

Road Use Regulations

GOVERNMENT NOTICE No. 189 published on 21/5/2010

THE ROADS ACT

(CAP. 197)

REGULATIONS

ARRANGEMENT OF REGULATIONS

THE ROADS USE REGULATIONS, 2010

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SCHEDULE

THE ROAD ACT

(CAP. 167)

REGULATIONS

(Made under Section 61)

THE ROADS USE REGULATIONS, 2010

PART I

PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Roads Use Regulations, 2010;

Citation

2. In these Regulations unless the context requires otherwise:—

Interpre-
tation
Cap. 167

“Act” means the Roads Act;

“bicycle lane” means the single line of bicycle traffic within the bicycle path or route. Traffic in the bicycle lane is one directional. If a bicycle path or route includes two bicycle lanes, then the term bicycle lane shall refer to any such bicycle lane separately, but not to all such bicycle lanes collectively;

“bicycle path” means a completely separated right-of-way designated exclusively for bicycle use;

“bicycle route” refer to a predetermined route marked with signs labelled bicycle route;

“footpath” means a path intended for exclusive use of pedestrians, wheelchairs and baby carriages;

“level crossing” means an area where a road, tram track or a railway meet at substantially the same level, whether or not there is a level crossing sign on the road at all or any of the entrances to the area;

“carriage” means a wagon, cart, bicycle, tricycle and every description of a wheeled vehicle other than—

- (a) a motor vehicle;
- (b) a vehicle used on specially prepared ways such as a railway or tramway;
- (c) a trailer;
- (d) a baby carriage; and
- (e) a wheel barrow.

- “Minister” means the Minister responsible for roads;
- “moped” means any two wheeled vehicle which is fitted with an internal combustion engine having a cylinder capacity not exceeding fifty c.c and of maximum design speed not exceeding fifty kilometres per hour;
- “motorized bicycle” is a bicycle powered solely by a motor that has a maximum power output not exceeding 1,500 W;
- “non motorized transport” includes all means of transport that are human and animal powered;
- “shared path” applies to a path that—
- (a) may be a cycle path, a footpath, or some other kind of path; and
 - (b) may be used by some all of the following persons at the same time:—
 - (i) pedestrians;
 - (ii) cyclists;
 - (iii) rides of carriages; and
 - (iv) riders of wheeled recreational devices;
- “railway” means any rail or track specially constructed for the passage of trains;
- “roadway” means the carriageway together with the shoulders of a road;
- “road use” means the functions for which various road areas are used or are planned to be used such as driving, riding, parking, walking, public utility, advertising and sporting;
- “road reserve” means as defined in the Roads Act, 2007;
- “train” shall include any engine, truck, trolley or other vehicle constructed to run on a specially prepared rail or track and two or more of any such vehicles connected together;
- “tram” means a device that operates on rails within a public road;
- “tramway” means any rail or track specially constructed for the passage of trams;
- “vehicle” means a vehicle of any description whatsoever, and includes a machine or implement of any kind drawn or propelled along roads whether by animal, mechanical, electrical or any motive power;
- “service road” means is a local road within a road reserve running parallel to the roadway to provide access to properties in the vicinity of the roadway;
- “shoulder of the road” means the position of the roadway adjacent to the travelled way for accommodation of stopped vehicles and for emergency use;
- “stock routes” means a public route having right of way across private

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properties or wilderness over which cattle, sheep, goats and other domestic animals may be herded to grazing grounds or markets.

PART II THE ROAD USE

3. A person shall not stop a vehicle on the roadway:—

Stopping
of
vehicles

- (a) Along side or opposite an excavation or obstruction on the public road if other traffic would be obstructed or endangered by such stopping;
- (b) on, or within six metres from the beginning or end of, any part of such roadway where the normal width thereof has for any reason been constricted;
- (c) in contravention of a road sign;
- (d) on the right-hand side of such roadway facing on coming traffic;
- (e) within the railway reserve at a level crossing;
- (f) within thirty meters (30m) to and from a blind curve or road crossing;
- (g) on a bridge.

except where stopping is necessary in order to avoid an accident, or in compliance with a road sign or for any cause beyond the control of the driver;

4.-(1) For the purposes of this Regulation, the expression "race or sport" means and includes:—

Racing
and sport
on public
roads

- (a) any race, speed trial, reliability trial, hill climbing competition or sports meeting; or
 - (b) any other activity whatsoever which may:—
 - (i) constitute a source of danger to traffic; or
 - (ii) hamper, impede or disrupt the normal flow of traffic.
- (2) A person shall not organise or take part in any race or sport on a public road, unless prior written consent of the road authority has been obtained;

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- (3) In granting consent, the road authority, may:—
 - (a) in addition to any requirement prescribed in these regulations, impose such further conditions as it may be necessary;
 - (b) exempt any person concerned with the race or sport for the time specified from any provisions of these Regulations regarding any speed limit or determine another any speed limit for the road concerned; or
 - (c) levy fees for defraying expenses incurred by the road authority;
- (4) A consent granted may be withdrawn at any time.

