

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

### **Decree Promulgating the Law on Roads**

I hereby promulgate the Law on Roads passed the 26<sup>th</sup> Parliament of Montenegro at the eighth sitting of the first ordinary (spring) session in 2020 on 30 July 2020.

Number: 01-1598 / 2

Podgorica, 31 July 2020

The President of Montenegro,

Milo Djukanovic, m.p.

Pursuant to Article 82 item 2 and Article 91 paragraph 1 of the Constitution of Montenegro, the 26<sup>th</sup> Parliament of Montenegro at the eighth sitting of the first ordinary (spring) session in 2020 on 30 July 2020 passed the following

### **Law on Roads**

The Law was published in the "Official Gazette of Montenegro", 82/2020 dated 6 August 2020 and entered into force on 14 August 2020.

## **I. BASIC PROVISIONS**

### **Subject Matter**

#### **Article 1**

This Law shall regulate the legal status of public and uncategorized roads, the manner of management, financing and construction of public roads, maintenance, protection, inspection and other issues of importance for roads.

### **Road**

#### **Article 2**

The road shall be an area intended for traffic in accordance with this Law.  
Roads shall be public or unclassified.

### **Use of gender sensitive language**

#### **Article 3**

The terms used in this Law for natural persons in the masculine gender shall imply the same terms in the feminine gender.

### **Definitions**

#### **Article 4**

The terms used in this Law shall have the following meanings:

1) **National road** means a public road which links regions and significant urban areas in the territory of the state with the territories of neighboring countries and the European road network;

2) **Highway** means a national road designed and built solely for motorized traffic, with physically separated carriageways in each direction, grade separated intersections and full access, with minimum two traffic lanes and one emergency lane in each direction and appropriate traffic signalization;

3) **Fast traffic road** means a national road intended solely for motorized traffic with two physically separated traffic lanes, one in each direction, grade separated intersections with cross roads, other roads and railways, which as a rule has at least two traffic lanes and no emergency lane;

4) **Main road** means a national road that links cities (local self-governments) or important economic areas, and is linked to other roads of the same or higher category or road systems of the neighboring countries;

5) **Regional road** means a national road that links important centers of local communities and is linked to other public roads of the same or higher category or road systems of the neighboring countries;

6) **Municipal road** means a public road that forms links within the territory of one municipality and/or one city and connects the municipal or city areas with the national road network;

7) **Street** means a public road linking parts of an urban area;

8) **Local road** means a public road linking villages and urban areas in the territory of one municipality or that connects to the roads in the neighboring municipalities, and is important for local traffic in the territory of that municipality, including roads linking railway stations, seaports, airports, tourist sites, cultural and historical monuments and similar facilities with other public roads;

9) **Urban area** means an area where rows or groups of buildings are located on one or both sides of the road, giving it the appearance of a street, its boundaries being marked out with a statutory traffic sign;

10) **Road outside urban area** means a section of a public road in open country outside urban area limits;

11) **Road in urban area** means a section of a public road located within urban area limits;

12) **Road surface** means a surface intended for the movement of all or certain categories of traffic participants (road, parking space, public garage, bike trails and lanes, pedestrian areas, bus stops, and more);

13) **Traffic signalization and equipment** means traffic signs, road markings, traffic light signs, guardrails or semi-guardrails where a road crosses a railway, temporary traffic signalization, beacons and other road signs, guardrails for vehicles, guardrails for pedestrians, signposts and kilometer markers;

14) **Equipment for public road, traffic and environmental protection** means an intelligent transport system, tunnel ventilation and safety devices, facilities and devices for road and traffic protection, and roadside environmental protection (snow barriers, wind shields, protection against screes, noise and environmental impacts), lighting installations and lighting for traffic needs, traffic counter, road weather station;

- 15) **Carriageway** means a developed portion of a road used by motorists and comprising lanes (driving lane, nearside lane, emergency lane, and similar) for the travel and standing of vehicles;
- 16) **Pavement structure** means a multi-layer rigid or elastic system which serves to take up mechanical impacts of vehicles, transfer them to public road substructure and enable safe, undisturbed and cost-effective movement of vehicles, bicycles and pedestrians;
- 17) **Surfacing** means the top section of the pavement structure;
- 18) **Shoulder** means a roadside element on an embankment that ensures lateral stability of pavement structure and accommodates traffic signs, signals and road furniture;
- 19) **Open channel** means a roadside element in a cutting which receives and drains surface waters and ensures stability pavement structure;
- 20) **Berm** is a road element that lies between an open channel and cutting slope protecting the former from being clogged with eroded material, and it includes traffic signs and road furniture and ensures sight distance;
- 21) **Median** means a space between two lanes that physically separates traffic directions, accommodates traffic signalization and equipment, and elements of the road facility;
- 22) **Central median barrier** means a space between two lanes that physically separates traffic directions and is used for redirecting traffic from one lane to another;
- 23) **Verge** means a public road element that physically separates motorized traffic from non-motorized traffic;
- 24) **Road structure** means a structure which makes an integral part of the road, including bridges, culverts, tunnels, viaducts, galleries, retaining walls, lining walls, etc.;
- 25) **Overpass** is a structure over a public road functioning as a grade-separated intersection with another road, or an infrastructure system;
- 26) **Underpass** is a structure under a public road functioning as a grade-separated intersection with another road, or an infrastructure system;
- 27) **Road-oriented facilities** means the areas, facilities, plants and devices that are intended for efficient road and road traffic control (road maintenance bases, traffic control stations, toll stations, and other facilities);
- 28) **Service facilities on a public road** for the needs of users means an area and facilities for providing various services to road users (petrol stations, charging stations for electric vehicles, rest areas, parking areas, motels, restaurants, car repair shops, shops and other service facilities);
- 29) **Bus bay** means a specially developed and marked out area located along the carriageway that is intended for buss stopping for the purpose of embarking and disembarking passengers;
- 30) **Road land strip** means a land strip that includes the road, roadside strip and the land extending from the road, or the roadside strip, to the expropriation limits;

- 31) **Roadside strip** means a continuous area on both sides of the road whose width is determined by the road design and which is at least one meter wide when measured outwards from the lines that delineate the cross section of a public road outside an urban area;
- 32) **Road protection zone** means a continuous area along a public road that is subject to restrictions on space use due to harmful environmental effects on the road and road traffic and vice versa;
- 33) **Controlled development zone** means a continuous area along outer limits of a road protection zone in which the range and scope of development is restricted, and which is of the same width as the road protection zone and serves to protect a public road and traffic on it;
- 34) **Overhead space above the pavement** means a space not less than seven meters high from the road cross section points, with the headroom of at least 4.75 m above the highest pavement point on the road;
- 35) **Intersection** means an area where two or more roads cross, join or branch either at single level or at grade separations;
- 36) **Crossing** means the point where a road and an infrastructure system intersect either at single level or at grade separations;
- 37) **Access road** means an uncategorized road that provides access to the owner or holder of an estate along a public road;
- 38) **Access junction** means a paved area, a part of a public road, used to connect public, unclassified or access roads;
- 39) **Required sight distance** means the distance required for safe stopping of a vehicle in front of a fixed barrier on a public roadway which shall exist at each point of a road and shall be derived from design speed and the actual elements of geometric design of a road;
- 40) **Traffic control** means the regulation, monitoring and control of traffic on a public road or along a specific section of a public road;
- 41) **Traffic suspension** means a controlled road closure for traffic;
- 42) **Traffic restriction** means prohibition of movement of specific classes of vehicles on a public road;
- 43) **Special transport** means transport by a vehicle or a convoy of vehicles that exceeds any legally permissible element with its axle load, maximum total mass, width, length or height;
- 44) **Usable value of road** means the value of a public road at the moment of assessment that depends on the degree of preserved design characteristics;
- 45) **Road protection** means a set of actions taken to protect a public road, road protection zone and a controlled development zone;
- 46) **Tunnel** means an underground or underwater road facility intended for traffic;
- 47) **European Electronic Toll Service (EETS)** means a system of electronic toll collection on the territory of the European Union;

48) **Commercial facilities** are petrol stations, charging stations for electric vehicles, car repair shops, facilities for temporary storage of broken-down vehicles, catering facilities, shops, sports and recreation facilities and other facilities in which money transactions resulting from the purchase/sale of goods and services take place;

49) **Bypass road** means a road section that is used instead of a road passing through an urban area;

50) **Cycle track** means a paved area intended for the movement of bicycles or motorized bicycles along the carriageway from which it is separated and marked out with a statutory traffic sign;

51) **Cycle lane** means a part of the carriageway intended for the movement of bicycles and motorized bicycles, marked out with a statutory traffic sign;

52) **Road alignment** means a designed route of a road which is marked out on the ground as a starting point for the construction of a road;

53) **Roadbed** means a part of a road that incorporates road substructure, road superstructure and the land on which it is built;

54) **Slope** means a natural or artificial sloping surface of land along a road;

55) **Road drainage system** means a system for collection, drainage and/or rechanneling of surface or groundwater (ditches, open channels, shallow or deep drains, manholes, culverts, sewers, wells, etc.);

56) **Pedestrian track** means a paved area intended solely for the movement of pedestrians and marked out with a statutory traffic sign;

57) **Sidewalk** means a separately made road section along the carriageway intended primarily for the movement of pedestrians and marked out with a statutory traffic sign;

58) **Space for vehicle mass checking and road traffic control** means a structure and a device that is placed at border crossings or along public roads, for the purpose of controlling special transports and ensuring traffic safety;

59) **Electronic communication line** means electronic communication cables, their elements and related equipment which makes a technologically and functionally inseparable part of the lines and makes up a single functional unit with them (output cabinets, TT poles, outdoor cabinets, manholes);

60) **Electrical lines** are distribution and transmission lines used for the distribution and transmission of electricity, their elements and the related equipment which makes a technologically and functionally inseparable part of the lines and make up a single functional unit with them (low voltage distribution cabinets, connection measuring cabinets, measuring cabinets, cabinets, poles, manholes and electrical communication lines);

61) **Controlled access** means access to an entrance ramp using the entrance and exit lanes at grade-separated intersections.

## **II PUBLIC ROAD**

### **Legal Status of Roads**

#### **Article 5**

National roads with the associated facilities and the land on which they are built within the roadside strip shall be state-owned.

Municipal roads with the associated facilities and the land on which they are built within the roadside strip shall be state-owned and disposed of by the respective local self-government on whose territory the road is located.

### **The Right of Way on a Public Road**

#### **Article 6**

A public road shall be a traffic area for the movement of road traffic (hereinafter referred to as “the traffic”).

The right of way may be acquired on public roads, for the purpose of installing communal, water supply, electric power supply and electronic communications facilities with the associated equipment and similar facilities and equipment of public interest, if not endangering the road stability, safety and traffic regime on public roads, in accordance with this Law.

The right of way referred to in paragraph 2 above shall be entered in the real estate cadaster.

### **Public Road Elements**

#### **Article 7**

A public road incorporates the following:

1) Roadbed including:

- road substructure (embankments, cuttings, cut-and-fills, structures, installations and drainage devices, as well as road protection against surface and groundwater, etc.);
- road superstructure (pavement structure, nearside lanes and curbs, open channels, sidewalks, berms, medians);

2) road structures (bridges, viaducts, overpasses, underpasses, culverts, tunnels, galleries, retaining and lining walls);

3) sidewalks, pedestrian and cycle tracks and along the carriageway;

4) roadside strip on both sides of the cutting and embankment that is at least 1 meter wide, measured from the lines that make up the end points of the road cross section outside an urban area;

5) overhead space of at least 7 m above the highest pavement point on the road;

6) road-oriented facilities for road users (road bases, operation, control and toll stations, bus bays along the road, parking areas, rest areas, functional and supporting facilities, green areas);

- 7) access to a public road built on road land strip;
- 8) traffic signalization and equipment;
- 9) equipment for road, traffic and environmental protection.

## **Classification of Public Roads**

### **Article 8**

According to the significance of their linking role, public roads shall be classified as national roads and municipal roads.

National roads shall be classified as follows:

- highway;
- fast traffic road;
- main road; and
- regional road.

Municipal roads are classified as:

- local road; and
- streets in urban areas.

National and municipal roads shall be classified depending on their traffic load, linking with other roads and significance.

