

REGULATION OF THE MUNICIPALITY OF BUKITTINGGI
NUMBER 1 OF 2022
ON

UTILIZATION AND USE OF PARTS OF ROAD
BY THE BLESSING OF ALMIGHTY GOD

MAYOR OF BUKITTINGGI,

- Considering :
- a. that in order to realize the provision of roads as proper public service facilities to fulfil the public's need for access to transportation that is safe, comfortable and efficient in the framework of supporting the development and distribution of results of regional development;
 - b. that for development that uses and utilizes parts of road, it is necessary to have efforts to control, guide and supervise optimally and continuously by involving the active role of stakeholders;
 - c. that in the context of providing legal certainty and increasing public awareness in the utilization and use of parts of road, it is necessary to have arrangements so that orderliness in the utilization and use of parts of road can be realized;
 - d. that based on the considerations as referred to in point a, point b and point c, it is necessary to issue a Regional Regulation on Utilization and Use of Parts of Road;

- Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 9 of 1956 on Establishment of Autonomous Small Towns within the Province of Central Sumatra (State Gazette of the Republic of Indonesia of 1956 Number 20);
3. Law Number 38 of 2004 on Roads (State Gazette of the Republic of Indonesia of 2004 Number 132, Supplement to the State Gazette of the Republic of Indonesia Number 132) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 132);
4. Law Number 22 of 2009 on Road Traffic and Transportation (State Gazette of the Republic of Indonesia of 2009 Number 96, Supplement to State Gazette Number 5025) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 5025);
5. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended by Law Number 11 of 2020 on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 5587);
6. Government Regulation Number 34 of 2006 on Roads (State Gazette of the Republic of Indonesia of 2006

Number 86, Supplement to the State Gazette of the Republic of Indonesia Number 4655);

7. Regulation of the Minister of Public Works Number 20/PRT/M/2010 on Guidelines for Utilization and Use of Parts of Road (State Gazette of the Republic of Indonesia of 2010 Number 713);
8. Regional Regulation of the Province of West Sumatra Number 8 of 2015 on Utilization and Use of Parts of Road (Regional Gazette of the Province of West Sumatra of 2015 Number 8, Supplement to the Regional Gazette of the Province of West Sumatra Number 115);

With the Joint Approval of:

THE MUNICIPAL HOUSE OF REPRESENTATIVES

and

THE MAYOR OF BUKITTINGGI

HAS DECIDED:

To issue : REGIONAL REGULATION ON UTILIZATION AND USE OF PARTS OF ROAD.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Municipality of Bukittinggi.
2. Local Government means the Mayor of Bukittinggi as an element of the Local Government organizer who leads the implementation of government affairs which are the authority of the autonomous region.
3. Mayor means the Mayor of Bukittinggi.
4. Office means a regional apparatus that carries out duty in the field of road administration.

5. Regional Apparatus means an auxiliary element of the Mayor and Regional House of Representatives of the Municipality of Bukittinggi in the implementation of government affairs which are the authority of the Region.
6. Road means land transportation infrastructure covering all parts of the road, including auxiliary buildings and equipment intended for traffic, which are at ground level, above ground level, below ground level and/or water, as well as above water level, except railroads, lorry roads and cable roads.
7. City Road mean public roads in the secondary road network system that connect inter-city service centers, connect service centers with parcels, connect between parcels, and connect between settlement centers within the city.
8. Part of Road means a part of road which includes road benefit space, road-owned-space, and road monitoring space.
9. Road Benefit Space means a space along the road which is limited by a certain width, height and depth determined by the road administrator and used for the Road Agency, Roadside Channels, and safety thresholds thereof.
10. Road-Owned Space means a road benefit space and certain land lanes outside the road benefits intended for road use space, road widening, additional traffic lanes in the future as well as space requirements for road safety and limited by a certain width, depth and height.
11. Road Monitoring Space means a certain space outside

the road-owned space whose use is supervised by the road administrator so as not to interfere with the free view of the driver, road construction and road functions.

12. Utility means a facility that concern the public interest including electricity, information telecommunications, water, oil, gas and other fuels, sanitation and the like.
13. Roadside Channel means channel that function to collect and drain rainwater or water that is on the road surface, shoulders and other channels as well as water in drainage beneath the road surface along the road corridor.
14. Utilization of a part of road means the utilization of a part of the road other than its designation.
15. Use of a part of road means the utilization of parts of road in accordance with their designation.
16. Person means an individual or business entity, whether incorporated or not.
17. Building Approval (*Persetujuan Bangunan Gedung*), hereinafter abbreviated as PBG, means a permit granted to building owners to build new, change, expand, reduce, and/or maintain buildings in accordance with building technical standards.
18. Online Single Submission Management and Organizing Institution, hereinafter referred to as the OSS Institution, means a government agency that carries out government affairs in the field of investment coordination.

Article 2

Utilization and Use of Part of Road is carried out based on the principles of:

- a. expediency
- b. security;
- c. compatibility of road administration;
- d. justice;
- e. transparency;
- f. usability;
- g. effectiveness; and
- h. togetherness and partnership.