Hindering
or obstructing
traffic on
public
road

5.-(1) A person shall not prevent, hinder or interrupt the free and proper passage of traffic on a public road;

(2) Subject to the provisions of the Act or any other written law, no person shall place or abandon or cause to be placed or abandoned on a public road any object that may endanger or cause damage to traffic not on such road;

(3) A person shall not without written consent of the Minister construct or cause to be constructed on a public road any structure or object including rumble strips and humps that may:—

- (a) increase travel time on the road by way of increased road roughness; or
- (b) reduce the lifespan of the road through localised failures.

(4) The Minister may grant authorisation for construction of rumble strips and humps on a public road where the road authority provides clear—

- (a) justification for a need for traffic calming at the location for which a permit is being sought;
- (b) evidence that no other alternative traffic calming measures are possible at that location.

5. The Minister shall cause standards to be prepared specifying the height, shape, size, and marking of rumble strips and humps to be adopted and spacing in the case of rumble strips;

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(6)-(1) A road Authority shall determine the need for provision of service roads for the purpose of accessing properties in the vicinity of roadways;

Use of
service
roads

(2) vehicles using service roads shall only do so for accessing or exiting the nearest property and shall not use it longer than two access;

(3) vehicle speeds on service roads shall be restricted to 30km per hour;

(4) pedestrians and non motorised vehicles using service roads shall ply on the extreme left hand side of the service roads;

(5) a driver of a motor vehicle shall not park his vehicle or trailer on a service road;

(6) a person who contravenes the provisions of this regulation commits an offence.

(7)-(1) All animals shall be driven on stock routes where available or where these are not provided, on the right hand margin outside the roadway when facing oncoming traffic.

Access for
animals
on public
roads

(2) Subject to sub regulation (1), no person shall drive any animal along a public road during—

(a) the period from sunset to sunrise unless a person carrying a red light visible in clear weather for a distance of at least 150 metres tends such an animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and carrying a light as aforesaid precedes and another such person carrying a light as aforesaid follows such animals; or

(b) any other period, unless a person displaying in a conspicuous manner a red cloth, of not less than 300 millimetres by 300 millimetres, tends such animal or, in the case of a flock or herd of more than 10 animals, a person tending such animals and displaying a cloth as aforesaid precedes and another such person displaying a cloth as aforesaid follows such animals.

(3) Where animal road crossing locations are provided by the road authority, animals shall not be made to cross public roads except at such places specifically provided and marked for that purpose by the road authority.

(4) Subject to the provisions of sub-regulation (5), no person shall leave or allow an animal to be on any section of a public road from where it may stray onto such section of a public road.

(5) The provisions of sub-regulation (4) shall not apply—

(a) to an animal which is being ridden or is being used to draw a vehicle along a public road; or

(b) to an animal which is being driven from one place to another in such manner as not to constitute a source of danger or injury to person or vehicle using such road;

(6) In prosecution for contravention of sub-regulation of (4), it shall, in the absence of evidence to the contrary, be presumed that any animal referred to in sub-regulation (4) was left or allowed to be on the section of the public road by the owner of such animal;

(7) A person in charge of an animal on a public road shall tend the animal in a manner that would not constitute an obstruction or danger to other traffic;

(8) The road authority may take charge of the animal referred to in sub-regulation (4) or take such a step which is necessary to remove that animal from a public road.

PART III

PLACEMENT OF ADVERTS, SIGNS AND BILLBOARDS

Place-
ment of
signs other
than
prescribed
road signs

Adverts,
and signs
outside
the road
reserve

8. The Minister shall prepare a manual for control of outdoor advertising to provide for the positioning, orientation, colouring, size, height, shape, spacing, location, texture, maintenance, ground, clearance where applicable, tenure, animation, illumination, reflectivity and fixing.

9:-(1) A person who intends to install a sign, advert, billboard or poster which partly falls in the road reserve and partly outside the road reserve or wholly falls outside the road reserve but within ten metres away from the end of the road reserve shall—

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- (a) apply to the road authority for a permit to install such facility;
- (b) acquire a written consent of the owner of the adjoining land before submitting the application for installation of the facility to the road authority.