More detailed criteria for the classification of national roads, the manner of marking and classification of national roads shall be prescribed by the Government of Montenegro (hereinafter referred to as “the Government”).

More detailed criteria for the classification of municipal roads, the manner of marking and classification of municipal roads shall be prescribed by the competent body of the local government.

## **Records of public roads**

### **Article 9**

The records of national roads shall be kept by the administrative body in charge of traffic affairs (hereinafter referred to as “the administrative body”).

The records of municipal and uncategorized roads shall be kept by the competent local government body.

The records referred to in paragraphs 1 and 2 above shall include in particular:

- 1) data on travel routes; and
- 2) traffic and technical data on roads.

Detailed content and manner of keeping records referred to in paragraph 1 above shall be prescribed by the state administration body in charge of traffic (hereinafter referred to as “the Ministry”).

Detailed content and manner of keeping records referred to in paragraph 2 above shall be prescribed by the competent body of the local government.

### **Changing the Class of Road Sections**

#### **Article 10**

A newly built or reconstructed section of a national road that replaces a road section shall be of the same class as the existing national road.

A national road or a road section that has been replaced by a newly built or reconstructed section of a national road may be reclassified as a municipal road by the Government.

The national road or the road section that is reclassified as a municipal road shall be handed over to be managed by the local government in a technically operational condition.

The competent local government body shall, in the case referred to in paragraph 2 above, issue a reclassification act within of 90 days from the day of reclassification of a national road or road section.

### **Putting a Public Road out of Use**

#### **Article 11**

A public road or its section may be put out of use if a new road or a road section that replaces an existing public road or road section is built.

A public road or road section that has been put out of use may be repurposed for parking lots, resorts or for other needs of traffic participants, that is for other uses, in accordance with the planning document.

### **Uncategorized roads**

#### **Article 12**

Uncategorized roads shall be rural, field and forest roads, roads on embankments for flood protection and parking lots that are not classified.

Uncategorized roads shall be roads in general use, except for roads built by companies or other legal entities for their own needs and roads built by individuals for their own needs and on their own land.

Uncategorized roads in general shall be determined by the competent local government body.

## **III. PUBLIC ROAD MANAGEMENT**

### **Public Road Management Activities**

#### **Article 13**



Public road management shall include the following tasks: preparation of the medium-term and annual plan for construction, reconstruction, maintenance and protection of public roads; preparation of invitations to tender and conclusion of contracts for the preparation of technical documentation, review of technical documentation, execution of construction works on new roads and reconstruction of existing ones and professional supervision over the execution of works; planning regular maintenance of public roads; professional inspections of routine maintenance of public roads; publishing invitations to tender and concluding contracts for routine and capital maintenance; keeping records of public roads; monitoring the use of financial resources; initiating proceedings to resolve property ownership issues for road construction and road; organizing the collection and supervising the collection of fees for the use of a public road (toll or user fee); monitoring the condition of the road network; public road protection; traffic control and organization and execution of counts of vehicular traffic on public roads; preparation of invitations to tender and conclusion of contracts for the provision of technical assistance to motorized traffic participants on public roads and providing information on the state of traffic on public roads and performing other tasks of importance for the smooth flow of traffic on public roads.

National roads shall be managed by an administrative body.

Notwithstanding paragraph 2 above, highways, fast traffic roads, national road sections and road structures shall be managed by a company established by the Government.

National roads or national road sections may also be managed by a company that has concluded a public-private partnership contract in accordance with the law.

Municipal roads shall be managed by the competent local government body or a company founded by a local government that is, a company or entrepreneur to whom the local government has entrusted those tasks.

The company referred to in paragraphs 3, 4 and 5 of this Law shall keep separate accounting records where, in addition to managing a public road, they also perform some other activity.

Separate accounting referred to in paragraph 6 above shall include presentation on a separate account of revenues generated from a public road management, expenditures financed from those revenues and other expenditures arising from the management of public roads financed from other sources and the presentation of revenues in a special account for another activity.

## **Mid-Term and Annual Plan**

### **Article 14**

Construction, reconstruction, maintenance and protection of national roads shall be carried out on the basis of a medium-term plan of works on roads (hereinafter referred to as “the medium-term plan”).

The medium-term plan for national roads shall be adopted by the Government for a period of four years.

The medium-term plan shall include a plan for design, construction, reconstruction and maintenance of roads, sources of financing, an individual schedule and scope of implementation for each road.

The medium-term plan shall be implemented on the basis of the annual plan for construction, reconstruction, maintenance and protection of roads.

The annual plan referred to in paragraph 4 above shall be adopted by the Government.

### **Traffic control on Public Roads**

#### **Article 15**

Traffic control on public roads shall be provided through:

- 1) intelligent transport systems (telecommunication, optical, electronic and stationary devices for traffic monitoring, recording, control, safety and regulation, road condition control and remote notification and warning, traffic counters, road weather stations);
- 2) toll collection systems and devices;
- 3) safety equipment in tunnels;
- 4) equipment and devices for public road protection;
- 5) traffic signalization.

Intelligent transport systems include a system of information and communication technologies in road traffic, which are related to roads, vehicles and traffic participants, that is used for traffic and mobility control, control of traffic incidents and linking with other types of traffic.

### **Application of Intelligent Transport Systems**

#### **Article 16**

Intelligent transport systems shall be applied in the areas of:

- 1) optimal use of traffic and travel data;
- 2) continuity of services of intelligent transport systems in traffic control;
- 3) applications of intelligent transport systems in the function of road traffic safety and protection of road users; and
- 4) systems that link vehicles and roads.

Priority activities within the area referred to in paragraph 1 above shall be the provision of:

- 1) travel information;
- 2) information on traffic safety and traffic regime;
- 3) real-time traffic information;
- 4) e-call system service;

- 5) information on safe and secure parking lots; and
- 6) reservation service for safe and secure parking lots for trucks and buses.

Traffic control on public roads using intelligent transport systems in road traffic shall be performed in accordance with a plan on development and introduction of intelligent transport systems in road traffic.

The plan referred to in paragraph 3 above shall be adopted by the Government for a period of five years.

The plan referred to in paragraph 3 above shall be submitted to the European Commission.

The report on the implementation of the plan referred to in paragraph 3 above shall be submitted to the European Commission every three years.

### **Jurisdiction of the Administrative Body**

#### **Article 17**

The administrative body shall issue:

- 1) traffic and technical conditions for connection to a public road;
- 2) traffic and technical conditions for road intersections, intersections of roads and railways, power transmission lines and other overhead lines and cables;
- 3) traffic and technical conditions for the preparation of technical documentation, that is for the installation of line infrastructure facilities on a road and public road protection zone (railway infrastructure, power lines, oil pipelines, gas pipelines, electronic communication lines, water supply and sewerage infrastructure, low voltage lines for lighting, etc.);
- 4) traffic and technical conditions for excavations, excavating the earth beneath or other works on roads;
- 5) consents for holding sports and other events on public roads;
- 6) permits for performing special transport on a public road;
- 7) consents for the lease of a road land strip and other land belonging to a public road;
- 8) consents for redirection of traffic on a public road in case of construction, reconstruction, maintenance and protection of public roads;
- 9) consents for changing the traffic regime on a public road for the purpose of construction, reconstruction, maintenance, protection and use of public roads for other purposes;
- 10) permits for excavations, excavating the earth beneath or other works on roads;

The activities referred to in paragraph 1 above on municipal roads shall be performed by the local government body.

The acts referred to in paragraph 1 items 5 to 10 above shall also include traffic and technical conditions.

The acts referred to in paragraph 1 items 1 to 4 and item 10 above shall be issued in accordance with the law governing spatial development and construction of structures.

### **Traffic and Technical Conditions**

#### **Article 18**

Traffic and technical conditions shall include:

- designation of a public road class;
- public road number;
- number of a public road section;
- initial and final chainage of the public road section;
- initial and final chainage of the road section for which traffic and technical conditions are issued;
- special conditions;
- cadastral plots of the public road section for which traffic and technical conditions are issued.

Records on issued traffic and technical conditions shall be kept by the administrative body, that is the local government body.

The records referred to in paragraph 2 above shall be published on the website of the administrative body, that is the local government body.

## **IV. ROAD FINANCING**

### **Sources of Funding**

#### **Article 19**

Design, construction, reconstruction, maintenance and protection of national roads shall be financed from:

- 1) The Budget of Montenegro;
- 2) funds from fees from the retail price of liquid fuels and excise duties on liquid fuels;
- 3) funds generated from road use fees;
- 4) loans;
- 5) donations;
- 6) investments of domestic and foreign persons; and
- 7) other sources in accordance with the law.

Design, construction, reconstruction, maintenance and protection of municipal roads shall be financed from:

- 1) local government budgets;
- 2) loans;
- 3) donations;
- 4) investments of domestic and foreign persons; and
- 5) other sources in accordance with the law.

Design, construction, reconstruction, maintenance, protection, use and control of public roads may be subject to public partnerships in accordance with the law.

### **Public Road Usage Fees**

#### **Article 20**

Fees shall be paid for the use of public roads, as follows:

- 1) annual fee for registration of road motor vehicles, tractors, trailers and other motorized vehicles;
- 2) special annual fee for motorized vehicles and their trailers in order to ensure the uninterrupted traffic and provision of information services to road users;
- 3) fee for special transport;
- 4) fee for the use of a public road, road section or road facility (toll or user fee);
- 5) annual fee for the lease of a road land strip;
- 6) annual fee for the lease of other land belonging to a public road;
- 7) fee for the installation of pipelines, water supply, sewerage, electrical lines, electronic communication lines, gas and oil pipelines on public roads and other associated infrastructure (substations, base stations, antenna poles, pumping stations and others);
- 8) annual fee for pipelines, water supply, sewerage, electrical lines, electronic communication lines, gas pipelines and oil pipelines installed on public roads and other associated infrastructure (substations, base stations, antenna poles, pumping stations and others);
- 9) annual fee for the use of commercial facilities that are accessible from a public road, depending on the type, categories and areas of the building.

The amount, manner and conditions of payment of fees for public roads referred to in paragraph 1, item 1 and 2 above shall be determined by the Government.

The amount, manner and conditions of payment of fees for national roads referred to in paragraph 1, item 3 and items 5 to 9 above shall be determined by the Government.

The amount and manner of payment of fees for national roads referred to in paragraph 1, item 4 above shall be determined by the Government in accordance with Article 22 of this Law.

The funds collected from the fees referred to in paragraph 1 items 2 and 3 and items 5 to 9 above for national roads shall be the revenue of the Budget of Montenegro and shall be used for the maintenance and protection of national roads.

The funds collected from the fees referred to in paragraph 1 item 4 above for national roads shall be the revenue of the Budget of Montenegro, and where the road is managed by a company, those shall be the revenue of that company.

The amount, manner and conditions of payment of fees for municipal roads referred to in paragraph 1 items 3 to 9 above and sections of national roads which pass through urban areas shall be determined by the local government, with the prior consent of the Government.

The amount of fees for municipal roads referred to in paragraph 1 items 3 to 9 above shall not exceed the fee for national roads.

The funds collected from the fees referred to in paragraph 1 items 1 and 3 and items 5 to 9 above for municipal roads shall be the revenue of the local government.

The funds collected from the fees referred to in paragraphs 7 and 9 above shall be used for the maintenance and protection of municipal roads.

The funds collected from the special fee referred to in paragraph 1 item 2 above shall be earmarked funds and shall be used for the purpose of providing technical assistance to motorized road users on public roads, ensuring the smooth flow of traffic and providing information services to road users.

The amount of fees referred to in paragraph 1 items 1, 2, 3 and 4 above shall not discriminate against traffic participants.

The annual fee referred to in paragraph 1 items 1 and 2 above shall not be paid for one passenger vehicle that is owned or used on the basis of a leasing contract, which is marked with an accessibility sign.

### **Exemption from Toll and User Fee**

#### **Article 21**

The fee referred to in Article 20 paragraph 1 item 4 herein shall not be paid for vehicles marked with an accessibility sign in accordance with the law governing road traffic safety.

An administrative body, competent local government body or the company that manages the road (hereinafter referred to as “the road manager”) shall issue a certificate on exemption from payment of the fee referred to in Article 20 paragraph 1 item 4 of this Law.

The certificate referred to in paragraph 2 above shall be issued at the request of the person holding the accessibility sign.