Article 3

Arrangements for Utilization and Use of Parts of Road aim to:

- a. secure Road functions, guarantee safety, security, comfort, smooth running of Road users or drivers, and environmental aesthetics, as well as guarantee the condition and safety of Road construction;
- b. provide legal certainty regarding the granting of permits, recommendations and dispensations in Utilization and Use of Parts of Road;
- c. ensure that the implementation of permits, recommendations and dispensations granted in the use and use of roads is given in accordance with the principles, is beneficial to the public, does not interfere with the function of roads, in accordance with the needs and conditions that are unique to the region and in accordance with the national road utilization and use policies; and
- d. maintaining order in the utilization and use of the Road so that the function of the Road for the public

interest is not disturbed.

Article 4

The scope of regulation on Utilization and Use of Parts of Road includes:

- a. Utilization and Use of Parts of Road;
- b. permits, recommendations, dispensations for Utilization and Use of Parts of Road;
- c. rights, obligations and prohibitions; And
- d. coaching, monitoring and evaluation.

CHAPTER II

AUTHORITY OF LOCAL GOVERNMENT

Article 5

The authority of the Local Government in the Utilization and Use of Parts of Road which become the authority of the Regions includes the granting of permits, recommendations, dispensations and supervision of the Utilization and Use of Parts of Road.

CHAPTER III

PART OF ROAD

Part One

Road Benefit Space

Article 6

- (1) Road Benefit Space includes :
- a. The road;
 - b. Roadside Channel; And

- c. safety threshold.
- (2) The road benefit space as referred to in section (1) is a space along the road which is limited by a certain width, height and depth determined by the Mayor.
- (3) The Road Benefit Space as referred to in section (1) is only intended for medians, road pavements, dividing lines, shoulders, roadside canals, sidewalks, slopes, safety thresholds, embankments and excavations, culverts, road equipment, and other auxiliary buildings.
- (4) Sidewalks as referred to in section (3) are only intended for pedestrian traffic.

Article 7

- (1) The Road Agency as referred to in Article 6 section (1) point a is only intended for Road traffic and transportation services.
- (2) In the context of supporting road traffic and transportation services as well as securing road construction as referred to in section (1), the road body is equipped with free space.
- (3) The free space referred to in section (2) is limited by a certain width, height and depth, as follows:
 - a. the width of the free space in accordance with the width of the road body;
 - b. the minimum height for arterial roads and collector roads is 5 (five) meters; and
 - c. the lowest depth for arterial roads and collector roads is 1.5 (one point five) meters from the road surface.
- (4) Further provisions regarding the height and depth of free space as referred to in section (3) are regulated by

Mayor Regulation.

Article 8

- (1) Roadside canals as referred to in Article 6 section (1) point b are designated for water storage and distribution so that the road body is free from the influence of water.
- (2) Channel Size The edge of the road is determined according to the width of the road surface and environmental conditions.
- (3) Roadside canals are built with construction that is easy to maintain routinely.
- (4) In certain cases and with certain conditions stipulated by the Office, Roadside Ditches can be designated as environmental canals.
- (5) Further provisions regarding the dimensions and technical provisions of the Roadside Canal as referred to in section (1), section (2), and section (4) are regulated by a Mayor Regulation.

Article 9

- (1) The road safety threshold as referred to in Article 6 section (1) point c is in the form of a plot of land and/or the construction of a safety building located between the edge of the road body and the road benefit space which is only designated for securing road construction.
- (2) Further provisions regarding dimensions and technical provisions for Road safety thresholds as referred to in section (1) are regulated by Mayor Regulation.

Part Two
Road-Owned Space

Article 10

- (1) Road owned space consists of a Road Benefit Space and a certain line of land outside the road-benefit space.
- (2) Road Owned Space as referred to in section (1) is space along the Road which is limited by a certain width, depth and height.
- (3) Road- Owned Space is designated for Road Benefit Space, Road widening, additional traffic lanes and room requirements for Road security.
- (4) Certain lines of land as referred to in section (1) can be utilized for green open spaces as road landscapes.

Article 11

- (1) Road-Owned Space has at least the following width:
 - a. Highway 25 (twenty-five) meters;
 - b. Medium road 15 (fifteen) meters; And
 - c. Small road 11 (eleven) meters.
- (2) Road-Owned Space by the road is marked with the boundaries of Road-Owned Space determined by the Office.
- (3) Further provisions regarding the width of the Road-Owned Space as referred to in section (1) and the boundary markings of the Road Owned Space as referred to in section (2) are regulated in a Mayor Regulation.

Article 12

If there are disturbances and obstacles to the function of Road-Owned Space, the Local Government through the Office takes action for the benefit of Road users.

Article 13

Land parcels of Road-Owned Space as referred to in Article 11 are controlled by Local Governments with certain rights in accordance with legislation.

Third Part

Road Monitoring Space

Article 14

- (1) The Road Monitoring Space is a certain space outside the Road-Owned Space whose use is under the supervision of the Local Government through the Office.
- (2) The Road Monitoring Space as referred to in section (1) is intended for the driver's free view and security for road construction and security for road functions.
- (3) The Road Monitoring Space as referred to in section (1) is a space along the road outside the Road-Owned Space which is limited by a certain width and height.
- (4) In the event that the Road-Owned Space is not wide enough, the width of the Road Monitoring Space as referred to in section (1) is determined from the edge of the road body with at least the following dimensions:
 - a. Primary collector roads of 10 (ten) meters which are not included as national roads;
 - b. Primary local road 7 (seven) meters;
 - c. Primary environment road 5 (five) meters;

- d. Secondary arterial road 15 (fifteen) meters;
 - e. Secondary collector road 5 (five) meters;
 - f. Secondary local road 3 (three) meters;
 - g. Secondary environment road 2 (two) meters; and
 - h. bridge 100 (one hundred) meters downstream and upstream.
- (5) In supervising the use of the Road Monitoring Space, the Local Government may issue a ban on certain activities that may interfere with the free view of drivers and Road construction, and/or have the authority to take certain actions to ensure the allocation of the Road Monitoring Room.

