



དཔལ་ལྷན་འབྲུག་པའི་ལམ་གྱི་བཅའ་བྲིམ་ས།

རང་ལུགས་གནམ་ལོ་ཤིང་ཕོ་སྤྲེལ་ལོ

སྤྱི་ལོ་ ༢༠༠༤།

THE ROAD ACT
OF THE
KINGDOM OF BHUTAN
2004

CONTENT

Contents
Preamble

Section
Page

CHAPTER ONE

PRELIMINARY PROVISIONS

- | | | |
|----|----------------------------------------------|---|
| 1. | Short Title, Commencement, Extent and Repeal | 1 |
|----|----------------------------------------------|---|

CHAPTER TWO

ADMINISTRATION OF ROADS

- | | | |
|----|---------------------------------------------|---|
| 2. | Powers of the Government | 2 |
| 3. | Powers of the Ministry | 2 |
| 4. | Powers and Functions of the Department | 3 |
| 5. | Powers and Functions of Other Road Agencies | 5 |
| | 5.1 Dzongkhag Yargay Tshogdu | 5 |
| | 5.2 Dzongkhag Administration | 5 |
| | 5.3 Geogs | 6 |
| | 5.4 Municipality | 7 |
| | 5.5 Other Institutions | 8 |

CHAPTER THREE
TECHNICAL STANDARDS

6.	Road Parts	9
7.	Technical Standards for Roads & Road Location/Alignment	9
8.	Ownership of Roads and Resources	10

CHAPTER FOUR

**CONDITIONS AND REQUIREMENTS FOR THE
CONSTRUCTION AND USE OF ROADS AND BRIDGES**

9.	General Conditions and Requirements for the Construction of Roads and Bridges	11
10.	General Rights and Obligations	11

CHAPTER FIVE

FINANCING OF ROADS

11.	General Financing of Roads	12
12.	Road User Fees	12

CHAPTER SIX

GOVERNMENT CONTROL OVER ROADS

13.	General Rule Regarding Government Control Over Roads	12
14.	Regulation of Roadside Constructions and Other Activities	13
15.	Road Inspectors	13
16.	Immunity and Liability of Road Inspectors	14
17.	Closing of Roads	14

CHAPTER SEVEN

ENFORCEMENT, PENALTIES AND SETTLEMENT OF DISPUTES

18. Offences under the Act	15
19. Penalties for Violations of this Act	16
20. Settlement of Disputes	17
21. Appeals	17

CHAPTER EIGHT

RULES, REGULATIONS, AMENDMENT AND DEFINITIONS

22. Power of Ministry to Issue Rules and Regulations	17
23. Amendment	17
24. Authoritative Text	17
25. Rules of Interpretation	17
26. Definitions	18

THE ROAD ACT OF THE KINGDOM OF BHUTAN, 2004

Preamble

Whereas, we the people of the Kingdom of Bhutan, in order to, ensure balanced socio-economic development, promote social equity, justice and general welfare, define and establish an efficient system of road network and the responsibilities of specific governmental bodies at all levels of the government with regard to roads, assist the process of national development, do hereby, give to ourselves and enact the Road Act of the Kingdom of Bhutan.

Be it enacted by the National Assembly of Bhutan in the Wood Male Monkey Year, 6th Month 17th Day, corresponding to the 2nd Day of August of the Year 2004, during its 82nd Session as follows, -

CHAPTER ONE

PRELIMINARY PROVISIONS

Short Title, Commencement, Extent and Repeal

1. This Act shall;
 - (1) be called the Road Act of the Kingdom of Bhutan, 2004;
 - (2) come into force from the 17th day, 6th month of the Wood Male Monkey Year corresponding to the 2nd of August of the year 2004;
 - (3) extend to the whole of the Kingdom of Bhutan;
 - (4) on commencement, supersede all rules and notifications not otherwise arising out of this Act;

CHAPTER TWO

ADMINISTRATION OF ROADS

Powers of the Government

2. The Royal Government shall exercise the following powers, but not limited to, with regard to roads:
 - (1) approve long term master plans for roads and Five Year Plans;
 - (2) approve policies regarding the general system for lease of roads and bridges to legal entities or to persons;
 - (3) approve policies regarding the construction of toll roads and bridges.