The request referred to in paragraph 3 above shall be accompanied by a copy of the accessibility sign, traffic license and identity card.

### **The Manner of Determining and Paying the Fee for the Use of a Public Road**

#### **Article 22**

The fee for the use of a public road referred to in Article 20 paragraph 1 item 4 of this Law shall be paid as a toll or user fee.

The toll shall include infrastructure charges and/or external costs.

Infrastructure charges shall include compensation of the costs of construction, maintenance, management and development of a public road, road section or road facility.

Compensation for external costs shall include compensation for the prevention of air pollution and the negative impact of road traffic noise on the population.

The amount of the toll shall be determined according to the vehicle category, the length of a public road, road section or road facility.

The user fee referred to in paragraph 1 above shall be the fee for the use of a public road, road section or road facility, which shall be determined in proportion to the duration of use of the public road, road section or road facility on a daily, weekly, monthly or annual basis.

The monthly amount of the fee referred to in paragraph 6 above shall not exceed 10% of the annual user fee, the weekly amount shall not exceed 5% of the annual user fee, and the daily amount shall not exceed 2% of the annual user fee.

For vehicles registered in Montenegro, only the annual user fees referred to in paragraph 6 above shall be charged.

Road users shall pay a toll, or user fee, for the use of a public road or road section.

For the use of a public road or road section, a toll and a user fee shall not be charged at the same time, except for the use of bridges, tunnels or mountain passes.

A report on tolls and user fees shall be submitted to the European Commission every four years.

Detailed criteria for determining tolls, or infrastructure charges and external costs, user fees and the content of the report referred to in paragraph 11 above shall be prescribed by the Ministry.

## Electronic Toll Collection

### Article 23

Toll collection for the use of a national road, road section or road facility may also be done electronically (contactless toll collection), when vehicles pass without stopping in the entrance and exit (toll) traffic lanes, using electronic device (TAG device).

Electronic payment referred to in paragraph 1 above shall be made through:

- 1) satellite positioning of vehicles; or
- 2) mobile communications using the GSM-GPRS standard (GSM TS 03.60/23.060); or
- 3) 5.8 GHz microwave technology.

Paragraph 1 above shall not apply to a national road, road section or road facility that does not have electronic toll collection, that is for which the costs of establishing electronic toll collection would be disproportionate to the benefits of that collection.

Toll lanes for electronic toll collection may also be used for toll collection in another way, provided that the traffic safety is not affected.

Electronic toll collection equipment shall be subject to regulations governing electromagnetic compatibility, radio equipment and telecommunications terminal equipment.

The Ministry shall prescribe a detailed manner, technical requirements, special conditions and elements of interoperability of electronic toll collection.

### **Personal Data Protection**

#### **Article 24**

Personal data on national road users for the needs of intelligent transport systems on the national road and electronic payment tolls and European electronic toll collection shall be collected, processed and used in accordance with the law governing personal data protection.

## **V. CONSTRUCTION OF PUBLIC ROADS**

### **Technical Regulations for the Design and Construction of Public Roads**

#### **Article 25**

Public roads shall be designed and built in accordance with this Law and the law governing spatial development and construction of structures.

Technical regulations for the design and construction of public roads shall be prescribed by the Ministry.

### **Consent for Linking to Public Roads**

#### **Article 26**

Where this is not specified by the planning documentation, the sites on which facilities are built or devices are placed next to national roads, such as petrol stations, car repair shops, facilities for temporary storage of broken down vehicles, road bases, stations for providing assistance and information to traffic participants, catering facilities, tourist facilities, trade facilities, sports and recreational facilities and other commercial facilities, shall be linked to national roads based on the consent of the administrative body, and in accordance with the law governing spatial development and construction of structures.

The consent referred to in paragraph 1 above for municipal roads shall be issued by the local government body.

### **Responsibilities of the Contractor**

#### **Article 27**

A company, other legal entity or entrepreneur performing reconstruction works (hereinafter referred to as “the Contractor”) on a public road, road section or road facility, where



the works are performed in parallel with the movement of traffic, shall carry out routine maintenance of that road, road section or road facility during the execution of works, in accordance with the routine maintenance plan, including a temporary traffic signalization plan approved by the administrative body, that is the local administration body, as an integral part thereof.

## **Construction of National Roads through Urban Areas**

### **Article 28**

For national roads that are built through urban areas, the following shall be financed by the local government:

- municipal infrastructure in the road base, which is owned by the local government;
- parking lots and similar traffic areas intended for traffic;
- overpasses and underpasses for pedestrians or cyclists;
- public lighting, traffic lights that are intended for the safe flow of traffic through the urban area;
- pedestrian and cycle tracks;
- devices and equipment on, along or above the carriageway of national roads, which are intended for traffic regulation, that is safe traffic flow through the urban area.

The passage of a national road, road section or road facility through an urban area shall not disturb the continuity of the road route and road traffic.

Technical requirements for the design and construction of cycling infrastructure shall be prescribed by the Ministry.

### **Technical Documentation for the Development of Municipal Infrastructure, Water Supply or Other Facilities within the Road Land Strip**

### **Article 29**

Where, as part of the construction of a public road, the development of municipal infrastructure, water supply or other facilities within the road land strip is planned as well, technical documentation for the public road shall include facilities and works to be carried out on the road surface, as well as underground and overhead works.

The costs of preparation of technical documentation and construction of facilities referred to in paragraph 1 above shall be borne by the developer of municipal infrastructure, water supply or other facilities.

The rights and responsibilities of the contracting authorities for the development of municipal infrastructure, water supply or other facilities shall be regulated by a contract concluded between the developer and the administrative body, that is the competent body of the local government.

Where the municipal infrastructure, water supply or other facilities are affected due to the construction of a public road, the costs of preparing technical documentation and the construction of such facilities shall be borne by the public road developer.

## **Financing the Construction of Bypass Roads**

### **Article 30**

The construction of a bypass road which is part of a national road shall be financed from the Budget of Montenegro and the budget of the local government on whose territory the bypass road is being built.

The manner of financing the construction of the bypass roads referred to in paragraph 1 above shall be regulated by a contract concluded between the administrative body and competent local government body.

### **Bus Bay**

### **Article 31**

Bus bays on highways and regional roads shall be built outside the carriageway.

No bus bays on fast traffic roads, that is on highways, shall be allowed.

Bus bays that are not planned by the road design shall be built with the consent of the administrative body, that is the local government body.

Bus bays referred to in paragraph 3 above, after construction, shall become part of a public road.

Traffic and technical conditions for the design and organization of bus bays on public roads shall be issued by the administrative body, that is local government body.

Technical regulations for the design and construction of bus bays shall be prescribed by the Ministry.

## **Relocation of Public Roads**

### **Article 32**

Where the existing public road or its section needs to be relocated due to the construction of another facility (railway infrastructure, mine, quarry, reservoir lake, airport), the public road, or its section that is being relocated shall be built according to the class of that road.

The costs of relocating a public road or its section referred to in paragraph 1 above shall be borne by the developer of the facility whose construction caused the relocation of a public road or its section, unless otherwise provided by the contract.

## **Intersections of Public Roads and Railway Infrastructure**

### **Article 33**

Where there is an intersection of a public road and railway infrastructure, due to the construction of a public road, the construction costs of overpasses, underpasses or intersections of railway infrastructure and safety devices and equipment for traffic safety at the intersection shall be borne by the road developer.

Devices and equipment referred to in paragraph 1 above shall be maintained by the legal entity that manages the railway infrastructure (hereinafter referred to as “the railway infrastructure manager”).

Where the railway infrastructure under construction crosses an existing road, the costs of road crossing shall be borne by the railway infrastructure developer.

### **Construction and Maintenance of Facilities and Equipment that Cross Watercourses**

#### **Article 34**

The costs of construction of facilities and equipment crossing a watercourse, which are necessary for the construction of a road that crosses or runs along a watercourse, shall be borne by the road developer.

Maintenance of the facilities and equipment referred to in paragraph 1 above shall constitute an integral part of road maintenance.

### **Notification of Works on Public Roads**

#### **Article 35**

A public road or road facility developer shall notify the public accordingly via electronic media at least three days before the commencement of construction works on a public road or road facility.

Companies or other legal entities that own or manage the infrastructure facilities that are installed or placed in a public road (sewerage, water supply, electrical lines, electronic communication lines, gas pipeline, oil pipeline), as well as legal entities that intend to build these facilities, shall coordinate the works on these facilities with the construction works on a public road.

The public road or road facility developer shall, at least 60 days before the commencement of works referred to in paragraph 1 above, shall notify the persons referred to in paragraph 2 above in writing of the commencement of works.

When carrying reconstruction or other works on a public road, during the construction of a public road that is financed by the public road developer, the persons referred to in paragraph 2 above shall relocate structures, facilities, devices, installations and lines or adapt them to the resulting changes at their own expense.

In the event that the persons referred to in paragraph 2 above do not relocate or adjust the structures, facilities, devices, installations and lines before the commencement of construction or reconstruction works on a road, or the execution of works on a public road, they shall be liable for any damage that may occur due to the untimely commencement of relocation.

### **Intersection of Public Roads and Other Infrastructure Systems**

#### **Article 36**

Where an intersection of a public road and another infrastructure system or another road is built in the form of an underpass or overpass, such an underpass or overpass shall be regarded as a facility of that public road.

The superstructure of a public road in the underpass, including the equipment and traffic signalization of the public road, as well as the system for surface and groundwater drainage that is necessary for the proper and safe use of the public roads, shall be regarded as a facility of that public road.

The infrastructure system under the overpass, including installations and facilities necessary for the proper and safe use of that system, shall be regarded as a facility of that infrastructure system.

An overpass, or underpass, built above or under a highway shall be regarded as an integral part of that highway.

### **Construction of Additional Road Elements**

#### **Article 37**

The planning document shall determine the sections of a public road or road facility with additional elements (wider carriageway, sidewalk, intersections for the needs of urban areas, squares, parking spaces, public lighting, light and other signalization, bus bays, cycle tracks and lanes, pedestrian tracks, etc.), facilities and equipment meeting the needs of the urban area.

The construction of additional road elements referred to in paragraph 1 above shall not disturb the continuity of the road route and traffic on that road.

Additional elements of a national road, for the needs of the urban area referred to in paragraph 1 above, may be built upon request and at the expense of the local government, subject to prior consent of the administrative body.

The construction of sidewalks, pedestrian and cycle tracks, that is cycling infrastructure, along national roads through urban areas shall be financed by local governments.

### **Facilities for Protection of Public Roads and Traffic on Public Roads**

#### **Article 38**

The road manager shall ensure the protection of a public road and traffic on that road in places subject to landslides or exposed to snow, torrents and strong winds.

The protection referred to in paragraph 1 above shall be provided by:

- 1) construction of permanent structures (retaining, lining, partition and windbreak walls, etc.);
- 2) planting protective forest belts and other plantations at the prescribed distance from the road, within the road land strip;
- 3) installation of temporary devices (barriers, wooden fences, metal railings, wire mesh, etc.).

## **VI MAINTENANCE OF PUBLIC ROADS**

### **Maintenance of Public Roads**

#### **Article 39**

Maintenance of public roads is the performance of certain types of works that preserve the use value of the road and provide an unhindered and safe traffic.

Public roads shall be maintained so that they can be used for unhindered and safe traffic for which they are intended, in the manner and under the conditions determined by this Law and the law regulating traffic safety.

### **Types of Public Road Maintenance**

#### **Article 40**

Maintenance of public roads shall include routine, capital and emergency maintenance.

During the performance of maintenance works on a public road, the road manager shall enable safe traffic.

The road manager shall have the routine maintenance of public roads performed in accordance with the annual plan referred to in Article 14 herein.

The road manager may self-perform the routine maintenance of public roads or conclude a contract on routine maintenance with a contractor.