(2) The road authority shall prescribe the tenure of the permit for fixing an advert, sign, poster or billboard except for signs, adverts, posters, or billboards that are outside the road reserve;

(3) A person who contravenes the provisions of subsection (1) commits an offence.

10.-(1) The Minister shall cause to be prepared, road signs, marking and road furniture standards specifying height, shape, size, materials, colours, category, reflectivity, lighting, spacing, text and location which may be updated from time to time in order to match technological development;

Standards
for road
signs,
markings
and
furniture

(2) Subject to sub-regulation (1), the road authority shall adhere and conform to the standards for road signs, markings and road furniture.

11.-(1) The road authority may, by notice, require the owner of the facility to remove any signs, adverts, posters, and billboards which for reasons of lack of maintenance, old age, traffic accident, natural cause, domestic or wild animals or human activities get tilted, bent, misaligned or deformed to the extent of impairing safe use of public roads.

Removal
of signs,
adverts

(2) Where a facility is not removed contrary to sub-regulation (1), the road authority may remove such facility at the cost of the owner of the facility.

12.-(1) The road authority shall charge fees to an applicant intending to erect an advert, sign, billboard or poster in order to meet the cost that the road authority may incur during survey and preparation of the permit;

Service
fees

(2) The cost payable shall be determined by the road authority depending on distance, location, size, and complexity of the facility involved.

PART IV

PUBLIC ROAD CROSSED BY A RAILWAY

Construction and maintenance of railways

13.-(1) Subject to any other written laws, the road authority shall regulate the maintenance and construction of railway and tramway crossing over public roads.

Crossing over public roads

(2) A person shall not carry out works within a road reserve for the purpose of surveying, constructing, re-constructing, maintaining, or laying of lines for trolleys, tramways, or railways at grade except in accordance with a permit issued by the road authority;

(3) Any person who upon grant of permit issued pursuant to sub-regulation (2), causes damage to the road by such construction shall be liable to pay the costs for reinstatement of that damage as determined by the road authority;

Plans to be submitted with application

(4) An application for a permit to construct or lay a line for trolleys, tramways, or railways on a public road shall contain the following information:-

- (a) a plain view of the crossing, drawn to a scale of not less than 1:2000, showing all pertinent information including;
 - (i) the location of all tracks and the right-of-way of the railway for at least 400 metres in each direction from the crossing;
 - (ii) the location of the travelled portion of the road and of the road right-of-way for at least 100 metres in each direction from the crossing;
 - (iii) the width of the railway right-of-way;
 - (iv) the width of road right-of-way;
 - (v) the width of the travelled portion of the road;
 - (vi) the width of the road shoulders;
 - (vii) the angle of the crossing;
 - (viii) the location of all railway crossing signs and warning devices pertaining to the crossing;
 - (ix) sight lines and all obstructions to view within the distances referred to in subparagraphs (i) and (ii); and
 - (x) drainage and utilities relating to the crossing and other information relevant to the construction of the crossing;

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(b) a profile of the railway, drawn to a scale of not less than 1:5000 horizontally and of not less than 1:250 vertically, for at least 400m in each direction from the crossing, showing;

- (i) the elevation of the top of the lowest rail; and
- (ii) the elevation of the original ground at the centre line of the track;

(c) a profile of the road, drawn to a scale of not less than 1:2000 horizontally and of not less than 1:200 vertically, for at least 100m in each direction from the crossing;

(d) a typical cross section of the road right-of-way in the vicinity of the crossing, drawn to a scale of not less than 1:200, showing the travelled portion of the road, the shoulders, drainage, utilities; and

(e) any other information relevant to the construction of the crossing such as:-

- (i) the elevation of the road surface and details of gradients; and
- (ii) the elevation of the original ground at the centre line of the road;

14.(1) Any person who constructs any railway upon or across any road or maintains or uses any railway so constructed shall erect a reflectorized railway crossing signboard on the left hand side on both approach road that crosses a railway track.

Erection and maintenance of signs at railway crossing

(2) The signboard referred to in sub regulation (1) shall be placed in accordance with the approved standards or not more than 5 metres from the track with the edge of the sign not closer than 1 metre to nor further than 2 metres from the travelled portion of the road so as to be clearly visible to approaching road traffic before the traffic crosses the tracks;

(3) On straight and level approaches the bottom edge of the signboard shall be in accordance with the approved standards or not less than 1.5 metres nor more than 2 metres above the traveled portion of the road.