Powers of the Ministry

3. The Ministry shall exercise the following powers with regard to road, -
 - (1) formulate policies with regard to the national road network;
 - (2) develop and implement long term master plan for national road network and Five Year Plans;
 - (3) develop, coordinate and organise the implementation of road regulations including road user charges and approve rules regarding such matters;
 - (4) approve standards for the road construction, maintenance works and regulations regarding the control, management and use of roads;
 - (5) develop and implement policies for the promotion of the private road construction industry, and provide for the maintenance of uniform standards and quality in that industry;
 - (6) develop and implement policies, subject to Government's approval the lease of roads to legal entities or to persons and individuals;
 - (7) develop and implement policies for the construction of toll roads and bridges based on regulations established under this Act;
 - (8) determine and approve toll rates;
 - (9) designate international roads in accordance to the Government's approved bilateral and multilateral treaties, agreements and based on the classifications and proposals of the Department.

Powers and Functions of the Department

4. (1) The Department is the authority for the development of the national road network and shall have the following powers and functions,-
 - (a) coordinate, implement, and monitor the implementation of this Act and the regulations concerning road construction, its improvement and maintenance in the country;
 - (b) implement Government policy for the development of all the roads in all aspects of construction, its improvement and maintenance including human resources and adopt operating procedures, safety regulations related to work sites, machinery and equipment;
 - (c) develop classifications for all types of roads, bridges and regulate the implementation of technical specifications and standards for design, construction and maintenance of roads under the control of other road agencies;
 - (d) accord administrative and technical approval for construction, improvement and maintenance of all roads under its authority;
 - (e) approve geometric designs for feeder roads that branch out from roads under its jurisdiction;
 - (f) provide technical guidance to Dzongkhags, Geogs and other road agencies on construction and maintenance of feeder roads, mule tracks/trail, bridges including pedestrian bridges;
 - (g) encourage and promote private sector participation in carrying out road activities;
 - (h) adopt and promote environmentally friendly techniques in the implementation of road activities;
 - (i) incur expenditures and mobilize machinery, as required, in the case of natural disasters and other damages inflicted to road;
 - (j) plan, construct, maintain and manage all roads under its jurisdiction;

- (k) prohibit construction of structures, whether on national, communal or private lands, falling within the road right of way and road control area as specified in rules and regulations issued under this Act or other relevant legislation;
- (l) designate and name roads, bridges within the road network
- (m) clear obstructions to vehicular traffic including clearing of landslides and removal of trees;
- (n) enter private lands for the inspection of road location/alignment with the owners consent as per the procedures specified in the rules and regulations issued under this Act and other relevant legislation;
- (o) introduce new technologies in road construction and maintenance activities to improve efficiency and productivity;
- (p) remove off-road vehicles/equipment to prevent blockade of vehicular traffic and recover the cost of such removal from the concerned owner of vehicle/equipment;
- (q) demolish unauthorized structures within the road right of way and road control area and recover the cost of such demolition from the concerned owners of the unauthorized structures;
- (r) recover actual cost of roads damaged by a person;
- (s) acquire land for the purposes of road construction or widening based on the provisions of the Land Act, 1979 and as amended from time to time;
- (t) grant written permission to carry out otherwise prohibited activities for the purposes of road construction and maintenance;
- (u) install mandatory and cautionary signs to prevent traffic hazards and inconvenience to vehicular traffic;

- (v) provide roadside amenities such as emergency telephones, first aid posts and rescue facilities;
 - (w) carry out roadside development to improve roadside landscape.
 - (x) The department and other road agencies concerned shall fix the road control area in consultations with the Dzongkhag Yargay Tshogdu.
- (2) The Head of Department may delegate certain powers to appropriate officials or agencies.