CHAPTER IV

UTILIZATION AND USE OF PARTS OF ROAD

Part One

Road Part Utilization

Paragraph 1

General

Article 15

- (1) Utilization of Parts of Road includes:
- a. buildings and utility networks, advertisements and information media, building construction, buildings in Road-Owned Space;
 - b. tree planting; and
 - c. other modes of transportation infrastructure.
- (2) Utilization of the Parts of Road as referred to in section (1) must comply with the following conditions:
- a. does not interfere with the safety, security,

- comfort, smooth running of Road users or drivers,
- b. does not interfere with the driver's free view and driver's concentration;
 - c. does not interfere with the function and construction of the Road and its complementary buildings;
 - d. does not interfere with and reduce the function of signs and other traffic control facilities;
 - e. does not block the view of road users of cultural and historical monuments or buildings; and
 - f. does not interfere with the aesthetics of the environment.

Paragraph 2

Utilization of Parts of Road for Buildings and Utility Networks

Article 16

Utilization of Parts of Road for Utilities buildings and networks as referred to in Article 15 section (1) point a, can be carried out in certain places in the Road Benefit Space and Road-Owned Space.

Article 17

- (1) Buildings and utility networks as referred to in Article 16 for road networks within urban areas can be placed in Road Benefit Spaces and Road-Owned Space with the following provisions:
 - a. those that are on the ground are placed outside the shoulder of the road or sidewalk with a distance of at least 1 (one) meter from the outer edge of the shoulder of the road or sidewalk so

that they do not create side obstacles for road users;

- b. those that are above the ground must be placed at the lowest height of 5 (five) meters from the highest road level;
 - c. in the event that there is no space outside the shoulder of the Road, sidewalks or traffic lanes, the building and utility network as referred to in point a can be placed on the outer side of the Road-Owned Space;
 - d. those that are underground must be placed at a depth of at least 1.5 (one point five) meters from the lowest road surface in the excavation area or from the subgrade in the embankment area so that it does not interfere with the safety of road construction; and/or
 - e. The ground surface on building paths and utility networks that are placed underground must be permanently marked.
- (2) The Utility Buildings as referred to in section (1) on the Road network outside urban areas, can be placed inside the Road-Owned Space on the outer side.

Article 18

- (1) Buildings and utility networks can be installed on bridge structures without jeopardizing the bridge construction, reducing free space and safety of Road users.
- (2) In the event of utility buildings and networks installed outside the bridge construction, the buildings and utility networks are placed at least 1 (one) meter from the outermost edge of the bridge structure without

reducing the free space.

Article 19

- (1) Placement, manufacture and installation of buildings and utility networks as referred to in Article 17 are planned and carried out in accordance with the technical requirements of the Road.
- (2) The work plan, work schedule, and method of constructing the Utility building as referred to in section (1) are required to be approved by the Local Government through the Office.

Paragraph 3

Utilization of Parts of Road for Advertisements and
Information Media

Article 20

- (1) Utilization of the Parts of Road for advertisements and information media as referred to in Article 15 section (1) point a is carried out by taking into account the safety and security factors of Road users and environmental aesthetics as well as the public interest.
- (2) The forms of advertisements and information media may not be the same or resemble traffic signs.
- (3) Placement of advertisements and information media is carried out by following the provisions on Utilities buildings and networks as referred to in Article 17 paragraph (1).
- (4) In addition to the provisions referred to in section (3), for the security and safety of Road users, advertising buildings and information media also fulfil the following conditions:

- a. must be made of materials that are durable or rust-resistant, meet the general requirements of Indonesian building materials;
 - b. main frame in the form of construction of steel, concrete, wood or other materials that meet the requirements of Indonesian construction regulations;
 - c. if using a lamp or other luminous material, the intensity and reflection of the light or material does not dazzle Road users;
 - d. the shape of the letters or symbols used may not be the same or resemble the shapes of the letters and symbols of traffic signs; And
 - e. the color combination used may not be the same or resemble the color used for traffic signs.
- (5) The construction of advertisement and information media buildings are required to be designed so that if the advertisement and information media buildings are damaged or collapse, they do not endanger Road users and/or construction and other Road auxiliary buildings.

Article 21

To guarantee the security and safety of road users, building construction and electrical installations in advertisements and information media are also required to comply with technical regulations which include:

- a. regulations regarding building loading;
- b. regulations regarding the planning of steel buildings;
- c. regulations regarding the planning of concrete buildings
- d. regulations regarding the planning of buildings made

- of wood or other materials;
- e. regulations regarding building materials; and
- f. regulations regarding electrical installations.

Article 22

To ensure the security and safety of road users, environmental aesthetics and public interest, the construction of advertisement and information media buildings is not permitted in the form of portals and/or other types of construction that cross the road, specifically intended for advertisement and information media.

