

1. Mata Duree Gabaabaa

Labsiin kun “Labsii Qaamota Raaw-wachiistuu Mootummaa Naannoo Oromiyaa Irra Deebiidhaan Gurmeessuu fi Aangoo fi Hojii isaanii Murteessuuf Bahe Labsii Lak 163/2003 Fooyyessuuf Labsii Bahe Lak 185/2006” jedhamee waamamuu ni danda’a.

2. Fooyya’iinsa

1)Hiika

Labsii Lak. 163/2003 keewwata 2(17)tti aanee keewwatootni xiqqaan haaraan 3 2(18), 2(19) fi 2 (20) ta’uun hiikaan jechootaa dabalamee jira.

(18) “Abbaa Taayitaa” jechuun Abbaa Taayitaa Daandiiwwan Oromiyaa jechuu dha.

(19) “Daandii” jechuun daandii Abbaa Taayitaa Daandiiwwan Itiyoophiyaatiin yookiin Abbaa Taayitaa Daandiiwwan Oromiyaatiin sadarkaa fi gosti tajaajilaa murtaa’eef jechuudha.

(20) “Daandii Hawaasaa” jechuun daandii hirmaannaa hawaasaatiin, bulchiinsi Aanaa maallaqaa fi humna isaatiin yookiin gargaarsaan kan ijaare, suphe, sadarkaa isaatti kan ijaaramu yookiin suphamu jechuu dha.

2) Labsii Lak 163/2003 aangoo fi hojii Abbaa Taayitichaa keewwata 38 irratti tumame haqamee kan armaan gadiitiin bakka bu’ee jira.

Abbaan Taayitichaa aangoo fi hojii armaan gadii ni qabaata.

(a) Imaammata, tarsiimoo, sagantaalee fi seerota daandiiwwan babal’isuuf gargaaran ni burqisiisa, ni qorata, mootummaaf ni dhiyeessa, yammuu mirkanaa’u hojii irra ni oolcha, hojiirra akka oolu ni taasisa;

(b) Daandiiwwan Naannichaa abbummaan ni bulcha, ni to’ata, ni kunuunsa, ni supha ni suphiisiisa, sadarkaa isaanii ni fooyyessa;

(c) Karooraa fi sagantaa daandiiwwan babal’isuu, suphuu fi sadarkaa ol guduusuuf gargaaru ni qopheessa;

(d) Sadarkaa tajaajila daandii fi sadarkaa diizaayinii daandii fedhii fi guddina diinagdee irratti hundaa’e qopheessuun hojii irra ni oolcha, hojiirra akka oolu ni taasisa;

(e) Daandii fi riqichi akkaataa sadarkaa fi barbaachisummaa isaatti kontiraaktraan yookiin uummataan akka ijaaramu, suphamu, sadarkaan isaa akka fooyya’u, akkasumas akka kunuunfamuu ni taasisa;

፩. አጭር ርዕስ
ይህ አዋጅ “የኦሮሚያ ብሔራዊ ክልላዊ መንግሥት አስፈጻሚ አካላትን እንደገና ለማደራጀት፣ ሥልጣንና ተግባራቸውን ለመወሰን የወጣውን አዋጅ ቁጥር ፩፻፷፫/፪ሺ፫ ለማሻሻል የወጣ አዋጅ ቁጥር ፩፻፹፭/፪ሺ፮ ተብሎ ሊጠቀስ ይችላል።

፪. ማሻሻያ
፩) ትርጓሜ

በአዋጅ ቁጥር ፩፻፷፫/፪ሺ፫ ከአንቀጽ ፪ (፲፮) ቀጥሎ ሶስት አዲስ ንዑሳን አንቀጾች ፪

(፲፰)፣ ፪(፲፱) እና ፪(፳) ሆኖ የቃላት ትርጓሜ ገብቷል።

፲፰) “ባለሥልጣን” ማለት የኦሮሚያ መንግሥት ባለሥልጣን ማለት ነው።

፲፱) “መንገድ” ማለት በኢትዮጵያ መንገዶች ባለሥልጣን ወይም በኦሮሚያ መንገዶች ባለሥልጣን ደረጃና የአገልግሎት ዓይነት የተወሰነለት ማለት ነው።

፳) “የማኅበረሰብ መንገድ” ማለት በማኅበረሰብ ተሳትፎ ወይም የወረዳው አስተዳደር በራሱ ገንዘብና ጉልበት ወይም በአርዳታ የገነባው ወይም የጠገነው ወይም በራሱ ደረጃ የሚሠራው ወይም የሚጠገነው ማለት ነው።