Powers and Functions of Other Road Agencies

5. Dzongkhag Yargay Tshogdu

- 5.1 The Dzongkhag Yargay Tshogdu shall have the following powers and responsibilities within their areas of jurisdiction, -
- (a) formulate and approve dzongkhag plans for the construction and maintenance of roads based on priorities of the plans keeping in view the national policies to enhance road development.
 - (b) review, evaluate and approve Geog plans for the construction and maintenance of feeder roads, farm roads, power tiller roads, mule tracks/trails, bridges including pedestrian bridges.

Dzongkhag Administration

- 5.2 The Dzongkhag Administration shall have the following powers and responsibilities within their areas of jurisdiction, -
- (a) coordinate, implement and monitor the road plan in accordance with the Dzongkhags Yargay Tshogdu's approved resolutions with out violating the provisions of this Act and the rules and regulations issued there under.
 - (b) survey, design, and construct feeder roads, farm roads and power tiller roads within the Dzongkhag in accordance with the guidelines issued by the Department and the National Environment Commission;

- (c) clear obstructions to vehicular traffic including clearing of landsides and trees from the roads;
- (d) remove off-road vehicles/equipment to prevent blockade of vehicular traffic and recover the cost of such removal from the concerned owner of vehicle/equipment;
- (e) recover actual cost of roads damaged by a person;
- (f) acquire land for the purposes of road construction or widening based on the provisions of the Land Act, 1979 and as amended from time to time;
- (g) prevent construction of structures within the road right of way of national highways, district roads and feeder roads falling within the Dzongkhag and take measures such as cessation of construction and demolition of the structures. The road right of way shall be 100 feet wide for national highways, district roads and feeder roads except within the designated municipal boundary. The horizontal distance between the edge of carriageway and the boundary of the road right of way shall be 50 feet on both sides.
- (h) provide support for carrying out major landslide clearance and repairs on farm and power tiller roads maintained by communities;
- (i) may delegate to appropriate officials any or all the powers.

Geogs

5.3 The Geogs shall have the following powers and responsibilities within their areas of jurisdiction, -

- (a) coordinate, implement, and monitor the implementation of this Act and the regulations concerning roads;
- (b) formulate and implement Geog plans for construction and maintenance of the roads;
- (c) administer, monitor, build and maintain footpaths, mule tracks/trails, farm roads, power tiller roads and bridges;

- (d) prevent construction of structures within the road right of way of national highways, district roads and feeder roads falling within the Geog, and take measures such as cessation of construction and demolition of the structures. The road right of way shall be 100 feet wide for national highways, district roads and feeder roads except within the designated municipal boundary. The horizontal distance between the edge of carriageway and the boundary of the road right of way shall be 50 feet on both sides;
- (e) provide funds for the maintenance of road infrastructure and mobilize voluntary labour;
- (f) clear obstructions on footpaths, mule tracks/trails, farm roads and power tiller roads, including clearing of landslides and removal of trees;
- (g) recover actual cost of roads damaged by a person;
- (h) collect toll on farm and power tiller roads and utilize such funds for their maintenance.

Municipality

5.4 Municipalities shall have the following powers and responsibilities within their areas of jurisdiction, -

- (a) coordinate, implement and monitor the implementation of this Act and the regulations concerning all the roads located within the municipal boundaries;
- (b) prepare municipal plans for construction and maintenance of the roads and to implement those plans;
- (c) exercise control regarding the maintenance and use of roads;
- (d) hire, mobilise and provide labour, materials, machinery and equipment for the construction and maintenance of roads and footpaths;
- (e) incur expenditures and organise the mobilisation of machinery, equipment and human resources within the municipality for repairing the roads in the event of an emergency.