### **Routine Maintenance of Public Roads**

#### **Article 41**

Routine maintenance of public roads shall include:

- 1) inspection, determination and assessment of the condition of public roads, road facilities, traffic signalization and road equipment;
- 2) occasional repairs of the pavement structure, retaining and lining walls, embankments and other roadbed elements;
- 3) cleaning of carriageway, road facilities and other road elements within the roadside strip;
- 4) surface treatment of the surfacing;
- 5) maintenance and cleaning of shoulders and berms;
- 6) cleaning and keeping of slopes, embankments, cuttings and cut-and-fills;
- 7) cleaning, arranging and repairing ditches, channels, open channels, culverts and other parts of the road drainage system;
- 8) cleaning, replacement, repair and renewal of traffic signals and equipment;
- 9) repairs of road facilities;
- 10) replacement, repair and restoration of worn-out or destroyed, that is damaged road equipment and facilities and equipment for road, traffic and environmental protection;
- 11) cleaning of road equipment and facilities, road, traffic and environmental protection equipment;

- 12) landscaping green areas on the road and within the roadside strip (mowing grass, clearing bushes and cutting trees);
- 13) cleaning of snow and ice, that is application of measures against retention of snow and ice on the carriageway of public roads and other traffic areas, as well as drainage facilities;
- 14) maintenance and adaptation of electrical and mechanical installations in tunnels;
- 15) other maintenance works necessary for keeping the road and road facilities in proper condition;
- 16) informing on the condition and passability of public roads, extraordinary events on them and weather conditions important for safe traffic.

The place where regular maintenance works are performed shall be marked with the prescribed traffic signs.

Detailed types of routine maintenance works referred to in paragraph 1 above shall be prescribed by the Ministry.

## **Capital Maintenance of Public Roads**

### **Article 42**

Capital maintenance shall include the following works:

- 1) renovation and replacement of dilapidated road structures, or their parts, application of a new asphalt layer of a certain load-bearing capacity along the entire width of the existing carriageway;
- 2) installation of gravel or road metal on unpaved roads;
- 3) improvement of structural road elements, mitigation of longitudinal slopes, change of transverse slope of a carriageway, correction of elements of horizontal and vertical curves, widening and replacement of surfacing, shoulders and other roadbed elements, improving elements of at grade intersections, etc.;
- 4) construction, renovation and replacement of dilapidated culverts and drainage systems, retaining and lining walls, complex dilatation device, etc.;
- 5) repair of bridges, overpasses, underpasses and viaducts and anti-corrosion protection of steel elements;
- 6) replacement of temporary and dilapidated bridges, overpasses, underpasses and viaducts up to 15 meters in length;
- 7) repair of tunnels (replacement of drainage systems, waterproofing, tunnel linings, construction of lighting and ventilation in tunnels);
- 8) rehabilitation of slides and landslides;
- 9) installation of protective equipment, protective facilities and devices for road and environmental protection;

10) reconstruction and replacement of traffic control systems, data collection, control and management systems (SKADA system) and video surveillance and incident detection systems, as well as replacement of intelligent transport systems;

11) other works to maintain a road, that is to bring it into the designed condition.

The works referred to in paragraph 1 above shall be performed on the basis of technical documentation and reported construction, that is construction permits.

### **Emergency Maintenance**

#### **Article 43**

Emergency maintenance of public roads shall include works that need to be performed urgently, in order to eliminate the consequences caused by natural disasters, extraordinary and unforeseen circumstances, and to ensure the passability of a road and safe movement of traffic.

Emergency maintenance of public roads shall also include works on elimination of defects, by order of an inspector for national roads or local government inspection body.

The road manager shall, within three days from the commencement of the emergency maintenance works, notify the competent inspection with a description of the causes and measures to be taken.

### **Traffic Regime During Maintenance Works**

#### **Article 44**

Public road maintenance works shall be performed in a way that, as a rule, does not suspend traffic.

Where the maintenance works on a public road may cause disturbances in the normal flow of traffic, the contractor shall, before the commencement of works, secure the place where the works are carried out and organize a safe movement of traffic at the site during the execution of works.

In case of suspension of traffic referred to in paragraph 2 above, the road manager shall notify the public body and the administrative body responsible for police affairs accordingly 48 hours before the commencement of suspension of traffic.

The places where the works referred to in paragraph 1 above are performed shall be marked properly with traffic signs before the commencement of the works.

### **Maintenance of Particular Elements of National Roads Passing through Urban Areas**

#### **Article 45**

On the national road sections that pass through urban areas, the respective local governments shall maintain:

- bus bays, parking lots and similar traffic areas intended for traffic;
- overpasses and underpasses for pedestrians or cyclists;

- public lighting, traffic lights that are intended for the safe flow of traffic through the urban area;
- pedestrian and cycle tracks, that is cycling infrastructure;
- equipment on, along or above the carriageway of national roads, which is intended for traffic regulation, that is safe movement of traffic through the urban area;
- green areas and tree alleys.

The local government shall also bear the costs of maintaining the municipal facilities located on the road referred to in paragraph 1 above.

The administrative body and local government shall conclude an agreement regulating the mutual rights and responsibilities referred to in paragraph 1 above.

### **Traffic Signalization on National Roads**

#### **Article 46**

Traffic signalization and equipment of national roads passing through urban areas shall correspond to the class of the road concerned.

### **Maintaining Intersections of National and Municipal Roads**

#### **Article 47**

Maintenance of intersections of national and municipal roads in the roadside strip of a national road shall be the responsibility of the national road manager.

Maintenance of intersections of national roads and railway infrastructure shall be performed in accordance with general traffic safety regulations.

### **Facility Maintenance**

#### **Article 48**

The facilities on a national road for crossing other communications (railway, municipal road) shall be maintained by the national road manager.

### **National Road at Border Crossings**

#### **Article 49**

National roads at border crossings shall be maintained to the same extent and scope as the road in front of and behind the border crossing.

Maintenance of other traffic areas at the border crossing shall be provided by the owners, or users of additional areas.

### **Temporary Diversion of Traffic to the Municipal Road**

#### **Article 50**

Due to the closure of a national road, the national road manager may temporarily redirect traffic to a municipal road.



In case of diversion of traffic from a national to a municipal road, where it is necessary to increase the scope of maintenance on the municipal road or upgrade it for increased traffic, the local government shall be entitled to reimbursement of costs for an increased volume of the municipal road maintenance.

### **Maintenance of Common Structures**

#### **Article 51**

Maintenance of common structures, devices, elements or other lines, installations and devices in the roadside strip shall be performed based on a contract concluded between the road manager and the installation owner.

### **Acting on the Basis of a Plan for the Elimination of Natural Disasters**

#### **Article 52**

Where there is a traffic interruption on a public road due to natural disasters (avalanches, major landslides, earthquakes), and the contractor is not able to eliminate the difficulties or restore traffic movement using own means, the public road manager shall act on the basis of the plan for elimination of natural disasters, which is adopted by urgent procedure.

### **Damage Due to Untimely Execution of Works**

#### **Article 53**

The contractor shall maintain the roads and enable a safe movement of traffic for which they are intended.

The contractor shall be responsible for any damage caused to road users due to failure to carry out the necessary works in a timely manner and take appropriate measures for the maintenance of public roads.

## **VII. NATIONAL ROAD SAFETY**

### **Safety of National Roads in Relation to Traffic Safety**

#### **Article 54**

National roads shall be planned, designed, reconstructed, built and maintained, for the purpose of uninterrupted and safe traffic on to them.

The safety of national roads in terms of traffic safety on them shall be ensured by implementing:

- assessments of the impact of national roads on traffic safety;
- audits of national road safety;
- ranking of national roads according to traffic safety and management of those roads;
- national road safety checks.

The procedures referred to in paragraph 2 above shall be applied in the phase of planning, design, construction and operation of national roads.

## **Assessment of the Impact of National Roads on Traffic Safety**

### **Article 55**

The impact of national roads on traffic safety shall be assessed by analyzing the impact of a new road or the reconstruction of an existing road on traffic safety.

The impact assessment referred to in paragraph 1 above shall be performed by an expert commission appointed by the road manager or the developer.

The impact assessment referred to in paragraph 1 above shall be performed by an expert commission that is independent of the road manager or the developer, and at least one member of the commission shall meet the requirements of Article 63 of this Law.

The expert commission shall prepare a report on the impact assessment referred to in paragraph 1 above, assessing the impact of the national road on traffic safety, which is submitted to the road manager or the developer within eight days from the date of the report.

The manner of assessing the impact of national roads on traffic safety, a detailed composition of the expert commission, the conditions that must be met by the members of the expert commission for conducting the impact assessment and the content of a report on the impact assessment of a national road on traffic safety shall be prescribed by the Ministry.

### **National Road Safety Audit**

#### **Article 56**

An audit of national road safety shall be performed by assessing the parameters related to the characteristics of road infrastructure designs in all phases of design, from planning to the commencement of road operation for a new road, that is for reconstruction of national road infrastructure in relation to the safe flow of traffic on those roads.

A road safety audit for national roads shall be performed during the preparation of technical documentation and construction of a national road.

National road safety audits shall be performed by independent auditors or a team of independent auditors who are certified road safety auditors.

The certificate referred to in paragraph 3 above shall be issued by the Ministry.

In the phase of planning, design and construction of a national road, the national road safety auditor who is hired by the road manager, or the developer, shall prepare a report on road safety elements.

The road manager, or the developer, shall act in accordance with the road safety auditor's report, and if they are not able to act in accordance with the report, they shall submit a written explanation to the Ministry and the road safety auditor.

In the case referred to in paragraph 6 above, the Ministry shall take appropriate measures in relation to the auditor's report.

### **Ranking of National Roads According to Traffic Safety and Management of Those Roads**

#### **Article 57**

Ranking of national roads according to traffic safety and management of those roads is a procedure for identifying, analyzing and ranking the sections of a road network that has been in operation for more than three years and on which, compared to traffic intensity, a large number of traffic accidents with tragic consequences occurred.

The procedure of ranking and management of roads referred to in paragraph 1 above shall be carried out by the administrative body, through a legal entity selected in public bidding procedure in accordance with the law.

Ranking and management of roads with respect to traffic safety shall be done on the basis of:

- 1) the number of traffic accidents that occur on the road section; or
- 2) recorded technical elements of the road section.

The safety of national roads shall be inspected in order to determine the safety characteristics of the road and to reduce the number of traffic accidents on them.

The verification referred to in paragraph 4 above shall include periodic inspection of national roads and analysis of possible impacts of road works on safe traffic.

The inspection referred to in paragraph 4 above shall be performed by the Inspectorate for National Roads.

Detailed conditions to be met by national roads in terms of traffic safety, national road safety audit, national road safety verification, the content of an audit report and inspection report, the composition of an expert commission and the conditions to be met by members of the expert commission for conducting audit and verification, monitoring the traffic safety status, ranking and management of roads, and the impact of a road on traffic accidents shall be prescribed by the Ministry.

## **Minimum Safety Requirements for Tunnels**

### **Article 58**

Tunnels longer than 500 meters on national roads belonging to the trans-European road network shall meet minimum safety requirements, in order to prevent endangering human lives, the environment, tunnel installations and providing protection in the event of an accident.

Tunnels shall meet the requirements referred to in paragraph 1 above, when planning, designing, building and operating technical elements of tunnels, lighting, signaling, marking of tunnels and protective and safety equipment in tunnels.

Detailed minimum safety requirements referred to in paragraph 2 above shall be prescribed by the Ministry, with prior consent of the state administration body responsible for internal affairs and state administration body responsible for spatial development and environmental protection.

## **Traffic Safety in Tunnels**

### **Article 59**

The administrative body or road manager shall be responsible for traffic safety in tunnels on a national road belonging to the trans-European road network and fulfillment of minimum safety requirements for tunnels.

Tunnel manager shall be appointed for each tunnel longer than 500 meters on a national road that belongs to the trans-European road network on the territory of Montenegro.

As a rule, the tunnel manager referred to in paragraph 2 above shall be the manager of the road on which the tunnel is located.

A joint tunnel manager may be designated for tunnels located on the territory of Montenegro and a neighboring country.

Where, in the case referred to in paragraph 4 above, two tunnel managers have been designated, the decision on traffic safety in the tunnel, which is adopted by the tunnel manager, shall be adopted with the prior consent of the other tunnel manager.

### **Responsibilities of Tunnel Managers**

#### **Article 60**

The tunnel manager shall prohibit or restrict traffic or close the tunnel, where the tunnel does not meet the minimum safety requirements prescribed for tunnels and determine the conditions under which traffic may be re-established or the tunnel reopened.

