

የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ

るららる ケフとナ フルの FEDERAL NEGARIT GAZETA

OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ሦስተኛ ዓመት ቁጥር <u>፵፫</u> አዲስ አበባ ግንቦት <u>ጽ</u>፰ ቀን ፲፱፻፹፱

በኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ የሕዝብ ተወካዮች ምክር ቤት ጠባቂነት የወጣ 3rd Year – No. 43 ADDIS ABABA, 5th June, 1997

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፪· ትርጓሚ

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- ፩· "አውራ *ጐ*ዳና" <mark>ማ</mark>ለት የኢትዮጵ*ያ መንገዶች* ባለሥል ጣን "አውራ ጐዳና" ብሎ የሚሰይመው መንገድ ነው፤
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PROCLAMATION NO. 80/1997 A PROCLAMATION TO PROVIDE FOR THE RE–ESTABLISHMENT

OF THE ETHIOPIAN ROADS AUTHORITY WHEREAS, it has become necessary to re-establish the Ethiopian Roads Authority;

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

- 1. Short Title
 - This Proclamation may be cited as the "Ethiopian Roads Authority Re-establishment Proclamation No. 80/1997"
- 2. Definitions

in this proclamation:

- 1) "Highway" means a road designated as highway by the Ethiopian Roads Authority.
- 2) "State" means a State specified under Article 47 of the Constitution of the Federal Democratic Republic of Ethiopia.
- 3) "Road" means highway or any other road classified and disignated as part of the national road network and includes bridge on those roads.
- 4) "Road Fund" means the Fund established under Proclamation No. 66/1997.
- 5) "Works" means undertaking of the construction, maintenance and improvement activities.

ያንዱ ዋጋ Unit Price 11C 2·30 ነጋሪት ጋዜጣ ፖ·ሣ·ቁ· ፹ሺ፩ Negarit G.P.O.Box 80,001

፫፦ *እንደገና መቋቋም*

- ፩· የኢትዮጵያ መንገዶች ባለሥልጣን (ከዚህ በኋላ "ባለሥል ጣኑ" እየተባለ የሚጠራ) የሕግ ሰውነት ያለው፥ ራሱን የቻለ የፌዴራል መሥሪያ ቤት ሆኖ በዚህ አዋጅ እንደገና ተቋቁ ሟል።
- ፪∙ ባለሥልጣኑ ተጠሪነቱ ለጠቅላይ ሚኒስትሩ ይሆናል። ዋና መሥሪያ ቤት

የባለሥልጣን ዋና *መሥሪያ* ቤት በአዲስ አበባ ውስጥ ሆኖ ቅርንሜፍ መሥሪያ ቤቶችን እንደአስፈላጊነቱ በሌሎች ሥፍራ ዎች ማቋቋም ይችላል።

ይ፦ የባለሥልጣ**ኑ ዓላማ**

የባለሥልጣኑ ዓላማ አውራ *ጉዳናዎችን ለማልማትና ለማስተዳ* ደር*እንዲሁም በመንገዶች ሥራ ወ*ጥነ*ትን ለማረጋገጥና የመንገድ* አውታር በተቀናጀ መልኩ የሚያድግበትን አመቺ ሁኔታ መፍ መር ይሆናል።