- (f) implement control of roads, including control over building in prohibited areas along roads;
- (g) designate and name urban roads;
- (h) remove off-road vehicles/equipment to prevent blockade of vehicular traffic and recover the cost of such removal from the concerned owner of vehicle/equipment;
- (i) prevent unauthorized constructions within the road right of way as prescribed in the urban development plan;
- (j) recover actual cost of roads damaged by a person;
- (k) enter private lands during road location/alignment with the owners consent as per the procedures specified in rules and regulations issued under this Act and other relevant legislation;
- (l) Install mandatory and cautionary signs to prevent traffic hazards and inconvenience.

Other Institutions

5.5 The other institutions responsible for the construction, management and maintenance of roads under their jurisdiction including installation of mandatory and cautionary signs, shall include, but are not limited to, -

- (a) The Ministry of Agriculture (for farm and power tiller roads and forest roads);
- (b) The Ministry of Trade & Industry (for mining, exploration, industry and power roads);
- (c) The Ministry of Education (for education roads);
- (d) The Ministry of Information & Communications (for telecommunications roads);
- (e) The Ministry of Health (for health roads).

CHAPTER THREE

TECHNICAL STANDARDS

Road Parts

6. (1) A road shall consist of five parts, -
 - (a) carriageway;
 - (b) road right of way;
 - (c) road control area;
 - (d) road shoulder;
 - (e) road infrastructure facilities.
- (2) The width of the road right of way for all roads shall be set by the Ministry.
- (3) The width of the road control area shall be set by the Department or other road agencies responsible for that road in accordance with section 4-1(x) and on the basis of the general technical specifications and the standards set by the Standard and Quality Control Authority for that type of road under Section 7 and upon special conditions of the local landscape of the rural areas, and shall, as much as is feasible provide a clear view for the drivers as well as for safety in road construction and maintenance.

Technical Standards for Roads and for Road Location/Alignment

7. (1) The technical standards for all types/classes of roads, including private roads, shall be set by the Standard and Quality Control Authority, in consultation with the other road agencies concerned. The Standard and Quality Control Authority shall also develop manuals, technical guides setting standards for different types of roads, bridges and for their construction and maintenance.
- (2) In addition to the technical standards for road construction and maintenance, all road agencies must conform to the following:-
 - (a) environmental considerations;
 - (b) geological stability considerations;
 - (c) protection of sacred and cultural sites;
 - (d) preservation of agricultural land;
 - (e) socio-economic considerations;
 - (f) traffic safety considerations;
 - (g) other relevant considerations, for the area concerned.

- (3) The other road agencies shall consult the Department at the time of fixing alignments for new roads.
- (4) Acquire land for the purposes of road construction or road widening based on the provisions of the Land Act, 1979 and as amended from time to time.

Ownership of Roads and Resources

8. (1) The Department and other road agencies shall have priority for the use of natural resources available within the road right of way and road control area over other organisations for road related purposes. The Department of Forests and the Department of Geology and Mines shall not issue any clearance to other organizations for collection of resources within the road right of way and road control area without the express written consent of the Department or other road agencies.
- (2) Roads whose construction is financed from the Government budget shall be Government property and shall be managed and controlled by the agency concerned.
- (3) A road and its parts may be leased to legal entities and individuals on a contract basis, in accordance with special regulations set by the Ministry.
- (4) Legal entities and citizens of Bhutan may construct toll roads and bridges. The procedures regarding regulation of toll payments shall be set by the Ministry based on the powers conferred under this Act.

CHAPTER FOUR

CONDITIONS AND REQUIREMENTS FOR THE CONSTRUCTION AND USE OF ROADS AND BRIDGES

General Conditions and Requirements for the Construction of Roads and Bridges

- 9 (1) Legal entities, persons regardless of their type of ownership, may carry out construction and maintenance works for roads including bridges. The type of works that may be carried out by specific types of enterprises shall be set by the Ministry in accordance with required licences and on a contract basis.
- (2) Legal entities, persons in the process of construction, improvement, and maintenance of roads and bridges shall comply with the technical standards set by the Standard and Quality Control Authority and follow occupational health and safety standards.
- (3) A legal entity or persons carrying out road construction, improvement and maintenance works shall ensure a safe and trouble-free passage of vehicles on that road, carry out timely inspection of the road for its repairs and protection.
- (4) During the execution of construction and maintenance works of roads and bridges, standards for traffic safety, as set by the Road Safety and Transport Act, 1999, shall be followed by the Department and other road agencies responsible for the road concerned.

General Rights and Obligations

10. (1) Citizens of the Kingdom of Bhutan and foreign citizens shall use roads in accordance with the laws and regulations of the Kingdom of Bhutan.
- (2) The Department and other road agencies shall, while carrying out their functions with regard to the construction and maintenance of road, ensure the safety of road users. The standards for such safety shall be made taking into account the limitations set by the topography and climatic conditions of different areas in Bhutan

CHAPTER FIVE

FINANCING OF ROADS

General Financing of Roads

11. (1) In addition to the annual national budget, the construction, repair and maintenance of roads and bridges may be funded by specific sources of revenue as designated by the Royal Government.
- (2) The Royal Government may mobilize international and domestic loans, grants and aids for funding of road projects.

Road User Fees

12. (1) Procedures and regulations regarding payments and fees for the use of roads shall be set by the Ministry. Rules regarding the level of such payments and fees shall also be set by the Ministry or may be delegated to the agency responsible for that road.
- (2) Unless otherwise specified in international treaties, foreign legal entities, as well as foreign individuals residing or plying within the territory of the Kingdom of Bhutan, shall pay road user fees in accordance with regulation set by the Ministry.

CHAPTER SIX

GOVERNMENT CONTROL

General Rule Regarding Government Control Over Roads

13. (1) Government control over the construction, repair and maintenance of roads shall be executed by the officials of the Department or other road agencies based upon the rules and regulations established under this Act and other relevant legislation.
- (2) The services of the police may be used to assist in enforcement of such government control.

Regulation of Roadside Constructions and Other Activities

14. (1) Regulation of roadside constructions and management of resources within road right of way and road control area such as quarrying, logging or any other activity detrimental to the stability of road shall be carried out by the Department or other road agencies under their jurisdiction.
- (2) Construction of temporary, semi-permanent and permanent structures shall not be permitted within the road right of way and road control area except for the purposes of road construction and maintenance. The road right of way shall be 100 feet wide for national highways, district roads and feeder roads except within the designated municipal boundary. The horizontal distance between the edge of carriageway and the boundary of the road right of way shall be 50 feet on both sides.
- (3) Restrictions for the construction of temporary, semi-permanent and permanent structures shall not apply to the roads located within the municipal boundaries. Roads located within the municipal boundaries shall be governed by the rules and regulations of the concerned municipality.

Road Inspectors

15. (1) The Department may designate Road Inspectors for the roads under its jurisdiction and authorize other road agencies to designate their Road Inspectors.
- (2) The road inspector shall have the following duties within his area of territorial jurisdiction to, -
 - (a) enforce this Act, regulations and the standards related to control of roads;
 - (b) take measures to prevent violations of this Act;
 - (c) provide information to the general public about the provisions of the Act and the rules and regulations there under;
 - (d) report to the nearest Police Station of any offence committed under this Act and its regulations;
 - (e) follow all legal formalities pertaining to the search of person, property and vehicles, including seizure and arrest as per the provisions enshrined in the Civil and Criminal Procedure Code of Bhutan, 2001.

- (3) The road inspector shall have the following powers to, -
 - (a) stop any person from committing a violation of road regulations under this Act;
 - (b) prohibit vehicles from plying on certain classification of roads and bridges that do not comply with the width, height and volume restrictions and the loading standards,
 - (c) initiate administrative actions against persons violating laws, regulations and rules regarding the control of roads.
- (4) The Head of the Department and the Heads of other road agencies shall issue identity cards to the Road Inspectors and authorized officers.
- (5) The road inspector shall have identification on his person at all times when carrying out his duties and upon demand produce it.

