Administrative Resolution No. (67) of 2010
Issuing the Implementing Bylaw of
Regulation No. (4) of 2009 Regulating Works in the
Right of Way in the Emirate of Dubai[1]

We, Chairman of the Board of Directors and Chief Executive Officer of the Roads and Transport Authority,

After perusal of:

Law No. (17) of 2005 Establishing the Roads and Transport Authority; and

Regulation No. (4) of 2009 Regulating Works in the Right of Way in the Emirate of Dubai (the "**Regulation**"),

Do hereby issue this Resolution.

Article (1)

The words and expressions in this Resolution will have the same meaning assigned to them in the Article (2) of the Regulation. The following words and expressions will have the meaning indicated opposite each of them, unless the context implies otherwise:

Longitudinal Road Profile:	A diagram of both sides of the road showing the proposed levels compared to natural levels of land in the same area.
Right of Way Standard Cross Section:	A diagram of all cross section elements of the Right of Way and infrastructure utilities corridors that aim at determining and presenting these as well as their distribution within the Right of Way.
Temporary Reinstatement for Cuttings:	Reinstatement of the asphalt pavement layers conducted in accordance with the specifications of

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[1]*Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

	the Competent Entities and any related technical requirements.
Permanent Reinstatement for Cuttings:	Reinstatement of all asphalt cuttings, tiles, landscaping, or any other permanent reinstatement works conducted in accordance with the specifications of the Competent Entities and any related technical requirements.

Article (2)

a. The Agency will issue a No Objection Certificate upon the request of any entity intending to:

    1. design or conduct infrastructure, landscaping, or Traffic Diversion works or any other works conducted in the Right of Way or affecting the Right of Way; and

    2. occupy the Right of Way by means of fixed or movable structures.

b. The Agency will issue a Clearance Certificate to an Authorised Entity one (1) month after the date of completion of the works, and after verifying that the Authorised Entity has completed the works in accordance with the conditions, requirements, and specifications approved by the Competent Entities.

Article (3)

a. A No Objection Certificate application will be submitted electronically through the electronic No Objection Certificate system on the RTA's website, accompanied by the drawings and documents required by the Competent Entities.

b. Notwithstanding paragraph (a) of this Article, a written application accompanied by the detailed works required to be performed within a period not exceeding twenty-four (24) hours may be submitted in emergency situations to obtain a No Objection Certificate.

Article (4)

a. The Agency must determine No Objection Certificate applications within the following time frames:

    1. fourteen (14) working days commencing on the date of completing the application process for the initial design phase;

2. fourteen (14) working days commencing on the date of completing the application process for the execution phase; and

3. twenty-one (21) working days commencing on the date of completing the application process for the final design phase.

b. The Agency will issue the No Objection Certificate after verifying that all documents and information provided are valid and complete and that the designs, drawings, public safety requirements, and the methods of execution are consistent with the regulations and conditions applicable at the Competent Entities, and with any other related technical specifications.

Article (5)

1. If the Agency finds that a No Objection Certificate application is not fulfilling all the approved requirements and conditions, the Agency must notify the applicant to complete the application within ten (10) working days as of the date of notification in order to reconsider the application and issue the appropriate decision.

2. If the period mentioned in paragraph (1) of this Article expires and the applicant fails to complete the requirements and conditions of the No Objection Certificate, the application will be deemed rejected.

Article (6)

No Person will occupy the Right of Way using fixed and removable, temporary or permanent structures without obtaining a No Objection Certificate from the Agency, and in particular in the following cases:

1. all types of plant beds, pots, columns, or any other solid structures;

2. tents and awnings, whether fixed in the Right of Way or on the building's outer sides;

3. planting or laying paving tiles;

4. laying bumps and other structures which may make road users sustain injury;

5. parking boats and the like in car park spaces;

6. reserving car park spaces illegally by placing a "No Parking" sign; and

7. advertisements.

Article (7)

A No Objection Certificate will be valid for a maximum period of six (6) months renewable by the Agency for the same period with the same terms and conditions, provided that the renewal application is submitted at least fifteen (15) working days prior to the expiry date of the original No Objection Certificate.

Article (8)

To obtain a Prequalification Certificate, a utility works contractor or consultant who is not approved by the Agency must conduct his business through a company registered in the Emirate, and must enclose the following in his application:

1. the commercial licence of the company;
2. the profile of the company and the résumés of its employees;
3. the organisational structure of the company;
4. a list of the company's plans, projects, and equipment;
5. the contact details of the company, including telephone number, fax number, and email address; and
6. the approvals and licences of the Competent Entities overseeing the company's business.

Article (9)

An Authorised Entity permitted to operate in the Right of Way must comply with the following conditions when performing Temporary or Permanent Reinstatement for Cuttings:

1. obtain the prior approval from the Competent Entities;
2. conduct the reinstatement operation through a contractor approved by the Competent Entities;
3. appoint a qualified technical entity approved by the Authority to supervise the work;
4. comply with the reinstatement of cuttings time frames as determined by the Competent Entities;

5. ensure the good implementation of the works according to the conditions and regulations of the Competent Entities; and

6. comply with the conditions, standards, and regulations approved by the RTA.

Article (10)

1. While performing the asphalt pavement layer cuttings, the Authorised Entity must not leave the site before completing at least the Temporary Reinstatement for Cuttings.