<u>የባለሥልጣኑ ሥልጣንና ተግባር</u>

ባለሥልጣኑ የሚከተሉት ሥልጣንና ተግባሮች ይኖሩታል፤

- ፩፦ መንገዶችን እና ባለሥልጣኑን የሚመለከቱ ፖሊሲዎችንና ሕጎችን ያመነጫል፤
- ፪· የመንገዶችን የዲዛይን ደረጃዎች ያወጣል፤
- ፫፦ ብሔራዊ የመንገድ አውታርን ይመድባል፣ ይሰይማል፤
- ፬· የአጭርና የረጅም ጊዜ ዕቅዶችንና ፕሮግራሞችን ያዘጋጃል፤ ሲጸድቁም ተግባራዊ ያደርጋል፤
- ፩· ለአውራ ጐዳና ሥራ የሚያስፈልጉትን ዲዛይኖች በብቁ አማካሪዎች አማካይነት ያዘጋጃል፣ ለጥናትና ለአስቸኳይ ሥራ የሚያስፈልጉትን ዲዛይኖች ያዘጋጃል፤
- ፯· የአውራ *ጉዳናዎችን ፌ*ዚቢሊቲ ተናት ያካሂዳል፣ እንዲካሄ ድም ያደር*ጋ*ል፤
- ፯· አውራ ጐጻናዎችን በሥራ ተቋራጮች አማካይነት ያሠራል ወይም ያሻሽላል፥ ሆኖም በሥራ ተቋራጮች አማካይነት ማሠራቱ የማያዋጣ ሆኖ ሲገኝ በራሱ ኃይል ይሠራል፤
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- ፱· የሥራ እና የአማካሪነት አገልግሎት ውሎችን ያዘጋጃል፥ እንዲዘጋጁ ያደርጋል፥ ይዋዋላል፥ ሥራዎች በየውላቸው መሠረት የሚከናወኑ መሆናቸውን ለማረጋገጥ የሚያስችል ቁጥር እንዲኖር ያደርጋል፥ በበላይነት ይቆጣጠራል፤
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- ፲፩· ለመንገዶች ልማትና ተገና የሚያስፈልገውን የሰው *ኃ*ይል ያሰለተናል፡

3. Re-establishment

- 1) The Ethiopian Roads Authority which was reestablished under Proclamation No. 63/1993 (hereinafter referred to as the 'Authority') is hereby re-established as an autonomous public authority of the Federal Government.
- 2) The Authority shall be accountable to the Prime Minister.

4. Head Office

The Authority shall have its head office in Addis Ababa and may establish branch offices elsewhere as may be necessary.

5. Objectives of the Authority

The objectives of the Authority is to develop and administer highways and to ensure the standard of road construction and to create a proper condition on which the road network is coordinately promoted.

6. Powers and Duties of the Authority

The Authority shall have the powers and duties to:

- 1) initiate policies and laws relating to roads and the Authority;
- 2) determine design standards for roads;
- 3) classify and designate the national road network;
- 4) prepare short and long-term plans and programmes, and implement same, upon approval;
- 5) prepare, through qualified consultants, designs required for works of highways; prepare design required for study and emergency works;
- 6) carry out and cause the carrying out of feasibility studies of highways;
- 7) construct, or improve highways through contractors, provided that it may undertake such works by its own force where contracting out of same is not feasible.
- 8) maintain highways by its own force or through contractors;
- prepare, cause the preparation of and award works and consultancy contracts; cause the supervision to ensure that works are executed as per terms of their respective contracts, and supervise same;
- 10) determine conditions for selection of consultants required for the design, supervision and any other works relating to highways;
- 11) determine the alternatives of carrying out of works with its own force, through domestic or international tender;
- design traffic control posts and devises relating to highways and place same on highways;
- 13) enforce vehicle weight and size regulations on highways;
- 14) conduct material research relating to roads, apply useful results thereof;
- train human resources required for the development and maintenance of roads;

- ፲፯· አውራ *ጉዳናዎችን* ከጉዳትና አላግባብ ከመጠቀም ይጠብ ቃል፣ በአውራ ጐዳናዎች ላይ የሚከሰቱ እንቅፋቶችን ያስወግ ዳል፣ እንዲወገዱ ያደርጋል፤
- ፲፯· ከአውራ ጕዳናዎች ግራና ቀኝ እንዲሁም በአካባቢ ለሥራው የሚያስፈልገውን የመሬት መጠን እንዲሁም ሴሎች ሰዎች በዚሁ መሠረት የሚጠቀሙበትን ሁኔታዎች ይወስናል፤
- ፲፰· ለአውራ ጕዳናዎች ግንባታና ተገና እንዲሁም ለመኖሪያ፡ ለመሣሪያ ማሳረፊያና ለሌሎች አገልግሎቶች የሚያስፈልን ውን መሬትና ድንጋይ ነክ ሀብቶች ያለክፍያ ይጠቀማል፡ ሆኖም በሚጠቀምበት መሬት ላይ ለሚገኙ ንብረቶች በሕግ መሠረት ካሣ ይክፍላል፤
- ፲፱· አማባብ ላለው የክልል አካል ሲጠየቅ የቴክኒክ አገልግሎት ይሰጣል ፤
- ኛ· ሥልጣንና ተግባሩን በሥራ ላይ በሚያውልበት ጊዜ አካባቢ እንዲጠበቅ የሚያስፈልኍትን ተንቃቄዎች ያደርጋል፤
- <u>ጃ፩</u>· የንብረት ባለቤት ይሆናል፡ ውል ይዋዋላል፡ በስሙ ይከሳል፡ ይከሰሳል፤
- <u>ቖ፟፟፟፟፟፟፟፟</u> ምልጣንና ተግባሩን ለማስፈጸም የሚያስፈልጉ ሌሎች ተዛ ማጅ ተግባሮችን ያከናውናል።