Immunity and Liability of Road Inspectors

16. (1) No road inspector shall be liable for anything done by him in good faith for purposes of enforcing this Act or otherwise acting in the course of duty.
- (2) A road inspector who wrongfully and without good cause seizes any property or detains any person is punishable in accordance with this Act and other related laws. In particular, a road inspector shall be prohibited from doing the following, -
 - (a) stopping the driver of a motor vehicle or any other person on a road without legal grounds;
 - (b) abusing his powers in any other manner, including setting illegal requirements;

Closing of Roads

17. (1) The Department or other road agency concerned may close a road or road section where there is danger to the traffic. In addition, the Department or other road agency may put speed limits or weight limits on certain roads, road sections or bridges when warranted based on the above considerations. Further, the Department or other road agency may place limits upon the use of that road or change traffic patterns when so required. Such decisions shall be made promptly and conveyed to road users.

- (2) Decisions regarding such closing or limitation of use of roads shall be made by the Department or other road agency. Where possible, such decisions shall be made in consultation with the local Police.

CHAPTER SEVEN

ENFORCEMENT, PENALTIES AND SETTLEMENT OF DISPUTES

Offences under the Act

18. (1) A person shall be guilty of an offence if he does any of the following with regard to roads, -
- (a) construct structures within the road right of way and road control area;
 - (b) intentionally or wilfully break, puncture, cut, dig or destroy roads, road infrastructure facilities including removal of reference points;
 - (c) collect or conduct quarrying of in-situ construction materials, logging and such other activities within the road right of way and road control area without proper approval;
 - (d) conduct any activity on a carriageway, road right of way or road control area including buying, selling or conducting any business or activity not otherwise connected with road use;
 - (e) leave or abandon vehicles, machineries or otherwise gather, pile up, stack, install or hang anything on the road and the road right of way in a manner that obstructs or endangers the safety of the travelling vehicles or in a way that causes inconvenience to road works;
 - (f) bar the use of road or place pointed or edged articles or other barriers on the road which are dangerous and which are likely to cause damage to the persons or vehicles, thus disturbing the normal use of the road;
 - (g) discard or throw garbage, sewage, wastewater, effluent discharges, stone or other things on a carriageway, road right of way or road control area in a way that affects the safety of road users;
 - (h) construct a road or any other thing within the road right of way or road control area as an entrance or exit to that road without proper approval;
 - (i) carry loads in excess of limits set by the Department;
 - (j) pilferage government properties along the road;

- (k) tether or allow domestic animals to loiter within the road right of way;
 - (l) destroy trees, grass plants, flowers and other beautification works within the road right of way;
 - (m) construct speed breakers without the prior approval of the Department;
 - (n) construct roads branching out from existing roads without prior approval from the Department or other road agencies;
 - (o) construct new water channel within the road right of way without proper approval from the Department;
- (2) A person who assists, facilitates or abets another to commit an offence under this Act shall be liable for punishment as if he himself had committed the offence.
- (3) A person refusing to cooperate with an authorized officer or an authorised Road Inspector of the Department or other road agency, while discharging his duties under this Act, shall be liable to penalties and fines under Section 19.

Penalties and fines for Violations of this Act

19. (1) Any person found guilty of an offence under Section 18(1) (a) and (b) of this Act, shall be punishable with imprisonment for a term of one year to three years.
- (2) Any person found guilty of an offence under Section 18(1)(c), (h), (i), (n),(o) of this Act, shall be punishable with imprisonment for a term of three months to one year.
- (3) For offences other than those specified in Sections 18(1)(a), (b) and 18(1)(c), (h), (i), (n), (o), he shall be liable to pay a fine anywhere between ten days to three months, calculated at the Minimum National Wage Rate.
- (4) For offences not otherwise covered by this act, the penalty, fine and compensation shall be dealt with the severity and gravity of the offences in accordance with the Bhutan Penal Code, 2004.