Article 23

- (1) Advertisement and information media on the Road network in urban areas can be placed in the Road Benefit Space with the following conditions:
 - a. placed outside the shoulder of the road or sidewalk with a distance of at least 1 (one) meter from the outermost edge of the shoulder of the road or sidewalk; and/or
 - b. in the event that there is no space outside the shoulder of the road, sidewalk or traffic lane, advertisements and information media as referred to in point a may be placed on the outer side Road-Owned Space.
- (2) Advertisements and information media on the Road network outside urban areas can be placed inside the Road-Owned Space on the outer side.
- (3) Advertisements and information media can be placed on bridge structures without endangering the construction of the bridge and the safety of Road users.

- (4) Advertisements and information media above the Road Benefit Space must be placed at the lowest height of 5 (five) meters from the highest Road surface.

Paragraph 4

Utilization of Parts of Road for Buildings

Article 24

- (1) Utilization of Parts of Road for buildings as referred to in Article 15 section (1) point a is carried out by taking into account the safety of road users, road construction and other road auxiliary buildings.
- (2) The shape of buildings may not be the same or resemble traffic signs.
- (3) Utilization of Parts of Road for buildings is carried out by fulfilling the following conditions:
 - a. using strong, durable, and anti-rust materials;
 - b. if using a lamp or other luminous material, the intensity and reflection of the light or material does not dazzle Road users;
 - c. the shape of letters, symbols and colors of buildings may not be the same or resemble the shapes of letters, symbols and colors of traffic signs;
 - d. the construction of buildings must not endanger road users and road construction and/or construction and other complementary roads;
 - e. buildings above the Road Benefit Space must be placed at the lowest height of 5 (five) meters from the highest road surface; and
 - f. the construction of buildings in the form of portals and/or other types of construction that cross the road must have a safety factor of 1.5

(one point five) higher than the standard safety factor.

Article 25

In addition to the provisions referred to in Article 24, when planning buildings, it is also required to comply with technical regulations which include:

- a. regulations regarding building loading;
- b. regulations regarding the planning of steel buildings;
- c. regulations regarding the planning of concrete buildings;
- d. regulations regarding building materials; And
- e. regulations regarding electrical installations.

Article 26

- (1) Buildings on the Road network in urban areas can be placed in the Road Benefit Space outside the shoulder of the Road or sidewalk with a minimum distance of 2 (two) meters from the outermost edge of the shoulder of the Road or sidewalk.
- (2) Buildings on the Road network outside urban areas can be placed inside the Road-Owned Space on the outer side.
- (3) Buildings may not be attached to bridge structures.
- (4) Buildings above the Road Benefit Space must be placed at the lowest height of 5 (five) meters from the highest Road use.

Article 27

In the event that a Road Benefit Space and/or Road-Owned Space intersects, intersects, coincides, crosses, or is under a Utility building, the technical requirements and implementation arrangements are determined jointly by the

Road administrator and the owner of the Utility building concerned, by prioritizing the safety and security of the user. Roads, environmental aesthetics and public interest.

Paragraph 5

Utilization of Parts of Road for Buildings

In Road-Owned Space

Article 28

- (1) Utilization of Parts of Road for buildings in Road-Owned Spaces referred to in Article 15 section (1) point a is carried out by taking into account the safety of road users, road construction and other road auxiliary buildings.
- (2) Buildings in road-owned space are required to obtain permits from road administrators.
- (3) The permit as referred to in section (1) is a requirement for issuance of PBG by the Local Government in accordance with the provisions of legislation.
- (4) Buildings in Road-Owned Spaces referred to in section (1) include:
 - a. buildings that cross above the Road Benefit Space;
 - b. the building which is under the Road Benefit Space; And
 - c. buildings that are above ground level
- (5) Buildings that pass above, below or on the ground surface of the Road benefit space as referred to in section (2) must comply with the following conditions:
 - a. using strong, durable, and anti-rust materials;
 - b. if using a lamp or other luminous material, the

intensity and reflection of the light or material does not dazzle Road users;

- c. the building begins and ends outside the Road-Owned Space with a distance that meets the provisions of the Road Monitoring Space;
- d. buildings are placed at a height of at least 5 (five) meters from the highest road surface;
- e. buildings that cross above the Road Benefit Space are placed at a height of at least 5 (five) meters from the highest road surface;
- f. buildings that pass under the Road Benefit Space are placed at a depth of at least 1.5 (one point five) meters from the lowest Road surface in the excavation area or from the subgrade in the embankment area;
- g. buildings that are on the ground level do not interfere with Road users and Road construction; and/or
- h. building construction in the form of portals and/or other types of construction must have a safety factor of 1.5 (one point five) higher than the standard safety factor.

Article 29

In addition to the provisions referred to in Article 28, in planning buildings that pass above, below or on the ground surface of the Road Benefit Space, the following conditions must also be met:

- a. regulations regarding building loading;
- b. regulations regarding the planning of steel buildings;
- c. regulations regarding building materials;
- d. regulations regarding the planning of concrete

- buildings; and
- e. regulations regarding electrical installations.

Paragraph 6

Utilization of Parts of Road for Tree Plants

Article 30

- (1) Utilization of the Parts of Road for tree crops as referred to in Article 15 section (1) point b, is carried out based on the provisions:
 - a. tree planting on the Road network system outside the city is planted outside the Road Benefit Space; and/or
 - b. the tree part of the Road network system within the city can be on the outer boundary of the Road Benefit Space, on the inner boundary of the median or dividing line.
- (2) Tree planting as referred to in section (1) and section (2) is also carried out by referring to the provisions of legislation in the environmental sector.