The tunnel manager shall:

- 1) ensure the fulfillment of the prescribed safety requirements;
- 2) determine organizational and operational plans, as well as emergency training plans and equipping emergency services;
- 3) determine the procedure for emergency closure of tunnels in case of danger;
- 4) implement the necessary measures to reduce the risk;
- 5) make an analysis of risks that affect the safety, characteristics and type of traffic, length and geometry of the tunnel, and a forecast of the number of freight vehicles per day;
- 6) submit to the Ministry and the administrative body the safety documentation with the risk analysis referred to in item 5 of this paragraph.

The analysis referred to in paragraph 2 item 5 above shall be performed only by a legal entity that is independent of the tunnel manager.

### **Extraordinary Events or Accidents in Tunnels**

#### **Article 61**

The tunnel manager shall make a report for each extraordinary event or accident that occurs in the tunnel and submit it to the person responsible for safety in the tunnel referred to in Article 62 herein, the competent inspection bodies and emergency services, no later than within 30 days from the date of occurrence of the event.

The emergency services referred to in paragraph 1 above shall include the police, fire services, rescue services, tunnel manager services, and other services that intervene in the event of an accident.

Where the tunnel manager, on the basis of cooperation with the authorities responsible for conducting an investigation, obtains data containing an analysis of the circumstances of an emergency or accident in the tunnel, he or she shall provide this information to the person responsible for safety in the tunnel and emergency services, no later than 30 days from the date of receipt of data.

The tunnel manager shall submit the report referred to in paragraph 1 above and the data referred to in paragraph 3 above to the Ministry within 30 days from the day of occurrence of the extraordinary event or occurrence of the accident, that is from the date of receipt of these data.

The report referred to in paragraph 4 above shall be submitted to the Government.

The report referred to in paragraph 5 above shall also be submitted to the European Commission, no later than 30 days from the date of submission of the report.

### **Person Responsible for Tunnel Safety**

#### **Article 62**

The tunnel manager shall, for the tunnel he or she manages, appoint a person responsible for safety in the tunnel with the consent of the Ministry, in order to implement preventive and protective measures that ensure the safety of traffic participants and workers in the tunnel.

The person responsible for safety in the tunnel shall perform tasks that ensure the application of regulations on tunnel safety.

The person responsible for safety in the tunnel shall be independent of the tunnel manager and shall not act on the tunnel manager's orders in connection with his or her work, and may be employed by the tunnel manager or the tunnel emergency services.

The person referred to in paragraph 3 above may be designated as the person responsible for several tunnels in one area.

The person referred to in paragraph 3 above shall:

- 1) ensure coordination with emergency services and participate in the preparation of operational plans with schematic representations;
- 2) participates in the planning, assessment and implementation of activities in case of danger;
- 3) participates in the determination of safety schemes and specifications of facilities, equipment and activities in the function of tunnels, for new tunnels, as well as for tunnels that are being reconstructed;
- 4) checks the training of employees in tunnels and emergency services and participates in the organization of exercises held in regular time periods;
- 5) checks whether the tunnel structure and equipment are regularly maintained and repaired;

- 6) participates in the assessment of each extraordinary event and accident.

### **Conditions for Obtaining Certificates for Road Safety Auditors**

#### **Article 63**

A road safety auditor certificate is issued to a person who:

- 1) has completed at least level VII-1 of the national framework of qualifications in the area of transport (road transport department), or civil engineering (transport department);
- 2) has at least five years of work experience in road traffic safety, that is road design or execution of road construction works;
- 3) has not been convicted in the previous five years for any criminal offenses that make him or her unfit to perform his or his duties as an auditor;
- 4) has passed the professional exam for road safety auditor. The professional exam is taken before a commission appointed by the Ministry.

The manner of taking and the program of the professional exam for auditors shall be prescribed by the Ministry.

### **Issuance of Certificates for Road Safety Auditors**

#### **Article 64**

The road safety auditor's certificate shall be issued for five years.

The certificate referred to in paragraph 1 above may be extended for a period of five years, provided that the person referred to in Article 63 paragraph 1 of this Law has passed the knowledge test for the extension of the auditor's certificate.

The road safety auditor's certificate will be revoked if:

- 1) the auditor ceases to meet the conditions prescribed by this Law;
- 2) the certificate was issued on the basis of untrue and inaccurate data;
- 3) the auditor does not perform tasks in accordance with the law.

The professional exam for testing the knowledge for extending the road safety auditor's certificate shall be taken according to the program prescribed by the Ministry.

The certificate referred to in paragraph 1 above shall be issued on a form prescribed by the Ministry.

### **Conditions for the Preparation of Technical Documentation for Traffic Signalization**

#### **Article 65**

The duties of an authorized engineer for the preparation of technical documentation of traffic signals and road equipment shall be performed by a person who has completed at least level VII-1 of the national framework of qualifications in the area of transport (road transport

department) and has at least three years of work experience in the preparation of technical documentation for traffic signalization and road equipment.

The fulfillment of the conditions referred to in paragraph 1 above shall be determined by a decision of the Ministry.

The register of persons referred to in paragraph 1 above shall be kept by the Ministry.

### **Conditions for Auditors of Technical Documentation for Traffic Signalization**

#### **Article 66**

The duties of an auditor of the technical documentation of traffic signalization and road equipment shall be performed by a person who has completed level VII-1 of the national framework of qualifications in the area of transport (road transport department) and has at least five years of work experience in the development technical documentation for traffic signalization and road equipment, that is execution of works on traffic signalization and equipment, as a certified engineer.

The fulfillment of the conditions referred to in paragraph 1 above shall be determined by a decision of the Ministry.

The register of persons referred to in paragraph 1 above shall be kept by the Ministry.

## **VIII PROTECTION OF PUBLIC ROADS**

### **Traffic Suspension**

#### **Article 67**

The Ministry, that is the competent local government body, may, at the request of the road manager, prohibit traffic on a road or for certain types of vehicles, either on the entire road or on certain parts of the road, if the public road is in such a condition that no traffic can take place on it, or no traffic can take place on it only for certain types of vehicles, or if the traffic of a certain type of vehicle would cause damage to a public road and facilities on the road, or if it is not possible to carry out reconstruction and maintenance works on a public road without the suspension of traffic or if it required due to other road safety reasons.

In the event of natural disasters that may cause traffic disruption, the road inspector may suspend traffic.

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

The traffic ban shall be published in a timely manner in the electronic media and marked with appropriate traffic signs on a public road.

### **Public Road Works**

#### **Article 68**

Works on or along a public road, which affect traffic, or which require partial or complete closure of a road for traffic, shall be performed only on the basis of a permit issued by the administrative body, or the competent local government body.

The permit for temporary change of the traffic regime shall be issued by the administrative body or the competent local government body, on the basis of a traffic signalization and road equipment plan, during the execution of works.

Notwithstanding paragraph 1 above, temporary, partial or complete closure of a road shall be allowed due to regular maintenance.

In case of road reconstruction, the request for closure of a public road or road section shall include information on the location, type and scope of works for which it is proposed to close the road, the manner and duration of their execution.

The permit for temporary closure of a main, regional or municipal road shall be issued for sports and other events that take place along the road.

Sports and other events on highways and fast traffic roads shall not be allowed.

An applicant for the complete closure of a road or road section shall notify the road closure and traffic diversion to the administrative body responsible for police affairs and inform the public via electronic media at least three days before closing the road.

### **Report on the condition and Passability of public roads**

#### **Article 69**

The condition and passability of public roads, interruptions of traffic and extraordinary events on those roads shall be reported on a daily basis by the contractor referred to in Article 40 paragraph 4 of this Law to the road manager, road inspector and legal entity providing technical assistance on the road, in order to timely inform all traffic participants and provide information about road traffic condition.

### **Technical Assistance on Roads**

#### **Article 70**

In addition to other activities of significance for the smooth flow of traffic on public roads, technical assistance to motorized road users on public roads and information on the passability of public roads shall be provided by a legal entity on the basis of a contract concluded with the Ministry.

The legal entity referred to in paragraph 1 above shall:

- own, rent or lease an appropriate number of roadside assistance vehicles;
- have an adequate number of permanent employees for the provision of information services to road users.

The legal entity referred to in paragraph 1 above shall prepare an annual roadside assistance plan and information plan and submit them to the Ministry for approval.

The report on the implementation of the plan referred to in paragraph 3 above shall be submitted by the legal entity to the Ministry no later than on March 31<sup>st</sup> of the current year for the previous year.



The contract referred to in paragraph 1 above shall be concluded on the basis of a previously conducted public announcement procedure, for a period of four years.

Detailed conditions referred to in paragraph 2 above shall be prescribed by the Ministry.

### **Winter Traffic Regime**

#### **Article 71**

The administrative body, or the local government body, shall adopt a plan for the winter maintenance of public roads, which includes a plan of winter maintenance activities and indicates the locations where traffic signals shall be installed for traffic regulation in winter period.

The administrative body shall install traffic signals on national roads in accordance with the change in the traffic regime in winter period.

### **Equipment of Motor Vehicles Travelling on Public Roads**

#### **Article 72**

Motor vehicles and trailers travelling on public roads shall be fitted with wheels and inflated tires.

Notwithstanding paragraph 1 above, motor vehicles with caterpillars may travel on a public road with modern surfacing provided that their caterpillar tracks have flat lining or other appropriate linings.

The vehicles of the Army of Montenegro need not satisfy the requirements under paragraph 2 above, but the road manager shall be entitled to recover compensation for any damage inflicted by such vehicles.

Animal-drawn carts weighing under three tons may travel on a public road provided they have rubberized wheels.

Notwithstanding paragraph 2 above, in extraordinary circumstances, motor vehicles with caterpillars may travel on public roads with modern surfacing if their caterpillar tracks have no appropriate linings, with the obligation to compensate the damage caused.

### **Special Transport**

#### **Article 73**

Any transport by a vehicle whose total mass, axle loads and dimensions are not in accordance with the regulations, or the technical condition of a road, shall be considered special transport.

Special transport shall be performed on the basis of a permit for special transport on a public road, issued by the administrative body, or the local government body for each individual transport.

Notwithstanding paragraph 2 above, a monthly permit for special transport may be issued for a vehicle or convoy of vehicles, which due to their characteristics are characterized as special transport.

The issued permits referred to in paragraphs 2 and 3 above and the period for which they have been issued shall be notified in writing by the administrative body, or the local government body to the administrative body responsible for police affairs, the Ministry, or the local government inspection body and communal police, as well as the contractor referred to in Article 40 paragraph 4 of this Law, and other traffic participants shall be informed via electronic media.

Notwithstanding paragraph 4 above, when special transport takes place on a road or road section, the administrative body, or the local government body shall notify the manager of that road or road section in writing.

No permit for special transport on a public road shall be required for special transport which must be done without delay, due to natural and other disasters, as well as for the needs of national defense.

No permit for special transport shall be required for special transport performed by a vehicle or convoy of vehicles which is owned or leased by the army, police, civil protection service and fire service, when special transport is performed for the purpose of carrying out duties of these services and under their supervision.

No permit for special transport shall be required for the transport referred to in paragraph 1 above, where the prescribed values may be exceeded by a maximum of 3%, if due to the characteristics of the cargo at the place of loading it was not possible to determine the exact weight of the cargo or there was a change in the weight of the cargo during transport, due to the hygroscopicity of the material being transported.

For the issuance of the permit referred to in paragraphs 2 and 3 above, the administrative body or the local administration body shall request prior consent of the administrative body responsible for police affairs, in cases of exceeding the total mass of a vehicle or convoy of vehicles over 60 tons, total length of a vehicle or convoy of vehicles over 25 meters, total width of a vehicle or convoy of vehicles over 3 meters, as well as for a vehicles or expensive vehicles exceeding the height of 4.5 meters.

The administrative body and the administrative body responsible for police affairs, depending on the characteristics of the special transport, the determined transport route and the degree of exceeding the prescribed values, shall determine the escort for special transport.

Records on issued permits for special transport shall be kept by the administrative body, or the local government body.

The records referred to in paragraph 11 above shall include data on the carrier to which the license has been issued (name and seat of the carrier), data on the type of permit issued, the number under which the permit was issued, the date of issue and the period of validity of the permit, as well as data on the public road on which the special transport travels.

Manner and procedure for issuing permits for special transport, application form for issuing permits for special transport and the manner of marking the vehicles used for special transport shall be prescribed by the Ministry.