(4) Where there are grades or curves on the approaches, the signboard shall be installed so as to be clearly visible to approaching road traffic both at night and in the daytime;

(5) Where the distance between the centre lines of two adjacent tracks is more than 30 metres measured along the road, each crossing shall be considered a separate crossing;

(6) Where there is more than one railway track at a crossing, an additional signboard indicating by digits the number of tracks to be crossed shall be installed on the supporting post of each sign.

Railway
signal

15.-(1) A person driving or in charge of a train shall not permit such train to pass over any railway constructed upon or across a road unless there is a clearly visible or audible signal warning persons on the road of an approaching train.

(2) The warning signal shall remain visible or audible until the train has passed over the crossing;

(3) Where necessary the train shall be preceded to the centre of the road by a person on foot displaying a red flag by day and a red light by night in such a manner as to be clearly visible and to give adequate warning to persons on the road approaching the railway;

(4) A person preceding a train on foot in accordance with this regulation shall remain in the centre of the road until the train has passed over the road.

Prohibition of
stopping
a train at
railway
crossing

16.-(1) A person driving or in charge of a train shall not cause or allow it to be stopped upon a railway constructed upon or across a public road in such a manner as to obstruct or hinder traffic on such road;

(2) Sub-regulation (1) shall not apply to a train which is temporarily stopped on a public road:-

(a) in compliance with an order or instruction, whether in writing or otherwise or a hand signal or any other signal in relation to the use of such train or device;

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- (b) for the purpose of loading or off-loading goods;
- (c) for shunting purposes; or
- (d) in case of brake down.

17.-(1) A driver at a level crossing with a stop sign shall stop at the stop line or, if there is no stop line at the stop sign and give way to any train or tram on approaching or entering the crossing;

Driver to
give way
to an
ap-
proaching
train

(2) A driver at a level crossing with a give way sign or give way line shall give way to any train or tram on approaching or entering the crossing;

(3) A driver who enters a level crossing shall leave the level crossing as soon as the driver can do so safely;

(4) For the purposes of this regulation "give way" means the driver shall remain stationary until it is safe for the driver to proceed, slow down and, if necessary, stop to avoid collision.

18.-(1) At all crossing the gradient of the approaches of the road shall conform to approved design standards or not greater than 1m of rise or fall for every 20m of the horizontal length of the approaches.

Crossing
Approa-
ches

19.-(1) The tramway or railway company or authority shall be responsible for the maintenance of:-

Responsi-
bilities of
the
Railway
company
at grade
crossing

- (a) the part of the road surface of the grade crossing that lies between the rails of each track, the part that lies outside the rails, up to the ends of the railway ties, and the elevation of the railway tracks in relation to the road;
- (b) sighlines along the railway right of way;
- (c) drainage along the railway right of way;
- (d) railway crossing signs; and
- (e) grade crossing warning systems;

Responsibilities of the road authority at grade crossing

- (f) lighting devices to illuminate trolleys, trams, trains, and other railway equipment occupying grade crossing to ensure that they are clearly visible to pedestrians and drivers of vehicles.

20. The road authority shall be responsible for the maintenance of:-

- (a) the road approaches and those parts of the surface of the road up to the end of the railway ties, including the elevation of the road in relation to the railway track;
- (b) sightlines along the road right of way;
- (c) drainage along the road right of way;
- (d) traffic control devices on road approaches and stop signs at grade crossings; and

Joint responsibility of road authority and railway company

21.-(1) The railway company or authority and the road authority shall jointly be responsible for:-

- (a) determining the warning and traffic control systems required for the safe operation of their grade crossing;
 - (b) co-ordinating movements of trams, engines and other railway equipment and road traffic for the purpose of safe operations at their grade crossings; and
 - (c) removing obstructions and maintaining the sightlines over land outside the limits of the railway right of way and the road right of way.
- (c) removing obstructions and maintaining the sightlines over land outside the limits of the railway right of way and the road right of way.

PART V

NON-MOTORISED TRANSPORT

Parking of non-motorised vehicles

22. The road authority may provide parking facilities for non-motorised transport vehicles, bicycles, vehicles for disabled and carts of any kind within the road reserve.

Road Use Regulations

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23.-(1) Where specific paths for non-motorised vehicles are not provided a person riding a non-motorised vehicle shall ply on the left side of the road.

Accommodation of non-motorised vehicles on public roads

(2) Where specific paths are provided a person riding non-motorised vehicle shall ride on the specific path.

