Minister | Town Clerk, Municipal Council | Road within a municipality, not being a national road. |
| Urban Road | U | Town Council | Minister | Town Clerk, Town Council | Road within a Town Council, not being a national road. |
| Park Road | P | As Determined by the Minister | Minister | Executive Director, Ug and Wildlife Authority | Road within a national park, not being a national road or district road. |
| Community Access Road | CAR | District Council | Minister | CAO, District Council | Road, path or track linking communities and villages to other classified roads. Roads also provides access to administrative, social and economic services. |