Paragraph 7

Utilization of Parts of Road for Other Modes of Transportation Infrastructure

Article 31

- (1) Utilization of the Parts of Road of the Road-Owned Space for other modes of transportation infrastructure as referred to in Article 15 section (1) point c is carried out by prioritizing safety and security factors, the convenience of road users or drivers, and environmental aesthetics and public interest.

- (2) Regulation and supervision of the fulfilment of technical requirements and the implementation of the Utilization of Sections of Roads for other modes of transportation infrastructure are carried out jointly by the Regional Offices and Apparatuses who carry out government affairs in the field of infrastructure for the relevant modes of transportation.

Part Two

Use of Parts of Road

Article 32

- (1) The use of Parts of Road is carried out to serve the traffic speed according to the planned use.
- (2) In addition to the use of the road as referred to in section (1), the need for use of the Road Benefit Space can be in the form of the use of a road that requires special treatment for the construction of roads and bridges.
- (3) The special treatment for Road and bridge construction as referred to in section (2) includes:
 - a. vertical and horizontal alignment improvements;
 - b. widening traffic lanes;
 - c. free space elevation;
 - d. road structure capacity building;
 - e. increasing the capability of the bridge structure;And
 - f. traffic control.
- (4) The use of Road Benefit Space and Road-Owned Space as referred to in section (2) and section (3) is required to obtain a dispensation from the Mayor through the Office.

CHAPTER V
PERMISSION, RECOMMENDATION, DISPENSATION
UTILIZATION AND USE OF PARTS OF ROAD

Part One
Permission

Article 33

- (1) Utilization of the Part of Road in the Road Benefit Space and Road-Owned Space as referred to in Article 15 section (1) is required obtain a permit from the Mayor through the Head of the Regional Apparatus who administers government affairs in the field of licensing or through the OSS Institution/other electronic system that is integrated with licensing in accordance with the provisions of the legislation.
- (2) The permit as referred to in section (1) is submitted in writing or online by the applicant and submitted to the Mayor through the Head of the Regional Apparatus who administers government affairs in the field of licensing or the head of the OSS Institution/other electronic system that is integrated with licensing in accordance with the provisions of legislation.
- (3) The application for a permit as referred to in section (1) may be filed by:
 - a. individual;
 - b. community groups, organizations, business entities;
 - c. legal entity; and/or
 - d. central government or local government institutions.
- (4) The application for a permit as referred to in section

(1) must be accompanied by administrative requirements and technical requirements.

Article 34

Administrative requirements as referred to in Article 33 section (4) include:

- a. application letter containing data/identity of the applicant;
- b. a statement of responsibility for the obligation to maintain buildings and networks Utilities/ advertisement /information media/build buildings /buildings for public safety and bear all risks for any consequences that may arise from damage occurring to facilities or infrastructure built/installed on Part of the road requested; And
- c. statement/commitment to:
 1. maintain the function of the Road; And
 2. Maintain road traffic safety aspects.

in order to return the Road Benefit Space and Road-Owned Space to their original condition.

Article 35

- (1) The technical requirements as referred to in Article 33 section (4) include:
 - a. location;
 - b. technical plans, technical drawings, building type and dimensions; and
 - c. implementation time schedule.
- (2) The technical requirements as referred to in section (1) is required to comply with the provisions for Utilization of Parts of Road contained in this Regional Regulation.

Article 36

After the application and permit requirements as referred to in Article 33, Article 34 and Article 35 have been received, the Office conducts:

- a. administrative evaluation of the completeness of permit administration requirements;
- b. technical evaluation of licensing technical requirements; and
- c. field review.

Article 37

- (1) The permit period for the utilization of Parts of Road is determined as follows:
 - a. for advertisements and information media buildings no longer than 2 (two) years or according to the recommendation of the technical team during the discussion;
 - b. for construction, the maximum period is 2 (two) years; and
 - c. for Buildings in road-owned spaces, the maximum period is 2 (two) years.
- (2) The licensing period for the utilization of Parts of Road as referred to in section (1) can be extended.
- (3) The procedure for applying for a license extension is carried out in accordance with the provisions for a license application as referred to in Article 33.

Article 38

After the licensing period as referred to in Article 37 ends and no licensing extension is carried out, then:

- a. advertisement and information media or construction of buildings or buildings, can be demolished; and

- b. Road construction is returned to its original state by the permit holder, or by the road administrator at the expense of being the responsibility of the permit holder.

Article 39

Further provisions regarding the mechanism, technical requirements and procedures for granting a Parts of Road Utilization Permit are regulated in a Mayor Regulation.

Part Two

Dispensation

Article 40

- (1) Use of road benefit space that requires special treatment for road and bridge construction as referred to in Article 32 section (2) is required to obtain a dispensation from the Mayor through the Head of Office.
- (2) Special treatment for roads and bridges as referred to in section (1) includes repairing vertical and horizontal alignments, widening traffic roads, increasing free space, increasing road structural capabilities, increasing bridge structural capabilities and managing traffic.
- (3) The dispensation as referred to in section (1) is submitted in writing by the applicant and submitted to the Mayor through the Head of Office.
- (4) The application for dispensation as referred to in section (1) can be filed by:
 - a. individual;
 - b. community groups, organizations, business

entities;

c. legal entity; and/or

d. central government or local government institutions.

