PROCLAMATION No. 843/2014

A PROCLAMATION ON TOLL ROADS

WHEREAS, the road sector development plays a critical role in the overall development as well as in poverty reduction endeavour of the country;

WHEREAS, the special features of the newly introduced modern and enhanced toll roads call for separate road administration;

WHEREAS, accordingly it has become necessary to enact a legislation governing the administration of toll roads;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:
PART ONE
GENERAL

1. Short Title

This Proclamation may be cited as the "Toll Roads Proclamation No. 843/2014".

2. Definitions

In this Proclamation unless the context otherwise requires:

1/ “Ministry” means the Ministry of Transport;

2/ “Authority” means the Ethiopian Roads Authority;

3/ “Enterprise” means the Ethiopian Toll Roads Enterprise to be established by Council of Ministers Regulation pursuant to the Public Enterprises Proclamation No. 25/1992;

4/ “toll road” means a road which road users pay fees for using it;

5/ “toll” means fee payable for the use of a toll road by any vehicle;

6/ “vehicle” means except bicycle, motor bicycle, tricycle, special construction movable equipment and special military vehicles, all other vehicles driven using mechanical and electronic power;
7/ "person" means any natural or legal person;

8/ any expression in the masculine gender includes the feminine.

3. **Scope of Application**

This Proclamation shall be applicable with respect to toll roads administered by the Federal Government.

**PART TWO**

**ABOUT TOLL ROADS AND PAYMENT OF TOLL**

4. **Responsibilities of the Authority**

1/ The Authority shall prepare plan for the development of toll roads and, upon approval, implement same.

2/ The Authority shall conclude and implement contracts for the construction of toll roads.

3/ The Authority may make a toll road free way and administer it as necessary.

5. **Payment of Toll**

1/ The driver of a vehicle using a toll road shall be responsible to pay the toll to the body that collects tolls.

2/ Without prejudice the provision of sub article (1) of this Article, payment may be made using electronic means: advance payment and by credit.
6. **Exemption from Toll**

1/ Emergency vehicles of fire brigade and ambulances as well as those of the military, police and security forces on emergency duty shall be exempted from payment of toll.

2/ The Ministry may issue directives on the manner of granting exemption from payment of tolls for those stated under Sub Article (1) above and other situations as necessary.

7. **Obligation to Pay Toll**

With the exception of vehicles exempted from payment of toll, no person shall drive a vehicle on a toll road without paying toll.

8. **Toll Tariff**

1/ The Enterprise shall fix the toll tariff applicable for use of toll roads it administers.

2/ The Ministry shall ensure the appropriateness and application of the tariff.
PART THREE

MISCELLANEOUS PROVISIONS

9. Penalties

1/ Any driver who is caught without a toll ticket while driving on a toll road shall pay three fold the toll tariff fixed for the whole distance of the route of the toll road.

2/ Any driver who is caught with a counterfeit toll ticket while driving on a toll road shall, without prejudice to any criminal liability under the criminal law, pay five fold the toll tariff fixed for the whole distance of the route of the toll road.

3/ Any driver who has failed to notify to the toll road’s administrator within 30 minutes the stoppage of his vehicle on a toll road due to breakage or otherwise shall be liable to pay Birr 100.

4/ If for any reason, a vehicle is parked on a toll road for more than one hour, the road’s administrator shall remove the vehicle, and the driver or the owner of the vehicle shall pay the cost of removing, parking and if necessary that of maintaining the road.
5/ Any driver who, in violation of the load limit provided by law, drives an overloaded vehicle on a toll road shall be liable to pay the penalty imposed by the relevant law with respect to excess load.

6/ Any pedestrian who enters the boundary of, and crosses, a toll road shall be liable to pay Birr 50.

7/ Until a driver pays a penalty imposed pursuant to the provisions from sub-article (1) to (5) of this Article, his driving license shall be detained.

8/ The Enterprise shall enforce the penalties imposed under this Article with respect to the toll roads it administers.

9/ Matters related with violation of traffic rules not covered under this Proclamation shall be governed by the relevant laws.

10/ The Ministry is hereby empowered to issue a directive to amend the amounts of penalties imposed under this Article.
10. **Inapplicable Laws**

No law shall, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters provided for by this Proclamation.

11. **Power to Issue Regulation and Directive**

1/ The Council of Ministers may issue regulations necessary for the proper implementation of this Proclamation.

2/ The Ministry may issue directives necessary for the proper implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

12. **Duty to Cooperate**

Any person has the duty to cooperate with authorities implementing this Proclamation.

13. **Effective Date**

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 24th day of July, 2014.

MULATU TESHOME (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA