EXTRAORDINARY

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ROADS (AMENDMENT) ACT, 2019

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No. 24 of 2019

ROADS (AMENDMENT) ACT, 2019

AN ACT TO AMEND THE ROADS ACT

[Date of Assent - 2nd August, 2019]

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

(1) This Act, which amends the Roads Act *(Ch. 201)*, may be cited as the Roads (Amendment) Act, 2019.

(2) This Act shall come into force on such date as the Minister may appoint by notice published in the Gazette.

2. Amendment of section 7 of the principal Act.

Subsection (2) of section 7 of the principal Act is amended by the deletion of the words "seventy-five" and the substitution of the words "ten thousand".

3. Amendment of section 9 of the principal Act.

Section 9 of the principal Act is amended —

(a) by the deletion of subsection (1) and the substitution as follows —

"(1) Any person who desires to make any excavation in or under any public road for any purpose, including the construction of any drain or water-course under such road or the provision of public utilities to any premises, shall make application as set out in Form I of the Schedule and submit the prescribed fee and upon the Minister's approval, the applicant shall be issued an excavation permit as set out in Form II of the Schedule upon payment of the permit fee specified therein.

(1A) The person approved for conducting the excavation shall —

(a) at his own expense, fill in the same immediately after the completion of the work for which it was required and for the restoration of the surface of the

public road concerned to the satisfaction of the Minister;

(b) be responsible at all times until the final restoration of the road, for all necessary precautions to prevent injury, damage or loss to any person by reason of such excavation and shall be liable for any injury, damage or loss caused thereby."; and

(b) in subsection (2), by the deletion of the words "seventy-five" and the substitution of the words "ten thousand".

4. Amendment of section 11 of the principal Act.

Section 11 of the principal Act is amended —

(a) by the deletion of the words "twenty yards" and the substitution of the words "one hundred feet"; and

(b) by the deletion of the words "seventy-five" and the substitution of the words "ten thousand".

5. Amendment of section 12 of the principal Act.

Subsection (1) of section 12 of the principal Act is amended —

(a) by the deletion of the words "seventy-five" and the substitution of the words "ten thousand"; and

(b) by the deletion of the word "fifteen" and the substitution of the words "five thousand".

6. Insertion of Schedule into the principal Act.

The principal Act is amended by the insertion immediately after section 17, of the following new Schedule —

"SCHEDULE

(Section 9)

FORM I

APPLICATION FOR PERMIT TO EXCAVATE IN ANY PUBLIC ROAD

To: Director of Public Works

PART I: APPLICANT'S INFORMATION

Full Name: _____

Full Address: _____

_____ Postal Address: _____

Telephone Number(s): _____ Fax No. _____

Full Name of Applicant's Agent: _____

Full Address and email of Applicant's Agent: _____

_____

Reason(s) for conducting excavation: _____

_____

Nature of proposed work: _____

_____

Exact location of excavation: _____

_____

Estimated duration of proposed excavation: _____

Has the applicant provided a drawing of the proposed excavation works, clearly showing the traffic management proposals ("TMP") for the duration of the contracted works?

( ) YES ( ) NO

Does the applicant have a current copy of the Trench Re-instatement?

( ) YES ( ) NO

Fee: $20.00

N.B.: Please check below the item that applies to the proposed excavation works. Beside each item checked, we will require the signature of the contractor that will be executing the above works.

GENERAL EXCAVATION:

Name: _____

Company: _____

Signature: _____

Commencement date: _____

SUB BASE AND BASE RESTORATION:

Name: _____

Company: _____

Signature: _____

Commencement date: _____

ASPHALT RESTORATION OR LANDSCAPING:

Name: _____

Company: _____

Signature: _____

Commencement date: _____

SIDEWALK OR DRIVEWAY CURB & GUTTER:

Name: _____

Company: _____

Signature: _____

Commencement date: _____

I, the undersigned, do hereby agree that full and complete restoration is to be executed in compliance to specifications given by the Ministry of Works and the laws that govern The Bahamas. I also understand that any and all excavation works are to be done in a safe and expeditious manner as set forth in this Excavation Permit. I further understand that the said works as outlined above, is my responsibility and not that of the Ministry.

It is also agreed that if the aforementioned excavation works are not completed within ninety (90) days of the commencement of this Permit, this Permit will expire.

Signature of Applicant
or Applicant's agent: _____

Date signed : _____

****

(For Official Use Only)

PART II: PERMISSION TO EXCAVATE IN ANY PUBLIC ROAD

Permit No.: _____

Date application received: _____

We approve the following —
Location: ( ) Date: ( ) TMP: ( )

Conditions of approval: _____

_____

_____

_____

Application approved by: _____
(NAME)

_____
(POSITION)

Signature: _____

PART III: REQUEST FOR UTILITY SERVICES TO BE MARKED

To: UTILITY COMPANY

Please mark on-site the position of your services in the area of the work as noted above and provide attendance when work is in progress. If you consider it necessary for the adequate protection of your services, your representative should sign the requisite copy of this notice to indicate that all your services have been marked.

BEC: _____ DATE: _____

WSC: _____ DATE: _____

CABLE BAHAMAS: _____ DATE: _____

BTC: _____ DATE: _____

ALIV: _____ DATE: _____

PART IV: NOTICE OF EXCAVATION IN ANY PUBLIC ROAD

TO: THE COMMISSIONER OF POLICE

You are advised that the above works will be carried out as indicated. The Applicant is required to take all steps to minimize as far as possible, traffic disturbance but welcomes your assistance, in doing so, where necessary.

POLICE OFFICIAL: _____

DATE: _____

NB: A duplicate of this entire completed application shall be submitted to the attention of the Director of the Department of Public Works, for such entity's records.

FORM II

EXCAVATION PERMIT

MOPW FILE NO.:/ / /

Permit No.: _____

_____ (*Name of Permit Holder*), is hereby authorized to:

(a) Details of excavation_____

(b) Location of Excavation _____

(c) Special conditions (if any) _____

_____

(d) Restoration details:_____

This permit is valid for the period commencing on the date hereof and ending on the

_____ day of _____ 20 .

Director of Works _____

Date:_____".