- (5) The application for dispensation as referred to in section (3) must be accompanied by administrative requirements and technical requirements.

Article 41

Administrative requirements as referred to in Article 40 section (5) include:

- a. application letter containing data/identity of the applicant; and
- b. statement of commitment to carry out repairs to the original state of the vertical and horizontal alignments, widening traffic lanes, increasing free space, increasing the strength of road structures, increasing the strength of bridge structures, and managing traffic for the purposes of using Road Benefit Spaces that require special treatment.

Article 42

The technical requirements as referred to in Article 40 section (5) include:

- a. route;
- b. the type of cargo being transported;
- c. amount of transportation;
- d. weight and dimensions of transport;
- e. technical plan; and
- f. implementation time schedule.

Article 43

After the application and requirements for the dispensation as referred to in Article 40, Article 41 and Article 42 are received, the Office conducts:

- a. administrative evaluation of the completeness of the dispensation administrative requirements;
- b. technical evaluation of the technical requirements of the dispensation; and
- c. Field review.

Article 44

Provisions regarding the procedures for granting dispensations are regulated by a Mayor Regulation.

Part Three

Recommendation

Article 45

- (1) Issuance of permits for Utilization of road monitoring space issued by Local Governments in accordance with their authority after recommendations are made based on the results of technical studies/technical considerations from the Office.
- (2) The Mayor's recommendation through the Head of Office to the Regional Apparatus authorized to issue PBG as referred to in section (1) may contain prohibitions against certain activities that may interfere with the driver's free view and Road construction or orders to perform certain actions to ensure the allocation of the Road Monitoring Space.
- (3) The application for recommendations as referred to in section (1) is submitted in writing by the Mayor

through the Office.

- (4) The recommendation requirements as referred to in section (2) are accompanied by technical requirements which include:
 - a. picture of the situation of the building;
 - b. type of building designation;
 - c. access road plan; and
 - d. drainage system plan

Article 46

- (1) The Office conducts an evaluation and field visit after the applicant fulfils the requirements as referred to in Article 45 section (4).
- (2) The results of the evaluation and field inspection as referred to in section (1) are completed within a maximum period of 5 (five) working days from the receipt of an application that meets the requirements.
- (3) The results of the evaluation and field observation as referred to in section (2) are used as a basis for providing recommendations.
- (4) The recommendation referred to in section (3) at least contains:
 - a. fence border;
 - b. building boundaries;
 - c. access road provisions; And
 - d. provisions regarding the drainage system.
- (5) The Mayor through the Head of Office provides a recommendation no later than 5 (five) working days after receiving the results of the evaluation and field observation as referred to in section (3).
- (6) The recommendations referred to in section (4) and section (5) may include prohibitions against certain

activities that may interfere with the driver's free view and road construction or orders to perform certain actions to ensure the allocation of the Road Monitoring Space.

CHAPTER VI DEMOLITION AND RELOCATION

Article 47

- (1) In the event that the operator of the Road requires land to be used for buildings and utility networks, advertisements and information media, buildings and buildings in road-owned space based on written notification by the permit giver, the permit holder is obligated to dismantle and relocate the buildings and networks. Utilities, advertisements, information media, buildings and/or construction of buildings to other locations approved by the Road administrator at a cost are the responsibility of the permit holder.
- (2) Demolition and relocation as referred to in section (1) is carried out after the permit giver issues a written notification.
- (3) In the event that the permit holder does not carry out his/her obligations as referred to in section (1), the road administrator may demolish and relocate buildings and utility networks, advertisements and information media, buildings and buildings in the road-owned space at the cost of being the responsibility permit holder.

CHAPTER VII RIGHTS, OBLIGATIONS AND PROHIBITIONS

Article 48

The rights of the permit holder, dispensation and/or recommendation include:

- a. carry out Utilization and Use of Parts of Road in accordance with permits, dispensations or recommendations; and/or
- b. take advantage of the Utilization and Use of the Parts of the Road that is carried out.

Article 49

(1) The obligations of license holders, dispensations and recommendations include:

- a. complying with the provisions on Utilization and Use of Parts of Road contained in this regional regulation;
- b. returning the Road construction to its original state in the event that the permit is not extended;
- c. repairing all damage caused to the Parts of Road and bridges as a result of the use of the Road Benefit Space and the Road-Owned Space;
- d. carrying out Utilization and Use of Parts of Road without disturbing Road construction and not disturbing the driver's free view;
- e. during the implementation of construction related to Utilization and Use of Parts of Road:
 1. put up signs/other clear signs;
 2. dispose and clean up the rest of the excavation to the permitted place;
 3. be responsible for the security and safety of

road users during construction.

- f. carrying out certain actions ordered by the Office, in order to guarantee the designation of the Road Monitoring Space.
 - g. provide compensation to parties who have suffered losses as a result of the implementation of the granting of permits, dispensations and recommendations.
 - h. bearing all consequences arising from the negligence of the permit holder, dispensation and recommendation in accordance with the provisions of the legislation.
 - i. replacing lost regional assets due to the issuance of permits, dispensations and recommendations.
- (2) Every permit, dispensation and recommendation holder who violates the obligations referred to in section (1) is subject to administrative sanctions in the form of:
- a. written warning;
 - b. temporary suspension of activities; and/or
 - c. license revocation.
- (3) Further provisions regarding the procedures for compensation and the imposition of administrative sanctions as referred to in section (1) point g and section (2) are regulated in a Mayor Regulation.

Article 50

- (1) Any person is prohibited from committing acts that result in:
- a. disruption of the function of the Road in the Road Benefit Space;
 - b. disruption of the function of the Road in the

Road-Owned Space; and/or

- c. disruption of the function of the Road in the Road Monitoring Space.
- (2) Any person is prohibited from Utilizing and Using a Parts of Road without a permit, dispensation or recommendation from the Mayor through the Head of Office.
 - (3) Any person who violates the provisions of section (1) and section (2) is subject to administrative sanctions in the form of:
 - a. written warning; and/or
 - b. administrative fine.
 - (4) Further provisions regarding the procedures for imposing administrative sanctions as referred to in 50 section (3) are regulated in a Mayor Regulation.

CHAPTER VIII

GUIDANCE, SUPERVISION AND EVALUATION

Article 51

- (1) The Mayor provides guidance and supervision on the implementation of Utilization and Use Parts of Road in accordance with his/her authority.
- (2) Guidance and supervision as referred to in section (1) is carried out by the Office.

Article 52

- (1) In the context of implementing the guidance on Utilization and Use of Parts of Road, the Office may:
 - a. carry out dissemination on Utilization and Use of Parts of Road;
 - b. form a Regional Road forum or forum;

- c. conduct education, training and technical guidance for policy makers, agencies, institutions and related bodies, road users and the general public; and
 - d. coordination and cooperation with related agencies.
- (2) Association or forum for Road as referred to in section (1) point b consist of elements of:
- a. Office;
 - b. Regional Apparatuses administering government affairs in the field of licensing;
 - c. Regional Apparatuses administering government affairs in the field of communication and informatics;
 - d. Civil Service Police Unit;
 - e. Regional Apparatus in charge of Finance;
 - f. Regional Apparatus in charge of Transportation;
 - g. academics;
 - h. road users; and
 - i. Indonesian National Police.
- (3) Further provisions regarding the formation of road association or forums are regulated by Mayor Regulation.

Article 53

- (1) In the context of implementing supervision on Utilization and Use of Parts of Road:
- a. monitor the implementation of utilization and use of Parts of Road;
 - b. evaluate the Utilization and Use of Parts of Road activities; and
 - c. supervise the development of land use in the

Road Monitoring Space.

- (2) Supervision of Utilization and Use of the Parts of Road as referred to in section (1) is carried out by the Office together with Regional Apparatuses and related institutions.

Article 54

Further provisions regarding guidance and supervision as referred to in Article 51 and Article 53 are regulated by Mayor Regulation.

CHAPTER IX

PUBLIC PARTICIPATION

Article 55

- (1) The public has the same opportunity to participate in the process of planning, implementing and supervising the Utilization and Use of Parts of Road.
- (2) Public participation in Utilization and Use of Parts of Road includes regulation regarding the rights and obligations of the public.

Article 56

- (1) The public rights as referred to in Article 55 section (2) include:
 - a. obtain information regarding the implementation of the utilization of Parts of Road;
 - b. have the opportunity to submit suggestions and/or opinions regarding the utilization of Parts of Road;
 - c. report irregularities in the utilization and use of the Road Benefit Room, Road-Owned Space, and Road Monitoring Space to the Road

administrator; and/or

- d. submit reports and complaints to the competent authorities for losses incurred as a result of the use of Parts of Road.

- (2) The public obligation as referred to in Article 55 section (2) is that the public participates in maintaining order in the implementation of Utilization of Road Sections by taking into account the public interest and the continuity of Road functions.

Article 57

Provisions regarding public participation in Utilization and Use of Parts of Road as referred to in Article 55 and Article 56 are further regulated by Mayor Regulation.

CHAPTER X INVESTIGATION

Article 58

- (1) In addition to investigators from the Indonesian National Police who have the duty of conducting general criminal investigations, investigations into violations of this Regional Regulation can be carried out by Civil Servant Investigators in the Region whose appointment is determined in accordance with the provisions of legislation.
- (2) The Civil Servant Investigators as referred to in section (1) in carrying out investigations have the authority to:
 - a. receive a report or complaint from a person regarding a criminal act;
 - b. take the first action at the time of the incident and conduct an inspection;
 - c. ordering a suspect to stop, checking the identity

- of the suspect;
 - d. to confiscate objects and/or letters;
 - e. take someone's fingerprints and photograph;
 - f. summon people to be heard and examined as suspects or witnesses;
 - g. bring in the necessary experts in connection with the examination of cases;
 - h. terminate the investigation after receiving instructions that there is insufficient evidence or the event is not a crime and then notify the public prosecutor, the suspect or his family; and
 - i. take other actions according to law that can be accounted for.
- (3) In carrying out their duties, Investigating Officers of Civil Servants are not authorized to make arrests and detentions.
- (4) Civil Servant Investigators make minutes of every action concerning:
- a. examination of suspects;
 - b. house income;
 - c. confiscation of objects;
 - d. mail check;
 - e. witness examination; And
 - f. examination at the scene of the incident, and sending the file to the Indonesian National Police Investigators.
- (5) The investigator as referred to in section (2) notifies when the investigation begins and convey the results of the investigation to Police of the Republic of Indonesia in accordance with the provisions of the prevailing legislation.