24.-(1) Any person operating a bicycle or other non-motorised device shall practice courteous, defensive riding, giving right-of-way to pedestrians, travelling at safe speeds, and having their vehicles under control at all times.

Operating non-motorised vehicles

(2) A rider of a cycle, carriage, or wheeled recreational device on the shared path shall not operate the cycle or device at a speed that is hazardous to other persons using the shared path;

(3) A person shall not ride a cycle or moped on a road while it is towing a vehicle other than a trailer;

(4) A person shall not ride a cycle or moped on a roadway so that it remains abreast and to the right of:-

(a) two other vehicles that are cycle or mopeds; or

(b) one other cycle or moped while that cycle or moped is overtaking and passing another vehicle, including a parked vehicle; or

(c) any other vehicle having three or more road wheels (including a motorcycle fitted with a sidecar).

(5) The provisions of sub regulation (5) shall not apply where cyclists are participating in a race that is subject to a traffic management plan agreed upon by the road authority.

25.-(1) Users of wheelchairs, baby carriages on a shared path shall:-

Use of shared path

(a) operate the device in a careful and considerate manner; and

(b) not operate the device at a speed that is hazardous to other shared path users.

(5) The provisions of sub regulation (5) shall not apply where cyclists are participating in a race that is subject to a traffic management plan agreed upon by the road authority.

25.-(1) Users of wheelchairs, baby carriages on a shared path shall:-

(a) operate the device in a careful and considerate manner; and

(b) not operate the device at a speed that is hazardous to other shared path users.

(2) A person using a wheeled recreational device on a shared path shall give way to pedestrians and users of wheelchairs and baby carriages.

(3) A pedestrian shall not unduly impede the passage of a carriage or wheeled recreational device permitted to use the shared path by this regulation;

(4) A pedestrian or a rider of a carriage or wheeled recreational device shall not enter a pedestrian crossing suddenly when an approaching vehicle is so close to the pedestrian crossing in such a way that the driver of the vehicle may be unable to give way to the pedestrian or the driver or rider of the device;

(5) A pedestrian or rider of a carriage or wheeled recreational device shall not remain on the roadway, including a pedestrian crossing or school crossing point, longer than is necessary for the purpose of crossing the roadway.

Use of
road signs
by non
motorised
vehicles

26.-(1) Where a sign or marking on the shared path gives priority to pedestrians or cyclists, the following rules shall apply on the shared path:-

(a) pedestrians, riders of carriages, and riders of wheeled recreational devices shall give priority to cyclists if the sign or marking gives priority to cyclists;

(b) cyclists shall give priority to pedestrians, riders of carriages, and riders of wheeled recreational devices if the sign or marking gives priority to pedestrians; and

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(c) no user may unduly impede the passage of any other user, whatever priority the sign or marking gives.

(2) A pedestrian or a rider of a carriage shall not cross a roadway otherwise than on a pedestrian crossing or at a school crossing point, at an underpass, or on a footbridge when a pedestrian crossing or school crossing point, an underpass, or a footbridge is reasonably available to the pedestrian for that purpose within a distance of twenty metres;

(3) Where a pedestrian traffic on any part of any roadway is controlled by traffic signals, a pedestrian shall not cross any other part of that roadway that is within 20 metres of the controlled by traffic signals;

(4) A pedestrian or rider of a carriage or wheeled recreational device who crosses a roadway elsewhere than on a pedestrian crossing or at a school crossing point shall cross at angles to the kerb or side of the roadway;

(5) Sub regulation (4) shall not apply at an intersection controlled by traffic signals if the pedestrian or the rider is complying with a notice, sign, or marking maintained by the road authority and indicating that such persons may cross otherwise than at right angles;

(6) The road authority shall provide special sign for disables during design.

27.-(1) A person shall not ride a cycle, tricycle or a moped on a road during the hours of darkness without using a headlamp, reflector and rearward facing position lamp.

Use of
non
motorised
vehicles
in the
dark

(2) A person shall not ride a cycle, tricycle or moped on a road, during the hours of darkness, unless;

(a) the cycle, tricycle or moped has pedal reflectors; or

(b) such a person is wearing reflective material.

(3) Any person who contravenes the provisions of sub regulation (1) or (2) commits an offence and upon conviction shall be liable to a fine

not exceeding fifty thousand shillings or imprisonment to a term not exceeding three months or to both.

Dar es Salaam,
10th May, 2010

HON. SHUKURU J. KAWAMBWA (MP.),
Minister for Infrastructure Development
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