፯፦ የባለሥልጣኑ አቋም

ባለሥልጣት፤

- §· አባላቱና ሰብሳቢው በ*መንግሥት የሚሰየሙ አንድ* ቦርድ፣
- ፪∙ በቦርዱ አቅራቢነት በመንግሥት የሚሾም አንድ ዋና ሥራ አስኪያጅ፣ እና
- ፫፦ አስፈላጊው *ሠራተኞች* ይኖሩታል።

ኟ፦ የቦርዱ ሥልጣንና ተግባር

ቦርዱ የሚከተሉት ሥልጣንና ተግባሮች ይኖሩታል፤

- ፩ ባለሥልጣኑን የሚመለከቱ ፖሊሲዎችንና ሕጕችን እንዲ ሁም የባለሥልጣኑን የአጭርና የረጅም ጊዜ እቅዶችን ዓመታዊ የሥራ ፕሮግራሞች በጀት ለመንግሥት ከመቅረባ ቸው በፊት ይገመገማል፣ ሲፈቀድም አፈጻጸማቸውን ይከታ ተላል፤
- ፪· ባለሥልጣኑ በሥራው አፈጻጸም የሚመራባቸውን ውስጠ ደንቦችና መመሪያዎች ያጸድቃል፤ •

፱፦ የቦርዱ ስብሰባ

- ፩· የቦርዱ መደበኛ ስብሰባ በየሶስት ወሩ አንድ ጊዜ ይደረጋል፡ ሆኖም በሰብሳቢው ሲጠራ ወይም በባለሥልጣኑ ዋና ሥራ አስኪያጅ ሲጠየቅ ቦርዱ በማናቸውም ጊዜ አስቸኳይ ስብሰባ ሊያደርግ ይችላል፤
- ፪· በቦርዱ ስብሰባ ላይ አብዛኞቹ አባላት ከተገኙ ምልዓተ ጉባዔ
 ይሆናል፤
- ፫· የቦርዱ ውሳኔ የሚተላለፈው በስብሰባው በተገኙ አባላት በአብዛኛው ድምጽ ሲደንፍ ነው። ሆኖም ድምጽ እኩል በኩል የተከፈለ እንደሆነ ሰብሳቢው ወሳኝ ድምጽ ይኖረ ዋል፡
- ፬· የዚህ አንቀጽ ድንጋጌዎች እንደተጠበቁ ሆኖ ቦርዱ የራሱን
 የስብሰባ ሥነ ሥርዓት ደንብ ሊያወጣ ይችላል፤

- 16) protect highways from damage and abuse, remove and cause to remove obstructions from highways;
- 17) determine the extent of land required for its activities in the adjacency as well as surrounding of highways, and the conditions of use of such land by others;
- 18) use, free of charge, land and such other resources and quarry substances required for the purpose of construction and maintenance of highways, camp, storage of equipment and other required services; provided, however, that it shall pay compensation in accordance with the law for properties on the land it uses;
- 19) render technical services to the appropriate organ of states upon request;
- 20) take necessary measures to protect the environment on the implementation of its power and dufies;
- 21) own property; enter into contract; sue and be sued in its own name;
- 22) perform other duties as are required for the implementation of its powers and duties.

7. Organization of the Authority

The authority shall have:

- 1) A Board whose members and chairman to be appointed by the Government;
- 2) A General Manager to be appointed by the Government on the recommendation of the Board, and;
- 3) The necessary staff.

8. Powers and Duties of the Board

The Board shall have the powers and duties to:

- review, before submission to the government, policies, laws, short and long-term plans as well as annual work program and budget of the Authority; follow up implementation of same upon approval;
- 2) approve internal rules and directives guiding the authority in the performance of its activities;
- 3) decide on such matters as may be submitted to it by the General Manager of the Authority.

9. Meeting of the Board

- 1) The regular Board meetings shall be held once every three months, provided, however, that the Board may hold extraordinary meetings at any time when called by the Chairman or upon request by the General Manager of the Authority;
- 2) The presence of the majority of the members at any Board meeting shall constitute a quorum;
- 3) decision of the Board shall be passed when supported by simple majority vote of members present at the meeting; provided, however, the chairman shall have a casting vote in case of a tie;
- 4) without prejudice to the provisions of this Article the Board may issue its own rules of procedures governing the conduct of meetings.

· የዋናው ሥራ አስኪያጅ ሥልጣንና ተግባር

- ፩· ዋናው ሥራ አስኪያጅ የባለሥልጣኑ ዋና ሥራ አስፈጻሚ ሆኖ የባለሥልጣኑን ሥራዎች ይመራል፣ ያስተዳድራል፤
- ፼· በዚህ አንቀጽ ንውስ አንቀጽ (δ) ሳይወሰን ዋናው ሥራ አስኪያጅ፤
 - ሀ) በዚህ አዋጅ በአንቀጽ ፭ የተመለከቱትን የባለሥልጣ ኑን ሥልጣንና ተግባሮች ሥራ ላይ ያውላል፤
 - ለ) በአሠሪና ሠራተኛ ጉዳይ አዋጅ ቁጥር ፵፪/፲፱፻፹፮ መሠረት የባለሥልጣኑን ሠራተኞች ይቀጥራል፥ ያስተ ዳድራል፤
 - ሐ) የባለሥልጣኑን የአጭርና የረጅም ጊዜ እቅዶችን፣ ዓመታዊ የሥራ ፕሮግራሞችና በጀት በማዘጋጀት ለቦርዱ ያቀርባል፣ ሲፈቀድም በሥራ ላይ መዋላቸውን ያረጋግጣል፤
 - መ) ባለሥልጣኑ በሥራው አፌጻጸም የሚመራባቸውን ውስጠ ደንቦችና መመሪያዎች ያዘጋጃል በቦርዱ ሲጸ ድቅም ሥራ ላይ ያውላል፤
 - w) በጸደቁ የባለሥልጣኑ ፕሮግራሞችና በጀት መሠረት ነንዘብ ወጪ ያደርጋል፤
 - ረ) የባለሥልጣኑን የሂሣብ መግለጫዎችና የአዲት ሪፖር ቶች በየወቅቱ ለቦርዱ ያቀርባል፤
 - ሰ) ከሦስተኛ ወገኖች ጋር በሚደረጉ ግንኙነቶች ሁሉ ባለሥልጣኑን የወክላል።
- ፫፦ ዋናው ሥራ አስኪያጅ ቦርዱን በተለይ በማስፈቀድ ክርክሮ ችን ከፍርድ ቤት ውጪ መፍታት ይችላል፤
- ፬٠ ዋናው ሥራ አስኪያጅ ለባለሥልጣኑ ሥራ ቅልተፍና በሚያ ስፌልግ መጠን ሥልጣንና ተግባሩን በከፌል ለባለሥልጣኑ የሥራ ኃላፊዎችና ሌሎች ሠራተኞች በውክልና ሊሰጥ ይችላል። ሆኖም እርሱን ተክቶ ከ፴ ቀናት ለሚበልጥ ጊዜ የሚሠራ ኃላፊ ሲወክል ውክልናው በቅድሚያ ለቦርዱ ቀርቦ መጽደቅ አለበት።

