

***F.No. RW/NH-11052/4/91-DO 1******Dated, the 13th Dec., 1993***

To

The Secretaries of States/UTs, PWDs dealing with NHs; Director General (Works), Central Public Works Department; Director General Border Roads

Subject: Guidelines for utilisation of space beneath the ROBb/Flyovers on National Highways

I am directed to refer to this Ministry's endt. of even number dated 17/9/93 forwarding therewith a copy of the National Highways (Amendment) Rules, 1993 regarding utilisation of space beneath the Road Overbridges/Flyovers. In this connection, it may be mentioned that this Ministry has drawn up guidelines indicating the manner in which permission may be accorded by the State Governments to the concerned Departments of State/Union Territory Governments for utilisation of space beneath the ROBb/Flyovers on National Highways, a copy of which is enclosed for your information and guidance. It is requested that these guidelines may please be followed by the State Governments strictly while granting permission to the Department of State/ Union Territory Governments for utilisation of space beneath the ROBb/Flyovers on NHs. Necessary instructions in this regard, may be issued to all the Officers under your control.

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Enclosure to Ministry's Circular No.RW/NH-11052/4/91-DO I dated 13.12.1993

***GUIDELINES FOR UTILISATION OF SPACE BENEATH ROB'S/FLYOVERS ON NATIONAL HIGHWAYS***

1. In non-urban locations no structures should be allowed in the space beneath the superstructure of approach spans of ROB's/Flyovers. Suitable landscaping may be done for improvement of environment.
2. In urban/semi-urban locations, normally the same policy may be followed but in case there is apprehension of encroachment, the space beneath approach spans of ROB's/Flyovers may be enclosed. Public Works Department of State Governments who act as agencies for National Highways works would have the first preference for utilisation of this space.
3. In case the Public Works Department has no plans to utilise this space, other Govt. agencies may be permitted to utilise this space for warehousing purpose. First priority shall, however, be given to a Central Government Department Undertaking in this regard.
4. While planning for utilisation of space beneath ROB's/ Flyovers on National Highways, it must be ensured that the safety, stability and serviceability of the structure are not impaired in any way by such utilisation.
5. Suitable precautions shall be taken to ensure that there are no chances of fire hazard for the enclosing structure and the premises. Further no surface treatment for beautification etc. shall be applied to any part of the structure.
6. Storage of foodgrains should only be allowed. For storage of any other type of material, prior approval of the Central Government should be obtained.
7. Suitable arrangement for ventilation below the soffit of superstructure has to be made in these enclosing structures.
8. Clear-cut passage has to be kept within the enclosing structure for access of maintenance personnel, whenever necessary, for inspection of all parts of ROB/flyover structures.
9. In case of any requirement of carrying out minor repairs to the ROB/flyover structure, necessary access and working facilities are to be given to maintenance personnel for carrying out the necessary repairs.
10. In case of any requirement of major repairs of the ROB/ flyover needing special facilities below them, the concerned agencies permitted to utilise the space for storage would be required to vacate the space so that the same is available for carrying out the necessary repairs.
11. The concerned Govt. agency, permitted for utilising the space for storage, would have to bear the full cost of construction of the storage facility. The work will be carried out as deposit work to be executed by PWD. In no circumstances should the PWD carry out the work as a part of construction of ROB/flyover and charge the cost of the same to the main project.
12. The concerned Governmental agency would also have to bear the maintenance and repair cost of the storage structure and provide the same, whenever required, to the State Public Works Department.
13. The concerned Governmental agency would have to take prior permission of State PWD before making any fittings in any part of the main ROB/Flyover structure.
14. If at any time, the Govt. of India decides to withdraw the permission, the structure for storage shall be dismantled by the concerned Govt. agency within the specified period without preferring any claim against the Government.
15. Proprietary rights for the space below the ROB/ flyover structures should remain with Govt. of India and under no circumstances, should any lease be granted to the storing agency which can give any legal right to the latter.
16. A memorandum of understanding duly vetted by the Central Govt. has to be executed between State PWD as the agency of Govt. of India and the Govt. Agency to whom permission for storage is proposed to be given. The MOU would clearly stipulate the licence fee to be levied which will be as per the National Highway (Amendment) Rules dated 17th Sept., 1993.