Settlement of Disputes

20. (1) If any dispute or conflict relating to road arises, an attempt shall be made to settle the matter amicably through informal dialogue, using the good offices of the designated representatives of the Department or other road agencies.
- (2) In the event of failure to settle the dispute informally, the parties to the dispute may seek to resolve the dispute through an arbitration by a third party based on the established rules for such arbitration.
- (3) In the event of failure to settle the dispute amicably, any party aggrieved may appeal to the Ministry.

Appeals

21. In case the dispute cannot be settled based on the provisions for appeal to the Ministry under Section 20(3), either of the parties can appeal to the Court.

CHAPTER EIGHT

RULES, REGULATIONS, AMENDMENT, AUTHORITATIVE TEXT AND DEFINITIONS

Power of Ministry to Issue Rules and Regulations

22. The Ministry shall have the powers to issue rules and regulations for the implementation of this Act.

Amendment

23. This Act or any part or section or sub section of a section of this Act, may, as and when considered necessary, be amended by the National Assembly.

Authoritative Text

24. The original text of this Act, Dzongkha, is the text deliberated and enacted by the National Assembly, If in any instance a difference in meaning between the two text arises, the Dzongkha text shall prevail.

Rules of Interpretation

25. In this Act, unless the context indicates otherwise, the singular shall include the plural, and masculine shall include the feminine gender and vice versa.

Definitions

26. In this Act, unless the context indicates otherwise;

- (1) **“Building”** or **“Structure”** means any physical erection on, above or under land water, including displaying of signs and advertising billboards except those relating to road safety and traffic
- (2) **“Bridge”** means any motorable bridge, pedestrian suspension/suspended bridge and traditional timber bridge or Bazam.
- (3) **“Carriageway”** means the part of the road normally used for vehicular traffic. A road may comprise of several carriageways clearly separated from one another by, for example, a dividing strip/median or a difference of level.
- (4) **“Centreline”** means the line dividing the carriageway into two equal halves.
- (5) **“Department”** means the Department of Roads.
- (6) **“District Road”** means a designated road that conforms to national standards for district roads as specified by the Department.
- (7) **“Education Road”** means a road used for educational purposes and under the control of the Ministry of Education.
- (8) **“Farm Road”** means a road that links agricultural farmland areas to national highways and other roads primarily to enable the transportation of inputs to the farm and agricultural produce to the market.
- (9) **“Feeder Road”** means a designated road that conforms to national standards for feeder roads as specified by the Department.
- (10) **“Forest Road”** means a road located within a designated forest area.
- (11) **“Foot Path”** means a paved path or a track for people to walk on in urban areas and rural areas.
- (12) **“Government”** means the Royal Government of Bhutan.
- (13) **“Health Road”** means a road used for access to health centres and under the control of the Ministry of Health.
- (14) **“International Road”** means roads intended for use by vehicles travelling between different countries, as agreed under State bilateral and multilateral agreement.