፲፩٠ የገንዘብ ምንጭ

የባለሥልጣኑ ነቢ ከሚከተሉት ምንጮች የሚገኝ ይሆናል፤

- §· መንገድ ፈንድ፥ እና
- g· በ*መንግሥት* ከሚመደብ በጀት

፲፪- የሂሳብ መዛግብትና አዲት

- ፩· ባለሥልጣኑ የተሟሉና ትክክለኛ የሆኑ የሂጣብ መዛግብት ይይዛል።
- ፪· የባለሥልጣኑ ሂሣብና ንንዘብ ነክ ሰነዶች በዋናው ኦዲተር ወይም ዋናው አዲተር በሚሰይመው ሌላ አዲተር በየዓመቱ ይመረመራሉ።
- ፫· የቴክኒክ ምርመራ በተመረጡ ሥራዎች ላይ በየዓመቱ ይከናወናል።

፲፫- የተሻሩና የተሻሻሉ ሕንች

፩· የኢትዮጵያ መንገዶች ባለሥልጣን እንደገና ማቋቋሚያ አዋጅ ቁጥር ፳፫/፲፱፻፹፭ (እንደተሻሻለ) በዚህ አዋጅ ተሽሯል።

10. Powers and Duties of the General Manager

- 1) The General Manager shall be the chief executive officer of the Authority and shall direct and administer the activities of the Authority.
- 2) without being limited by sub-article (1) of this Article, the General Manager shall:
 - (a) implement the powers and duties of the Authority stated in Article 5 of this Proclamation;
 - (b) employ and administer employees of the Authority in accordance with the Labour Proclamation no. 42–1993;
 - (c) prepare and submit to the Board, the short and long term plans, annual work programmes and budget of the Authority and implement same upon approval;
 - (d) prepare internal rules and directives guiding the Authority in the performance of its activities; implement same upon approval by the Board;
 - (e) effect expenditure in accordance with the work program and budget approved for the Authority;
 - (f) submit on due time to the Board books of accounts and auditing reports of the Authority;
 - (g) represent the Authority in all its dealings with third parties;
- 3) The General Manager may, with the specific permission of the Board, settle disputes out of court.
- 4) The General Manager may delegate part of his powers and duties to the officials and other employees of the Authority to the extent necessary for the efficient management of the Authority, provided however; that the delegation of an officials who acts on his behalf for more than 30 days requires prior approval of the Board.

11. Source of Finance

The Authority shall be financed from the following sources:

- 1) allocations from the Road Fund;
- 2) budget allocated by the Government.

12. Books of Accounts and Auditing

- 1) The authority shall keep complete and accurate books of accounts;
- 2) The accounts and financial documents of the Authority shall be audited annually by the Auditor General or by auditors designated by him;
- 3) Technical examination shall be undertaken on selected works, annually.

13. Repeal and Amendment

- 1) The Ethiopian Roads Authority Re-establishment Proclamation No. 63/1993 as amended is hereby repealed.
- 2) The reference to the "Road Transport Authority" under article 2/1(d) of the "Vehicle Size and Weight (Amendment) Council of Ministers" Regulations No. 11/1990" shall read as the "Ethiopian Roads Authority" with respect to highways.

፫· ከዚህ አዋጅ *ጋር የሚቃረን ማ*ናቸውም ሕግ በዚህ አዋጅ በተደ*ነገጉ ጉዳ*ዮች ላይ ተፈጻሚነት አይኖረውም።

፲፬፦ አዋጁ የሚጸናበት ጊዜ

ይህ አዋጅ ከግንቦት ፳፰ ቀን ፲፱፻፹፱ ዓ·ም ጀምሮ የጸና ይሆናል።

አዲስ አበባ፥ ማንቦት ፳፰ ቀን ፲፱፻፹፱ ዓ.ም

ዶ/ር ነ*ጋ*ሶ ጊዳዳ የኢትዮጵያ ፌዴራላዊ ዲሞክራሲያዊ ሪፐብሊክ ፕሬዚዳንት 3) No law, in so far as it is inconsistent with this Proclamation, shall have force or effect in respect of matters provided for by this Proclamation.

14. Effective Date

This Proclamation shall enter into force as of the 5th day of June, 1997.

Done at Addis Ababa, this 5th day of June, 1997

NEGASO GIDADA (DR.)

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

ብርሃንና ሰላም ማተሚያ ድርጅት BERHANENA SELAM PRINTING ENTERPRISE