## **Damage Caused by Special Transport**

### **Article 74**

Where special security measures need to be taken for special transport (securing bridges, supporting bridges, reinforcement of the roadside strip, facilities, escorts, etc.), the costs related to the measures taken shall be borne by the applicant for issuing a permit for special transport.

The persons performing a special transport shall carry it out in accordance with the permit issued.

The persons performing a special transport shall compensate any damage inflicted on the public road or road facility in the course of the special transport.

### **Special Transport Checks**

#### **Article 75**

Checks of the axle load, maximum permissible mass and dimensions of vehicles travelling on a national road shall be performed by the administrative body through the contractor referred to in Article 40 paragraph 4 of this Law, in the presence of the administrative body responsible for police affairs.

The checks referred to in paragraph 1 above may be performed independently by the administrative body in charge of police affairs.

The checks referred to in paragraph 1 above shall also be performed upon entering Montenegro at border crossings.

Checks of the axle load, maximum permissible mass and dimensions of vehicles on municipal roads shall be performed by the local government inspection body.

### **Vehicles Transporting Hazardous Substances**

#### **Article 76**

Vehicles transporting hazardous substances on public roads shall act in accordance with the law governing the transport of hazardous substances.

### **Installation, Removal and Addition of Traffic Signalization**

#### **Article 77**

To install, remove and add traffic signalization, which indicate the traffic regulation of national roads in urban area, the competent local government body shall obtain the prior consent of the government body.

Signs and information boards may be placed by a public road, indicating that there is a cultural or historical monument, natural landmark or a significant tourist or urban area, and the like (tourist or other information signs).

The proposal of an interested legal or natural person for the installation of a tourist or other information sign by a national road shall be decided by the administrative body.

The proposal of an interested legal or natural person for the installation of a tourist or other information signs by a municipal road shall be decided by the local government body.

### **Dirt Roads Feeding to Public Roads**

## **Article 78**

A dirt road that feeds into a public road with modern surfacing shall be constructed on a hard base or with the same type of surfacing as the public road that it feeds into, along the road land strip of the public road.

The construction costs referred to in paragraph 1 above shall be borne by the developer, if a new public road is built.

The construction costs referred to in paragraph 1 above shall be borne by the developer of the dirt road, if it feeds into the existing public road.

## **Approval for Connecting Access Roads**

### **Article 79**

Owners, that is users of land or facilities located near a public road may have an access road feeding into a public road, if they get approval for it.

The connection of an access road to a public road shall be done primarily by connecting with another access or uncategorized road that is already connected to the public road, and if this is not possible, the access road shall be connected directly to the public road, if the traffic and technical conditions are met, that is if the traffic connection has no harmful effects on a smooth and safe movement of traffic on a public road.

The approval referred to in paragraph 1 above for national and municipal roads shall be issued by the administrative body and the local government body, respectively.

The approval determines the manner and technical conditions under which it is possible to connect an access road to a national road.

The costs of rearranging the connection in the case referred to in paragraph 2 above shall be borne by the owner or user of the facility.

For the facilities along a national road, an approval of the administrative body shall be required for each structural change of facilities and equipment for the execution of associated works or change of activity.

The approval referred to in paragraph 1 above shall also be required when the traffic on the existing access road increases or the traffic conditions change.

## **Clear Vision on Public Road Intersections**

### **Article 80**

Clear vision areas shall be provided where there is an at-grade intersection of a public road and another road and at-grade intersection of a public road and a railway, in accordance with the technical requirements for design.

In clear vision areas determining the sight distance referred to in paragraph 1 above, it is prohibited to erect plantations, fences and trees, leave objects and materials, set up plants and devices, build facilities, or perform other actions that interfere with the sight distance on a public road.

The owner, that is the immediate holder of the land which is at a sight distance which determines the clear vision area, shall act on the request of the road manager and remove plantations, fences, trees, objects, materials, plants, devices and facilities referred to in paragraph 2 above, in order to ensure a clear vision of the road.

Persons referred to in paragraph 3 above shall be entitled to compensation for damage due to restrictions on land use in the clear vision areas, which is paid by the public road manager.

### **Access Junction to Public Road**

#### **Article 81**

Access junction to a public road shall be built in accordance with the conditions referred to in Article 18 of this Law and the law governing the planning and construction of structures.

For a national road and a municipal road, the access junction referred to in paragraph 1 above shall be allowed by the administrative body and the local government body, respectively, if it is determined that the following conditions are cumulatively met:

- 1) it is not possible to connect a municipal road, uncategorized road or a street with a municipal road, an uncategorized road or a street that already has an intersection, crossing or connection to a national road;
- 2) the access junction referred to in paragraph 1 above shall have no adverse effect on a smooth and safe flow of traffic on a public road.

### **Adapting Access Junctions to the Needs of Traffic on Public Roads**

#### **Article 82**

Where the traffic requirements (load, structure, flow type and regime) are changed in the zone of a built access junction onto a national road or municipal road, for the construction of which a decision was obtained on the fulfillment of the conditions of the administrative body or the local administration body, the access junction shall be reconstructed in such a way that the elements of the access junction are adjusted to new traffic requirements.

The decision on adjusting an access junction to the needs of traffic on a public road shall be made by the administrative body or the local government body.

Costs of preparing technical documentation, obtaining site requirements, a building permit for the reconstruction of an access junction, costs of procurement and installation of traffic signalization and equipment referred to in paragraph 1 above, shall be borne by the developer financing the construction/reconstruction of an access road onto a national or municipal road.

### **Reducing the Number of Access Junctions**

#### **Article 83**

During the reconstruction of a national road, the road manager shall reduce the number of intersections and access junctions, access and uncategorized roads onto a national road, to the smallest possible number, in order to increase the capacity and level of traffic safety on the national road.

## **Prohibition of Temporary or Permanent Occupation of Public Roads**

### **Article 84**

In order to protect public roads, it is prohibited to temporarily or permanently occupy a public road or road section or to carry out any works on a road that are not related to road maintenance or reconstruction, as follows:

- 1) carry out any works on a road, which are not related to the construction, reconstruction, maintenance and protection of the road, without consent of the road manager;
- 2) slide timber, fuel wood, stone and other material down the slopes in cut-and-fills, cuttings and embankments;
- 3) let unsupervised livestock onto a road, slopes of embankments and cuttings and watering livestock on the roadside and in the road protection zone;
- 4) keep waste dumps and manure pits on the roadside and in the road protection zone;
- 5) dispose of soil, waste, construction and other materials on the roadside and in the road protection zone;
- 6) discharge water, wastewater and other impurities on a road and road land strip or prevention of runoff from a road, road ditch and a culvert and stop water flowing towards respective recipients;
- 7) carry mud from an access road onto the public road;
- 8) extract natural stone, sand and gravel in the roadside strip;
- 9) use a road ditch for irrigation of the surrounding land;
- 10) stain a road with fuel oil, oil, engine oil and other fatty substances;
- 11) use a place where there is no permitted connection for access to the road;
- 12) turn around a tractor, plough and other farm implements on a public road;
- 13) install and use on or along a public road any lights or other devices or objects which interfere with road traffic safety;
- 14) burn grass and other vegetation on a public road, as well as waste objects and materials;
- 15) drive or park on road shoulders, areas intended for cyclists and pedestrians or on other parts of the road that are not intended for driving vehicles, unless parking or stopping on them is expressly permitted;
- 16) leave or throw objects, construction and other materials on public roads;
- 17) remove, relocate, cover, damage or destroy traffic signs;
- 18) stop or leave vehicles, thus interfering with the use of the road;
- 19) open passages for vehicles and pedestrians on wire fences of the associated facilities along a highway;

- 20) drag logs, material, implements or other types of load on the road (beams, logs, branches, stone blocks, ploughs, harrows, etc.)
- 21) damage and use of road structures for printing and placement of advertising and other contents;
- 22) other actions that damage or could damage the road, reduce sight distance, interfere with traffic or endanger the safe flow of traffic on the road.

Notwithstanding paragraph 1 above, checkpoints and toll collection ramps and stations may be set up on a public road or part thereof passing through an area of protected natural assets, with the consent of the road manager, as well as the checkpoints and ramp tolls required for toll collection.

### **Protecting Public Roads from Water, Avalanches, Noise, Blinding Effects and Other Harmful Effects**

#### **Article 85**

Owners or users of land along a public road shall allow free road runoff and disposal of snow on their land, if no harm is done thereby.

Owners or users of land along a public road shall, in accordance with the law and subject to a fee, allow access to road facilities for the purpose of their maintenance, construction of drainage ditches, absorption wells and other facilities for road runoff drainage, construction of temporary or permanent facilities for the protection of roads and traffic on it in case of snow, debris, noise, blinding and other harmful effects, which cannot be installed on the road land strip.

### **Prohibition to Store Building or Other Materials along Public Roads**

#### **Article 86**

It shall be forbidden to store building and other materials, which are not used for the maintenance of a public road, along the public roads and inside the road land strip boundaries.

### **Prohibition of Works that May Damage or Endanger Public Roads**

#### **Article 87**

It shall be forbidden to carry out any works on a public road or road facility and in the vicinity of a public road or road facility that may damage or endanger a public road or road facility, increase the costs of maintaining a public road and road facility, and obstruct or endanger traffic on a public road.

### **Removal of Grease and Objects from Public Roads**

#### **Article 88**

Anyone who spills grease or mud, or sprinkles, deposits or throws material or other objects on a public road, shall have to remove them.

Owners, that is users of commercial facilities along public roads, shall immediately clean the public road section in front of their own facilities which is polluted by visitors to those facilities.

Where the person who brings mud, dirt, materials and objects onto a public road, or if the owner or user of a facility along a public road fails to act in accordance with paragraphs 1 and 2 above, the road shall be cleaned by the contractor referred to in Article 40 paragraph 4 of this Law at the expense of that person.

In case of spilling of hazardous and toxic substances onto a national road, the administrative body shall organize its cleaning at the expense of the person who spilled them.

### **Removal or Marking of Objects, Substances or Vehicles from Public Roads**

#### **Article 89**

A person who is the owner or the holder of objects, substances or vehicles from which the objects or substances found on a public road originated and which may damage the public road or endanger traffic safety, shall remove or mark them without delay.

Where the person, who is the owner or holder of the object, substance or vehicle from which they originate, fails to act in the manner prescribed in paragraph 1 above, the road manager shall take measures to remove or mark such objects or substances within a period that shall not be longer than 12 hours.

The costs of removing objects and substances from a public road, that is their marking referred to in paragraph 2 above, shall be borne by the person referred to in paragraph 1 above.

The objects and materials shall be removed from a public road without damaging the public road.

### **Marking and Removal of Broken-Down Vehicles**

#### **Article 90**

For the purpose of safe traffic, a person who is the driver, owner or holder of a broken down vehicle on a public road shall immediately mark the vehicle in the manner prescribed by traffic safety regulations and take measures to ensure that the vehicle is removed from the public road as soon as possible, which shall not be longer than two hours.

Where the person who is the driver, owner or holder of a broken down vehicle on a public road fails to act in the manner prescribed in paragraph 1 above, the road manager shall immediately take measures for marking or removal of that vehicle within a period which shall not be longer than two hours from the expiration of the deadline referred to in paragraph 1 above.

The costs of removing vehicles from public roads, that is their marking referred to in paragraph 2 above, shall be borne by the person who is the driver or owner of a broken-down vehicle on a public road.

Vehicles shall be removed from a public road without damaging the public road.

### **Protective Fence along Public Roads**

#### **Article 91**

For a smooth and safe flow of traffic and protection of public roads from damage, at the places where citizens gather in large numbers or there are intensive pedestrian flows (sports



stadiums, fairs, schools, kindergartens) or in places that are used for keeping livestock in large numbers (pastures, stables), which are located along a public road with a high traffic flow, an appropriate fence separating the place from the public road shall be erected.

The installation of the fence referred to in paragraph 1 above shall not reduce the sight distance on a public road.

The road manager shall determine the conditions and manner of setting up and maintaining the fence referred to in paragraph 1 above.

The fence referred to in paragraph 1 above shall be set up and maintained by the owners or users of land or structures.

Where the owners or users of land or structures fail to install or maintain the fence referred to in paragraph 1 above, the fence shall be installed or maintained by the road manager at their expense.