- (15) **“Land Acquisition”** means the acquisition of land, in accordance with the procedures established under the Land Act, 1979 and as amended from time to time.
- (16) **“Mining and Exploration Road”** means a road constructed and maintained for the purposes of mining and exploration under a mining lease.
- (17) **“Ministry”** means the Ministry of Works and Human Settlement.
- (18) **“Mule Track/Trail”** means unpaved earth footpath used by mules/donkeys and people.
- (19) **“Municipality”** means an area under the jurisdiction of municipal authority.
- (20) **“National Highway”** means the designated road that conforms to national standards for national highways as specified by the Department.
- (21) **“Other Road Agencies”** shall include Dzongkhags, Geogs, Municipalities and other institutions who have roads under their jurisdiction.
- (22) **“Pedestrian Area/ Sidewalk”** means a portion of the road or motorable bridge, other than carriageway, set apart by kerbs, marking or other delineation for pedestrian travel. It also includes other pedestrian areas, such as footpaths and pedestrian suspension and suspended bridges.
- (23) **“Person”** means any individual, organization, corporation, civil or religious association, monastery, agency or department of the Royal Government, or any other entity recognized under law.
- (24) **“Power Road”** means a road used for the purposes of or by a Hydro Power Project under the Ministry of Trade and Industry.
- (25) **“Private Road”** means a road built on private land used for business or for their own purpose by individuals, organizations and business enterprises.
- (26) **“Project Road”** means a road constructed and maintained for the purpose of carrying out a Government project.
- (27) **“Public Road”** means a road built by Government, individuals, organizations and business enterprises passing through government and/or private lands and used by the general public.
- (28) **“Police”** means Royal Bhutan Police.
- (29) **“Power Tiller Road”** means a road built for the access of power tillers to production areas and link farm roads and other roads to enable the transportation of inputs to the farm and agricultural produce to the market.
- (30) **“Rules and Regulations”** means the rules and regulations issued under this Act.

- (31) **“Road”** means the entire surface of land designed for transportation irrespective whether it is paved or unpaved including mule tracks and road infrastructure facilities.
- (32) **“Road Network”** shall mean all types of roads, including international roads, national highways, district roads, feeder roads, urban roads, mule tracks/ trails, and roads not under the authority of the Department, such as but are not limited to forest roads, farm roads, power tiller roads, telecommunications road, power roads, mining and exploration roads, industry roads, health roads, education roads, public roads, private roads, project roads and all the types of bridges on that road
- (33) **“Road Control Area”** means a strip of land beyond the road right of way that is designated to provide a clear view for the drivers and for the safety of road construction and road use.
- (34) **“Road Infrastructure Facilities”** means bridges, drains and culverts, road tunnels, water channels, embankments, dikes, retaining walls and parapets, fences, survey posts, boundary posts, kilometre posts, sign posts, traffic signs and symbols, traffic lights, street lights, roundabouts, dividing strips/medians, parking areas and rest areas, green islands and plants and trees of all kinds, and buildings or other facilities that are required to be provided for the purpose of the road.
- (35) **“Road Right of Way (ROW) ”** means the strip of land reserved for the road and shall include the carriageway and an additional area assigned based on the plans for future expansion of the carriageway, central verge, pedestrian sidewalks, roadside drains, avenue plantations, including safety protection, road bank stabilization measures, installation of public utilities and other relevant structures, facilities and equipment.
- (36) **“Road Shoulder”** means the two extreme strips of land adjoining the carriageway.
- (37) **“Road Inspector”** means any officer appointed or designated by the Department or other road agencies to carry out any of the provisions of this Act.
- (38) **“Telecommunications Road”** means an access road used for telecommunications purposes.
- (39) **“Urban Road”** means all types of roads that are located within a municipal boundary including the National Highways passing through urban areas.

The Road Act of the Kingdom of Bhutan, 2004

1. Purpose

The purpose of this Act shall be to:

- (a) define and establish a safe and efficient system of road network in the Kingdom of Bhutan in order to assist the process of national development;
- (b) establish the legal basis for a national agency (the Department) to have general responsibility for the road network, for its construction, maintenance and management;
- (c) set the authority and the responsibility of specific governmental bodies at all levels of government with regard to roads;
- (d) regulate relations between road agencies, persons and legal entities, with regard to the ownership, management, control and use of roads;
- (e) provide rules for the use of roads;
- (f) regulate and promote private participation in road construction and maintenance;
- (g) provide the basis for enforcement of rules to prevent damage to roads.

2. Scope

- (a) The road legislation of the Kingdom of Bhutan shall consist of this Act and the regulations issued under this Act including the provisions of other laws and regulations that are consistent with this Act.
- (b) The Royal Government of Bhutan shall ensure to enforce and comply with international treaties and agreements to which the Kingdom of Bhutan is a signatory through incorporation into appropriate legislation.