2. When the Authorised Entity completes the Temporary Reinstatement for Cuttings, it must notify the Agency within one (1) working day of the work completion date to allow the Agency to inspect the completed work and ensure the good execution of the work and in order to perform the Permanent Reinstatement for Cuttings. The Authorised Entity must conduct maintenance of the Temporary Reinstatement for Cuttings pending the Permanent Reinstatement for Cuttings to be performed.

3. The Permanent Reinstatement for Cuttings must be executed within a maximum of thirty (30) days from completion of the Temporary Reinstatement for Cuttings.

Article (11)

After completing all works, an Authorised Entity must, within a maximum of thirty (30) days from the completion date of these works, apply to the Agency to obtain a Clearance Certificate. The Clearance Certificate will be issued to the Authorised Entity subject to enclosing the following documents to the application:

1. a copy of the No Objection Certificate issued by the Competent Entities to execute these works;

2. the snag list form issued by the Competent Entities;

3. the as-built drawings approved by the Competent Entities, subject to providing a softcopy thereof if the Service Line exceeds five hundred (500) linear metres;

4. the approved cross sections of the Right of Way;

5. a copy of soil test reports;

6. the Clearance Certificate issued by the Competent Entities, if requested;

7. the clearance issued by the Finance Department of the RTA;

8. the control points network before and after the non-destructive road crossing; and

9. the approvals required for paving and asphalt works.

Article (12)

a. An Authorised Entity will pay a cash deposit when executing any of the following works:

    1. occupation of the Right of Way (asphalt, pavement, or other Public Way components);

    2. temporary removal of certain components of the Public Way;

    3. asphalt and pavement cuttings;

    4. use of the Public Way for unusual transport activities;

    5. Traffic Diversions;

    6. executing alterations to the Public Way and its components through a contractor not approved by the Agency;

    7. excavation beneath the Public Way; and

    8. any other event that requires undertaking works or activities in the Right of Way which makes the Public Way and its components sustain damage.

b. The Agency will assess the deposit amount referred to in paragraph (a) of this Article according to the potential damages at the worst-case scenario and as per the prices of maintenance or construction contracts.

c. All or part of the deposit amount referred to in paragraph (a) of this Article will be forfeited in any of the following events:

    a. failure to complete the authorised works according to the approved specifications and time frames;

    b. causing any damage to the property of the RTA;

    c. causing any damage to third parties when the RTA is liable for such damages.

d. The deposit amount referred to in paragraph (a) of this Article will be refunded upon fulfilling the following conditions:

1. expiry of the defects liability period in relation to the work area;

2. handing over the works and obtaining the Clearance Certificate from the Agency after expiry of the maintenance period;

3. fulfilling all conditions of the No Objection Certificate; and

4. submitting a written request to refund the deposit amount.

e. Upon failure to pay the cash deposit or if the cash deposit is insufficient, the Authorised Entity will not be exempt from paying the costs of the damage resulting from the authorised works.

Article (13)

The method whereby Authorised Entities will earn gold and black points according to number of committed violations using electronic inspection management system will be as follows:

a. Black points:

1. A black point will be earned for each fine not exceeding ten thousand Dirhams (AED 10,000.00) and a black point for each ten thousand Dirhams (AED 10,000.00) if the fine for the violation exceeds ten thousand Dirhams (AED 10,000.00).

2. An Authorised Entity will be blacklisted when its balance of black points reaches or exceeds thirty (30).

b. Gold points:

An Authorised Entity will be awarded a gold point and three (3) black points will be deducted every three (3) months as of the date of the last violation. If one year has passed from the last violation, all black points will be written off.

Article (14)

When an Authorised Entity earns black points, the following actions will be taken against it:

1. An initial warning will be sent to the Authorised Entity when its balance reaches twenty (20) black points.

2. No Objection Certificates will be suspended if the balance of the Authorised Entity reaches thirty (30) black points for the first time and will be granted a three (3) months grace period to adjust its position.

3. No Objection Certificates will be suspended for six (6) months if the balance of the Authorised Entity reaches thirty (30) black points for the second time. The Contracts and Procurement Department will be advised to effect the re-qualification of the Authorised Entity.

4. Works of the Authorised Entity will be definitively terminated if its balance reaches thirty (30) black points for the third time or if the Authorised Entity fails to comply with the requirements mentioned in paragraphs (2) and (3) of this Article. The Contracts and Procurement Department will be notified of this termination, and the Department of Economic Development in the Emirate will be advised to revoke the licence of the Authorised Entity.

Article (15)

The violation notice issued by the inspector of the RTA will include the following information:

1. date of issuing the violation report including day and time;

2. name of the violator;

3. commercial licence number of the violator;

4. place of violation;

5. name and signature of the person issuing the violation report;

6. nature of violation or violations;

7. deadline for the violator to report to the Agency to adjust its position and to remedy the violation;

8. penalty imposed on the violator; and

9. name and signature of the violator's representative, if applicable.

Article (16)

The Chief Executive Officer of the Agency will issue the instructions required for the implementation of this Resolution.

Article (17)

This Resolution will come into force on the day on which it is issued and will be published in the Official Gazette.

Mattar Mohammed Al Tayer

Chairman of the Board of Directors and
Chief Executive Officer

Issued in Dubai on 31 January 2010

Corresponding to 16 Safar 1431 AH.