## **Ban on Construction in the Road Protection Zone**

### **Article 92**

In the road protection zone along the public roads outside urban areas, it shall be forbidden to build structures or other facilities, or build and install facilities, devices and installations, other than the traffic areas of the associated and functional facilities of public roads, as well as facilities, devices and installations that serve the needs of public roads and traffic on public roads.

The road protection zone in which there shall be no mines, quarries, draw-kilns and brickyards, gravel and sand extraction, gravel pits or clay pits, erected industrial buildings and plants, as well as similar facilities, shall be 60 m wide along the highways, fast traffic roads and main roads, 40 m wide along the regional roads, and 20 m wide along the municipal roads, counting from the outer edge of the roadside strip.

The road protection zone in which it shall not be allowed, without a consent of the administrative body or the local government body, to build residential, business, auxiliary and similar structures, dig tanks, septic tanks or erect power lines, shall be 40 m wide along the highways and fast traffic roads, 25 m wide along the main roads, 15 m wide along the regional roads, and 10 m wide along the municipal roads, counting from the outer edge of the roadside strip.

Notwithstanding paragraph 3 above, in mountainous areas with unfavorable topography, it shall be allowed, with the consent of the administrative body or the local government body, to build residential, business, auxiliary and similar structures in the road protection zone, which shall be, as a minimum, 15 m away from the highways, fast traffic roads and main roads, 10 m away from regional roads, and 5 meters away from municipal roads, counting from the outer edge of the roadside strip.

In the road protection zone referred to in paragraph 3 above, it shall be allowed to build petrol stations, charging stations for electric vehicles, car repair shops, facilities for temporary storage of broken down vehicles, road bases, stations for providing assistance and information to traffic participants, as well as traffic areas of commercial facilities along a highway, fast

road, main road, regional road and local road, which are used to access these roads and which are in the function of these roads and traffic (shops, catering, tourist, sports and recreational and other facilities), based on a building permit, that is, notice of construction works.

Electronic communication lines, overhead cable lines and lines, transmission lines, low voltage power lines for lighting, pipelines, sewerage, water supply and similar facilities and intersections of public roads and railway infrastructure and industrial tracks shall be installed in the roadside area and road protection zone only with the approval of the administrative body or the local government body.

Paragraphs 1 to 6 above shall not apply to a public road section that passes through a populated area, if it is built as a city street or for which a detailed urban plan envisages that it will be built as a city street.

### **Limits of Expropriation**

#### **Article 93**

The limits of expropriation, for public roads under construction, shall be delineated on each side of a public road, measured outwards from the line extending between the end points of the cross section of a road, at a minimum distance of:

- 1) 4 meters for highways and fast traffic roads;
- 2) 2 meters for main and regional roads;
- 3) 1 meter for municipal roads.

### **Prohibition of Erecting Fences**

#### **Article 94**

It shall be forbidden to erect fences, trees and plants along a public road, in a way that interferes with the sight distance on a public road and endangers traffic safety.

### **Prohibition of Erecting Monuments**

#### **Article 95**

Along public roads, at a distance of up to 10 meters, counting from the outer edge of the roadside strip, it shall not be allowed to erect monuments and put up memorial boards, sidewalks and other memorial signs.

### **Prohibition of Works without Consent**

#### **Article 96**

It shall be prohibited to carry out any works outside the protection zone of a public road without the consent of the administrative body or local government body, which may cause a change in watercourse, water level or groundwater level or otherwise affect the road traffic safety, or carry out works contrary to the issued consent of the administrative body or local government body.

### **Afforestation and Riverbed Regulation**

### **Article 97**

The legal and natural persons engaged in afforestation, riverbed regulation or regulation of torrents along a public road shall obtain consent of the administrative body and adjust the type and scope of works so that the road is not endangered.

### **Protection of Existing Public Roads against Erosion and Landslides**

#### **Article 98**

In order to protect the existing public roads against erosion and landslides, the road manager shall have the earthen slopes of cuttings, cut-and-fills, embankments and the roadside strip planted with grass and other vegetation, in a way that does not interfere with the sight distance on a public road.

### **Placing Advertisements on Public Roads**

#### **Article 99**

Billboards and advertisement boards, information or advertising devices may be placed on a national road, or along that road at a distance of up to 3 meters, measured outwards from the edge of the road to the nearest point of the billboard and advertisement board, or information or advertising devices, as a rule on the right side in the direction of traffic flow, at an angle of 70° to 90° relative to the axis of the road, that is at an angle at which the reflection of vehicle headlights will be avoided.

Notwithstanding paragraph 1 above, billboards and advertisement boards, information or advertising devices shall be placed on a municipal road, or along that road at a distance of up to 1 meter.

The distance of the lower edge of the sign, which is placed along the road, shall be at least 1.2 meters from the upper elevation of the road.

Signs raised above the carriageway shall be placed so that the distance from the lower edge of the inscription to the upper elevation of the carriageway is at least 4.7 meters.

Billboards and advertisement boards, information or advertising devices shall not be placed:

- 1) in places where they endanger the existing space in functional and ambient terms;
- 2) in the visibility triangles of road intersections, as well as their intersection with a railway;
- 3) in places where their position would prevent the visibility and timely visibility of traffic signals;
- 4) on road sections with poor visibility (inner side of a curve, cut-and-fills, cuttings, bends, narrowed road sections, bridges and the like, culverts, overpasses, underpasses and tunnels).

On a highway and the associated roadside area of that road, it shall not be allowed to place billboards and advertisement boards, devices for information or advertising, other than at rest areas, in a way that does not endanger the safety of traffic on the highway.

## **Construction of Cable Cars above Public Roads**

### **Article 100**

For the construction of cable cars above or along public roads, the developer shall obtain the consent of the administrative body or the local government body.

The public road, which is crossed by a cable car, shall be secured with an appropriate safety device.

The costs of securing referred to in paragraph 2 above and maintenance costs shall be borne by the developer or the cable car operator.

## **Vehicle Parking Spaces**

### **Article 101**

Vehicle parking spaces (parking spaces) near catering facilities on the national and municipal roads shall be constructed in accordance with Article 26 herein.

The owners or users of the parking space referred to in paragraph 1 above shall plant the roadside strip along the parking space with grass or ornamental shrubs, or other plants that do not interfere with the sight distance on the road.

Parking spaces shall be maintained in accordance with this Law.

## **Traffic Sign**

### **Article 102**

It shall be forbidden to put on a traffic sign or a pole on which the sign is mounted anything that is not related to the meaning of the traffic sign itself.

Any unauthorized removal or damage of traffic signs and road equipment or alteration of the meaning of traffic signs shall be prohibited.

## **Blasting Near Public Roads**

### **Article 103**

Where blasting is carried out in the vicinity of a public road or facility on the road, the contractor or the person using the facility shall, in addition to placing traffic signs, ensure the presence of persons who shall regulate traffic at a distance of at least 200 meters from the place where the blasting takes place.

## **Measures to Prevent Damage to Public Roads and Impeding Safe Traffic Flow**

### **Article 104**

In the performance of public road protection activities, the road manager shall carry out daily activities to determine the occupancy of a public road, illegal performance of works on a public road and in the protection zone and all other acts that significantly damage or may damage the public road or impede the safe flow of traffic on the public road.

In the cases referred to in paragraph 1 above, the road manager shall notify the competent inspection body without delay.

## **IX. SUPERVISION**

### **Supervision over the Legality and Expedience of Operation**

#### **Article 105**

The Ministry shall supervise the implementation of this Law and regulations adopted on the basis of this Law.

#### **Inspection**

#### **Article 106**

For national roads, inspection shall be performed by the inspector for national roads in accordance with this Law and the Law on Inspection.

For municipal roads, as well as national road sections within the boundaries of urban areas, inspection shall be performed by the local government inspection body.

The fulfillment of minimum safety requirements for tunnels, in addition to inspectors for national roads, shall also be inspected by other inspection bodies within their respective competences.

The fulfillment of minimum safety requirements for tunnels shall be inspected periodically for a period not longer than six years.

In addition to the powers specified by the Law on Inspection, the inspector for national roads, or the local government inspection body, shall also have the authority to:

- 1) inspect the works on the reconstruction and maintenance of a public road, road section and road facility;
- 2) review technical and other documentation for the reconstruction and maintenance of a public road, road section or road facility;
- 3) inspect the performance of regular road maintenance works, which are the subject matter of public road maintenance contracts;
- 4) inspect the condition of a public road, road section and road facility;
- 5) monitor the proper maintenance of a public road, road section and road facility in accordance with technical and other regulations and conditions which ensure the suitability of a public road, road section and road facility for unhindered and safe traffic;
- 6) inspect traffic conditions on a public road;
- 7) verify the correct and regular implementation of the prescribed measures for the protection of public roads;

- 8) monitor the application of technical regulations, technical norms and standards and quality norms during the execution of works and use of materials for the reconstruction and maintenance of public roads;
- 9) verify whether the contractor for the reconstruction of a public road, road section and road facility, keeps an inspection book and construction log in the prescribed manner;
- 10) verify whether a public road, road section and road facility are used on the basis of the issued use permit and whether it is issued in the prescribed manner;
- 11) verify the safety of national roads in operation;
- 12) verify the fulfillment of the minimum safety conditions of tunnels.

### **Measures and Actions of Inspectors**

#### **Article 107**

In order to eliminate the established irregularities, an inspector for national roads, that is the inspection body of the local government, in addition to the powers determined by the Law on Inspection, shall be authorized and obliged to:

- 1) order the prohibition of traffic or traffic of a certain type of vehicle on a public road, road section and road facility, which endangers or may endanger the traffic safety or damage a public road;
- 2) order the elimination of defects on a public road, road section and road facility which endangers or may endanger traffic safety;
- 3) order the developer to obtain a use permit, within a period which may not be shorter than 30 days, if they determine that the public road, road section or road facility for which a building permit has been issued is used without a use permit and, if the developer does not obtain a use permit within a specified period, temporarily prohibit traffic on a public road, road section or road facility;
- 4) order the elimination of defects within the set deadline, if they determine that during the execution of works and the use of materials during reconstruction and maintenance of a public road, road section and road facility, the technical regulations, technical norms and quality standards and norms have not been applied, as well as the prescribed conditions for traffic safety, and if the defects are not eliminated within the set deadline, prohibit, that is suspend further execution of works and order demolition and removal of constructed, reconstructed and maintained sections of a public road or road facility on which the defects have not been eliminated as ordered;
- 5) order the preparation of a risk analysis referred to in Article 60 herein, that is the application of risk mitigation measures, in the case when it is not possible to apply the prescribed minimum safety requirements for the tunnels which are in operation.

### **Powers of Inspectors**

#### **Article 108**

In addition to administrative measures and actions prescribed by the Law on Inspection, inspectors for national roads, that is the inspection body of the local government, shall also undertake the following administrative measures and actions:

- 1) prohibit or suspend the execution of works performed contrary to the law and other regulations, technical norms and technical standards and quality standards during the execution of works, and the use of materials in the reconstruction and maintenance of public roads, road sections and road facilities contrary to traffic conditions on a public road, road section and road facility, or contrary to the prescribed measures for the protection of public roads, road sections and road facilities;
- 2) order the demolition and removal of facilities built or placed in the protection zone of public roads and the removal of landfills and waste, built, placed or left contrary to the provisions of this Law;
- 3) order the demolition and removal of fences, trees, plants, construction and other materials and inscriptions erected, left or placed contrary to the provisions of this Law;
- 4) order the demolition and removal of buildings, pipelines, lines, installations from a public road, road section, road facility and roadside strip, except for pipeline facilities, lines and installations for which the right of way, the right of use or other rights determined by law are granted;
- 5) prohibit works that are performed in the immediate vicinity of a public road, road section and road facility, and which may endanger their stability and traffic safety;
- 6) prohibit travel on a public road to vehicles used for special transport without a special permit;
- 7) order the installation of physical barriers that prevent access to a public road without previously obtained consent of the administrative body, that is a construction permit.