፪) አዋጅ ቁጥር ፩፻፷፫/፪ሺ፫ አንቀጽ ፴፰ ተሠርዞ በሚከተለው ተተክቷል።

ባለሥልጣኑ የሚከተሉት ሥልጣንና ተግባር ይኖሩታል።

(ሀ) መንገዶችን ለማስፋፋት የሚረዳ ፖሊሲ፣ ስትራቴጂ፣ ፕሮግራሞችና ሕጎችን ያመነጫል፤ ያጠናል፤ ለመንግሥት ያቀርባል፤ ሲፀድቅም ሥራ ላይ ያውላል፤ ሥራ ላይ እንዲውል ያደርጋል።

(ለ) የክልሉን መንገዶች በባለቤትነት ያስተዳድራል፤ ይቆጣጠራል፤ ይንከባከባል፤ ይጠግናል፤ ያስጠግናል፤ ደረጃውን ያሻሽላል።

(ሐ) መንገዶችን ለማስፋፋት፣ ለመጠገን እና ደረጃውን ለማሻሻል የሚረዳ ዕቅድና ነፕሮግራም ያዘጋጃል።

(መ) የመንገድ አገልግሎት ደረጃ እና የመንገድ ዲዛይን ደረጃ በፍላጎትና በኢኮኖሚ ዕድገት ላይ በመመሥረት አዘጋጅቶ ሥራ ላይ ያውላል፤ ስራ ላይ እንዲውል ያደርጋል።

(ሠ) መንገድና ድልድይ እንደ ደረጃውና እንዳስፈላጊነቱ በኮንትራክተር ወይም በህዝብ እንዲገነባ፣ እንዲጠገን፣ ደረጃው እንዲሻሻል እንዲሁም እንዲጠበቅ ያደርጋል።

1. Short Title

This proclamation may be cited as “Proclamation No. 185/2014, A Proclamation to Provide for the Amendment of a Proclamation Enacted to Reorganize and Redefine the Powers and Duties of Oromia National Regional State Executive Organs No.163/2011”

2. Amendment

1) Definition

The following three new Sub articles 2(18), 2(19) and 2(20) are added following Article 2(17) of Proclamation No 163/2011 under definition part.

18) “Authority” shall mean the Oromia Roads Authority.

19) “Road” shall mean a road that its standard and level of services is determined by Federal Road Authority or the Oromia Roads Authority.

20) “Community Road” shall mean a road which is constructed or maintained, by the participation of the community, finance or capacity of Woreda Administration or aid constructed or maintained at its level.

2) Article 38 of Proclamation No 163/2011 shall be repealed and replaced by the following.

(a) Initiate and study policy, strategies, programs and laws that help to expand roads, submit to the government, implement upon approval; cause to be implemented;

(b) Administer, supervise, preserve, maintain, cause to be maintained and improve the standards of the roads of the region;

(c) Prepare plan and programs that help to expand, maintain and improve the standards of the roads;

(d) Based on the demands and economic development of the region prepare and implement service level and design of the region’s road; cause to be implemented.

(e) Cause the construction, maintenance, improvement of roads and bridges by contractors or the community as the case may be;

(f) Qorannoo fi qo'annoo daandii fi daandiin walqabate ni gaggeessa; akka gaggeeffamu ni taasisa; ragaalee fi istatiksii adda addaa walitti ni qaba; ni qindeessa; ni tamsaasa; ni gabaasa;

(g) Tooftaa daandii fi riqichi ittiin qoratamu, diizaayiniin ittiin qophaa'u, akkasumas, ijaarsii fi suphaan ittiin raawwatamu ni diriirsa, hojiirra ni oolcha, hojiirra oolmaa isaas ni hordofa;

(h) Teeknoolojiwwan gatii xiqqaan daandii babal'isuu, suphuu fi sadarkaa ol guddisuuf gargaaru yeroo yeroon qoratee hojiirra ni oolcha;

(i) Hawaasni sadarkaa adda addaatti gurmaa'ee humnaa fi qabeenya isaa qindeessuudhaan daandii hawaasaa fi daandiiwwan kan biroo akka ijaaru, suphuu fi kunuunsu ni taasisa, deeg-garsa ogummaa fi meeshaalee ijaarsaa ni kenna;

(j) Qulqullina raawwii ijaarsaa fi suphaa daandii ni to'ata; qaama bi-rootiniis akka too'atamu ni taasisa;

(k) Daandiin akka hin mancaanee fi tajaajilaan ala akka hin taane seeronni bahan hojii irra ooluu isaanii ni hordofa;

(l) Waldaalee, Intarpiraayizii Maay-ikiroo fi xixiqqaan fi kontraaktaroonni xixiqqaan ijaarsaa fi suphaa daandii irratti bobba'an hojii isaaniif ken-name ga'uumsaan raawwachuu akka danda'an dandeettii isaanii cimsuuf qaama dhimmi ilaalu waliin ni hojji-eta;

(m) Bal'ina daandii ni murteessa, ni too'ata;

(n) Akkaataa itti fayyadma daandii keessumattuu, daandiin akka hin mancaane hanga ulfaatiinaa fi fe'iinsa konkoolaataa ni murteessa, ni too'ata;

(o) Sadarkaa fi qulqullina meeshaalee hojii ijaarsa daandii irra oolan kan akka dhagaa, biyyoo paavimantii, biyyoo filatamaa, cirrachaa fi kan biroo ni qorata; ni qorachiisa; kan sadarkaa fi qulqullina isaa eeggate qofti hojii irra akka oolu ni taasisa;

(p) Ijaarsa daandiitiif kan oolan kan akka dhagaa, biyyoo paavimantii, biyyoo filatamaa, cirrachaa fi kan biroo hayyama qaama dhimmi ilaal-latuun kaffaltii malee itti fayyadamuu ni danda'a.

(ረ) መንገድና ከመንገድ ጋር የተያያዘ ጥናትናምርምር ያካሄዳል፤ እንዲካሄድም ያደርጋል፤ የተለያዩ መረጃዎችንና እስታቲስቲክስ ይሰበስባል፤ ያደራጃል፤ ያሰራጫል፤ ሪፖርት ያደርጋል።

(ሰ) መንገድና ድልድይ የሚጠናቡትን፣ ዲዛይን የሚዘጋጅቡትን፣ እንዲሁም የሚገነባቡትና የሚጠገንባቡትን ዘዴ ይዘረጋል፤ ሥራ ላይ ያውላል፤ ሥራ ላይ መዋሉንም ይከታተላል።

(ሸ) በአነስተኛ ወጪ መንገዶችን ለማስፋፋት፣ ለመጠገን፣ ደረጃውን ለማሻሻል የሚረዱ ቴክኖሎጂዎችን በየጊዜው በማጥናት ሥራ ላይ ያውላል።

(ቀ) ኅብረተሰቡ በተለያዩ ደረጃ በመደራጀት ጉልበትና ሀብቱን በማቀናጀት የማኅበረሰብና ሌሎች መንገዶችን እንዲገነቡ፣ እንዲጠገኑና እንዲንከባከቡ ያደርጋል፤ የሙያ እና የግንባታ ዕቃዎችን ድጋፍ ይሰጣል።

(በ) የመንገድ ግንባታና ጥገና ጥራት አፈፃፀም ይቆጣጠራል፤ ሌሎች አካላትም እንዲቆጣጠሩት ያደርጋል።

(ተ) መንገድ እንዳይበላሽና ከአገልግሎት ውጪ እንዳይሆን የወጡት ህጎች ሥራ ላይ መዋላቸውን ይከታተላል።

(ቸ) በመንገድ ግንባታና ጥገና ላይ የተሰማሩትን ማኅበራት፣ አነስተኛና ጥቃቅን ኢንተርፕራይዞች እና አነስተኛ ኮንትራክተሮች የተሰማሩትን ሥራ በብቃት ለመፈፀም እንዲችሉ አቅማቸውን ለማጠናከር ከሚመለከተው አካል ጋር ይሠራል።

(ኀ) የመንገድ ሥፋትን ይወስናል፤ ይቆጣጠራል።

(ኘ) የመንገድ አጠቃቀም በተለይም መንገድ እንዳይበላሽ የተሽከርካሪ ክብደትና የጭነት መጠን ይወስናል፤ ይቆጣጠራል።

(ከ) ለመንገድ ግንባታ የሚውሉ ማቴሪያሎችን እንደ ድንጋይ፣ ፔቪመንት አፈር፣ ምርጥ አፈር፣ ጠጠር እና ሌሎችን ደረጃቸውንና ጥራታቸውን ያጠናል፤ ያስጠናል፤ ደረጃቸውን ጥራታቸውን የጠበቁት ብቻ ሥራ ላይ እንዲውሉ ያደርጋል።

(ከ) ለመንገድ ግንባታ ሥራ የሚውሉ እንደ ድንጋይ፣ ፔቪመንት አፈር፣ ምርጥ አፈር፣ ጠጠር እና ሌሎች ማቴሪያሎች በሚመለከተው አካል ፍቃድ በነፃ መጠቀም ይችላሉ።

(f) Undertake and cause to be undertaken the study and research relating to road and road related activities; gather different evidence and statistics, organize, disseminate, submit a report;

(g) Establish a mechanism by which road and bridge is studied, road design is prepared, as well as construction and maintenance of road is undertaken, implement and follow its implementation;

(h) Conduct study continuously regarding technologies that help to expand, maintain, and develop road standard by low cost and implement;

(i) Cause the community to bring together their human and material resource to construct, maintain and preserve community and other roads, deliver technical and construction materials support;

(j) Supervise and cause to be supervised the quality of road construction and maintenance;

(k) Follow up the implementation laws relating to road with a view to protect roads from destruction and out of service;

(l) Work in collaboration with concerned bodies to build the capacity of associations, micro and small enterprises, small scale contractors organized to construct and maintain roads;

(m) Determine and supervise the width of the road and its utilization;

(n) Determine the utilization particularly, the axial load and size;

(o) Study and cause to be studied the standard and quality of road construction materials such as stone, pavement soil, selected soil and other materials, cause the utilization of those which fulfill the required standard and quality;

(p) Utilize road construction materials such stone, pavement soil, selected soil and other materials with authorization of concerned bodies without payment;

- (q) Daandiiin faayidaa yaadame qofaaf hojii irra akka ooluu fi gochi seeraan alaa daandii irratti akka hin raawwatamne ni to'ata, tarkaanfii sirreeffamaa ni fudhata; akka fudhatamus ni taasisa;
- (r) Qabeenya daandii irratti argamu qaama dhimmi ilaalu waliin ta'uun ni kaasa, ni kaasisa;
- (s) Ijaarsi daandii qabeenya uumamaa fi naannoo irratti dhiibbaa akka hin qaqqabsiifne eegumsa gahaa ni taasisa, qaama dhimmi ilaalu waliin ni hojjeta;
- (t) Qabeenya Lafa ijaarsa daandiitiif oolu irratti argamaniif bu'uura seeraatiin beenyaan akka kaffalamu ni taasisa, akkaataa barbaachisummaa isaatti ni kaffala;
- (u) Dandeettiin raawwachiisummaa seektara daandii akka cimu ni hojjeta, leenjii gaggabaaboo ni kenna, akka kenamu ni taasisa;

3) Labsii 163/2003 Keewwata 49 jalatti aangoo fi hojii itti gaafatamtoota manneen hojii Qaamota Raawwachiistuu naannichaatiif kenname akkuma eegametti ta'ee, hoji-gageessaan Abbaa Taayitichaa aangoo fi hojii dabalataa armaan gadii ni qabaata.

- (a) Hojjattoota haala addaatiin iskeeliin miindaa isaanii murtaa'uu qabu qoratee Mana Maree Bulchiinsa Naannichaatiif ni dhiyeessa, yammuu hayyamamu hojii irra ni oolcha;
- (b) Dhimmicha adeemsa Mana Murtiin ilaalamuun akkuma eegamutti ta'ee, ijaarsa daandiitiin walqabatee wal dhabinsa Abbaa Taayitichaa fi kontraaktara, waldaalee, Intarpiraayizii Maayikiroo fi Xixiqqaa yookiin gorsaa gidduutti uumamu fedhii Abbaa Taayitaa fi qaama Abbaa Taayitichaa waliin waliigaltee seene irratti hundaa'uun akkaataa barbaachisummaa isaatti Mana Murtiitiin alatti akka xumuramu ni taasisa; raawwiin isaa dambii bahuun kan murtaa'uu ta'a.

3. Tumaalee Ce'umsaa

Labsiin kun osoo hin bahin dura hojiiwan jalqabaman Abbaa Taayitichaatiin akka jalqabamanitti Lakkaa'amee raawwiin isaanii kan itti fufu ta'a.

4. Yeroo Labsiin kun Hojii irra itti oolu.

Labsiin kun guyyaa magalata oromiyaa irratti maxxanfamee bahe irraa eegalee hojii irra kan oolu ta'a.

- (ወ) መንገድ ለታሰመለት ዓላማ ብቻ እንዲውልና ህገወጥ ድርጊት መንገድ ላይ እንዳይፈፀም ይቆጣጠራል፤ የማስተካከያ እርምጃ፣ እንዲወሰድም ያደርጋል።
- (ዘ) በመንገድ ላይ የሚገኝን ንብረት ከሚመለከተው አካል ጋር በመሆን ያነሣል፤ ያስነሣል።
- (ዘ) የመንገድ ግንባታ ሥራ በተፈጥሮ ሀብትና በአካባቢ ላይ ተፅዕኖ እንዳያደርስ በቂ ጥበቃ ያደርጋል፤ ጉዳዩ ከሚመለከተው አካል ጋር ይሠራል።
- (የ) ለመንገድ ግንባታ በሚውል መሬት ላይ ለሚገኝ ንብረት በህግ መሠረት ካሣ እንዲከፈል ያደርጋል፤ እንዳስፈላጊነቱ ይከፍላል።
- (ደ) የመንገድ ሴክተር የማስፈፀም አቅም እንዲጎለብት ይሠራል፤ አጫጭር ሥልጠናዎችን ይሰጣል፤ እንዲሰጥም ያደርጋል።

፫) በአዋጅ ቁጥር ፩፻፳፫/፪ሺ፫ አንቀጽ ፵፱ ሥር ለክልሉ አስፈጻሚ አካላት ኃላፊዎች የተሰጣቸው ሥልጣንና ተግባር እንደተጠበቀ ሆኖ የባለሥልጣኑ ሥራ አስኪያጅ የሚከተሉትን ሥልጣንና ተግባር በተጨማሪ ይኖረዋል።

(ሀ) በልዩ ሁኔታ የደመወዝ እስኪል ለወሰንላቸው የሚገባቸውን ሠራተኞች አጥንቶ ለክልሉ መስተዳድር ምክር ቤት ያቀርባል፤ ሲፈቀድም ሥራ ላይ ያውላል።

(ለ) ጉዳዩን በፍርድ ቤት ሥነ ሥርዓት ማየት እንደተጠበቀ ሆኖ በባለሥልጣኑና ከባለሥልጣኑ ጋር በተዋዋሉ ወገኖች ፍላጎት ላይ በመመሥረት ከመንገድ ግንባታ ጋር በተያያዘ በባለሥልጣኑና በኮንትራክተር፣ በማንበራት፣ በአነስተኛና ጥቃቅን ኢንተርፕራይዝ ወይም አማካሪዎች መካከል የሚነሣ ያለመግባባት እንዳስፈላጊነቱ ከፍርድ ቤት ውጪ እንዲያልቅ ያደርጋል፤ አፈጻጸሙ በሚወጣው ደንብ የሚወሰን ይሆናል።

፬. የመሸጋገሪያ ድንጋጌዎች
ይህ አዋጅ ከመውጣቱ በፊት የተጀመሩ ሥራዎች በባለሥልጣኑ እንደተጀመሩ ተቆጥረው ተፈጻሚነታቸው ይቀጥላል።

፭. ይህ አዋጅ ሥራ ላይ የሚውልበት ጊዜ

ይህ አዋጅ በመገለጥ አሮሚያ ላይ ከታተመበት ቀን ጀምሮ ሥራ ላይ የሚውል ይሆናል።

- (q) Supervise the utilization of unlawful utilization of roads with a view to make the utilization of roads for intended purpose, take and cause to be taken corrective measures;
- (r) Remove and cause to be removed the properties found on the road in collaboration with concerned body;
- (s) Provide sufficient protection for natural resource and environment while constructing roads;
- (t) Pay and cause compensation to be paid for the land property expropriated for the construction road;
- (u) Work to strengthen the implementation capacity of road sector, deliver and cause to be delivered short trainings.

3) Without prejudice to the power and duties of the heads of the executive organs of the region given under Article 49 of the Proclamation No 163/2003, the General Manager of the Authority shall have the following additional Power and duties:

- (a) Undertake study regarding the salary scale of employees to be treated differently; submit to the Regional Administrative Council; implement same upon approval;
- (b) Without prejudice to the adjudication of the case through court procedures, cause the settlement of disputes between the Authority and contractors, associations, micro and small scale enterprises and consultants related with construction of roads to be handled based on the consent of the Authority and parties contracted with the Authority out of court; the particulars shall be determined by regulation issued.

3. Transitional Provisions

Works undertaken prior to the issuance of this Proclamation shall be deemed as if they were started by this proclamation and their implementation shall continue.

4. Effective Date

This Proclamation shall enter in to force as of its publication on Megeleta Oromia.

Finfinnee, Bitootessa 18 Bara 2006

ፊንፊኔ፣ መጋቢት ፲፰ ቀን ፪ሺ፰ ዓ.ም

Done at Finfinne, 27th day of March 2014

Muktaar Kadiir
Pirezidaantii Mootummaa Naan-
noo Oromiyaa

መ-ክታር ከድር
የኦሮሚያ ብሔራዊ ክልላዊ
መንግሥት ንግሥት

Muktar Kedir
President of Oromia National
Regional State

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በአፈ ጉባኤና ጨፌ ኦሮሚያ ጸ/ቤት የታተመ

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