CHAPTER XI CRIMINAL PROVISIONS

Article 59

- (1) Any person who violates the prohibition referred to in Article 50 section (2) is subject to imprisonment for a maximum of 6 (six) months or a maximum fine of Rp.50,000,000.00 (fifty million rupiah).
- (2) The criminal act as referred to in section (1) is given after the administrative sanction as referred to in Article 50 section (3) is not fulfilled.
- (3) The crime referred to in section (1) is a violation.

CHAPTER XII CLOSING PROVISIONS

Article 60

Implementing regulations of this Regional Regulation must be stipulated not later than 6 (six) months after the promulgation of this Regional Regulation.

Article 61

At the time this Regional Regulation came into effect, the Regional Municipality Regulation of the Second Level Region of Bukittinggi Number 4 of 1997 on Improvements to Public Road Excavation in the Municipality of the Level II Region (Regional Gazette of the Municipality of the Municipality of TK II Region of Bukittinggi Number 11 of 1997 dated 10 July 1997 Series B Number 3), is repealed and declared ineffective.

Article 62

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Municipality of Bukittinggi.

Issued in Bukittinggi
on 27 July 2022
MAYOR OF BUKITTINGGI,
signed
ERMAN SAFAR

Promulgated in Bukittinggi
on 27 July 2022
SECRETARY OF MUNICIPALITY OF BUKITTINGGI
signed
MARTIAS WANTO

REGIONAL GAZETTE OF THE MUNICIPALITY OF BUKITTINGGI OF 2022
NUMBER 1

Jakarta,
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

ASEP N. MULYANA

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Municipality of Bukittinggi.

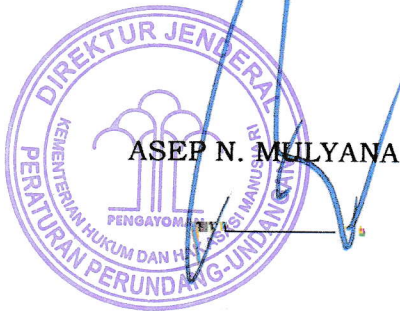
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signed
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SECRETARY OF MUNICIPALITY OF BUKITTINGGI
signed
MARTIAS WANTO

REGIONAL GAZETTE OF THE MUNICIPALITY OF BUKITTINGGI OF 2022
NUMBER 1

Jakarta, 19 December 2023
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



ELUCIDATION OF
REGULATION OF THE MUNICIPALITY OF BUKITTINGGI
NUMBER 1 OF 2022
ON
UTILIZATION AND USE OF ROAD PARTS

I. General

Roads as one of the transportation infrastructures have a very important role in achieving the goals of development, economic growth and social justice. Therefore, Road administration needs to be carried out in such a way as to protect the safety of Road users.

Based on Law Number 38 of 2004 on Roads, Local Government have the authority to administer roads according to their authority. One of the strategic aspects in the administration of roads is regulation regarding the Use and Utilization of Part of Road which include the granting of permits, dispensations and recommendations.

Policy arrangements for the utilization and Use of Parts of Road in this regional regulation are also intended to provide legal certainty for the implementation of the utilization and Use of Parts of Road which are the authority and responsibility of the local government, and the arrangements are adjusted to the conditions and needs of the region while still being guided by the provisions of legislation.

The scope of regulation, scope and direction of regulation of this Regional Regulation are directed at provisions regarding the regulation of local government authority to utilize and use parts of roads, permits, recommendations, dispensations for the utilization and use of parts of roads, permits, obligations and prohibitions, guidance and supervision, public participation as well as financing.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear

Article 2

Sufficiently clear

Article 3

Sufficiently clear

Article 4

Sufficiently clear

Article 5

Sufficiently clear

Article 6

Sufficiently clear

Article 7

Sufficiently clear

Article 8

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear

Section (4)

The term environmental canal means drainage networks that function to drain parts of the city administration area from stagnant water, both from local rain and overflow of rivers that pass through the city.

Section (5)

Sufficiently clear

Article 9

Sufficiently clear

Article 10

Sufficiently clear

Article 11

Sufficiently clear

Article 12

Sufficiently clear

Article 13

Sufficiently clear

Article 14

Sufficiently clear

Article 15

Sufficiently clear

Article 16

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Article 17

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Article 18

Sufficiently clear

Article 19

Sufficiently clear

Article 20

Sufficiently clear

Article 21

Sufficiently clear

Article 22

Sufficiently clear

Article 23

Sufficiently clear

Article 24

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

The term a safety factor of 1.5 (one point five) means the multiplier index of the standard safety factor of a building structure.

Article 25

Sufficiently clear

Article 26

Sufficiently clear

Article 27

Sufficiently clear

Article 28

Section (1)

Sufficiently clear

Section (2)

Sufficiently clear

Section (3)

Sufficiently clear

Section (4)

The term a safety factor of 1.5 (one point five) means the multiplier index of the standard safety factor of a building structure.

Section (5)

Sufficiently clear

Article 29

Sufficiently clear

Article 30

Sufficiently clear

Article 31

Sufficiently clear

Article 32

Sufficiently clear

Article 33

Sufficiently clear

Article 34

Sufficiently clear

Article 35

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Article 60

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Article 61

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Article 62

Sufficiently clear

SUPPLEMENT TO REGIONAL GAZETTE OF THE MUNICIPALITY OF
BUKITTINGGI NUMBER 1