## **X. PENAL PROVISIONS**

### **Article 109**

A fine in the amount of EUR 1,500 to EUR 10,000 shall be imposed on a legal entity for a misdemeanor if they:

- 1) during the execution of works, do not perform regular maintenance on that road, road section or road facility (Article 27);
- 2) within three days from the commencement of emergency maintenance works, do not notify the competent inspection authority, with a description of the causes and measures to be undertaken (Article 43 paragraph 3);
- 3) fail to maintain roads so that safe traffic for which they are intended is enabled on them (Article 53 paragraph 1);

- 4) fail to act in accordance with the report of the road safety auditor on safety elements and measures, or fails to take the necessary measures for notifying the Ministry and the road safety auditor (Article 56 paragraph 6);
- 5) do not prohibit or restrict traffic in a tunnel or close to a tunnel which does not meet the minimum safety requirements prescribed for tunnels and does not implement the measures necessary to meet the minimum safety requirements for tunnels (Article 60 paragraphs 1 and 2);
- 6) in order to ensure the safety of traffic participants and workers in a tunnel, fail to take the measures referred to in Article 62 paragraph 5;
- 7) fail to submit a report on a daily basis to the road manager, road inspector and the legal entity that provides technical assistance services on a road, in order to timely notify all traffic participants and provide information about the passability of roads (Article 69);
- 8) drive motor vehicles and trailers on public roads without wheels with inflated tires (Article 72 paragraph 1);
- 9) fail to perform special transport in accordance with the issued permit for special transport (Article 74 paragraph 2);
- 10) temporarily or permanently occupy a public road or road section or perform works on a road that is not related to maintenance or reconstruction of the road in accordance with Article 84 paragraph 1 herein;
- 11) perform works that may damage or endanger a public road or road facility, increase the costs of maintaining a public road and road facility or obstruct or endanger traffic on a public road (Article 87);
- 12) fail to remove grease, mud, that is deposits or thrown material or other objects on a public road (Article 88 paragraph 1);
- 13) without a permit, build or reconstructs structures or places other facilities and devices in the protection zone of a public road (Article 92 paragraph 5);
- 14) carry out works outside the protection zone of a national road in contravention of the conditions of the issued consent (Article 96);
- 15) build cable cars above or along a public road without consent (Article 100 paragraph 1);
- 16) remove or damage a traffic sign and road equipment or change the meaning of a traffic sign without authorization (Article 102).

For the misdemeanor referred to in paragraph 1 above, the responsible person in the legal entity shall also be fined in the amount of EUR 800 to EUR 2,000.

For the misdemeanor referred to in paragraph 1 above, the entrepreneur shall also be fined in the amount of EUR 1,500 to EUR 6,000.

For the misdemeanor referred to in paragraph 1 above, a natural person shall also be fined in the amount of EUR 1,500 to EUR 2,000.



## **Article 110**

A fine in the amount of EUR 1,000 to EUR 10,000 for misdemeanor shall be imposed on a legal entity - contractor for road maintenance and protection, if they:

- 1) fail to provide protection of public roads and traffic in places that are subject to landslides or exposed to snow, torrents and strong winds (Article 38);
- 2) fail to enable safe traffic during the execution of maintenance works on public roads (Article 40 paragraph 2);
- 3) fail to perform regular maintenance of public roads in accordance with the annual plan referred to in Article 14 of this Law (Article 40 paragraph 3);
- 4) before the commencement of the works, fail to secure the location where the works are carried out, so that the road maintenance works may cause disturbances in the normal flow of traffic (Article 44 paragraph 2);
- 5) fail to install the prescribed traffic signs for the purpose of organizing safe traffic at the locations where the works referred to in Article 44 paragraph 1 are carried out (Article 44 paragraph 4);
- 6) during the reconstruction of a national road, fail to reduce the number of intersections and access junctions, access and uncategorized roads on a national road, to the smallest possible number, in order to increase the capacity and level of traffic safety on a national road (Article 83);
- 7) fail to immediately remove any mud, dirt, materials and objects from a public road (Article 88 paragraph 3);
- 8) as the owner or holder of objects, substances or vehicles from which the objects or substances originate, which are found on a public road and may damage a public road or endanger traffic safety, fail to without delay remove or mark such objects, substances or vehicles from which such objects originate (Article 89 paragraph 1);
- 9) fail to take measures in accordance with Article 89 paragraph 1 of this Law within a period which shall not exceed 12 hours, in the event that the owner or holder of the object, substance or vehicle from which they originate has not taken those measures (Article 89, paragraph 2);
- 10) in performing public road protection activities, fail to carry out activities on a daily basis to determine the occupation of a public road, illegal execution of works on a public road and in the protection zone and all other acts that significantly damage or may damage a public road or interfere with the safe flow of traffic on a public road, and if they fail to notify the competent inspection body without delay (Article 104).

For the misdemeanor referred to in paragraph 1 above, a fine of EUR 150 to EUR 1,000 shall also be imposed on the responsible person of the contractor for the maintenance and protection of roads.

## **Article 111**

A fine in the amount of EUR 1,200 to EUR 7,000 shall be imposed on a legal entity for a misdemeanor if they:

- 1) for each extraordinary event or accident that occurs in a tunnel, fail to draw up a report and submit it to the person responsible for safety in the tunnel referred to in Article 62 herein, to the competent inspection bodies and emergency services within 30 days from the date of occurrence of the event (Article 61 paragraph 1);
- 2) on the basis of cooperation with the bodies responsible for conducting the investigation, receive data containing an analysis of the circumstances of the emergency events or accidents in the tunnel, and fail to deliver them to the person responsible for safety in the tunnel and emergency services at the latest within 30 days from the day of receipt of data (Article 61 paragraph 3);
- 3) fail to submit the report referred to in Article 61 paragraph 1 herein and the data referred to in Article 61 paragraph 3 of this Law to the Ministry, within 30 days from the day of occurrence of the extraordinary event or occurrence of the accident, that is from the day of receipt of these data (Article 61 paragraph 4);
- 4) along a national road and without an approval, change the structure of a facility, devices for performing the associated works or activities (Article 79 paragraph 6);
- 5) prevent the flow of water from the road or the disposal of snow on their land (Article 85 paragraph 1);
- 6) hold near a public road, within the boundaries of the road land strip, construction and other material that is not used for the public road maintenance purposes (Article 86);
- 7) fail to clean the public road section in front of their facilities, which is polluted by the visitors of those facilities (Article 88 paragraph 2);
- 8) fail to install and maintain a protective fence (Article 91 paragraphs 1 and 3);
- 9) erect fences, trees and plantations along the public roads and erect them in the protection zone so as to obstruct the sight distance on public roads and endanger traffic safety (Article 94);
- 10) along the public roads, at a distance of 10 meters, counting from the outer edge of the roadside strip, erect monuments, memorial inscriptions, roadside memorials and other memorial signs (Article 95);
- 11) along a public road, perform afforestation, regulation of riverbeds, regulation of torrents without the consent of the administrative body, and fail to adjust the type and scope of works so that the road is not endangered (Article 97);
- 12) fail to build and/or arrange parking spaces nearby catering facilities on national and municipal roads in accordance with Article 26 herein (Article 101);
- 13) place on a traffic sign or pole on which the sign is mounted anything that is not related to the meaning of the traffic sign itself, remove, damage or change a traffic sign without authorization (Article 102);

14) fail to provide for the installation of traffic signs at a distance of at least 200 meters from the location where blasting takes place, as well as the presence of a person who will regulate traffic (Article 103).

For the misdemeanor referred to in paragraph 1 above, the responsible person in the legal entity shall also be fined in the amount of EUR 500 to EUR 1,200.

For the misdemeanor referred to in paragraph 1 above, the entrepreneur shall also be fined in the amount of EUR 1,000 to EUR 4,000.

For the misdemeanor referred to in paragraph 1 above, a natural person shall also be fined in the amount of EUR 1,500 to EUR 2,000.

### **Article 112**

A fine in the amount of EUR 1,200 to EUR 2,000 shall be imposed on a legal entity for a misdemeanor if they:

- 1) fail to pay the toll or user fee for the use of a public road or road section (Article 22 paragraph 9);
- 2) carry out traffic on a public road or public road section on which the competent authority has prohibited traffic, or carry out traffic on a certain road section with a vehicle which is banned from traffic by the competent authority (Article 67 paragraph 1);
- 3) erect plantations, fences and trees, leave objects and materials, install facilities and devices, build facilities, or perform other actions that obstruct the sight distance on a public road (Article 80 paragraph 2);
- 4) fail to mark the vehicle in the manner determined by the regulations on traffic safety, and fail to take measures to have the vehicle removed from the public road as soon as possible, within 2 hours maximum (Article 90 paragraph 1).

For the misdemeanor referred to in paragraph 1 above, the responsible person in the legal entity shall also be fined in the amount of EUR 500 to EUR 1,200.

For the misdemeanor referred to in paragraph 1 above, the entrepreneur shall also be fined in the amount of EUR 1,000 to EUR 4,000.

For the misdemeanor referred to in paragraph 1 above, a natural person shall also be fined in the amount of EUR 150 to EUR 500.

### **Article 113**

A fine in the amount of EUR 800 to EUR 2,000 shall be imposed on the responsible person in the legal entity for the misdemeanor, if:

- 1) public roads are not maintained in the manner and under the conditions that enable free and safe traffic for which they are intended (Article 39 paragraph 2);
- 2) the person referred to in Article 56 paragraph 3 herein fails to act in accordance with the report of road safety auditor with respect to security elements and measures or fails to

take the necessary measures to notify the Ministry and the road safety auditor (Article 56 paragraph 6);

- 3) the tunnel manager, for the tunnel he or she manages, fails to appoint a person responsible for safety in the tunnel with the consent of the Ministry, for the implementation of preventive and protective measures to ensure the safety of traffic participants and workers in the tunnel (Article 62 paragraph 1);
- 4) the tunnel manager fails to have the earthen slopes of cuttings, cut-and-fills, embankments and the roadside strip planted with grass and other vegetation, in a way that does not interfere with the sight distance on a public road, in order to protect the existing public roads against erosion and landslides (Article 98).

## **XI. TRANSITIONAL AND FINAL PROVISIONS**

### **Deadline for Enactment of Regulations**

#### **Article 114**

Secondary legislation for the implementation of this Law shall be adopted within one year from the day this Law enters into force.

The regulations referred to in Article 8 paragraph 6 and Article 20 paragraph 7 of this Law shall be adopted within three months from the day of enactment of the regulations referred to in paragraph 1 above.

Until the enactment of the regulations referred to in paragraphs 1 and 2 above, the regulations enacted on the basis of the Law on Roads ("Official Gazette of the Republic of Montenegro", 42/04 and "Official Gazette of Montenegro", 54/09, 36/11 and 92/17) shall apply.

### **Work Experience**

#### **Article 115**

Work experience in the capacity of a certified engineer referred to in Article 65 paragraph 1 and Article 66 paragraph 1 herein shall include work experience gained by the chief engineer and the responsible engineer, or the lead designer and the responsible designer, in accordance with the Law on Spatial Development and Construction of Structures ("Official Gazette of Montenegro", 51/08, 34/11, 35/13 and 33/14).

### **Payment of Fee**

#### **Article 116**

The fee referred to in Article 22 paragraph 4 herein shall be paid into the Environmental Protection Fund (Eco-Fund).

Until the Environmental Protection Fund (Eco-Fund) becomes operational, the fees referred to in paragraph 1 above shall be paid into the Budget of Montenegro.

### **Accession to the European Electronic Toll Collection**

#### **Article 117**

Accession to the European electronic toll collection shall take place as of the date of accession of Montenegro to the European Union.

### **Application**

#### **Article 118**

Article 16 paragraphs 5 and 6, Article 22 paragraph 11 and Article 61 paragraph 6 herein shall apply from the date of accession of Montenegro to the European Union.

Article 56 of this Law shall apply from January 1, 2021.

### **Termination**

#### **Article 119**

On the day this Law enters into force, the Law on Roads ("Official Gazette of the Republic of Montenegro", 42/04 and "Official Gazette of Montenegro" 54/09, 36/11 and 92/17) shall cease to be valid.

### **Entry into Force**

#### **Article 120**

This Law shall enter into force on the eighth day following that of its publication in the Official Gazette of Montenegro.

Number: 14-1 / 20-2 / 4

EPA 929 XXVI

Podgorica, 30 July 2020

26<sup>th</sup> Parliament of Montenegro

The Speaker,

Ivan Brajovic, m.p.